

Addendum to Consolidated RMA (Quality Planning) October 2009

Following the publication of the consolidated RMA October 2009 on the Quality Planning website in early November 2009, a number of formatting mistakes have been identified.

The table below lists all the provisions affected and how each provision should be amended. For clarity the table is followed by text versions of the correct provisions.

The updated version of the consolidated RMA, which includes the amendments, is available on the QP website. If you have previously printed out a copy of the Consolidated RMA October 2009, please cut and paste the amended provisions of this addendum into your hardcopy or otherwise update and replace provisions as appropriate. We apologise for the inconvenience.

Please be aware that this consolidated version of the RMA is not the [official version](#) of the RMA. The official RMA can be found at www.legislation.govt.nz.

Table of Amended RMA provisions from the consolidated RMA October 2009

Reference	Correction
Esplanade reserve definition	should read as (a) which is either – (i) or (ii); and (b)
Section 3	The second (a)(b) should read as (e)(f)
13(1),(2),(2A),(2), (3)	Should read as 13(1),(2),(2A),(3),(4)
15(2A)(d)(e)(f)	Should read as 15(2A)(a)(b)(c)
Section 25A(1)(c)	Should read as “must, in giving a direction, specify a reasonable period within which a plan, change, or variation must be notified. This should be followed by subsection (2) not (3).
Section 32(4)	Subsection (3) should be included before (3A)
41C(5B)(c)(d)	Should read as 41C(5B)(a) and (b)
55(2A)(c)(d) and 55(2D)(e)(f)(g)	Should be read as 55(2A)(a)(b) and 55(2D)(a)(b)(c)
61(2),(3),(2A)(c) (d) and (4)	Should be read as 61(1), (2), (2A)(a) (b) and (3)
70(2)(b)	Text following 70(2)(b) should not be indented and read as applying to subsections 70(2)(a) and (b)
74(2A),(2)	Should read as (2A), (3)
76(1)(b)	“include rules in a district plan” should be on the next line and apply to (a) and (b)
88D(6)(a)(b)(c)(d)	Should read as 88D(6)(a)(b)(i)(ii)
102(4)(b)	Text following 102(4)(b) should not be indented and read as applying to subsections 102(4)(a) and (b)
107(2)(c)	Text following 107(2)(c) should not be indented and read as applying to subsections 107(2)(a)(b) and (c)
108(8)(b)	Text following 108(8)(b) should not be indented and read as applying to subsections 108(8)(a) and (b) and not as separate subsection (c)
110(1)(d)	Text following 110(1)(c) should not be indented and read as applying

