

Resource Management Reform Bill

Government Bill

As reported from the Local Government and
Environment Committee

Commentary

Recommendation

The Local Government and Environment Committee has examined the Resource Management Reform Bill and recommends by majority that it be passed with the amendments shown.

Introduction

The Resource Management Reform Bill is an omnibus bill, which proposes amendments to the Resource Management Act 1991, the Local Government (Auckland Transitional Provisions) Act 2010, and the Local Government Official Information and Meetings Act 1987. The bill is intended to streamline the delivery of Auckland's first combined plan, streamline the resource consent regime, boost the quality of local decision-making, and generally improve the Resource Management Act.

This commentary covers the key amendments that we recommend to the bill. It does not cover minor or technical amendments.

Resource Management Act 1991

District rules

The majority of us recommend amending clause 12 to clarify the rules that may be included in a district plan regarding the felling, trimming, damaging, or removal of trees on single allotments (section 76(4A)) and two or more adjacent allotments if the trees are described in a schedule (section 76(4B)). It was never intended that local authorities could protect individual trees only by scheduling, and we note that clause 12 would not preclude them from protecting trees by other means such as resource consent conditions.

The majority of us also recommend deleting the examples in section 76(4C) which were taken from an Environment Court judgment (Auckland Council [2011] NZEnvC 129), and have caused considerable confusion.

Consent and territorial authorities' subsequent processing

We recommend amending clauses 14, 39, and 42 to specify that consent and territorial authorities would be party to Environment Court proceedings, and to require them to be available to give evidence regarding their reports. These amendments are intended to strengthen the requirement in clauses 14, 39, and 42 for consent and territorial authorities to provide "reasonable assistance to the Environment Court in relation to any matters raised" in their reports.

We propose amendments to ensure the centrality of a local authority's planning report in determining an application. Authorities would be required to attend any hearing to assist the Court, for example by clarifying or discussing matters in the report, giving evidence, speaking to submissions or addressing issues raised by them, or providing any information the Court might request. We also recommend deleting clause 41, as the changes it proposes to section 198I are inconsistent with the provisions in section 198H of the Resource Management Act.

Environment Court

The majority of us recommend amending clauses 15, 40, and 43 to make it clear that "the grounds upon which" an application is made refer to the grounds upon which an application for resource consent is made, or the grounds upon which an application for confirmation of

the requirement is made. It was not the policy intent of these clauses to alter the current sequence for a direct referral so that people could apply to the Court for a grant of consent as soon as a request was made.

Regulations

The majority of us recommend amending clause 61 to allow regulations to be drawn up regarding the application of the threshold amounts to different types of proposals, and potentially the application of different threshold amounts in different areas.

We also recommend amending new section 360(1)(hl) in clause 61 to require local authorities to “provide information gathered” rather than “report information gathered”. Requiring local authorities to produce their own reports was not intended, and the proposed amendment reflects the intent that central Government be provided with the necessary data.

We also recommend amending clause 61 to require the appropriate Minister to “have regard” to the intent of such regulations when recommending new regulations to the Governor-General.

We note the Government’s intention that councils, iwi, and other key stakeholders would be involved in the development of any such regulations, and that factors such as costs, the capability of councils, and existing monitoring systems would be taken into account.

Evaluation reports

The majority of us recommend amending clause 69 so that evaluation reports required by section 32(2)(a)(i) of the Resource Management Act include reference to opportunities for economic growth that are “anticipated to be provided or reduced” rather than those that are expected to “cease to be available”. This would cover both positive and negative change. Clause 69 is intended to increase the understanding of economic effect, and there is no weighting in the bill between economic growth and employment. The extent to which decision-makers considered various potential effects of proposals would be largely a question of practice.

Six month consenting process

The majority of us recommend amending clauses 91 and 114. Clause 91 relates to time limits for processing resource consents, while clause 114 relates to designations and heritage orders.¹ As introduced the clauses could adversely affect local authorities in a way that was not intended. The amendments we recommend are designed to reflect the policy intent more accurately while retaining the current terminology in the Resource Management Act.

We recommend deleting clause 92(5). Subclause 5 as introduced would leave the resource consent processing “clock” “ticking” for three days after a request for information being made; this was intended to give applicants certainty regarding the progress of their application and likely decision dates. We consider, however, that its practical effect would be to reduce from 20 to 17 the number of processing days available to a local authority. We recommend deleting subclause 5 to avoid this unintended effect.

We recommend amending clause 94(4) to make clear at which point the processing “clock” might be “stopped” for applicants attempting to obtain written approval from affected parties. As introduced, subclause 4 could have led to perverse outcomes when applicants had not advised a local authority of their decision to seek written approval, because it does not make it clear whether notification would be required in these circumstances.

We recommend amending clause 96 (new section 91C) to clarify that a consent authority would have to either return an application or continue to process it after reaching the 130-working-day time limit.

The majority of us also recommend inserting new clause 119A to provide for the right to object to a decision under new section 91C(1A) to either return an application or continue processing. We further recommend inserting new clause 119B so that there could be no right of appeal against a decision on an objection.

¹ Designation: a provision made in a district plan to give effect to a requirement made by a requiring authority.

Local Government (Auckland Transitional Provisions) Act 2010

Transitional regulations

We recommend amending clause 124 to restrict the ability of the Minister for the Environment to recommend regulations regarding preparation of the first Auckland combined plan. We also recommend amending clause 124 to restrict the use of regulation-making powers to deal with unforeseen situations or issues that arise during preparation of the combined plan, and that the responsible Minister be required to consult with the Auckland Council and the Hearings Panel before recommending any regulations. These amendments are intended to provide an efficient and orderly process for the development of the Auckland Council's first combined plan.

The Regulations Review Committee reported to the committee on the powers contained in clause 124. The amendments we propose to clause 124 address the issues it raised.

We draw to the House's attention the first reading of the Local Government (Auckland Council) Amendment Bill No 2, and recommend that any related changes that might arise from our report could be integrated into that bill or addressed as the relevant Minister sees fit.

Auckland Council's first combined plan

We recommend a number of amendments to clause 125, which seeks to insert new Part 4 into the Local Government (Auckland Transitional Provisions) Act 2010, including the more substantive amendments that we discuss below.

Process for development of first combined plan

We recommend amending sections 115 and 116, and inserting new section 117A so that the Auckland Council must exclude the Hauraki Gulf Islands District Plan (HGI Plan) from the first combined plan. Excluding provisions relating to the HGI Plan is unlikely to affect the integrity of the combined plan as the Hauraki Gulf Islands are geographically isolated, and are not identified as a growth area.

Initial preparation

We recommend amending section 120 so that owners or occupiers of land covered by a proposed designation or heritage order would be the only parties directly notified of the designation or order by the Auckland Council. We propose this amendment to avoid any potential confusion over whether the council would be required to serve notice on parties whose land is not covered by the designation but who might be directly affected by it.

Amendments or variations

We recommend amending section 121 to grant the Hearings Panel the authority, in particular circumstances, to direct the Auckland Council to initiate a variation to the combined plan. We also recommend consequential amendments, including inserting new section 121A, to establish a process for managing variations to the combined plan. While we believe that a complete restriction on variations would be impractical because Auckland's combined plan is so large, we also believe that it is desirable to allow the Hearings Panel to direct the council, in certain circumstances, to initiate a variation, and for the Auckland Council, in certain circumstances, to amend the proposed plan.

Material provided "without prejudice"

We recommend amending sections 127, 129, and 130 to state that reports prepared for pre-hearing session meetings (section 127) and conferences of experts (section 129), and reports of alternative dispute resolution processes (section 130) must not include any material provided on a "without prejudice" basis unless consented to by the party providing the information.

We also recommend amending sections 127 and 129 to clarify that reports may be provided electronically.

Directions to provide evidence

We recommend amending section 135 so that directions from the Hearings Panel to provide evidence would also apply to the Auckland Council. We also recommend amending section 135 and inserting new section 138A to require the Hearings Panel to make evidence and reports available on the council's website and to provide

electronic notices to the council and relevant submitters—unless it considers it unreasonable. We do not support a fixed timeframe for providing evidence. We consider flexibility is desirable for the provision of written evidence, as the Hearings Panel is likely to have a heavy workload.

Protection of sensitive information

We recommend amending section 137 to allow parties to apply to the Environment Court for an order cancelling or varying any order made by the Hearings Panel to restrict the publication of a document or to exclude the public from all or part of a hearing. While it is important that sensitive information, such as trade secrets or the location of wāhi tapu, be protected, we consider it necessary to balance this against the need for transparency. The amendment we propose would be similar to current provisions in section 42 of the Resource Management Act.

Hearings Panel

We recommend amending section 139 to make it clear that the Hearings Panel must specify where it is making a recommendation outside the scope of submissions, and could not make recommendations on existing designations or heritage orders that are unmodified and on which no submissions have been made.

These amendments correspond with amendments to section 150, which we discuss below.

The majority of us recommend amending section 143 to prohibit the council, in making its decisions, from considering new evidence or any other material that was not available to the Hearings Panel. This is intended to reduce the likelihood of the council making decisions based on inappropriate political lobbying, and ensure that it follows fair process requirements.

Designation and heritage orders of other requiring authorities

We recommend inserting new section 145A to provide a more detailed process for designations of requiring authorities other than the Auckland Council. We also recommend consequential amendments to section 146.

Appeals to the Environment Court

We recommend amending section 150 to provide a clear right of appeal to the Environment Court where the Auckland Council had amended a provision recommended by the Hearings Panel. We also recommend that this right of appeal be limited to the effect of the Auckland Council's amendments.

We recommend amending section 150 to enable a merit-based appeal to the Environment Court where the Hearings Panel makes a recommendation identified as out of scope. The appeal right would be available to anyone unduly prejudiced, regardless of whether or not the Auckland Council accepted or rejected the recommendation of the Hearings Panel.

We are aware of concern that the combined effect of sections 139 and 150 as introduced would represent a significant departure from existing law, and could lead to the Hearings Panel making substantive recommendations that were not the subject of evidence. The amendments we recommend to both sections are intended to provide a practical solution without preventing the rest of the proposed plan from becoming operative.

The majority of us recommend amending sections 151 and 152 so that

- submitters who are owners or occupiers of land covered by a designation or heritage order could appeal to the Environment Court
- submitters who are not owners or occupiers of land covered by a designation or heritage order could appeal to the High Court on a point of law where a requiring authority agreed with a recommendation of the Auckland Council or the Hearings Panel
- submitters who are not owners or occupiers of land covered by a designation or heritage order could appeal the merits of a decision where a requiring authority disagreed with a recommendation of the Auckland Council or the Hearings Panel.

These amendments are more consistent with the policy intent of the bill, and we believe would be fairer to requiring authorities.

Judicial review

We recommend amending section 153 to require anyone intending to appeal (on a point of law) a decision of the Auckland Council or a requiring authority, who also intends to bring judicial review proceedings in respect of the same decision, to lodge them together. The amendments we propose would also require the High Court to endeavour to hear them together. This would, in essence, impose a statutory timeframe on appeal and judicial review proceedings with a view to minimising delays.

New Zealand Labour Party minority view

The Labour Party is committed to improving processes under the Resource Management Act (RMA) so that unnecessary and vexatious delays in decision-making around consents can be avoided. We do not support, however, any undermining of environmental protections or of the right of communities to be engaged in the consent process.

Clause 12 (section 76 RMA amended)—Tree protection

Despite amendments to recognise a group, cluster, grove, or line of trees, the tree protection provisions in the section remain unwieldy and will cause unnecessary effort and therefore cost for local authorities, and risk for communities. As the provision now stands, it still requires local authorities to identify by street address or legal description the tree or trees for which protection can be consented. While individual trees no longer have to be itemised, each section, even where groups of trees traverse more than one section of land, must be identified and listed separately. Groups of trees cannot simply be identified by the use of maps or aerial photographs.

Submitters on this part of the bill, such as the Tree Council and the Environmental Defence Society, explained how the felling of one tree in parts of West Auckland where there are tree-clad hills and steep terrain can affect another adjacent property by virtue of the stabilising properties of tree roots. This was a very good example not simply of the amenity value of trees in the urban environment, but of their intrinsic worth for drainage, moisture absorption, and ground stability, as well as the interdependence of properties adjacent to each other.

Labour contends that the bill will atomise the protection of trees in the urban environment, and ignores the collective and community significance of trees and groups of trees in that environment. We support the general tree protection rules which existed previously. There is a legitimate and important case for protecting trees for wider community benefit and not simply defending the right of an individual property owner to fell any tree on their property.

Clause 69 (section 32 RMA amended)—Cost/benefit analysis

This section causes Labour great concern. It is designed to fit with the Government's wider agenda to turn the RMA into an economic development Act rather than an environment protection Act. It requires evaluation reports of consent applications to provide an examination of how the proposal will achieve the purpose of the Act. Should the purpose of the RMA be changed in the future, as has been foreshadowed by the Government, this section would be required to reflect that new purpose. The problem with this section, in our view, lies in its requirement that any proposal be "monetised" or given some quantitative monetary value, as opposed to any intrinsic value of the environment affected by the proposal. While environmental, economic, social, and cultural effects are mentioned in the bill in this section, the two items singled out for specific assessment are economic growth and employment opportunities which might be provided or reduced by the proposal. This immediately biases the bill towards economic development and away from environmental protection, defeating its original purpose.

A particular example of this was given by a submitter who, when asked how one assessed the value of a favourite swimming hole in a river which would be detrimentally affected by a proposal, said that it would be possible to count the number of people (children) who used the swimming hole in the summer and multiply that by the cost of admission to the local community swimming pools and that would provide the "value" of the swimming hole. Labour believes that that submitter misses the point of intrinsic worth completely.

Clause 124—Transitional provisions

Labour originally had concerns over this clause because it invested the Minister for the Environment to make regulations which could

conceivably pervert the original intention of the Act (Henry VIII provisions). This power was amended by the select committee to make the transitional regulations more consistent with best constitutional practice and we support those changes. However we are left puzzled as to why legislation to turn other transitional provisions into primary legislation (the Local Government (Auckland Council) Amendment Bill (No 2)), has been introduced to the House for its first reading (5 June 2013) before this report has even been submitted to the House. That legislation needs to be blended with the work done by the select committee and is the subject of this report, in order to avoid unnecessary amendment later.

Conclusion

While there are some useful parts in this bill, Labour cannot support its passage for the major reasons outlined above.

Green Party minority view

The Green Party supports improving the Resource Management Act to ensure decision-making processes are timely and efficient. It believes, however, that the Act's implementation can be improved by better national leadership, training, and guidance by the Ministry for the Environment rather than complex and cumbersome legislative provisions specifying timeframes and implementation practice.

Parts of the Resource Management Reform Bill have been improved through the select committee process. The Green Party opposes its attack on urban tree protection, and provisions which undermine local decision making and reduce public participation and access to justice. The bill increases uncertainty in the administration of the RMA and risks litigation around some new provisions, in apparent contradiction to the Government's purported aims.

The bill promotes speedy rather than well informed, sound decisions where potential effects are thoroughly evaluated and addressed. It does this by the six-month deadline for council processing of "medium sized consents". This does not recognise the complexity of some major development applications, the value of community input, and that applicants can be responsible for delays.

