

House of Representatives
Supplementary Order Paper

Tuesday, 12 October 2010

Ngāti Apa (North Island) Claims Settlement Bill

Proposed amendments

Hon Christopher Finlayson, in Committee, to move the following amendments:

Part 1 heading

To omit “**Purpose of Act, acknowledgements and apology, interpretation provisions, settlement of historical claims, and miscellaneous matters**” (lines 2 to 5 on page 18) and substitute “**Preliminary matters**”.

Subpart 1 of Part 1 heading

To omit “Purpose of Act” (line 6 on page 18) and substitute “Preliminary provisions and acknowledgement and apology”.

Clause 10

New definition of **affected person**: to insert the following definition after the definition of **actual deferred selection settlement date** (after line 28 on page 22):

affected person has the meaning given to it in section 2AA(2) of the Resource Management Act 1991

New definition of **Crown forestry assets**: to insert the following definition after the definition of **Crown forest land** (after line 33 on page 23):

Crown forestry assets has the meaning given to it in section 2(1) of the Crown Forest Assets Act 1989

New definition of **Taukoro**: to insert the following definition after the definition of **taonga tūturu protocol** (after line 12 on page 28):

Taukoro means the land as shown on SO 402249 for which a deed of recognition applies

New definition of **Whitiau Scientific Reserve**: to add the following definition (after line 7 on page 29):

Whitiau Scientific Reserve means the land as shown on SO 402248 for which a deed of recognition applies

Clause 21(c)

To omit “the trustees” (line 18 on page 35) and substitute “Ngāti Apa (North Island)”.

Clause 29(1)

To omit this subclause (lines 4 to 10 on page 38) and substitute the following subclause:

- (1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area for which an application for a resource consent has been made.

Clause 30(1)

To omit this subclause (lines 15 to 22 on page 38) and substitute the following subclause:

- (1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons who have an interest in proceedings that is greater than the interest that the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.

Clause 31

Subclause (1): to omit “on and after” (line 27 on page 38) and substitute “on or after”.

Subclause (2): to omit “made under **subsection (1)**” (line 34 on page 38) and substitute “, including in determining whether the relevant trustees are directly affected by an extension of time”.

Subclause (3): to omit “any appeal from a decision of the Historic Places Trust in relation to the application made under **subsection (1)**, including in determining whether the governance entity is a person” (lines 3 to 6 on page 39) and substitute “an appeal against a decision of the Historic Places Trust in relation to the application, including in determining whether the trustees are”.

Subclause (4): to omit “to it in” (lines 8 and 9 on page 39) and substitute “by”.

Clause 32(2)

To omit this subclause (lines 15 to 17 on page 39) and substitute the following subclause:

- (2) The information attached to a statutory plan must include—
 - (a) the relevant provisions of **sections 28 to 31** in full;and

- (b) the descriptions of the statutory areas wholly or partly covered by the plan; and
- (c) any statements of association for the statutory areas.

Clause 33

To omit this clause (lines 26 to 36 on page 39 and lines 1 to 15 on page 40) and substitute the following clause:

33 Resource consent applications must be provided to trustees

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority.
- (3) A summary of an application must be provided under **subsection (1)(a)**—
 - (a) as soon as is reasonably practicable after the consent authority receives the application; and
 - (b) before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice of an application must be provided under **subsection (1)(b)** no later than 10 business days after the day on which the consent authority receives the notice.
- (5) This section does not affect a relevant consent authority’s obligation,—
 - (a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or
 - (b) under section 95E of that Act, to decide if the trustees are affected persons in relation to an activity.

Clause 34

Subclause (1): to insert after “relevant consent authority” (line 21 on page 40) “, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991”.

Subclause (2): to insert the following paragraph after *paragraph (a)* (after line 26 on page 40):

- (aa) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991:

Subclause (3): to omit this subclause (lines 32 to 34 on page 40) and substitute the following subclause:

- (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account.