	to subsections 110(1)(a)(b) and (c) and not as a separate subsection (d)
116(1)(b) and 116(1A)(b)(ii)	Text following 116(1)(b) should not be indented and read as applying to subsections 116(1)(a) and (b) Text following 116(1A)(b)(ii) should not be indented and read as applying to subsections 116(1A)(a),(b)(i) and (b)(ii)
131(2)(d)	Text following 131(2)(d) should not be indented and read as applying to subsections 131(2)(a)(b) and (c) and not as a separate subsection (d)
135(1)(b)	Text following 135(1)(b) should not be indented and read as applying to subsections 135(1)(a) and (b)
138A(1)(b), (2)(b) and (5)(c)	Text following 138A(1)(b), 138A(2)(b) and 138A(5)(c) should not be indented and be read as applying to each of the respective subsections they relate to.
145(6)(a)(b)	Should read as (a) section 127(1) applies, except that every reference in that section to a consent authority must be read as a reference to the EPA; and (b) section 88 applies, except that—
149ZD(7)(a)(b) and (8)	Should be read as 149ZD(6)(a)(b)(c) and (7)
159(1)(c)	“the Minister may in the Minister’s discretion—“ should sit under 159(1)(c) and be read as applying only to subsections (d), (e) and (f)
165I(1)(c)(d)	Should be read as 165I(1)(b)(i) and (ii)
167(3)(b) and 167(5)(b)	Text following 167(3)(b) and 167(5)(b) should not be indented and read as applying to each of the respective subsections they relate to.
168A(2)	The second sentence, beginning “(2A)” should be read as a new subsection after (2) and not as part of (2)
176A(1),(2),(3),(3), (4),(5),(6)	Should be read as 176A(1),(2),(3),(4),(5),(6),(7)
181(3)(c)	Text following 181(3)(c) should not be indented and apply to the subsections of 181(3)(a)(b) and (c)
223(1A)(c)(d)	Should be read as 223(1A)(a)(b)
236(b)	Text following 236(b) should not be indented and read as applying to subsections 236(a) and (b)
254(2),(3),(4), (5)	Should be read as 254(1),(2),(3),(4)
314(e)(f) and (g)	(f) should be read as part of (e). (g) should be renumbered as (f)
338(2)(3)(4)(5) and (6)	Should be read as (1A)(1B)(2)(3) and (4)
357A(1)(f)(g) and (h)	The text under (f) should be read as part of (e). (g) should be renumbered as (f) and (h) should be renumbered as (g).
386(1)(e)(ii)	Text following 386(1)(e)(ii) should not be indented and read as applying to subsections 386(1)(d) and (e)
425A(5)(6)(7) and (6)(k)	Should be read as 425A (1)(2)(3) and the text in subsection 425A (6)(k) should be read as part of 425A (2)(j)
Clause 20, Schedule 1	Subsections (5)-(10) should be read as (1)-(6)
Clause 1A(1)(b)(iv), Schedule 1A	Should be read as Clause 1A(1)(c) and the existing Clause 1A(1)(c), should be read as Clause 1A(1)(d)

Text of the correct RMA provisions from the above table

esplanade reserve means a reserve within the meaning of the Reserves Act 1977—

- (a) which is either—
 - (i) a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or
 - (ii) a reserve vested in the Crown or a regional council under section 237D; and
 - (b) which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229
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3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
 - (b) any temporary or permanent effect; and
 - (c) any past, present, or future effect; and
 - (d) any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
 - (e) any potential effect of high probability; and
 - (f) any potential effect of low probability which has a high potential impact.
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13 Restriction on certain uses of beds of lakes and rivers

- (1) No person may, in relation to the bed of any lake or river,—
 - (a) use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or
 - (b) excavate, drill, tunnel, or otherwise disturb the bed; or
 - (c) introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed; or
 - (d) deposit any substance in, on, or under the bed; or
 - (e) reclaim or drain the bed—
unless expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.
- (2) No person may do an activity described in subsection (2A) in a manner that contravenes a national environmental standard or a regional rule unless the activity—
 - (a) is expressly allowed by a resource consent; or
 - (b) is an activity allowed by section 20A.
- (2A) The activities are—
 - (a) to enter onto or pass across the bed of a lake or river:
 - (b) to damage, destroy, disturb, or remove a plant or a part of a plant, whether exotic or indigenous, in, on, or under the bed of a lake or river:
 - (c) to damage, destroy, disturb, or remove the habitats of plants or parts of plants, whether exotic or indigenous, in, on, or under the bed of a lake or river:
 - (d) to damage, destroy, disturb, or remove the habitats of animals in, on, or under the bed of a lake or river.

- (3) This section does not apply to any use of land in the coastal marine area.
 - (4) Nothing in this section limits section 9.
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15 Discharge of contaminants into environment

- (2A) No person may discharge a contaminant into the air, or into or onto land, from a place or any other source, whether moveable or not, in a manner that contravenes a regional rule unless the discharge—
 - (a) is expressly allowed by a national environmental standard or other regulations; or
 - (b) is expressly allowed by a resource consent; or
 - (c) is an activity allowed by section 20A.
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25A Minister may direct preparation of plan, change, or variation