Tree protection

The bill compromises urban amenity by its making it much harder for councils to protect and control the loss of urban trees. The bill will effectively allow landowners to trim or fell any urban trees with no need for a resource consent, unless the trees are individually described and their location legally identified in a plan schedule. It overturns a 2010 Environment Court decision which upheld councils' ability under section 76 of the RMA to have general plan rules which required a resource consent to, for example, fell or trim urban trees of a particular species (such as coastal pohutukawa) or above a height or girth threshold.

Many submitters including the Tree Council, the Auckland Council, and the Environmental Defence Society strongly opposed the bill's ban on general tree protection rules and the changes to section 76 of the RMA. Submitters said that trees help create a liveable city and are a community asset not just an individual property right. They highlighted the loss of mature and amenity trees which would result from the change, especially in Auckland given current development pressures. They variously said the requirement to schedule all trees deserving protection would be "costly and impractical," "onerous and unworkable," and "involve huge amounts of time and resources." The Green Party agrees.

Reduction of local authority decision making

Resource management decisions are best made by communities affected by those decisions and the RMA is based on this. The Green Party opposes the removal of a council's discretion to approve or decline an applicant's request for direct referral to the Environment Court of projects above a yet to be specified investment threshold. This erodes local decision making and is likely to reduce public participation because of the greater formality and expertise required to participate in Environment Court processes.

The changes to section 35 of the RMA around state of the environment monitoring and reporting are likely to have significant additional resourcing and practice implications for local authorities which the bill does not address. The changes are ad hoc given the lack of a Government commitment to implementing independent consolidated nation-wide state of environment reporting.

Section 32

The Green Party opposes the changes to section 32 of the RMA in clause 69. New criteria requiring assessment of opportunities for economic growth and employment bias the assessment towards measures which have quantifiable economic benefits and against those which benefit environmental protection and ecosystem health. This risks obstructing councils seeking to regulate land and water use to promote sustainable management.

Variable performance in local authorities in section 32 analysis has more to do with the capability, capacity, and resourcing of local authorities than the provisions of the RMA. The level of detail the bill requires in section 32 analysis may be beyond the capacity of some local authorities and risks plan making becoming “paralysis by analysis” and significantly increasing its costs.

Auckland Unitary Plan

The Green Party supports a combined plan for Auckland. It opposes the provisions which allow the Ministers for the Environment and Conservation rather than the Auckland Council to appoint the hearing commissioners and set their terms of reference. This is undemocratic and ignores the mandate councillors have from being elected by Aucklanders.

The bill’s three-year deadline to complete the Auckland combined plan is unrealistic and will impact adversely on plan quality and genuine and effective public consultation and participation. The bill’s side-lining of the Environment Court and only allowing appeals to it if the Auckland Council rejects a Hearings Panel recommendation is opposed. This will make the Council hearing process more formal (potentially reducing engagement by lay submitters) and more cumbersome because of the myriad of issues which must be resolved through a one stage process. It also removes the check on plan quality which appeal rights to the specialist jurisdiction of the Environment Court provide. The provision is unnecessary when the Environment Court has indicated that it can expedite the resolution of appeals on large plans.

The bill provides that sections 86A to 86G of the RMA relating to the legal effect of rules will apply to the combined plan (clause 147). Accordingly, plan rules relating to water, air, soil, significant indigenous

vegetation, significant habitats of indigenous fauna, and aquaculture activities will have immediate legal effect from the date that the proposed plan is publicly notified. Those relating to land use will not have legal effect until the Council notifies its decision on the Hearings Panel's recommendations. The Green Party supports the Auckland Council's submission that all rules should take effect on plan notification so the benefits of Auckland's amalgamation can be fully realised to provide certainty to the community and because many of the existing plans are more than a decade old.

Clause 137 which gives the Auckland Hearings Panel power to make recommendations beyond the scope of submissions and on any other matter relating to the proposed plan is opposed as being a substantial departure from the established case law, and contrary to the right to be heard—a core principle of natural justice. As the Auckland Council noted “A recommendation beyond the scope of submissions could have a significant impact on property rights and other interests, yet the affected parties would have no opportunity to respond to it: they could only hope that the Council refused to accept the Hearings Panel's recommendation.” It also risks lobbying of the Hearings Panel.

The exclusion of the district plan provisions for the Hauraki Gulf Islands from the Auckland combined plan process is supported because these are second generation district plan provisions that have been finalised relatively recently.

Regulation-making powers

The Green Party opposes the Henry VIII clause 124(4) in Part 2 of the bill which enables the Minister to make regulations in relation to the Auckland Combined Plan which override the Local Government (Auckland Transitional Provisions) Act 2010 and the RMA. This clause is arguably unconstitutional.

Regulations by the Executive are not subject to the scrutiny and debate which consideration by Parliament and the public through select committee provides. While the Local Government and Environment Committee has clarified the circumstances in which such regulations can be made, the power is not restricted to exceptional circumstances. As the Resource Management Law Association noted, these powers mean “participants have to operate in a legislative framework with

legal processes and tests that could change at any point in time. Such a situation is confusing, creates uncertainty, and could be used in a manner that breaches natural justice”.

Appendix

Committee process

The Resource Management Reform Bill was referred to the committee on 11 December 2012. The closing date for submissions was 28 February 2013. We received and considered 278 submissions from interested groups and individuals. We heard 110 submissions, which included holding a hearing in Auckland.

We received advice from the Ministry for the Environment. The Regulations Review Committee reported to the committee on the powers contained in clause 124.

Committee membership

Nicky Wagner (Chairperson)

Maggie Barry

Jacqui Dean

Paul Goldsmith

Claudette Hauiti

Hon Phil Heatley

Gareth Hughes

Raymond Huo

Moana Mackey

Eugenie Sage

Hon Maryan Street

Andrew Williams

Resource Management Reform Bill

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

text inserted unanimously

~~text deleted by a majority~~

~~text deleted unanimously~~

Hon Amy Adams

Resource Management Reform Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Resource Management Reform Act **2012**.

2 Commencement

- (1) **Subpart 1 of Part 1 and Parts 2 and 3** come into force on the day after the date on which this Act receives the Royal assent. 5
- (2) **Subpart 2 of Part 1** 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 10

- 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. 5
- (3) **Subpart 3 of Part 1** 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 10
18 months after the date on which this Act receives the Royal assent, it comes into force on that day.

Part 1

Resource Management Act 1991

- 3 Principal Act** 15
This **Part** amends the Resource Management Act 1991 (the **principal Act**).
- Subpart 1—Amendments that commence
day after Royal assent
- 4 Section 2 amended (Interpretation)** 20
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, 25
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)**”. 30

- 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)** 5
 (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 10
 “(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” 15
 (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: 20
 “(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: 25
 “(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: 30
 “(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 de-

scribed in section 39(1) by the applicant or any person who made a submission.

- “(1AA) ~~The report may be prepared by~~ 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 ~~to correct minor mistakes or defects in the statement~~ if the amendment is of minor effect or corrects a minor error.”

12 Section 76 amended (District rules)

- (1) ~~Replace section 76(4A)(a) with:~~

“(a) ~~specifically identified in a schedule to the plan by street address or legal description of the land; or both, regardless of whether the tree or group of trees is also identified on any map in the plan; or~~”

- (2) ~~Replace section 76(4B) with:~~

“(4B) ~~In subsection (4A),—~~

“~~group of trees means a cluster, grove, or line of trees that are located on the same or adjacent allotments~~

“~~urban environment means an allotment no greater than 4 000 m²~~”

“(a) ~~that is connected to a reticulated water supply system and a reticulated sewerage system; and~~

“(b) ~~on which there is—~~

“(i) ~~a building used for industrial or commercial purposes; or~~

“(ii) ~~a dwellinghouse.~~

- “(4C) ~~To avoid doubt, each of the following descriptions of a group of trees does not satisfy the identification requirements of sub-section (4A)(a):~~

- “(a) all trees of 1 or more named species in a defined area or zone of the plan (for example, all cabbage trees in coastal areas x, y, and z);
- “(b) all trees in a class with defined characteristics in a defined area or zone of the plan (for example, all exotic trees over 5 metres high or 800 millimetres in girth in residential zones x, y, and z);
- “(c) all trees in a named ecosystem (whether natural or artificial), habitat or landscape unit, or ecotone (for example, all native trees located on the valley floor of the district).”

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 trees are 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. 5
- “(4D) To avoid doubt, **subsections (4A) and (4B)** apply—
“(a) regardless of whether the tree or trees, or the allotment or allotments, are also identified on a map in the plan; and 10
“(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)** 15
- (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(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 20
“(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.” 25
- (2) In section 87E(9), replace “subsection (5) or (6)” with “subsections (5) to **(6A)**”.
- 14 Section 87F amended (Consent authority’s subsequent processing)** 30
- (1AA) In section 87F(2), replace “(5)” with “(7)”.
(1) In section 87F(4), replace “may” with “must”.
(2) In section 87F(4)(b), after “application”, insert “; and”.
(3) After section 87F(4)(b), insert: 35
“(c) provide a summary of submissions received.”

- (4) 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— 5
- “(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 10
raised by the submissions;
- “(iv) provide any other relevant information requested by the court.”

15 Section 87G amended (Environment Court determines application) 15

- (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 ~~consent~~ the resource consent (or the change or cancellation of the condition) and specifying the grounds upon which the application 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 ~~the~~that application; and 20
- “(b) as soon as is reasonably practicable after lodging the notice of motion, serving a copy of the notice of motion and affidavit on— 30
- “(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.” 35
- (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”. 5

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.” 10

- (2) In section 95B(3), replace “affected customary title group” with “affected customary marine title group”. 15

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”. 20

17A Cross-heading above section 104E repealed

Repeal the cross-heading above section 104E.

18 Section 130 amended (Public notification, submissions, and hearing, etc)

In section 130(3) and (5)(a), replace “95 to 95F” with “95 to 95G”. 25

19 Section 133A amended (Minor corrections of resource consents)

In section 133A, replace “15” with “20”.

20 Section 142 amended (Minister may call in matter that is or is part of proposal of national significance) 30

- (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.” 5
- (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).” 10
- 21 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).” 15
- 22 Section 147 amended (Minister makes direction after EPA recommendation)**
- After section 147(7), insert: 20
- “(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).”
- 23 Section 149 amended (EPA may request further information or commission report)** 25
- 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 30
- “(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.” 35

- 24 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)”. 5
- 25 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: 10
 “(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.” 15
- 26 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”. 20
- 27 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.” 25
- 28 Section 149R amended (Board to produce final report)** 30
 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.”

5

29 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)**.

10

“(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).

15

“(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:

20

“(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:

25

“(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:

30

“(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.”

35

- 30 Section 149S amended (Minister may extend time by which board must report)**
- After section 149S(4), insert:
- “(5) The EPA ~~may, on behalf of~~ 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. 5
- “(6) **Subsection (5)** does not limit subsection (1).”
- 31 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”. 10
- 32 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”.
- 33 Section 165ZFE amended (Processing of affected applications)** 15
- (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(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 20
- “(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.” 25
- (2) In section 165ZFE(7), replace “Section 87F(4) and (5)” with “Section 87F(4) to **(6)**”.
- 34 Section 168A amended (Notice of requirement by territorial authority)** 30
- In section 168A(1A), replace “95A to 95F” with “95A to ~~95E~~95G”.

- 35 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 ~~95E~~95G”.
- 36 Section 189A amended (Notice of requirement for heritage order by territorial authority)** 5
In section 189A(2), replace “95A to 95F” with “95A to ~~95E~~95G”.
- 37 Section 190 amended (Further information, notification, submissions, and hearing for notice of requirement to territorial authority)** 10
In section 190(1), replace “95 to 95F” with “95 to ~~95E~~95G”.
- 38 Section 198C amended (Territorial authority’s decision on request)**
- (1) After section 198C(5), insert: 15
“(5A) Despite the discretion to grant a request under subsection (4) or (5), if regulations have been made under **section 360(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 20
“(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.” 25
- (2) In section 198C(8), replace “subsection (4) or (5)” with “subsections (4) to **(5A)**”.
- 39 Section 198D amended (Territorial authority’s subsequent processing)** 30
(1AA) In section 198D(2), replace “(5)” with “(7)”.
- (1) In section 198D(4), replace “may” with “must”.
- (2) In section 198D(4)(b), after “(with or without modifications)”, insert “; and”.

- (3) After section 198D(4)(b), insert:
“(c) provide a summary of submissions received.”
- (4) 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. 5
- “(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: 10
“(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

40 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 requirement and specifying the grounds upon which the application for confirmation is made, and a supporting affidavit as to the matters giving rise to ~~the~~that application; and 25
“(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 30
“(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.” 35

- (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”. 5
- (3) In section 198E(5), replace “Part 11 applies” with “Parts 11 and 11A apply”.

41 Section 198I amended (Territorial authority’s decision)

After section 198I(1), insert:

~~“(1A) Despite the discretion it would otherwise have to make a particular decision, if regulations have been made under section 360(hm),—~~ 10

~~“(a) the territorial authority must decide that the requirement be the subject of a decision by the Environment Court under section 198K if the value of the investment in the proposal is likely to meet or exceed a threshold amount prescribed by those regulations; but~~ 15

~~“(b) that obligation to decide that the requirement be the subject of a decision by the Environment Court under section 198K does not apply if the territorial authority determines, having regard to any matters prescribed by those regulations, that exceptional circumstances exist.”~~ 20

42 Section 198J amended (Territorial authority’s subsequent processing) 25

(1AA) In section 198J(1), replace “(4)” with “(6)”.

- (1) In section 198J(3), replace “may” with “must”.
- (2) In section 198J(3)(b), after “(with or without modifications)”, insert “; and”.
- (3) After section 198J(3)(b), insert: 30
 “(c) provide a summary of submissions received.”
- (4) 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. 35
- “(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 5
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: 10
- “(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 15
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 ~~the~~that application; and 20
- “(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.” 25
- (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”. 30
- (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: 35

“(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: 5
- “(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.” 10
- (2) In section 274(2), delete “to the Environment Court and to all other parties”.
- (3) After section 274(2), insert: 15
- “(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. 20
- “(2B) The person giving notice under subsection (2) must ~~also, within 20 working days after the relevant time period described in that subsection,~~ no later than 5 working days after the deadline for giving that notice, give the same notice to all other parties.” 25
- (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”. 30

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 pro- 35

vided 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.” 5

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— 10

“(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.” 15

49 New section 308CA inserted (Limit on representation at proceedings as party under section 274) 20

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. 25

“(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— 30

“(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,”.

5

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—

10

“(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.”

15

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: 20

“(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,”.

25

52A 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— 30

“(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.” 5
- 53 Section 310 amended (Scope and effect of declaration)**
In section 310(h), replace “95 to 95F” with “95 to 95G”.
- 54 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”. 10
- 55 Section 330 amended (Emergency works and power to take preventive or remedial action)**
- (1) In section 330(1)(c), replace “167—” with “167; or”. 15
- (2) After section 330(1)(c), insert:
“(ca) any service or system ~~for which 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,”. 20
- (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.” 25
- 56 Section 330A amended (Resource consents for emergency works)** 30
In section 330A(1) and (2), replace “or network utility operator” with “network utility operator, or lifeline utility”.

