



Resource Management (Discount on Administrative Charges) Amendment Regulations 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 8th day of December 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 360(1)(hj) of the Resource Management Act 1991, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Schedule
Schedule replaced

4

Regulations

1 Title

These regulations are the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014.

2 Commencement

These regulations come into force on 3 March 2015.

3 Principal regulations

These regulations amend the Resource Management (Discount on Administrative Charges) Regulations 2010 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

- (1) In regulation 3(2), definition of **excluded days**, replace paragraph (c) with:

“(c) the working days in a time period that section 88B requires to be excluded from a time limit applicable to the application.”

- (2) In regulation 3(2), definition of **excluded days**, paragraph (e), after “if”, insert “the application is not notified and”.

5 Regulation 6 amended (Applications on which direct referral request made)

- (1) Replace the heading to regulation 6 with “**Applications directly referred to Environment Court**”.

- (2) Replace regulation 6(1)(b) with:

“(aa) the local authority grants the request; and

“(b) the applicant refers the application to the Environment Court under section 87G(2); and”.

- (3) In regulation 6(2), replace “number of working days described in subclause (3)” with “number of working days in the time limit described in subclause (3)”.

- (4) In regulation 6(2), replace “calculated under” with “actually taken to process the application as determined by”.
- (5) Replace regulation 6(3) to (5) with:
 - “(3) The time limit is the maximum number of working days (excluding the excluded days) the local authority could have taken to comply with section 87F(3) if it had complied with the applicable time limits in the Act.
 - “(4) The number of working days actually taken to process the application is the number of working days (excluding the excluded days) in the period starting on the day after the day on which the application is lodged and ending on the day on which the local authority has prepared a report that complies with section 87F(4).”

6 Regulation 9 amended (Other applications)

- (1) In regulation 9(2), replace “selected under” with “in the time limit described in”.
- (2) In regulation 9(2), replace “calculated under” with “actually taken to process the application as determined by”.
- (3) Replace regulation 9(3) and (4) with:
 - “(3) The time limit is the number of working days specified by the Schedule that is applicable to the application.
 - “(4) The number of working days actually taken to process the application is the number of working days (excluding the excluded days) in the period starting on the day after the day on which the application is lodged and ending on the day on which the local authority complies with section 114(1).”

7 Regulation 10 amended (Effect of section 102)

In regulation 10(3), replace “to which section 36AA(5) applies that one of the authorities has adopted” with “that one of the authorities has adopted under section 36AA(3) and that is more generous in the circumstances of the particular case than these regulations”.

8 Schedule replaced

Replace the Schedule with the Schedule set out in the Schedule of these regulations.

Schedule
Schedule replaced

r 8

Schedule
Time limits for processing applications

r 9(3)

Was the application notified?	Was a hearing held?	Number of working days
Yes—public notification	Yes	130
	No	60
Yes—limited notification	Yes	100
	No	60
No	Yes	50
	No	20

Michael Webster,
Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on 3 March 2015, amend the Resource Management (Discount on Administrative Charges) Regulations 2010 (the **principal regulations**). The changes—

- update the time limits for processing applications and the definition of excluded days to reflect amendments made to the Resource Management Act 1991 by the Resource Management Amendment Act 2013; and

- modify regulations 6, 9, and 10 of the principal regulations to ensure that they have the intended effect.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 11 December 2014.
These regulations are administered by the Ministry for the Environment.