- (1) The Minister for the Environment—
 - (a) may direct a regional council—
 - (i) to prepare a regional plan that addresses a resource management issue relating to a function in section 30; or
 - (ii) to prepare a change to its regional plan that addresses the issue; or
 - (iii) to prepare a variation to its proposed regional plan that addresses the issue; and
 - (b) may direct the council, in preparing the plan, change, or variation, to deal with the whole or a specified part of the council's region; and
 - (c) must, in giving a direction, specify a reasonable period within which the plan, change, or variation must be notified.
 - (2) The Minister—
 - (a) may direct a territorial authority—
 - (i) to prepare a change to its district plan that addresses a resource management issue relating to a function in section 31; or
 - (ii) to prepare a variation to its proposed district plan that addresses the issue; and
 - (b) must, in giving a direction, specify a reasonable period within which the change or variation must be notified.
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32 Consideration of alternatives, benefits, and costs

- (4) For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account—
 - (a) the benefits and costs of policies, rules, or other methods; and
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.
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41C Directions and requests before or at hearings

- (5B) The authority must—
 - (a) provide a copy of the further information or report to the applicant and every person who made a submission and stated a wish to be heard; and
 - (b) make the further information or report available at its office to any person who made a submission and did not state a wish to be heard.
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55 Local authority recognition of national policy statements

- (2A) The local authority must—
 - (a) make the amendments referred to in subsection (2) without using the process in Schedule 1; and

- (b) give public notice of the amendments within 5 working days after making them.
- (2D) In all cases, the local authority must make the amendments—
- (a) as soon as practicable; or
 - (b) within the time specified in the national policy statement (if any); or
 - (c) before the occurrence of an event specified in the national policy statement (if any).
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61 Matters to be considered by regional council (policy statements)

- (1) A regional council shall prepare and change its regional policy statement in accordance with its functions under section 30, the provisions of Part 2, and its duty under section 32 and any regulations.
 - (2) In addition to the requirements of section 62(2), when preparing or changing a regional policy statement, the regional council shall have regard to—
 - (a) any—
 - (i) management plans and strategies prepared under other Acts; and
 - (ii) *[Repealed]*
 - (iia) relevant entry in the Historic Places Register; and
 - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and
 - (iv) *[Repealed]*to the extent that their content has a bearing on resource management issues of the region; and
 - (b) the extent to which the regional policy statement needs to be consistent with the policy statements and plans of adjacent regional councils.
 - (2A) A regional council, when preparing or changing a regional policy statement, must—
 - (a) take into account any relevant planning document recognised by an iwi authority, and lodged with the council, to the extent that its content has a bearing on resource management issues of the region; and
 - (b) recognise and provide for the management plan for a fore shore and seabed reserve located in whole or in part within its region, once the management plan has been lodged with the council.
 - (3) In preparing or changing any regional policy statement, a regional council must not have regard to trade competition or the effects of trade competition.
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70 Rules about discharges

- (2) Before a regional council includes in a regional plan a rule requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant, the regional council shall be satisfied that, having regard to—
 - (a) the nature of the discharge and the receiving environment; and
 - (b) other alternatives, including a rule requiring the observance of minimum standards of quality of the environment,—the inclusion of that rule in the plan is the most efficient and effective means of preventing or minimising those adverse effects on the environment.
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74 Matters to be considered by territorial authority

- (2A) A territorial authority, when preparing or changing a district plan, must—

- (a) take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district; and
 - (b) recognise and provide for the management plan for a fore shore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.
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76 District rules

- (1) A territorial authority may, for the purpose of—
- (a) carrying out its functions under this Act; and
 - (b) achieving the objectives and policies of the plan,—
- include rules in a district plan.
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88D Excluded time periods relating to direct referral (for resource consents and also for notices of requirement)