57 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. 5 10
- “**(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 15
- “**(b)** the applicant has paid all costs incurred by the local authority, consent authority, or Police in seizing, impounding, transporting, and storing the property. 20
- “**(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— 25
- “**(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. 30
- “**(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 35
- “**(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 5
- “(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 10
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 15
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 20
property; and
- “(d) must, on demand, pay the remainder of the proceeds to the person from whom the property was seized.”
- 58 Section 357 amended (Right of objection against certain decisions)** 25
In section 357(8), replace “section 198C(4) or (5)” with “section 198C(4) to **(5A)**”.
- 59 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 30
“section 87E(5) to **(6A)**”.
- 60 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,”. 35

61 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 5
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 ~~report~~provide information 10
gathered under sections 35 and 35A to the Minister,
and prescribing the ~~manner and content of, and the~~
~~time limits for, reporting~~content of the information to
be provided and the manner in which, and time limits
by which, it must be provided: 15

“(hm) prescribing, for the purposes of sections 87E, 165ZFE,
and 198C, and 198I, threshold amounts and matters to
which an authority is required to have regard in deter-
mining whether exceptional circumstances exist:—

“(i) threshold amounts, which may differ for propos- 20
als of different types or in different locations; and

“(ii) matters to which an authority is required to have
regard in determining whether exceptional cir-
cumstances exist:”.

(2) After section 360(2D), insert: 25

“(2E) Regulations may be made under **section 360(1)(hm)** only
on the Minister’s recommendation. Before making the rec-
ommendation, 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.” 30

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

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

63 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”.

- 64 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”.
- 65 Section 409 amended (Financial contributions for developments)** 5
In section 409(4), replace “95 to 95F” with “95 to 95G”.
- 66 New Part 16 inserted**
After section 433, insert:
- “Part 16**
- “Transitional provisions for amendments** 10
made on or after ~~1 January 2013~~
commencement of Part 1 of Resource
Management Reform Act 2012
- “434 Transitional provisions for amendments made on or after** 15
~~1 January 2013~~ commencement of Part 1 of Resource
Management Reform Act 2012
- “(1) The transitional provisions set out in **Schedule 12** (~~which~~**
relate to amendments made to this Act on or after ~~1 January~~
~~2013~~) have effect for the purposes of this Act.
- “(2) The provisions relate to amendments made to this Act on or** 20
after the commencement of **Part 1 of the Resource Man-**
agement Reform Act 2012.”
- 67 New Schedule 12 inserted**
After Schedule 11, insert the **Schedule 12** set out in **Sched-**
ule 2 of this Act. 25
- Consequential amendment*
- 68 Resource Management (Simplifying and Streamlining)**
Amendment Act 2009
- (1) This section amends the Resource Management (Simplifying
and Streamlining) Amendment Act 2009. 30
- (2) Repeal section 152.

Subpart 2—Amendments that commence
3 months after Royal assent (or day after
Royal assent for certain purposes)

- 69 Section 32 replaced (Consideration of alternatives, benefits, and costs)** 5
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 10
 - “(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 15
 - “(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - “(iii) summarising the reasons for deciding on the provisions; and 20
 - “(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— 25
- “(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 ~~cease to be available~~ be provided or reduced; and 30
 - “(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 35
 - “(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 will amend an existing standard, statement, regulation, or plan, the examination under **subsection (1)(b)** must examine the objectives of both the proposal and the existing standard, statement, regulation, or plan.~~
- “(3) If the proposal (an **amending proposal**) will amend a stand- 5
ard, statement, regulation, plan, or change that is already pro-
posed or that already exists (an **existing proposal**), the exam-
ination under **subsection (1)(b)** must relate to—
- “(a) the provisions and objectives of the amending proposal;
and 10
- “(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 15
take effect.
- “(4) If the proposal will impose a greater prohibition or restric-
tion on an activity to which a national environmental stand- 20
ard applies than the existing prohibitions or restrictions in that
standard, the evaluation report must examine whether the pro-
hibition or restriction is justified in the circumstances of ~~the~~
~~region or district that is the subject of the evaluation.~~ each re-
gion or district in which the prohibition or restriction would
have effect.
- “(5) The person who must have particular regard to the evaluation 25
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,— 30
- “**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, 35
~~or plan~~ 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. 5

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

“(1) A further evaluation required under this Act— 10

“(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 15

“(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— 20

“(i) be published in an evaluation report that is made available for public inspection at the same time as the ~~proposal~~ 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 25

“(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 ~~and~~, and that record must be included in the public notification of the ~~proposal~~ approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement), or in the public notification of the decision on the proposal. 30 35

“(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.”

70 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”. 5

(2) Replace section 32A(2) with: 10

“(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 ~~standard~~, statement, ~~regulation~~, plan, or change for which— 15

“(a) an evaluation report must be prepared under this Act; or

“(b) a further evaluation must be undertaken under this Act.”

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

(1) After section 44(2)(b), insert: 20

“(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)”. 25

72 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 issue the statement.” 30

- 73 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”.
- 74 Section 52 amended (Consideration of recommendations and approval or withdrawal of statement)** 5
 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 10
 “(b) secondly, may—
 “(i) make any changes, or no changes, to the proposed national policy statement as he or she thinks fit; or 15
 “(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.” 20
- 75 Section 61 amended (Matters to be considered by regional council (policy statements))** 25
 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 30
 “(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.” 35

76 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— 5
- “(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 10
 - “(e) its obligation to have particular regard to an evaluation report prepared in accordance with **section 32**; and
 - “(f) any regulations.”

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

15

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 20
 - “(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 25
 - “(f) any regulations.”

78 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)

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(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 in- 35

- cluded 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**”.
- 79 Section 310 amended (Scope and effect of declaration)** 5
 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**”.
- 80 Section 360B amended (Conditions to be satisfied before regulations made under section 360A)** 10
 (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.” 15
- 81 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— 20
 “(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 25
 “(b) publicly notify the proposed policy statement or plan if the local authority decides to proceed with the policy statement or plan.”
- 82 Schedule 1, clause 10 amended**
 (1) In Schedule 1, after clause 10(2)(a), insert: 30
 “(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”.

83 Schedule 1, clause 22 amended

In Schedule 1, clause 22(1), replace “evaluation under section 32 for any objectives, policies, rules, or other methods proposed” with “evaluation report prepared in accordance with **section 32** for the proposed plan or change”. 5

84 Schedule 1, clause 25 amended

In Schedule 1, after clause 25(1), insert: 10

“(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).” 15

85 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— 20

“(a) may decline, approve, or approve with modifications the plan or change; and

“(b) must give reasons for its decision.” 25

Subpart 3—Amendments that commence by
Order in Council

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

Repeal section 41B(5) to (7). 30

87 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.” 5

88 Section 87G amended (Environment Court determines application)

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

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

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

(2) Repeal section 87I(1)(c).

90 Section 88 amended (Making an application) 15

(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**.” 20

(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— 25

“(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.” 30

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

Replace section 88B with:

~~88B~~ Deferral of deadlines to allow for processes relating to applications

~~(1)~~ This section sets out how a deadline relating to an application is deferred if \pm or more processes affect the deadline.

~~(2)~~ In this section,—

~~(a)~~ the **deadline** is the last day on which something may be done under a provision listed in the first column of the table in **section 88BA**;

~~(b)~~ the **deadline's calculation day** is the day from which the deadline is calculated under that provision;

~~(c)~~ the **time allowed for a process** is the period specified in a provision listed, in relation to the deadline, in the second column of the table in **section 88BA**;

~~(3)~~ The clock is stopped on each working day after the deadline's calculation day that falls during the time allowed for a process or processes.

~~(4)~~ For each working day on which the clock is stopped, the deadline is deferred by \pm working day.

~~(5)~~ However, the clock is not stopped for a deadline once the deferred deadline has passed, or once the deadline has passed if it was not deferred.

Example

In this example, numbered days are working days:

An applicant lodges an application on day 0. The consent authority publicly notifies the application on day 20 (see section 95). At this point, the closing date for submissions is day 40 (see **section 97(1)**) and the deadline for completing a hearing will be day 115, which is 75 working days after day 40; the closing date for submissions (see **section 103A(2)**).

However, the authority notifies the applicant on day 35 that it wants to commission a report (see section 92(2)(b)). The applicant agrees. The authority receives the report on day 60. As a result, the deadline for completing the hearing is deferred to day 135.

The reason that the deadline is deferred is as follows. The deadline's calculation day is day 40 (see **subsection (2)(b) and section 103A(2)**). The time allowed for the report process starts on day 35 and ends on day 60 (see **subsection (2)(c) and section 88C(4)**). So the clock is stopped on days 41 to 60

Example—*continued*

(see **subsection (3)**); and the deadline is deferred by 20 working days (see **subsection (4)**).

“88BA Table of provisions with deadlines and provisions that specify time allowed for processes

The table referred to in **section 88B(2)** is as follows:

5

Provisions with deadlines	Provisions that specify time allowed for processes
Section 95 (which relates to the deadline for notification)	Section 88C(2); (4); or (6) Section 88E(2) or (4) Section 88F(2)
Section 87F(3) (which relates to the deadline 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 deadline for commencement of a hearing for a non-notified application)	Section 88C(2); (4); or (6) Section 88E(2) or (4) Section 88F(2)
Section 103A (which relates to the deadline for completion of a hearing for a notified application)	Section 88C(4) or (6) Section 88B(2); (4); or (6) Section 88E(2); (6); or (8) Section 88F(2)
Section 115(3) (which relates to the deadline 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 deadline for notification of the decision on a notified application for which no hearing is held)	Section 88C(4) or (6) Section 88B(2); (4); or (6) Section 88E(2); (6); or (8) Section 88F(2)

91 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

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“(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

Section 95 (which relates to the time limit for notification)

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 101(2) (which relates to the time limit for commencement of a hearing of a non-notified application)

Section 103A (which relates to the time limit for completion of a hearing of a notified application)

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 115(4) (which relates to the time limit for notification of the decision on a notified application for which no hearing is held)

Provisions describing time periods to be excluded

Section 88C(2), (4), or (6)
Section 88E(2) or (4)
Section 88F(2)

Section 88C(4) or (6)
Section 88E(2), (6), or (8)
Section 88F(2)

Section 88C(2), (4), or (6)
Section 88E(2) or (4)
Section 88F(2)

Section 88C(4) or (6)
Section 88D(2), (4), or (6)
Section 88E(2), (6), or (8)
Section 88F(2)

Section 88C(2), (4), or (6)
Section 88E(2) or (4)
Section 88F(2)

Section 88C(4) or (6)
Section 88D(2), (4), or (6)
Section 88E(2), (6), or (8)
Section 88F(2)

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

(1) Replace the heading to section 88C with “Time allowed for processes relating to provision of further information”. 5

(2) Above section 88C(1), insert:

“Request for further information”.

(3) Replace section 88C(1)(b) with:

“(b) the request is the first request made by the authority to the applicant under that provision; and 10

“(c) the request is made before the authority decides whether to notify the application.”

(4) In section 88C(2), (4), and (6), replace “The period that must be excluded from every applicable provision listed in section 88B(2) is the period” with “For the purposes of section 88B; 15

- ~~the time allowed for the process is the period~~time limit under section 88B".
- (5) Replace section 88C(2)(a) with:
 “(a) ~~starting with the third working day after the date of the request under section 92(1); and~~” 5
- (6) Above section 88C(3), insert:
 “*Commissioning of report—applicant agrees*”.
- (7) Above section 88C(5), insert:
 “*Commissioning of report—applicant disagrees*”.
- 93 Section 88D replaced (Excluded time periods relating to direct referral (for resource consents and also for notices of requirement))** 10
 Replace section 88D with:
- “88D ~~Time allowed for processes~~Excluded time periods relating to direct referral** 15
- “*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 20
- “(c) the applicant does not object under section 357A(1)(e).
- “(2) ~~For the purposes of section 88B, the time allowed for the process is the period~~The period that must be excluded from every applicable time limit under section 88B is the period— 25
- “(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— 30
- “(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. 35

- “(4) ~~For the purposes of section 88B, the time allowed for the process is the period~~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 5
 “(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— 10
 “(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. 15
 “(6) ~~For the purposes of section 88B, the time allowed for the process is the period~~The period that must be excluded from every applicable time limit under section 88B is the period— 20
 “(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 25
 “(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)**.”
 94 **Section 88E amended (Excluded time periods relating to other matters)** 30
 (†) ~~Replace the heading to section 88E with “Time allowed for processes relating to other matters”.~~
 (2) Above section 88E(1), insert:
“Deferral pending application for additional consents”. 35
 (3) In section 88E(2), (4), and (6), replace ~~“The period that must be excluded from every applicable~~ provision listed in section

88B(2) is the period” with “For the purposes of **section 88B**, the time allowed for the process is the period time limit under section 88B”.

- (4) Replace section 88E(3) ~~and (4)~~ with: 5
“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 ~~who~~that may otherwise be considered an affected person, affected protected customary rights group, or affected customary marine title group in relation to the activity. 10
- ~~“(4) For the purposes of section 88B, the time allowed for the process is the period—~~
- ~~“(a) starting with the date on which the applicant gives written notice to the consent authority that the applicant is trying to obtain the approvals; and 15~~
- ~~“(b) ending with the earlier of the following:~~
- ~~“(i) the date on which the consent authority has received written notice of the approval (that has not been withdrawn) from all such persons and groups; and 20~~
- ~~“(ii) the date on which the applicant gives written notice to the consent authority that the applicant has ceased trying to obtain the approvals.” 22~~
- (5) Above section 88E(5), insert: 25
“Referral to mediation”.
- (6) After section 88E(6), insert:
“Suspension of application processing”
- “(7) **Subsection (8)** applies when the processing of an application is suspended under **section 91A**. 30
- “(8) ~~For the purposes of section 88B, the time allowed for the process is the period~~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: 35~~
- ~~“(b) ending with the date on which the suspension ceased.”~~

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

(1) Replace the heading to section 88F with “**Time allowed for process**~~Excluded time periods~~ relating to pre-request aquaculture agreements”.

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(2) In section 88F(2), replace “~~The period that must be excluded from every applicable provision listed in section 88B(2) is the period~~” with “**For the purposes of section 88B, the time allowed for the process is the period**time limit under section 88B”.

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96 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.

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“(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—

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“(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.

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“(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

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“(c) ~~on a total of 130 or more working days, the clock has been stopped under section 88B for a deadline or deadlines in relation to the application~~ 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).

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- “(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** 5
- “(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 10
- “(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. 15
- “(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. 20
- “**91C Application may be returned if suspended after certain period**
- “(1) ~~A consent authority may return an application to the applicant if—~~ **Subsection (1A) applies if—** 25
- “(a) ~~on a total of 130 or more working days, the clock has been stopped under **section 88B** for a deadline or deadlines in relation to the application~~ a total of 130 or more working days have been excluded from time limits under **section 88B** in relation to an application 30
(which, under **section 88E(8)**, includes time during which the application has been suspended); and
- “(b) the application is suspended at the time.
- “(1A) The consent authority must decide to—
- “(a) return the application to the applicant; or 35
- “(b) continue to process the application.