New clause 34A inserted

To insert the following clause after *clause 34* (after line 4 on page 41):

34A Trustees may waive rights

- (1) The trustees may waive the right to be forwarded summaries of resource consent applications under **section 33** in relation to a statutory area.
- (2) Rights may be waived by written notice to the relevant consent authority, the Environment Court, or the Historic Places Trust, stating—
 - (a) the scope of the waiver; and
 - (b) the period for which it applies.
- (3) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

Clause 35

To omit this clause (lines 5 to 20 on page 41) and substitute the following clause:

35 Application of statutory acknowledgement to river or stream

If any part of the statutory acknowledgement applies to a river or stream, that part of the acknowledgement—

- (a) applies only to—
 - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
 - (ii) the bed of the river or stream; but
- (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned by the Crown; or
 - (ii) land that the waters of the river or stream do not cover at its fullest flow without flowing over its banks; or
 - (iii) an artificial watercourse; or
 - (iv) a tributary flowing into the river or stream.

Clause 37(1)(b)

To add (line 16 on page 42) “or Whitiāu Scientific Reserve or Taukoro (as the case may be)”.

Clause 39

To omit this clause (lines 24 to 28 on page 42) and substitute the following clause:

39 Limitation of rights

Except as expressly provided in this subpart, the statutory acknowledgement and the deed of recognition do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to,—

- (a) a statutory area:
- (b) Whitiāu Scientific Reserve:
- (c) Taukoro.

Clause 58(3)

To omit “sites referred to in **subsection (2)(a)** are” (line 16 on page 52) and substitute “vesting of the site referred to in **subsection (2)(a)** is”.

Clause 81(2)

To insert after “forest land” (line 29 on page 63) “ceases to be Crown forest land”.

Schedule 2: Part 1

Item relating to AgResearch lands: to omit this item (lines 7 to 11 on page 68) and substitute the following item:

AgResearch lands	9.2800 hectares, more or less, being Section 2 SO 37105. All Transfer 8540741.1.	Subject to a right to convey water, electricity, and telecommunications and computer media created by Easement Instrument 8505007.1. Subject to an unregistered right of way easement dated 9 July 2010 in favour of section 1 SO 37105 under section 60 of the Land Act 1948 and an appurtenant unregistered licence to take and convey water dated 9 July 2010.
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Second column of item relating to part of the Lismore Sand Forest: omit “10.0900” (line 6 on page 69) and substitute “10.0090”.

Schedule 2: Part 2

Third column of item relating to Lake William site: insert after “**Encumbrances**” (before line 2 on page 72) “ The following encumbrances apply only in relation to Lot 2 DP 403965:”.

Item relating to Ruatangata site: to omit this item (lines 2 to 12 on page 73) and substitute the following item:

Ruatangata site	8.4354 hectares, more or less, being Section 5 SO 417422. All computer freehold register 490036.	Subject to the unregistered lease dated 23 February 1972 between Her Majesty the Queen and John Donald Wilkie. Subject to the easements referred to in section 48(2)(a) and (b) . Together with a right of way easement over A on SO 417422 created by Easement Instrument 8468780.1.
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Explanatory note

This Supplementary Order Paper amends the Ngāti Apa (North Island) Claims Settlement Bill to—

- insert new definitions of affected person, Crown forestry assets, Whitiāu Scientific Reserve, and Taukoro in *clause 10* (interpretation):
 - update the provisions relating to statutory acknowledgements (*clauses 29 to 35*) to reflect changes to the Resource Management Act 1991 made under the Resource Management (Simplifying and Streamlining) Amendment Act 2009:
 - make technical amendments to the items relating to AgResearch lands, part of the Lismore Sand Forest, the Lake William site, and the Ruatangata site in *Parts 1 and 2 of Schedule 2* (which describes the cultural redress properties):
 - make other tidy-up amendments.
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