- (6) The period that must be excluded from every applicable provision listed in section 88B(2) is the period—
- (a) starting with the date on which the consent authority provides the report; and
 - (b) ending with the earlier of the following:
 - (i) the date on which the 10 working days referred to in section 87G(2)(a) end; and
 - (ii) the date on which the applicant notifies the authority, in writing or electronically, that the applicant does not intend to lodge a notice of motion under section 87G(2)(a) (if the applicant chooses to notify the authority of this).
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102 Joint hearings by 2 or more consent authorities

- (4) Where 2 or more consent authorities jointly decide applications for a resource consent in accordance with subsection (3), they shall identify in their decision on those applications—
- (a) their respective responsibilities for the administration of any consents granted, including monitoring and enforcement; and
 - (b) the manner in which administrative charges will be allocated between the consent authorities,—
- and any consent shall be issued by the relevant consent authority accordingly.
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107 Restriction on grant of certain discharge permits

- (2) A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 1 5A that may allow any of the effects described in subsection (1) if it is satisfied—
- (a) that exceptional circumstances justify the granting of the permit; or
 - (b) that the discharge is of a temporary nature; or
 - (c) that the discharge is associated with necessary maintenance work—
- and that it is consistent with the purpose of this Act to do so.
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108 Conditions of resource consents

- (8) Before deciding to grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or 15B subject to a condition described in subsection (2)(e), the consent authority shall be satisfied that, in the particular circumstances and having regard to—
- (a) the nature of the discharge and the receiving environment; and
 - (b) other alternatives, including any condition requiring the observance of minimum standards of quality of the receiving environment—
- the inclusion of that condition is the most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.
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110 Refund of money and return of land where activity does not proceed

- (1) Subject to subsection (2), where—
- (a) a resource consent includes a condition under section 108(2)(a); and
 - (b) that resource consent lapses under section 125 or is cancelled under section 126 or is surrendered under section 138; and
 - (c) the activity in respect of which the resource consent was granted does not proceed,—
- the consent authority shall refund or return to the consent holder, or his or her personal representative, any financial contribution paid or land set aside under section 108(2)(a).
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116 When a resource consent commences

- (1) Except as provided in subsections (1A), (2), (4), and (5), every resource consent that has been granted commences—
- (a) when the time for lodging appeals against the grant of the consent expires and no appeals have been lodged; or
 - (b) when the Environment Court determines the appeals or all appellants withdraw their appeals—
- unless the resource consent states a later date or a determination of the Environment Court states otherwise.
- (1A) A resource consent that has been granted—
- (a) for a non-notified application; or
 - (b) for a notified application where the time for lodging submissions has expired and either—
 - (i) no submissions are received; or
 - (ii) all submissions received are withdrawn before a decision is made—
- commences on the date on which the decision on the application is notified under section 114 or on such later date as is stated in the resource consent, unless an appeal has been lodged, in which case subsection (1) applies, or an objection has been made under section 357A, in which case subsection (1AB) applies.
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131 Matters to be considered in review

- (2) Before changing the conditions of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or 15B to include a condition requiring the holder to adopt the best practicable option to remove or reduce any adverse effect on the environment, the consent authority shall be satisfied, in the particular circumstances and having regard to—
- (a) the nature of the discharge and the receiving environment; and
 - (b) the financial implications for the applicant of including that condition; and
 - (c) other alternatives, including a condition requiring the observance of minimum standards of quality of the receiving environment—

that including that condition is the most efficient and effective means of removing or reducing that adverse effect.

135 Transferability of coastal permits

- (1) A holder of a coastal permit—
- (a) may transfer the whole or any part of the holder's interest in the permit to any other person:
 - (b) may not transfer the whole or any part of the holder's interest in the permit to another site—
- unless the consent or a rule in a regional coastal plan expressly provides otherwise.
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138A Special provisions relating to coastal permits for dumping and incineration