- ~~“(2) The consent authority must provide with the returned application a written explanation as to why it is being returned.”~~
- “(2) 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 5
“(b) the applicant may object to the consent authority under
section 357(3A).
- “(3) 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.” 10
- 97 Section 95 amended (Time limit for public notification or limited notification)**
 In section 95, replace “10” with “20”.
- 98 Section 97 replaced (Time limit for submissions)**
 Replace section 97 with: 15
- “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. 20
- “(3) If limited notification was given, the closing date is ~~the earlier of the following:~~ the 20th working day after the date of limited notification.
~~“(a) the 20th working day after the date of limited notification;~~ 25
~~“(b) the day on which the consent authority has received submissions, or written approval for the application, from all affected persons;~~
- “(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.” 30
- 99 Section 101 amended (Hearing date and notice)**
 Replace section 101(2) with: 35

“(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.”

100 Section 103A replaced (Time limit for completion of adjourned hearing) 5

Replace section 103A with:

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

“(1) This section applies to a hearing for of an application for a resource consent that was notified. 10

“(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. 15

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

“(1) This section applies to a hearing for of an application for a resource consent that was notified. 20

“(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: 25

“(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. 30

“(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. 35

- “(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: 5
 - “(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. 10
- “(7) This section overrides sections 41B and 42A(3) to (5).”

101 Section 107F amended (Applications to undertake aquaculture activities)

In section 107F(3)(a), replace “section 88(3)” with “**section 88(3A)**”.

102 Section 115 amended (Time limits for notification of decision)

Repeal section 115(5).

103 Section 149Z amended (Local authority must process referred matter)

In section 149Z(2)(c), replace “section 88(3)” with “**section 88(3) and (3A)**”.

104 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”.

105 Section 165ZM amended (Other provisions of Act apply subject to this subpart)

In section 165ZM(4), after “sections 88A to 88E,” insert “**91A,**”.

- 106 Section 165ZP amended (Incomplete concurrent application)**
 In section 165ZP(1), replace “section 88(3)” with “**section 88(3A)**”.
- 107 Section 165ZQ amended (Additional consents)** 5
 (1) In section 165ZQ(1)(a), replace “5” with “10”.
 (2) In section 165ZQ(1)(b), replace “section 88(3)” with “**section 88(3A)**”.
- 108 Section 168A amended (Notice of requirement by territorial authority)** 10
 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: 15
 “(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: 20
 “(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.” 25
- 109 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”. 30
 (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: 5
 - “(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: 10
 - “(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.” 15

110 Section 181 amended (Alteration of designation)

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

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

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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: 25
 - “(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: 30
 - “(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.” 35

112 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: 5
 “(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 10
 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: 15
- “(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.” 20

113 Section 195A amended (Alteration of heritage order)

In section 195A(2) and (4), after “Sections 189 to 195”, insert 25
 “and **198AA to 198AE**”.

114 New sections 198AA to 198AE and cross-heading inserted

After section 198, insert:

“Deferral of deadlines to allow for processes relating to designations and heritage orders” 30

~~“198AA Deferral of deadlines to allow for processes relating to designations and heritage orders~~

~~“(1) This section sets out how a deadline relating to a designation or heritage order is deferred if 1 or more processes affect the deadline.”~~ 35

~~“(2) In this section,—~~

- “(a) the **deadline** is the last day on which something may be done under a provision listed in the first column of the table in **section 498AB**;
- “(b) the **deadline’s calculation day** is the day from which the deadline is calculated under that provision: 5
- “(c) the **time allowed for a process** is the period specified in a provision listed, in relation to the deadline, in the second column of the table in **section 498AB**;
- “(3) The clock is stopped on each working day after the deadline’s calculation day that falls during the time allowed for a process or processes: 10
- “(4) For each working day on which the clock is stopped, the deadline is deferred by † working day.
- “(5) However, the clock is not stopped for a deadline once the deferred deadline has passed; or once the deadline has passed if it was not deferred: 15

“498AB Table of provisions with deadlines and provisions that specify time allowed for processes

The table referred to in **section 498AA(2)** is as follows:

Provisions with deadlines	Provisions that specify time allowed for processes
Section 95 (which relates to the deadline for notification) as applied by section 169(1) or 190(1) to a notice of requirement given to a territorial authority	Section 498AG(2), (4), or (6) Section 498AE(2)
Section 198D(3) (which relates to the deadline for a territorial authority report on a notice of requirement, given to a territorial authority, to be directly referred to the Environment Court)	Section 498AG(2), (4), or (6) Section 498AE(4)
Section 198J(2) (which relates to the deadline for a territorial authority report on a notice of requirement, given by a territorial authority, to be directly referred to the Environment Court)	Section 498AE(4)
Section 168A(2AA)(a) or 189A(9A)(a) (which relates to the deadline for commencement of a hearing for a non-notified notice of requirement given by a territorial authority)	Section 498AE(2)

Provisions with deadlines

Section 168A(2AA)(b) or (c) or 189A(9A)(b) or (c) (which relates to the deadline for commencement of a hearing for a notified notice of requirement given by a territorial authority)

Section 169(3)(a) or 190(8)(a) (which relates to the deadline for commencement of a hearing for a non-notified notice of requirement given to a territorial authority)

Section 169(3)(b) or (c) or 190(8)(b) or (c) (which relates to the deadline for commencement of a hearing for a notified notice of requirement given to a territorial authority)

Provisions that specify time allowed for processes

**Section 198AB(8)
Section 198AE(4)**

**Section 198AC(2), (4), or (6)
Section 198AE(2)**

**Section 198AC(2), (4), or (6)
Section 198AB(2), (4), or (6)
Section 198AE(4)**

“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

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“(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.

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Provisions specifying time limits

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 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)

Provisions describing time periods to be excluded

**Section 198AC(2), (4), or (6)
Section 198AE(2)**

**Section 198AC(2), (4), or (6)
Section 198AE(4)**

Provisions specifying time limits

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 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 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 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 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)

Provisions describing time periods to be excluded

Section 198AE(4)

Section 198AE(2)

Section 198AD(8)
Section 198AE(4)

Section 198AC(2), (4), or (6)
Section 198AE(2)

Section 198AC(2), (4), or (6)
Section 198AD(2), (4), or (6)
Section 198AE(4)

“198AC Time allowed for processes 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) For the purposes of ~~section 198AA~~, the time allowed for the process is the period 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: 5

“(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: 10

“(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: 20

“(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. 25

“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 30

“(b) the requiring authority or heritage protection authority agrees, under section 92B(1), to the commissioning of the report.

“(4) ~~For the purposes of section 198AA, the time allowed for the process is the period~~The period that must be excluded from every applicable time limit under section 198AA is the period— 35

- “(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
- “(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 10
does not agree, under section 92B(1), to the commissioning of the report.
- “(6) ~~For the purposes of section 198AA, the time allowed for the process is the period~~The period that must be excluded from every applicable time limit under section 198AA is the period— 15
- “(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 20
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. 25
- “**198AD Time allowed for processes**Excluded time periods relating to direct referral
- “*Request for direct referral declined and no objection*
- “(1) **Subsection (2)** applies when— 30
- “(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). 35
- “(2) ~~For the purposes of section 198AA, the time allowed for the process is the period~~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. 5
- “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 10
- “(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. 15
- “(4) ~~For the purposes of **section 198AA**, the time allowed for the process is the period~~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 20
- “(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 25*
- “(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 30
- “(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. 35
- “(6) ~~For the purposes of **section 198AA**, the time allowed for the process is the period~~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: 5

“(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)**. 10

“Decision to make direct referral to Environment Court

“(7) **Subsection (2)(8)** applies when a territorial authority makes a decision under section 198H(1). 15

“(8) ~~For the purposes of section 198AA, the time allowed for the process is the period~~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 20

“(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)**. 25

~~“198AE Time allowed for processes~~Excluded time periods relating to other matters

“Approval sought from affected persons or groups 30

“(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 ~~who~~that may otherwise be considered an affected person, affected protected customary rights group, or affected customary marine title group in relation to the activity. 35

- ~~“(2) For the purposes of **section 198AA**, the time allowed for the process is the period—~~
- ~~“(a) starting with the date on which the requiring authority or heritage protection authority gives written notice to the territorial authority that the requiring authority or heritage protection authority is trying to obtain the approvals; and~~ 5
- ~~“(b) ending with the earlier of the following:~~
- ~~“(i) the date on which the territorial authority has received written notice of the approval (that has not been withdrawn) from all such persons and groups; and~~ 10
- ~~“(ii) the date on which the requiring authority or heritage protection authority gives written notice to the territorial authority that the requiring authority or heritage protection authority has ceased trying to obtain the approvals.~~ 15
- “(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. 20
- “Referral to mediation*
- “(3) **Subsection (4)** applies when a territorial authority refers persons to mediation under section 99A.
- “(4) ~~For the purposes of **section 198AA**, the time allowed for the process is the period~~The period that must be excluded from every applicable time limit under **section 198AA** is the period— 25
- “(a) starting with the date of the reference; and
- “(b) ending with the earlier of the following: 30
- “(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.” 35

- 115 Section 198E amended (Environment Court decides)**
In **section 198E(2)(a)**, replace “10 working days” with “15 working days”.
- 116 Section 198G amended (When territorial authority must deal with requirement)** 5
(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).
- 117 Section 198K amended (Environment Court decides)** 10
In **section 198K(1)(a)**, replace “10 working days” with “15 working days”.
- 118 Section 198M amended (When territorial authority must deal with requirement)**
(1) In section 198M(1)(b), delete “; and”. 15
(2) Repeal section 198M(1)(c).
- 119 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: 20
“(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: 25
“(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.” 30
(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.”

119A 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(1A)**.” 5

119B 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)**. 10

120 Schedule 1 amended

In Schedule 1, clause 22(2), replace “the provisions” with “**clauses 5 and 6**”.

121 Schedule 4 replaced

Replace Schedule 4 with the **Schedule 4** set out in **Schedule 1** of this Act. 15

Part 2**Local Government (Auckland Transitional Provisions) Act 2010****122 Principal Act** 20

This **Part** amends the Local Government (Auckland Transitional Provisions) Act 2010 (the **principal Act**).

123 Section 3 amended (Purpose of this Act)

(1) In section 3(2)(c), after “enactments”, insert “; and”.

(2) After section 3(2)(c), insert: 25

“(d) provides a process for the development of the first combined planning document for Auckland Council under the Resource Management Act 1991.”

124 Section 5 amended (Transitional regulations)

(1) In section 5(1)(d), after “under”, insert “Part 1 or 2 of”. 30

(2) In section 5(2), replace “This section” with “Subsection (1)”.

- (3) In section 5(3), replace “this section” with “subsection (1)”.
- (4) After section 5(3), insert:
- “(4) The Governor-General may, by Order in Council made on the recommendation of the Minister for the Environment, make regulations to— 5
- “(a) prescribe matters in respect of the preparation of the first Auckland combined plan that may be in addition to or in place of the provisions of **Part 4**:
- “(b) provide that, subject to any conditions specified in the regulations, during a specified period or in specified circumstances, specified provisions of **Part 4**, or of the Resource Management Act 1991, do not apply, or apply with modifications, to the preparation of the first Auckland combined plan: 10
- “(c) make provision for a situation in respect of the preparation of the first Auckland combined plan for which no or insufficient provision is made by **Part 4**. 15
- ~~“(5) Without limiting **subsection (4)(b)**, regulations may be made under that subsection in relation to the recognition of any national policy statement issued under the Resource Management Act 1991 during the preparation of the first Auckland combined plan under **Part 4** of this Act. 20~~
- “(6) The Minister for the Environment must not recommend the making of regulations under **subsection (4)** unless he or she is satisfied that the regulations ~~are—~~ 25
- “(a) are necessary or desirable for the efficient and orderly development of the first Auckland combined plan; and
- “(aa) address unforeseen situations or unforeseen issues arising in the preparation of that plan; and
- “(b) are consistent with the purposes of this Act. 30
- “(6A) In addition, the Minister for the Environment must not recommend the making of regulations under **subsection (4)** unless he or she has first consulted the Auckland Council and the Hearings Panel (if it exists then) on the proposed regulations.
- “(7) **Subsection (4)** is repealed at the close of the following, and any regulations made under that subsection that are in force at that time are revoked and have no further legal effect: 35

- “(a) **1 July 2017**, if no extension to the deadline referred to in **section 141** is granted under **section 142**;
- “(b) **1 July 2018**, if 1 or more extensions to the deadline referred to in **section 141** are granted under **section 142**.” 5
- 125 New Part 4 inserted**
After ~~Part 3~~section 114, insert:
- “Part 4**
“Process for development of first
combined plan for Auckland Council 10
- “115 Overview of this Part**
- “(1) This Part sets out the following process for the preparation of the first Auckland combined plan:
- “(a) the Auckland Council prepares a proposed plan for Auckland that meets the requirements of a regional policy statement, a regional plan, including a regional coastal plan, and a district plan: 15
- “(b) the plan is prepared in accordance with this Part and, to the extent provided for by this Part, the RMA:
- “(ba) the plan is not required to include district plan provisions in relation to the Hauraki Gulf Islands (the district plan provisions of the former Auckland City Council in relation to those islands will become operative as part of an existing separate process): 20
- “(c) the Council notifies the proposed plan and calls for submissions: 25
- “(d) at the same time as the plan is notified, the Council releases its reports on the proposed plan under **sections 32** and 165H of the RMA, and an audit of those reports as undertaken by the Ministry for the Environment: 30
- “(e) the Council notifies a summary of submissions and calls for further submissions:
- “(f) the Council then forwards all relevant information obtained up to this point to a specialist Hearings Panel appointed by the Minister for the Environment and the Minister of Conservation: 35

- “(g) the Hearings Panel holds a Hearing into submissions on the proposed plan by means of hearing sessions conducted in accordance with the procedural and other requirements of this Part:
- “(h) the Council must attend the hearing sessions and otherwise assist the Hearings Panel with the task of the Hearing: 5
- “(i) on the completion of the hearing of submissions, but no later than 50 working days before the expiry of 3 years from the date the Council notifies the proposed plan, the Hearings Panel must make recommendations to the Council on the proposed plan (unless that period is extended by the Minister for the Environment by up to 1 year): 10
- “(j) the Council must make decisions on the recommendations of the Hearings Panel no later than 20 working days after receiving the recommendations (unless that period is extended by the Minister for the Environment by up to a further 20 working days) and publicly notify the recommendations of the Hearings Panel and the Council’s decisions on the recommendations: 15 20
- “(k) the proposed plan is amended in accordance with the Council’s decisions on the recommendations and is deemed, subject to the appeal rights of submitters, to be approved or adopted, as the case may be: 25
- “(l) submitters on the proposed plan may appeal to the Environment Court on those recommendations of the Hearings Panel that the Council rejects:
- “(m) submitters on the proposed plan may appeal to the High Court, on a point of law only, on those recommendations of the Hearings Panel that the Council accepts: 30
- “(n) once all appeals are determined, the Council must then publicly notify the operative date of the proposed plan.
- “(2) This section is only a guide to the general scheme and effect of this Part. It does not affect the interpretation or application of the other provisions of the Part. 35