- (1) Without limiting section 104, when considering an application for a coastal permit to do something that would otherwise contravene section 15A(1), the consent authority shall, in having regard to the actual and potential effects of allowing the activity, have regard to—
- (a) the nature of any discharge of any contaminant which the dumping or incineration may involve and the sensitivity of the receiving environment to adverse effects and the applicant's reasons for making the proposed choice; and
 - (b) any possible alternative methods of disposal or combustion including any involving discharge into any other receiving environment,—
- and, without limiting the powers of the consent authority under section 92, it may, at any reasonable time before the hearing (or, if there is no hearing, the determination) of the application, by written notice to the applicant, require the applicant to provide, by way of further information, an explanation of those matters.
- (2) Without limiting section 108, but subject to subsection (5), a coastal permit to which subsection (1) applies may include a condition requiring the holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of any contaminant which may occur in the exercise of the permit; provided that before a consent authority decides to grant a coastal permit subject to such a condition, it shall be satisfied that, in the particular circumstances, and having regard to—
- (a) the nature of any discharge of a contaminant and the receiving environment; and
 - (b) other alternatives, including any condition requiring the observance of minimum standards of quality of the receiving environment,—
- the inclusion of the condition is the most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.
- (3) In respect of a coastal permit to do something that would otherwise contravene section 15A(1), a consent authority may, at any time specified for that purpose in the permit, in accordance with section 129, serve notice on the holder of the permit of its intention to review the conditions of the permit for the purpose of requiring the holder to adopt the best practicable option to remove or reduce any adverse effect on the environment.
- (4) Subject to subsection (5), sections 129 to 133 shall apply to any review of a coastal permit under subsection (3) and the powers conferred on a consent authority by that subsection are in addition to the powers conferred by section 128.
- (5) Before deciding to grant a coastal permit subject to a condition described in subsection (2) and before deciding to change the conditions of a coastal permit pursuant to subsections (3) and (4), the consent authority shall be satisfied, in the particular circumstances, and having regard to—
- (a) the nature of any discharge of a contaminant and the receiving environment; and
 - (b) the financial implications for the holder of including that condition; and

- (c) other alternatives, including a condition requiring the observance of minimum standards of quality of the receiving environment—

that including a condition in the permit requiring the holder to adopt the best practicable option to remove or reduce any adverse effect on the environment is the most efficient and effective means of removing or reducing that adverse effect.

- (6) In every coastal permit to do something that would otherwise contravene section 15A(1), there shall be implied a condition that the holder shall, in the prescribed form and at the cost of the holder in all respects, keep such records and furnish to the Director of Maritime New Zealand such information and returns as may from time to time be required by regulations.
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145 Matter lodged with EPA

- (6) If the matter is an application for a change to or cancellation of the conditions of a resource consent,—
 - (a) section 127(1) applies, except that every reference in that section to a consent authority must be read as a reference to the EPA; and
 - (b) section 88 applies, except that—
 - (i) the application must be treated as if it were an application for a resource consent for a discretionary activity; and
 - (ii) every reference in that section to a consent authority, a resource consent, and the effects of the activity must be read as a reference to the EPA, the change or cancellation of the conditions, and the effects of the change or cancellation, respectively; and
 - (iii) the applicant has no right of objection under section 88(5) if the EPA determines that the application is incomplete under section 88(3).
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149ZD Costs of processes under this Part recoverable from applicant

- (6) When recovering costs under this section, the local authority, EPA, or Minister must have regard to the following criteria:
 - (a) the sole purpose is to recover the reasonable costs incurred in respect of the matter to which the costs relate;
 - (b) the applicant should be required to pay for costs only to the extent that the benefit of the actions of the local authority, EPA, or Minister (as the case may be) to which the costs relate is obtained by the applicant as distinct from the community as a whole;
 - (c) the extent to which any activity by the applicant reduces the cost to the local authority, EPA, or Minister (as the case may be) of carrying out any of its functions, powers, and duties.
 - (7) A person may object under section 357B to a requirement to pay costs under any of subsections (1) to (4).
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159 Acceptance of tender, etc