“116 Interpretation

- “(1) In this Part, unless the context requires another meaning,—

“ Auckland has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009	
“ Auckland combined plan means the combined document described by section 119	
“ Auckland Council or Council —	5
“(a) means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009; and	
“(b) includes a member, delegate, or officer of the Council acting on its behalf	10
“ chairperson means the chairperson of the Hearings Panel	
“ coastal marine area has the meaning given by section 2(1) of the RMA	
“ Hearing means the overall process undertaken by the Hearings Panel under this Part	15
“ hearing session means a particular session at which submissions are heard by the Hearings Panel as part of the Hearing	
“ Hearings Panel or Panel means the Hearings Panel established by section 155	
“ Independent Māori Statutory Board means the board established by Part 7 of the Local Government (Auckland Council) Act 2009	20
“ member , in relation to the Hearings Panel, includes the chairperson	
“ Ministry means the Ministry for the Environment	25
“ proposed plan means the proposed Auckland combined plan prepared by the Auckland Council in accordance with sections 118 to 122	
“ RMA means the Resource Management Act 1991	
“ requiring authority means—	30
“(a) a requiring authority within the meaning of section 166 of the RMA; and	
“(b) a heritage protection authority within the meaning of section 187 of the RMA	
“ <u>RMA</u> means the Resource Management Act 1991	35

- “**submission**—
- “(a) means a written or an electronic submission received by the Auckland Council on the proposed plan; and
- “(b) includes a further written or electronic submission on the proposed plan 5
- “**submitter** includes a person representing a submitter
- “**working day** has the meaning given by section 2(1) of the RMA.
- “(1A) Unless the context requires another meaning, references in this Part, whether express or implied, to a district plan for Auckland mean the plan for the district excluding the geographic area to which the Hauraki Gulf Islands section of the district plan of the former Auckland City Council applies (which, as a proposed plan, was notified on 18 September 2006 and amended by decisions notified on 4 May 2009). 10 15
- “(2) Unless the context requires another meaning, a term or expression used and not defined in this Part, but defined in the RMA, has the same meaning as in that Act.
- “**117 Application of this Part**
- “(1) This Part applies only to the preparation of the first Auckland combined plan. 20
- “(2) To avoid doubt, once the Auckland combined plan is operative, the plan may be changed only in accordance with the RMA.
- “**117A Components of district plan for Auckland** 25
- “(1) This section describes, to avoid doubt, the components of the district plan for Auckland once—
- “(a) the Auckland combined plan is operative; and
- “(b) the Hauraki Gulf Islands section referred to in **section 116(1A)** is operative. 30
- “(2) The district plan for Auckland will comprise—
- “(a) the provisions of the Hauraki Gulf Islands section, in respect of the geographic area to which that section applies; and

“(b) the district plan provisions of the Auckland combined plan, in respect of the geographic area of the rest of Auckland.

“Initial preparation of proposed Auckland combined plan 5

“118 Preparation of first Auckland combined plan

“(1) The Auckland combined plan, and the documents that make up the plan, must be prepared in accordance with—

“(a) this Part; and

“(b) the RMA, except the provisions of the RMA that— 10

“(i) are excluded from applying by this Part; or

“(ii) correspond to provisions of this Part.

“(2) Anything done under a provision of this Part is to be treated as if it were done under any provision of the RMA that corresponds to the provision of this Part. 15

“(3) In this section, a provision of the RMA **corresponds** to a provision of this Part if the provision of the RMA—

“(a) is replaced, with or without modification, by the provision of this Part; or

“(b) otherwise corresponds to the provision of this Part. 20

“(4) Despite **section 117(1)**, **subsection (2)** continues to apply after the Auckland combined plan has been prepared and becomes operative.

“119 Auckland combined plan to combine regional and district documents 25

“(1) The Auckland Council must prepare, implement, and administer a document (the **Auckland combined plan**) that meets the requirements of all of the following:

“(a) a regional policy statement for Auckland:

“(b) a regional plan, including a regional coastal plan, for Auckland: 30

“(c) a district plan for Auckland.

“(2) The Auckland combined plan must clearly identify—

“(a) the provisions of the document that are the regional policy statement, the regional plan, the regional coastal plan, or the district plan, as the case may be; and 35

- “(b) the objectives, policies, and methods set out or described in the document that have the effect of being provisions of the regional policy statement.
- “(3) Once the Auckland combined plan is approved by the Auckland Council, it is deemed, for the purposes of the RMA, to be a plan or regional policy statement separately prepared and approved by the Council for its region or district, as the case may be. 5
- “**120 Initial preparation of Auckland combined plan**
- “(1) A reference in this section to a clause is to a clause of Schedule 1 of the RMA. 10
- “(2) The Auckland Council must initially prepare the Auckland combined plan in accordance with clauses 1 to 8A, as modified by this section. ~~The other clauses do not apply.~~
- “(3) **Clause 5(1)** is subject to **section 122** (which relates to an evaluation report prepared under **section 32** of the RMA). 15
- “(4) Clause 5(1A) and (1C) do not apply (meaning that copies of the public notice about the plan need not be sent to ratepayers or other persons).
- “(4A) Clause 5(1B) is modified so that notice must be given only to owners and occupiers of land to which the designation or heritage order applies. 20
- “(5) Clause 5(2)(e) is modified so that the public notice must state—
- “(a) an address for service for written submissions; and 25
- “(b) an email address for service for electronic submissions.
- “(6) Clause 5(3)(a) is modified so that its closing date for submissions is 60 working days after public notification.
- “(7) Clause 7(1)(c) is modified so that its closing date for further submissions is 30 working days after the day on which the public notice is given. 30
- “(8) Clause 1(2), and section 37 of the RMA, do not apply to the closing dates for submissions or further submissions (meaning that the Council cannot extend the dates, or waive a failure to comply with the dates, under those provisions). 35

- “(9) A person who makes an electronic submission under clause 6 or 8 is to be treated as having specified as an address for service the email address from which the submission is received.
- “**121 Restriction on amendments or variations to Auckland combined plan** 5
- “(1) The following provisions of the RMA do not apply to the Auckland combined plan before it is operative:
- “(a) section 55;
 - “(b) clauses 16 to 16B of Schedule 1;
 - “(c) any other provision that would allow an amendment or variation to be made. 10
- “(2) However, an amendment may be made—
- “(a) under clause 4(10) of Schedule 1 of the RMA; or
 - “(b) as a result of the Auckland Council’s decisions on the recommendations of the Hearings Panel. 15
- “(3) **Subsection (1)** is subject to any regulations made under **section 5(4)** of this Act.
- “(1) This section and **section 121A** specify the only ways in which the Auckland combined plan may be amended or varied before the Auckland Council publicly notifies its decisions on the recommendations of the Hearings Panel under **section 143(4)(a)**. 20
- “(2) The Auckland Council may amend the proposed plan—
- “(a) under any provision of the RMA or another enactment that provides for amendments to be made to a proposed regional policy statement or proposed plan without using the process in Schedule 1 of the RMA; or 25
 - “(b) as a result of the Council’s decisions on the recommendations of the Hearings Panel.
- “(3) If the Auckland Council amends the proposed plan under a provision described in **subsection (2)(a)**, the Council must— 30
- “(a) give notice of the amendments to the Hearings Panel; and
 - “(b) make the amendments available for inspection on its Internet site and at its offices; and 35

- “(c) if the provision requires public notice of the amendment, give public notice in accordance with the provision.
- “(4) The Auckland Council may vary the proposed plan in accordance with a direction of the Hearings Panel. 5
- “(5) The Hearings Panel may direct the Auckland Council to vary the proposed plan if the Panel is satisfied that—
- “(a) the variation is required—
- “(i) to give effect to a provision in a national policy statement, or New Zealand coastal policy statement, that affects the proposed plan; or 10
- “(ii) to give effect, in the provisions of the proposed plan comprising the regional plan or district plan, to the provisions of the proposed plan comprising the regional policy statement; or 15
- “(iii) to correct a substantial error in the proposed plan; and
- “(b) the Panel is able to deal with the variation as provided in **subsection (7)** before the deadline for providing its report under **section 141 or 142.** 20
- “(6) The Auckland Council must deal with the variation under **section 121A.**
- “(7) The Hearings Panel must deal with the variation under **sections 124 to 140** as if the variation were the proposed plan, except that in **section 140(1)(d)** the proposed plan includes the variation. 25
- “(8) Clause 16B(1) and (2) of Schedule 1 of the RMA apply to the variation, and the variation must be merged in and become part of the proposed plan in time for the Hearings Panel’s report under **section 139(3)** to provide recommendations on the proposed plan as varied. 30
- “(9) In **sections 143 to 153**, references to the proposed plan include references to the variation.
- “**121A Variation to Auckland combined plan**
- “(1) This section specifies the initial process for a variation to the Auckland combined plan that is permitted by **section 121(4).** 35

- “(2) A reference in this section to a clause is to a clause of Schedule 1 of the RMA.
- “(3) The Auckland Council must deal with the variation in accordance with clauses 1 to 8A and 16A(2), as modified by this section. 5
- “(4) **Clause 5(1)** is not subject to **section 122**, and **sections 32** and 165H of the RMA apply to the variation as they are.
- “(5) Clause 5(1A) and (1C) do not apply (meaning that copies of the public notice about the proposed variation need not be sent to ratepayers or other persons). 10
- “(6) Clause 5(2)(e) is modified so that the public notice must state—
- “(a) an address for service for written submissions; and
- “(b) an email address for service for electronic submissions.
- “(7) Clause 1(2), and section 37 of the RMA, do not apply to the closing dates for submissions or further submissions (meaning that the Council cannot extend the dates, or waive a failure to comply with the dates, under those provisions). 15
- “(8) A person who makes an electronic submission under clause 6 or 8 is to be treated as having specified as an address for service the email address from which the submission is received. 20
- “122 Audit of evaluation report on proposed Auckland combined plan**
- “(1) This section modifies how **sections 32** and 165H of the RMA apply to the Auckland Council in its initial preparation of the proposed Auckland combined plan. 25
- “(2) **Subsections (3) to (6)** must be satisfied before the Auckland Council makes available for public inspection the following reports on the relevant parts of the proposed plan:
- “(a) the evaluation report prepared under **section 32** of the RMA: 30
- “(b) any report prepared under **section 465H165H(1A)** of the RMA.
- “(3) The Auckland Council must electronically provide the reports to the Ministry as soon as practicable after they are prepared, but no later than 60 working days before the day on which the proposed plan is to be publicly notified. 35

- “(4) The Ministry must audit the reports, or have the reports audited, against criteria that have been—
- “(a) determined by the Ministry after consultation with the Auckland Council; and
- “(b) specified in a written notice from the chief executive of the Ministry to the Auckland Council. 5
- “(5) The Ministry must prepare a report, or have a report prepared, of the audit and electronically provide the audit report to the Auckland Council as soon as practicable, but no later than 30 working days after the day on which the Ministry received the reports for auditing. 10
- “(6) After receiving the audit report, the Auckland Council may amend the reports that were audited.
- “(7) The Auckland Council must make those reports (as amended, if applicable), and the audit report, available for public inspection at the same time as; ~~or as soon as practicable after;~~ the proposed plan is publicly notified ~~(as required by **section 32(5)** of the RMA for an evaluation report).~~ 15
- “**123 Auckland Council must provide relevant information to Hearings Panel** 20
- “(1) The Auckland Council must provide copies of the following to the Hearings Panel:
- “(a) the proposed Auckland combined plan that was publicly notified:
- “(b) any notices about designations, or notices of requirements for designations or heritage orders, referred to in clause 4(5) of Schedule 1 of the RMA: 25
- “(c) the information about requirements referred to in clause 4(7) of Schedule 1 of the RMA:
- “(d) the Council’s evaluation report and the report required by section 165H in the forms provided to the Ministry under **section 122** and, if applicable, in the forms as amended after the audit report relating to those reports was received: 30
- “(e) the audit report: 35
- “(f) the submissions on the proposed plan received by the closing date for submissions:

- “(g) the Council’s summary of the decisions requested by submitters:
- “(h) the further submissions on the proposed plan received by the closing date for further submissions:
- “(i) any submissions or further submissions received after the relevant closing date, along with information about when the submissions were received: 5
- “(j) the planning documents that are recognised by an iwi authority and lodged with the Council:
- “(k) any amendments the Council makes to the proposed plan under ~~clause 4(10) of Schedule 1 of the RMA~~ **section 121(2)(a)**: 10
- “(l) any other relevant information held by the Council that is requested by the Hearings Panel.
- “(1A) If the Council makes a variation under **section 121A**, it must also provide copies of the following to the Hearings Panel: 15
- “(a) the variation that was publicly notified:
- “(b) the Council’s evaluation report and the report required by section 165H in relation to the variation:
- “(c) the submissions on the variation received by the closing date for submissions: 20
- “(d) the Council’s summary of the decisions requested by submitters:
- “(e) the further submissions on the variation received by the closing date for further submissions: 25
- “(f) any submissions or further submissions received after the relevant closing date, along with information about when the submissions were received.
- “(2) The Council must provide the documents or information electronically and as soon as is reasonably practicable in each case. 30

“Hearings Panel to hold Hearing into submissions on proposed plan

“124 Hearing by Hearings Panel

- “(1) The Hearings Panel must hold a Hearing into submissions on the proposed plan. 35
- “(2) The Hearings Panel must hold each hearing session in public unless permitted to do otherwise by—

- “(a) **section 137** (which relates to the protection of sensitive information); or
- “(b) section 48 of the Local Government Official Information and Meetings Act 1987 (as that Act applies in accordance with **section 163** of this Part). 5

“**125 Who may be heard**

- “(1) Every person who has made a submission and stated that they ~~wished~~ wish to be heard at the Hearing may speak at a hearing session, either personally or through a representative, and call evidence. 10
- “(2) Despite **subsection (1)**, the Hearings Panel may limit the circumstances in which parties having the same interest in a matter may speak or call evidence, if the Panel considers that there is likely to be excessive repetition.
- “(3) **Subsection (4)** applies if a person who has made a submission and stated that they ~~wished~~ wish to be heard fails to appear, or any representative of the person fails to appear, at the relevant hearing session. 15
- “(4) The Hearings Panel may proceed with the hearing session if it considers it fair and reasonable to do so. 20

“**126 Notice of hearing sessions**

The Hearings Panel must give no less than 10 working ~~days~~ days’ notice of the dates, times, and places of the hearing sessions to—

- “(a) every person who made a submission and who requested to be heard (and has not since withdrawn the request); and 25
- “(b) every requiring authority that has a designation or heritage protection order included in the proposed plan.

“**127 Pre-hearing session meetings** 30

- “(1) Before a hearing session, the Hearings Panel may invite or require the persons listed in **subsection (2)** to attend a meeting for the purpose of—
- “(a) clarifying a matter or an issue relating to the proposed plan; or 35

- “(b) facilitating resolution of a matter or an issue relating to the proposed plan.
- “(2) The persons are—
- “(a) 1 or more submitters; and
 - “(b) the Council; and 5
 - “(c) any other persons that the Hearings Panel considers appropriate, including 1 or more experts.
- “(3) A meeting may be chaired by a member of the Hearings Panel or a person appointed by the chairperson of the Panel.
- “(4) The chairperson of the meeting must, after a meeting, prepare a report that— 10
- “(a) sets out any clarification or resolution of a matter or an issue agreed between the persons who attended the meeting; and
 - “(b) sets out any outstanding matter or issue between them; and 15
 - “(c) addresses any matter or issue identified to the chairperson by the Hearings Panel.
- “(5) The chairperson of the meeting must provide the report in writing or electronically to the Hearings Panel and the persons who attended the meeting no less than 5 working days before the hearing session to which the meeting relates. 20
- “(6) A report prepared under **subsection (4)** must not, without a person’s consent, include any material that the person communicated or made available at the meeting on a without-prejudice basis. 25
- “**128 Consequences of submitter not attending pre-hearing session meeting**
- “(1) This section applies if a submitter who is required to attend a meeting under **section 127** fails to do so without reasonable excuse. 30
- “(2) The Hearings Panel may decline to consider the person’s submission.
- “(3) If the Hearings Panel acts under **subsection (2)**, the person—
- “(a) has no rights of appeal under **section 149** of this Part; and 35

- “(b) may not become, under section 274 of the RMA, a party to proceedings as the result of any appeal right exercised by another person under **section 149** of this Part.
- “(4) However, the person may object under **section 148** of this Part. 5
- “**129 Conference of experts**
- “(1) The Hearings Panel may, at any time during the Hearing, direct that a conference of experts be held for the purpose of—
- “(a) clarifying a matter or an issue relating to the proposed plan; or 10
- “(b) facilitating resolution of a matter or an issue relating to the proposed plan.
- “(2) A conference may be facilitated by a member of the Hearings Panel or a person appointed by the Panel.
- “(3) The facilitator of a ~~meeting~~ conference must, after the ~~meeting~~ conference, prepare a report on the conference and provide it in writing or electronically to— 15
- “(a) the Hearings Panel; and
- “(b) the persons who attended the conference.
- “(4) A facilitator must act under **subsection (3)(a) or (b)** only if the Hearings Panel requires him or her to do so. 20
- “(5) A report prepared under **subsection (3)** must not, without a person’s consent, include any material that the person communicated or made available at the conference on a without-prejudice basis. 25
- “(6) To avoid doubt, the Council may attend a conference under this section only if authorised to do so by the Hearings Panel.
- “**130 Alternative dispute resolution**
- “(1) The Hearings Panel may, at any time during the Hearing, refer to mediation or any other alternative dispute resolution process the persons listed in **subsection (2)** if— 30
- “(a) the Panel considers that it is—
- “(i) appropriate to do so; and
- “(ii) likely to resolve issues between the parties that relate to the proposed plan; and 35

- “(b) each person has consented (other than the Council, which must participate if referred by the Panel).
- “(2) The persons are—
- “(a) 1 or more submitters; and
 - “(b) the Council; and 5
 - “(c) any other person that the Hearings Panel considers appropriate.
- “(3) The Hearings Panel must appoint the mediator or person facilitating the ~~meeting~~ mediation or other process (the **mediator**).
- “(4) The person who conducts the mediation or other process must report the outcome to the Hearings Panel. 10
- “(5) In reporting the outcome under **subsection (4)**, material must not be included, without a person’s consent, if the material was communicated or made available by the person at the mediation or other process on a without-prejudice basis. 15
- “**131 Late submissions**
- “(1) This section applies to ~~the submissions described in **section 123(4)(i)**~~ submissions or further submissions received after the closing date for those submissions.
- “(2) The chairperson of the Hearings Panel must decide whether to waive the requirement to ~~comply with **section 120(6) and (7)**~~ provide the submissions before that closing date in respect of each submission to which this section applies. 20
- “(3) In making his or her decision, the chairperson must take into account— 25
- “(a) the interests of any person who or that, in the chairperson’s opinion, may be directly affected by the waiver; and
 - “(b) the need to ensure there is an adequate assessment of the effects of the proposed plan; and 30
 - “(c) the stage of the Hearing at which the Hearings Panel is provided with the submissions.
- “(4) A decision of the chairperson under this section is final and there is no right of objection or appeal against it.

*“Hearing procedure***“132 Hearing procedure**

- “(1) At each hearing session, no fewer than 3 members of the Hearings Panel must be present.
- “(2) If the chairperson is not present, he or she must appoint another member as chairperson for the purposes of the hearing session. 5
- “(3) At the hearing session, the Hearings Panel—
- “(a) may permit a party to question any other party or witness; and
 - “(b) may permit cross-examination; and 10
 - “(c) must receive evidence written or spoken in Māori, in which case the Māori Language Act 1987 applies as if the hearing session were legal proceedings before a tribunal named in Schedule 1 of that Act.
- “(4) Otherwise, the Hearings Panel must establish a procedure for hearing sessions that— 15
- “(a) is appropriate and fair in the circumstances (including in respect of the granting to a person of any waiver of the requirements of the Hearings Panel); and
 - “(b) avoids unnecessary formality; and 20
 - “(c) recognises tikanga Māori where appropriate.
- “(5) The Hearings Panel must keep a full record of the hearing sessions and any other proceedings.

“133 Council must attend hearing sessions

- “(1) The Council must attend the hearing sessions to assist the Hearings Panel in 1 or more of the following ways: 25
- “(a) to clarify or discuss matters in the proposed plan:
 - “(b) to give evidence:
 - “(c) to speak to submissions or address issues raised by them: 30
 - “(d) to provide any other relevant information as requested by the Hearings Panel.
- “(2) Despite **subsection (1)**, the Hearings Panel may excuse the Council from attending or remaining at any particular hearing session. 35

- “(3) A failure by the Council or the Hearings Panel to comply with this section does not invalidate the Hearing or the hearing ~~ses-~~
~~sion~~ sessions.
- “(4) To avoid doubt, this section does not limit or prevent the Council from— 5
- “(a) making a submission on the proposed plan in accordance with **section 120 or 121A**; or
- “(b) being heard on that submission under **section 125**.
- “**134 Other procedural matters**
- “(1) The following provisions of the Commissions of Inquiry Act 1908 apply to each hearing session as if the Hearings Panel were a Commission, and the Hearing were an inquiry, under that Act: 10
- “(a) section 4 (powers to maintain order):
- “(b) section 4B (evidence): 15
- “(c) section 4D (power to summon witnesses):
- “(d) section 6 (protection of witnesses and other persons):
- “(e) section 7 (allowances for witnesses).
- “(2) A summons to a witness to appear at a hearing session must be in the prescribed form and be signed by the chairperson. 20
- “(3) All allowances for a witness must be paid by the party on whose behalf the witness is called.
- “(4) However, if the Hearings Panel calls a witness, the Auckland Council must pay the allowances for that witness.
- “(5) The Hearings Panel may request and receive, from a person 25
who is heard by the Panel or who is represented at a hearing session, any information and advice that is relevant and reasonably necessary for the Panel to make its recommendations under **section 139**.
- “**135 Directions to provide evidence within time limits** 30
- “(1) The Hearings Panel may direct a submitter or the Auckland Council to provide briefs of evidence in writing or electronically to the Panel before a hearing session.
- “(2) The Hearings Panel may direct a submitter ~~who~~ or the Auckland Council, if the submitter or the Council is intending to call 35

expert evidence, to provide briefs of the evidence in writing or electronically to the Hearings Panel before a hearing session.

“(3) The submitter or the Auckland Council must provide briefs of evidence under this section in the time frame specified by the Hearings Panel. 5

“(4) The Hearings Panel must give electronic notice to any relevant submitters of briefs of evidence that are made available under section 138A.

“**136 Directions and requests before or at hearing session**

“(1) Before or at a hearing session, the Hearings Panel may do 1 or more of the following: 10

“(a) direct the order of business at the hearing session, including the order in which submissions and evidence are presented:

“(b) direct that submissions and evidence be recorded, taken as read, or limited to matters in dispute: 15

“(c) direct a submitter, when presenting a submission or evidence, to present it within a time limit:

“(d) request a submitter to provide further information.

“(2) Before or at a hearing session, the Hearings Panel may direct that the whole, or a part of, a submission be struck out if the Panel considers— 20

“(a) the whole submission, or the part, is frivolous or vexatious; or

“(b) that the whole submission, or the part, discloses no reasonable or relevant case; or 25

“(c) that it would otherwise be an abuse of the hearing process to allow the whole submission, or the part, to be taken further.

“(3) At a hearing session, the Hearings Panel may direct a submitter not to present— 30

“(a) the whole submission, if all of it is irrelevant or not in dispute; or

“(b) any part of the submission that is irrelevant or not in dispute; or 35

“(c) any part of the submission that does not relate to that part of the proposed plan being addressed at the hearing session.

- ~~“(4) The Hearings Panel must make available for inspection, on the Auckland Council’s website and at the offices of the Council, any information it receives under **subsection (1)(d)** that is not given as evidence at a hearings session.~~
- “(5) If the Hearings Panel gives a direction under **subsection (2)**, 5
it must record its reasons for the direction.
- “(6) A person whose submission, in whole or in part, is struck out has a right of objection under **section 148**.
- “137 Protection of sensitive information**
- “(1) The Hearings Panel may, on its own motion or on the applica- 10
tion of any submitter, make an order described in **subsection (2)** where it is satisfied—
- “(a) that the order is necessary to avoid—
- “(i) serious offence to tikanga Māori or to avoid the 15
disclosure of the location of wāhi tapu; or
- “(ii) the disclosure of a trade secret or unreasonable
prejudice to the commercial position of the per-
son who supplied, or is the subject of, the infor-
mation; and
- “(b) that in the circumstances of the particular case, the im- 20
portance of avoiding the offence, disclosure, or preju-
dice outweighs the public interest in making that infor-
mation available.
- “(2) An order may—
- “(a) require that the whole or part of a hearing session or 25
class of hearing sessions at which the information is
likely to be referred to must be held with the public ex-
cluded (which order must, for the purposes of section
48(3) to (5) of the Local Government Official Informa-
tion and Meetings Act 1987, be deemed to be a reso- 30
lution passed under that section);
- “(b) prohibit or restrict the publication or communication
of any information supplied to it, or obtained by it,
the Hearings Panel in the course of any proceedings, 35
whether or not the information may be material to any
proposal, application, or requirement.

- “(3) The Hearings Panel must require the Auckland Council to make available for inspection, on its Internet site and at its offices, any orders the Panel makes under this section.
- “(4) A party to a hearing session or class of hearing sessions may apply to the Environment Court for an order cancelling or varying an order made by the Hearings Panel under this section. 5
- “(5) On an application made under **subsection (4)**, an Environment Judge sitting alone may, having regard to the matters set out in this section and to such other matters as the Environment Judge thinks fit,— 10
- “(a) make an order cancelling or varying any order made by the Hearings Panel under this section on such terms as the Judge thinks fit; or
- “(b) decline to make an order. 15
- “138 Hearings Panel may commission reports**
- “(1) The Hearings Panel may, at any time during the Hearing, require the Auckland Council, or commission a consultant or any other person, to prepare a report on—
- “(a) 1 or more submissions; or 20
- “(b) any matter arising from a hearing session; or
- “(c) any other matter that the Panel considers necessary for the purposes of the Panel making its recommendations.
- “(2) The report does not need to repeat information included in any submission. 25
- “(3) Instead, the report may—
- “(a) adopt all of the information; or
- “(b) adopt any part of the information by referring to the part adopted.
- “(4) The Hearings Panel— 30
- “(a) may consider a report prepared under **subsection (1)** at the hearing session or when making its recommendations, or both; and
- “(b) must require the Auckland Council to make the report available for inspection on ~~the Auckland Council’s~~ its Internet site and at ~~the offices of the Council~~ its offices. 35

“(5) The Hearings Panel may request and receive, from a person who makes a report under this section, any information and advice that is relevant and reasonably necessary for the Panel to make its recommendations under **section 139**.

“138A Evidence and reports must be made available 5

“(1) The Hearings Panel must require the Auckland Council to make available for inspection, on its Internet site and at its offices,—

“(a) any written or electronic evidence, including further information provided under **section 136(1)(d)**, received by the Panel during the Hearing; and 10

“(b) any written or electronic report provided to the Panel under **section 127, 129, or 130**.

“(2) However, this section does not apply to any evidence or part of a report that the Hearings Panel considers it is not reasonable to make available for inspection. 15

“Recommendations of Hearings Panel

“139 Hearings Panel must make recommendations to Council on proposed plan

“(1) The Hearings Panel must make recommendations on the proposed plan after it has finished hearing submissions, including any recommended changes to the proposed plan. 20

“(1A) The recommendations must include recommendations on any provision included in the proposed plan under clause 4(5) or (6) of Schedule 1 of the RMA, as applied by **section 120** of this Part (which relate to designations and heritage orders). 25

“(2) However, the Hearings Panel—

“(a) is not limited to making recommendations only within the scope of the submissions made on the proposed plan; and 30

“(b) may make recommendations on any other matters relating to the proposed plan identified by the Panel or any other person during the Hearing.

“(2A) The Hearings Panel must not make a recommendation on any existing designations or heritage orders that are included in the 35

- proposed plan without modification and on which no submissions are received.
- “(3) The Hearings Panel must provide the recommendations, in a report, to the Council.
- “(4) The report must include— 5
- “(aa) the Panel’s recommendations, and identify any recommendations that are beyond the scope of the submissions made on the proposed plan; and
- “(a) the Panel’s decisions on the provisions and matters raised in submissions; and 10
- “(b) the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—
- “(i) the provisions of the proposed plan to which they relate; or 15
- “(ii) the matters to which they relate.
- “(5) The report may also include—
- “(a) matters relating to any consequential alterations necessary to the proposed plan arising from submissions; and
- “(b) any other matter that the Hearings Panel considers relevant to the proposed plan that arises from submissions or otherwise. 20
- “(6) To avoid doubt, the Hearings Panel is not required to make recommendations that address each submission individually.
- “**140 Matters that affect recommendations** 25
- “(1) The Hearings Panel, in formulating its recommendations, must—
- “(a) have regard to any reports prepared under **sections 127(4) and 129(3)**; and
- “(b) take account of any ~~reports prepared~~ outcomes reported under **section 130(4)**; and 30
- “(c) have regard to ~~the following reports referred to in section 122:~~ the evaluation report; and the report required by section 165H of the RMA ;in relation to the proposed plan and any variation and to the audit report referred to in section 122; and 35

- “(d) include in the recommendations a further evaluation of the proposed plan undertaken in accordance with **section 32AA** of the RMA; and
- “(e) if a rule to which section 165H(1) of the RMA applies is to be recommended, include in the recommendations a report prepared under **section 165H(1A)** of the RMA by the Hearings Panel as if it were a regional council; and 5
- “(f) ensure that, were the Auckland Council to accept the recommendations, the following would be complied with: 10
- “(i) sections 43B(3), 61, 62, 66 to 70B, 74 to 77D, 85A, 85B(2), 165F, 165G, 168A(3), 171, 189A(10), and 191 of the RMA:
- “(ii) any other provision of the RMA, or another enactment, that applies to the Council’s preparation of the plan. 15
- “(2) ~~To avoid doubt, the Hearings Panel or the Auckland Council is not required to make the reports referred to in **subsection (1)(d) and (e)** available to the public.~~ 20
- “(3) To avoid doubt, when complying with **subsection (1)(f)** in respect of section 66 of the RMA, the Hearings Panel must ensure that regard has been had to the spatial plan for Auckland prepared and adopted under section 79 of the Local Government (Auckland Council) Act 2009. 25
- “**141 Deadline for recommendations**
- The Hearings Panel must provide its report under **section 139(3)** to the Auckland Council no later than the date that is 50 working days before the expiry of 3 years from the date on which the Council has notified the proposed plan in accordance with **section 120**, unless **section 142** applies. 30
- “**142 Extension of deadline for recommendations**
- “(1) The Hearings Panel or the Auckland Council, or both, may request the Minister for the Environment to extend the deadline ~~under referred to in~~ **section 141** (the **original deadline**). 35

- “(2) A request must be made before the original deadline or, if the original deadline has already been extended, before the extended deadline.
- “(3) A request must be in writing and—
- “(a) specify a proposed date for the extended deadline that is no later than 1 year after the original deadline; and
 - “(b) if applicable, include the views of the party not making the request.
- “(4) If the Minister grants a request, the original deadline is extended accordingly. 10
- “(5) Section 37 of the RMA does not apply to the original deadline or to an extended deadline (meaning that the Council cannot extend the deadline, or waive a failure to comply with the deadline, under that provision).
- “Council decisions on recommendations”* 15
- “143 Auckland Council to consider recommendations and notify decisions on them**
- “(1) The Auckland Council must—
- “(a) decide whether to accept or reject each recommendation of the Hearings Panel; and 20
 - “(b) for each rejected recommendation, decide an alternative solution, which—
 - “(i) may or may not include elements of both the proposed plan as notified and the Hearings Panel’s recommendation in respect of that part of the proposed plan; but 25
 - “(ii) must be within the scope of the submissions.
- “(2) ~~The Council is not required to consult any person or consider submissions or other evidence from any person when making decisions under **subsection (1)**.~~ 30
- “(2) When making decisions under **subsection (1)**,—
- “(a) the Council is not required to consult any person or consider submissions or other evidence from any person; and
 - “(b) the Council must not consider any submission or other evidence that was not made available to the Hearings Panel. 35

- “(3) To avoid doubt, the Council may accept recommendations of the Hearings Panel that are beyond the scope of the submissions made on the proposed plan.
- “(4) The Council must, no later than 20 working days after it is provided with the report under **section 141**,— 5
- “(a) publicly notify its decisions under **subsection (1)** in a way that sets out the following information:
- “(i) each recommendation of the Hearings Panel that it accepts; and
- “(ii) each recommendation of the Hearings Panel that it rejects and the reasons for doing so; and 10
- “(iii) the alternative solution for each rejected recommendation; and
- “(b) electronically notify each requiring authority affected by the decisions of the Council under **subsection (1)**; ~~the following information:~~ of the information referred to in **paragraph (a)** that specifically relates to the decision recommending that the authority confirm, modify, impose conditions on, or withdraw the designation or heritage protection order concerned. 15 20
- “(5) **Subsection (6)** applies if the Council decides that it wishes to accept a recommendation but alter the recommendation in a way that has a minor effect or to correct a minor error.
- “(6) The Council may notify the recommendation as accepted, but only if, when complying with **subsection (4)(a)(i)**, it sets out the alterations to the recommendation. 25
- “(7) A recommendation to which **subsection (5)** applies must, for all purposes, be treated as a recommendation of the Hearings Panel accepted by the Council.
- “(8) **Subsection (4)** is subject to **section 144**. 30
- “144 Extension of deadline for decisions**
- “(1) The Auckland Council may request the Minister for the Environment to extend the deadline ~~under~~ referred to in **section 143(4)** (the **original deadline**).
- “(2) A request must be made before the original deadline or, if the original deadline has already been extended, before the extended deadline. 35

- “(3) A request must be in writing and specify a proposed date for the extended deadline that is no later than 20 working days after the original deadline.
- “(4) If the Minister grants a request, the original deadline is extended accordingly. 5
- “(5) Section 37 of the RMA does not apply to the original deadline or to an extended deadline (meaning that the Council cannot extend the deadline, or waive a failure to comply with the deadline, under that provision).
- “**145 Auckland Council to release Hearings Panel report** 10
 At the same time as the Auckland Council publicly notifies its decisions under **section 143(4)(a)**, the Council must make the report of the Hearings Panel required under **section 139(3)** available—
- “(a) on the Council’s Internet site; and 15
- “(b) for inspection during working hours, free of charge, at the offices of the Council and anywhere else that the Council determines is appropriate.
- “Designations and heritage orders of requiring authorities other than Auckland Council”* 20
- “**145A Designations and heritage orders of requiring authorities other than Auckland Council**
- “(1) A decision of the Auckland Council that is notified to a requiring authority under **section 143(4)(b)** must be treated as if it were a recommendation notified under clause 9(1) of Schedule 1 of the RMA. 25
- “(2) The requiring authority must notify the Auckland Council as to whether it accepts or rejects the recommendation in whole or in part within 30 working days after the day on which it receives the recommendation. 30
- “(3) The requiring authority may modify the requirement only if the modification is recommended by the Auckland Council or is not inconsistent with the requirement as notified.
- “(4) If the requiring authority rejects the recommendation in whole or in part, or modifies the requirement, it must give reasons for its decision. 35

- “(5) The Auckland Council must ensure that, within 15 working days after it receives the decision, a notice of decision and a statement of the time within which an appeal against the decision may be lodged is served on—
- “(a) persons who made a submission on the requirement; 5
and
- “(b) owners and occupiers of land to which the designation or heritage order applies.
- “(6) If the Auckland Council gives a notice of a decision, it must—
- “(a) make a copy of the decision available for inspection on its Internet site and at its offices; and 10
- “(b) include with the notice a statement of the places where a copy of the decision is available; and
- “(c) send or provide, on request, a copy of the decision within 3 working days after the request is received. 15

“Proposed plan deemed approved or adopted

- “146 Proposed plan deemed approved or adopted on and from certain dates**
- “(1) This section applies to the proposed plan once the Auckland Council publicly notifies its decisions on the recommendations of the Hearings Panel under **section 143(4)(a)**. 20
- “(2) ~~The~~ Each part of the proposed plan, other than the those parts relating to the coastal marine area, designations, and heritage orders,—
- “(a) is amended in accordance with the decisions of the Council; and 25
- “(b) is deemed to have been approved by the Council under clause 17(1) of Schedule 1 of the RMA on and from—
- “(i) the date on which the appeal period expires, if no appeals relating to that part of the proposed plan are made under **section 149** of this Part; 30
- “(ii) the date on which all appeals, including further appeals, relating to that part of the proposed plan are determined, if appeals are made under that section. 35
- “(3) ~~The parts~~ Each part of the proposed plan relating to the coastal marine area—

- “(a) ~~are~~ is amended in accordance with the decisions of the Council; and
- “(b) on and from the following date ~~are~~ is deemed to have been adopted by the Council under clause 18(1) of Schedule 1 of the RMA and must be sent by the Council to the Minister of Conservation for his or her approval under clause 18(3) of that schedule: 5
- “(i) the date on which the appeal period expires, if no appeals relating to that part of the proposed plan are made under **section 149** of this Part; or 10
- “(ii) the date on which all appeals, including further appeals, relating to that part of the proposed plan are determined, if appeals are made under that section.
- “(4) ~~The parts of the proposed plan relating to designations and heritage orders are amended in accordance with the decisions of the relevant requiring authorities under section 172 of the RMA on and from—~~ 15
- “(a) ~~the date on which the appeal period expires, if no appeals are made under **section 149** of this Part; or~~ 20
- “(b) ~~the date on which all appeals, including further appeals, are determined; if appeals are made under that section.~~
- “(4) The part of the proposed plan relating to a designation or heritage order—
- “(a) is amended in accordance with the decision about the designation or heritage order— 25
- “(i) notified by the requiring authority under **section 145A(2)**, for a designation or heritage order of a requiring authority other than the Auckland Council; or 30
- “(ii) notified by the Council under **section 143(4)(a)**, for a designation or heritage order of the Council; and
- “(b) is deemed to have been approved by the Council under clause 17(1) of Schedule 1 of the RMA on and from— 35
- “(i) the date on which the appeal period expires, if no appeals relating to the designation or heritage order are made under **section 151** of this Part; or

- “(ii) the date on which all appeals, including further appeals, relating to the designation or heritage order are determined, if appeals are made under that section.
- “(4A) However, the parts of the proposed plan relating to any existing designations or heritage orders that were included in the proposed plan without modification, and on which no submissions were received, are deemed to have been approved by the Council under clause 17(1) of Schedule 1 of the RMA on and from the date on which the Auckland Council publicly notifies its decisions under **section 143(4)(a).** 5 10
- “(5) For the purposes of **subsection (4)**, the Council’s decisions on the Hearings Panel recommendations apply as if they were,—
- “(a) ~~for designations, a recommendation by the Council under section 171(2) of the RMA; and~~ 15
- “(b) ~~for heritage orders, a recommendation by the Council under section 191(2) of the RMA.~~
- “*RMA provisions relating to legal effect of rules apply* 20
- “**147 RMA provisions relating to legal effect of rules apply**
- “(1) Sections 86A to 86G of the RMA apply, with all necessary modifications, to a rule contained in the proposed plan.
- “(2) Without limiting **subsection (1)**, every reference to clause 10(4) of Schedule 1 must be read as a reference to **section 143(4)(a).** 25
- “*Objections, appeals, and judicial review*
- “**148 Objection rights**
- “(1) A person who made a submission on the proposed plan has the following rights of objection to the Hearings Panel: 30
- “(a) a decision of the Hearings Panel under **section 128** to decline to consider the person’s submission:
- “(b) a decision of the Hearings Panel to strike out the whole or a part of the person’s submission under **section 136(2).** 35

- “(2) An objection must be made by notice in writing, setting out the reasons for the objection, no later than 15 working days after the decision is notified to the person or any longer time allowed by the Hearings Panel.
- “(3) The Hearings Panel must— 5
 “(a) consider the objection as soon as practicable; and
 “(b) hold a hearing on the objection at which all members are present, having given the objector no less than 5 working days’ notice of the date, time, and place for the hearing. 10
- “(4) After the hearing, the Hearings Panel must—
 “(a) dismiss the objection or uphold the objection in whole or in part; and
 “(b) inform the objector in writing of the Panel’s decision and the reasons for it. 15
- “(5) A decision of the Hearings Panel under this section is final and there is no right of appeal against it.
- “**149 Appeal rights**
- “(1) ~~A person who made a submission on the proposed plan has the following rights of appeal. The only appeal rights available in respect of the proposed plan are as follows:~~ 20
 “(a) the right of appeal to the Environment Court under **section 150 or 151**;
 “(b) the right of appeal to the High Court under **section 152**. 25
- “(2) ~~Subsection (1) is subject to section 151.~~
- “(3) ~~To avoid doubt, the appeal rights described in subsection (1) are the only appeal rights available in respect of the proposed plan.~~
- “**150 Right of appeal to Environment Court** 30
- “(1) A person who made a submission on the proposed plan may appeal to the Environment Court in respect of a provision or matter relating to the proposed plan—
 “(a) that the person addressed in the submission; and

- “(b) in relation to which the Council rejected a recommendation of the Hearings Panel and decided an alternative solution, which resulted in—
- “(i) a provision being included in the proposed plan; or 5
- “(ii) a matter being excluded from the proposed plan.
- “(1A) However, if the Council’s alternative solution included elements of the Hearings Panel’s recommendation, the right of appeal is limited to the effect of the differences between the alternative solution and the recommendation. 10
- “(1B) A person may appeal to the Environment Court in respect of a provision or matter relating to the proposed plan if—
- “(a) the Council’s acceptance of a recommendation of the Hearings Panel resulted in—
- “(i) the provision being included in the proposed plan; or 15
- “(ii) the matter being excluded from the proposed plan; and
- “(b) the Hearings Panel had identified the recommendation as being beyond the scope of the submissions made on the proposed plan; and 20
- “(c) the person is, was, or will be unduly prejudiced by the inclusion of the provision or exclusion of the matter.
- “(2) The Environment Court must treat an appeal under this section as if it were a hearing under clause 15 of Schedule 1 of the RMA and, except as otherwise provided in this section, that clause and Parts 11 and 11A of the RMA apply to the appeal (including, to avoid doubt, sections 299 to 308). 25
- “(3) Notice of the appeal must be in the prescribed form and lodged with the Environment Court, and served on the Auckland Council, no later than 20 working days after the Council notifies the matters under **section 143(4)(a)**. 30
- “(4) If the subject matter of the notice of appeal relates to the coastal marine area, the person must also serve a copy of the notice on the Minister of Conservation no later than 5 working days after the notice is lodged with the Environment Court. 35

“151 Right of appeal to Environment Court (designations and heritage orders)

“(1) The following persons have a right of appeal to the Environment Court against any aspect of a requiring authority’s decision included in the proposed plan in accordance with **section 146(4)**: 5

“(a) a person who made a submission on the requirement that referred to that aspect of the decision:

“(b) the Auckland Council.

“(1) A person has a right of appeal to the Environment Court against any aspect of a decision referred to in **section 146(4)(a)** of a requiring authority or the Auckland Council if— 10

“(a) the person is an owner or occupier of land to which the designation or heritage order applies; and 15

“(b) the person made a submission on the requirement that referred to that aspect of the decision.

“(1A) A person has a right of appeal to the Environment Court against any aspect of a decision referred to in **section 146(4)(a)** of a requiring authority other than the Auckland Council if— 20

“(a) the person is not an owner or occupier of land to which the designation or heritage order applies; and

“(b) the person made a submission on the requirement that referred to that aspect of the decision; and 25

“(c) in that aspect of the decision, the requiring authority rejected the Auckland Council’s recommendation on the matter.

“(1AA) The Auckland Council has a right of appeal to the Environment Court against any aspect of a decision referred to in **section 146(4)(a)** of a requiring authority other than the Auckland Council. 30

“(1B) A person has a right of appeal to the Environment Court against any aspect of a decision referred to in **section 146(4)(a)** of the Auckland Council if— 35

“(a) the person is not an owner or occupier of land to which the designation or heritage order applies; and

“(b) the person made a submission on the requirement that referred to that aspect of the decision; and

- “(c) in that aspect of the decision, the Council rejected the Hearings Panel’s recommendation on the matter.
- “(2) An appeal must be treated as if it were an appeal under section 174 of the RMA, and that section and Parts 11 and 11A of the RMA apply to the appeal (including, to avoid doubt, sections 299 to 308 of that Act). 5
- “(3) Despite **subsection (2)**, notice of an appeal may be lodged under section 174(2)(c) of the RMA no later than 30 days after the date on which ~~notice of the decision of the requiring authority is given in accordance with section 173;~~ the Auckland Council gives notice of the decision about the requirement under— 10
- “(a) **section 145A(5)**, for a designation or heritage order of a requiring authority other than the Council; or
- “(b) **section 143(4)(a)**, for a designation or heritage order of the Council. 15
- “152 Right of appeal to High Court on question of law**
- “(1) A person who made a submission on the proposed plan may appeal to the High Court in respect of a provision or matter relating to the proposed plan— 20
- “(a) that the person addressed in the submission; and
- “(b) in relation to which the Council accepted a recommendation of the Hearings Panel, which resulted in—
- “(i) a provision being included in the proposed plan; or 25
- “(ii) a matter being excluded from the proposed plan.
- “(1A) A person may appeal to the High Court against any aspect of a decision referred to in **section 146(4)(a)** of a requiring authority other than the Auckland Council if—
- “(a) the person is not an owner or occupier of land to which the designation or heritage order applies; and 30
- “(b) the person made a submission on the requirement that referred to that aspect of the decision; and
- “(c) in that aspect of the decision, the requiring authority accepted the Auckland Council’s recommendation on the matter. 35

- “(1B) A person may appeal to the High Court against any aspect of a decision referred to in **section 146(4)(a)** of the Auckland Council if—
- “(a) the person is not an owner or occupier of land to which the designation or heritage order applies; and 5
- “(b) the person made a submission on the requirement that referred to that aspect of the decision; and
- “(c) in that aspect of the decision, the Council accepted the Hearings Panel’s recommendation on the matter.
- “(2) However, ~~the~~ an appeal under this section may only be on a question of law. 10
- “(3) Except as otherwise provided in this section, sections 299(2) and 300 to 307 of the RMA apply, with all necessary modifications, to an appeal under this section.
- “(4) Notice of the appeal must be filed with the High Court, and served on the Auckland Council, no later than 20 working days after the Council notifies the matters under **section 143(4)(a)**. 15
- “(5) If the subject matter of the notice of appeal relates to the coastal marine area, the person must also serve a copy of the notice on the Minister of Conservation no later than 5 working days after the notice is filed with the High Court. 20
- “153 Judicial review**
- “(1) Nothing in this Part limits or affects any right of judicial review a person may have in respect of any matter to which this Part applies, except as provided in **sections 150(2) and 151(2)** (which ~~applies~~ apply section 296 of the RMA, that section being in Part 11 of that Act). 25
- “(2) However, a person must not both apply for judicial review of a decision made under this Part and appeal to the High Court under **section 152** in respect of the decision unless the person lodges the applications for judicial review and appeal together. 30
- “(3) If applications for judicial review and appeal are lodged together, the High Court must try to hear the judicial review and appeal proceedings together, but need not if the court considers it impracticable to do so in the circumstances of the particular case. 35

*“Auckland Council to notify when plan operative***“154 Auckland Council to notify when plan operative**

The Auckland Council must notify the date on which the plan, or each part of the plan, as the case may be, will become operative in accordance with clause 20 of Schedule 1 of the RMA. 5

*“Hearings Panel***“155 Minister for Environment and Minister of Conservation to establish Hearings Panel**

- “(1) The Minister for the Environment and the Minister of Conservation must establish a Hearings Panel. 10
- “(2) The Hearings Panel comprises—
- “(a) a chairperson; and
 - “(b) 3 to 7 other members.
- “(3) The chairperson and other members must be appointed jointly by the Ministers after consulting the Auckland Council and the Independent Māori Statutory Board. 15
- “(4) The Ministers must appoint members who collectively have knowledge of, and expertise in relation to, the following:
- “(a) the RMA; and
 - “(b) district plans, regional plans (including regional coastal plans), and regional policy statements or combined regional and district documents; and 20
 - “(c) tikanga Māori, as it applies in Tāmaki Makaurau; and
 - “(d) ~~Tāmaki Makaurau, the manawhenua, and the other people of Tāmaki Makaurau.~~ 25
 - “(d) Auckland and the mana whenua groups and other people of Auckland; and
 - “(e) the management of legal proceedings, including cross-examination.
- “(5) However, a failure to comply with **subsection (4)** does not affect the validity of the appointment of a member once made. 30
- “(6) A member must be appointed in accordance with **section 156**.
- “(7) To avoid doubt, the Ministers may appoint additional members after the initial appointment of members so long as the total number is no more than 7 members and a chairperson. 35

- “(8) The Ministers may appoint a member to replace a member who ceases to hold office.
- “(9) **Subsections (4) to (6)** apply to the appointment of an additional member or a replacement member.
- “(10) As soon as practicable after establishing the Hearings Panel and appointing its initial members,— 5
- “(a) the Minister for the Environment must notify the Panel’s establishment on the Internet site of the Ministry; and
- “(b) the Council must notify the Panel’s establishment on the Council’s Internet site. 10
- “156 How members appointed**
- “(1) The Minister for the Environment must give a person appointed as a member of the Hearings Panel a written notice of the appointment that complies with **subsection (2)**. 15
- “(2) The notice of appointment must—
- “(a) state the date on which the appointment takes effect; and
- “(b) state the term of the appointment; and
- “(c) specify the terms of reference for both the Hearings Panel and the member. 20
- “157 When member ceases to hold office**
- “(1) A member of the Hearings Panel remains a member until the earliest of the following:
- “(a) his or her term of office ends; ~~and;~~
- “(b) he or she dies; ~~and;~~ 25
- “(c) he or she resigns by giving 20 working days’ written notice to the Minister for the Environment and the Minister of Conservation; ~~and;~~
- “(d) he or she is removed under **subsection (2)**; ~~and;~~
- “(e) the Hearings Panel ceases to exist. 30
- “(2) The Minister for the Environment and the Minister of Conservation may, at any time for just cause, remove a member by written notice to the member (with a copy to the Hearings Panel).
- “(3) The notice must state— 35

- “(a) the date on which the removal takes effect, which must not be earlier than the date on which the notice is received by the member; and
- “(b) the reasons for the removal.
- “(4) A member of the Hearings Panel is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member. 5
- “(5) In **subsection (2), just cause** includes misconduct, inability to perform the functions of office, neglect of duty, and breach of the collective duties of the Hearings Panel or the individual duties of members. 10

“**158 Functions of Hearings Panel**

The Hearings Panel has the following functions and powers for the purposes of holding a Hearing into the submissions on the proposed plan and any variation permitted by **section 121(4)**: 15

- “(a) to hold hearing sessions; and
- “(b) for the purposes of **paragraph (a)**,—
- “(i) to hold or authorise the holding of pre-hearing session meetings, conferences of experts, and alternative dispute resolution processes; and 20
- “(ii) to commission reports; and
- “(iii) to hear any objections made in accordance with **section 148**; and
- “(c) to make recommendations to the Auckland Council on the proposed plan and any variation; and 25
- “(d) except as expressly provided by this Part, to regulate its own proceedings in the manner it thinks fit; and
- “(e) to carry out or exercise any other functions or powers conferred by this Part or that are incidental and related to, or consequential upon, any of its functions and powers under this Part. 30

“**159 Powers of chairperson**

The chairperson of the Hearings Panel has the following powers:

- “(a) to decide how many, and which, members of the Hearings Panel are to be present at each hearing session: 35

- “(b) to appoint another member to act as chairperson for any hearing sessions at which he or she will not be present:
- “(c) to decide whether to accept any late submissions:
- “(d) to deal with any complaints in respect of the Hearings Panel or any member of the Panel.

5

“**160 Term of Hearings Panel**

The Hearings Panel exists until ~~the Hearings Panel~~ it has completed the performance or exercise of its functions and powers in relation to the Hearing, including any appeals in relation to the Hearing that are filed in any court.

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“**161 Liability of members**

A member is not liable for anything the member does, or omits to do, in good faith in performing or exercising the functions, duties, and powers of the Hearings Panel.

“**162 Funding of Hearings Panel and related activities**

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“(1) The Auckland Council is responsible for all costs incurred by the Hearings Panel, and for the activities related to the performance or exercise of the Panel’s functions and powers, under this Part.

“(2) Without limiting **subsection (1)**, the Council is responsible for—

20

“(a) the remuneration and expenses of the members of the Hearings Panel; and

“(b) the administrative costs of each hearing session, including venue hire and public notices; and

25

“(c) the remuneration of any expert, mediator or other dispute resolution facilitator, or other person whose services are engaged by the Hearings Panel under this Part; and

“(d) the allowances of any witness called by the Hearings Panel.

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“(3) For the purposes of **subsection (1)**, each member of the Hearings Panel must be paid—

“(a) remuneration by way of salary, fees, or allowances at a rate determined by the Minister for the Environment after consultation with the Council; and

35

- “(b) actual and reasonable travelling and other expenses incurred in carrying out his or her office in accordance with the Fees and Travelling Allowances Act 1951, and that Act applies as if the members were members of a statutory Board within the meaning of that Act. 5

“**163 Application of Local Government Official Information and Meetings Act 1987**

The Local Government Official Information and Meetings Act 1987 applies, with any necessary modifications, to the Hearings Panel as if it were a board of inquiry given authority to conduct a hearing under section 149J of the RMA.” 10

Part 3
Local Government Official Information and Meetings Act 1987

- 126 Principal Act** 15
This **Part** amends the Local Government Official Information and Meetings Act 1987 (the **principal Act**).

127 Section 45 amended (Interpretation)

After section 45(1), insert:

- “(1A) Despite subsection (1), **meeting**, in relation to a local authority that is a board of inquiry or special tribunal given authority to conduct hearings under section 149J or 202 of the Resource Management Act 1991, is limited to any hearing that the board or tribunal holds under section 149L or 206 of that Act.” 20

128 New section 45A inserted (Application of this Part to certain local authorities) 25

After section 45, insert:

“**45A Application of this Part to certain local authorities**

The only provisions of this Part that apply to the following local authorities are sections 48 and 53: 30

- “(a) a board of inquiry given authority to conduct hearings under section 149J of the Resource Management Act 1991; and

“(b) a special tribunal given authority to conduct hearings under section 202 of the Resource Management Act 1991.”

- 129** **New section 59 inserted (Transitional provisions for amendments made on or after ~~1 January 2013~~ commencement of Part 3 of Resource Management Reform Act 2012)** 5
- After section 58, insert:
- “**59** **Transitional provisions for amendments made on or after ~~1 January 2013~~ commencement of Part 3 of Resource Management Reform Act 2012** 10
- “(1) The transitional provisions set out in **Schedule 6** (~~which relate to amendments made to this Act on or after 1 January 2013~~) have effect for the purposes of this Act.
- “(2) The provisions relate to amendments made to this Act on or after the commencement of **Part 3 of the Resource Management Reform Act 2012.**” 15
- 130** **New Schedule 6 inserted**
- After Schedule 5, insert the **Schedule 6** set out in **Schedule 3** of this Act. 20
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Schedule 1 **s 121**
**New Schedule 4 of Resource Management
Act 1991**

Schedule 4 **s 88, Schedule 1**
Information required in application for **5**
resource consent

1AA Information must be specified in sufficient detail

Any information required by this schedule, including an assessment under **clause 1(1)(f) or (g)**, must be specified in sufficient detail to satisfy the purpose for which it is required. **10**

1 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: **15**
 - (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: **20**
 - (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). **25**
- (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 **30**
 - (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— **35**

- (a) includes the information required by **clause 5**; and
- (b) addresses the matters specified in **clause 6**; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

5

2 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)); 10
- (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)); 15
- (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)). 20 25

3 Additional information required in application for subdivision consent

An application for a subdivision consent must also include information that adequately defines the following: 30

- (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: 35
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:

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- (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): 5
 - (g) the locations and areas of land to be set aside as new roads.
- 4 Additional information required in application for reclamation** 10
- 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: 15
 - (c) any part of the area to be set aside as an esplanade reserve or esplanade strip.
- Assessment of environmental effects
- 5 Information required in assessment of environmental effects** 20
- (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: 25
 - (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: 30
 - (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 35

- (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: 5
- (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted: 10
- (g) if the scale ~~or~~ 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). 15 20
- (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— 25
- (a) oblige the applicant to consult any person; or
- (b) create any ground for expecting that the applicant will consult any person.
- 6 Matters that must be addressed by assessment of environmental effects** 30
- (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: 35
- (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: 5
 - (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants: 10
 - (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. 15

7 Information must be specified in sufficient detail

Any information required by this schedule must be specified in sufficient detail to satisfy the purpose for which it is required.

	Schedule 2	s 67
	New Schedule 12 of Resource Management Act 1991	
	Schedule 12	s 434
	Transitional provisions for amendments made on or after 1 January 2013 commencement of <u>Part 1 of Resource Management Reform Act 2012</u>	5
1	Interpretation	
	In this schedule, amendment Act means Part 1 of the Resource Management Reform Act 2012 , which amends this Act.	10
2	Existing section 32 applies to some proposed policy statements and plans	
	If subpart 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 subpart 2 had not come into force.	15 20
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	25
(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 subpart 1 of the amendment Act comes into force.	30
(2)	Subclause (1) applies unless the rule or part of the rule complies with section 76(4A) and (4B) as amended <u>inserted</u> 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 ~~amended~~ inserted by the amendment Act; and 5
- (b) the rule has not yet taken effect; but
- (c) the proposed plan or change containing the rule has been notified. 10
- (2) The rule has legal effect on and from the date referred to in **clause 4(1)**. 10
- 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): 15
- (a) the amendments to sections 29, 32A, and 39 and to Part 6AA (sections 140 to 149ZE):
- (b) the amendment that inserts **section 42A(1) and (1AA)**. 15
- (2) The amendments apply to any matter— 20
- (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. 25
- (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. 30
- 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): 5
- (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): 10
- (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 15
- (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. 20
- (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,— 25
- (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. 30
- (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): 35

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- (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): 5
- (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. 10
- (4) This clause is subject to **clauses 6 and 7**.
- (5) This clause does not apply to an amendment made by **subpart 2** of the amendment Act.
- 9 Enforcement proceedings** 15
- (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. 20
- 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. 25
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	Schedule 3	s 130
	New Schedule 6 of Local Government Official Information and Meetings Act 1987	
	Schedule 6	s 59 5
	Transitional provisions for amendments made on or after 1 January 2013 commencement of <u>Part 3 of Resource Management Reform Act 2012</u>	
1	Interpretation In this schedule, amendment Act means Part 3 of the Re- source Management Reform Act 2012 , which amends this Act.	10
2	Application of amendments to boards of inquiry and special tribunals The amendments made by the amendment Act apply to a board of inquiry appointed under section 149J of the Resource Man- agement Act 1991, or to a special tribunal appointed under section 202 of that Act, whether appointed before or after the commencement of the amendments.	15 20

Legislative history

5 December 2012	Introduction (Bill 93–1)
11 December 2012	First reading and referral to Local Government and Environment Committee