- (1) After having regard to—
 - (a) the interests (including the financial interests) of the Crown in the coastal marine area; and
 - (b) the financial and other circumstances of the tenderers; and
 - (c) any other matters the Minister considers relevant—the Minister may in the Minister's discretion—
 - (d) accept any tender, whether or not it is the highest tender; or
 - (e) enter into private negotiations with any tenderer, whether or not that tenderer offered the highest tender, with a view to reaching an agreement; or

- (f) reject all tenders and call for new tenders under section 157.
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165I Duty to adopt most efficient and effective allocation mechanism

- (1) Before adopting a rule in relation to the method of allocation of space in a coastal marine area, other than as provided for in this Act, a regional council must—
- (a) have regard to—
- (i) the reasons for and against adopting the proposed method; and
- (ii) the principal alternative means available; and
- (b) be satisfied that the adoption of the proposed method is—
- (i) necessary in the circumstances of the region; and
- (ii) the most appropriate for allocation in the circumstances of the region, having regard to its efficiency and effectiveness compared with other methods.
- (2) Section 32(1) to (3) does not apply to the adoption of a rule in accordance with subsection (1).
- (3) Subsection (1) applies subject to an Order in Council made under section 165O.
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167 Application to become requiring authority

- (1) A network utility operator may apply to the Minister in the prescribed form for approval as a requiring authority.
- (2) The Minister may make such inquiry into the application and request such information as he or she considers necessary.
- (3) The Minister may, by notice in the *Gazette*, approve an applicant under subsection (1) as a requiring authority for the purposes of—
- (a) a particular project or work; or
- (b) a particular network utility operation—
- on such terms and conditions (including provision of a bond) as are specified in the notice.
- (4) The Minister shall not issue a notice under subsection (3) unless he or she is satisfied that—
- (a) the approval of the applicant as a requiring authority is appropriate for the purposes of carrying on the project, work, or network utility operation; and
- (b) the applicant is likely to satisfactorily carry out all the responsibilities (including financial responsibilities) of a requiring authority under this Act and will give proper regard to the interests of those affected and to the interests of the environment.
- (5) Where the Minister is satisfied that—
- (a) a requiring authority is unlikely to undertake or complete a project, work, or network utility operation for which approval as a requiring authority was given; or
- (b) a requiring authority is unlikely to satisfactorily carry out any responsibility as a requiring authority under this Act; or
- (c) a requiring authority is no longer a network utility operator—
- the Minister shall, by notice in the *Gazette*, revoke the relevant approval given under subsection (3).
- (6) Upon the revocation of an approval under subsection (5), all functions, powers, and duties of the former requiring authority under this Act in relation to any designation, or any requirement for a designation, shall be deemed to be transferred to the Minister under section 180.
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168A Notice of requirement by territorial authority

- (2) Sections 96, 97, and 99 to 103 apply to the notice of requirement with the modifications described in subsection (1A).

- (2A) When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.
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176A Outline plan

- (1) Subject to subsection (2), an outline plan of the public work, project, or work to be constructed on designated land must be submitted by the requiring authority to the territorial authority to allow the territorial authority to request changes before construction is commenced.
 - (2) An outline plan need not be submitted to the territorial authority if—
 - (a) the proposed public work, project, or work has been otherwise approved under this Act; or
 - (b) the details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation; or
 - (c) the territorial authority waives the requirement for an outline plan.
 - (3) An outline plan must show—
 - (a) the height, shape, and bulk of the public work, project, or work; and
 - (b) the location on the site of the public work, project, or work; and
 - (c) the likely finished contour of the site; and
 - (d) the vehicular access, circulation, and the provision for parking; and
 - (e) the landscaping proposed; and
 - (f) any other matters to avoid, remedy, or mitigate any adverse effects on the environment.
 - (4) Within 20 working days after receiving the outline plan, the territorial authority may request the requiring authority to make changes to the outline plan.
 - (5) If the requiring authority decides not to make the changes requested under subsection (4), the territorial authority may, within 15 working days after being notified of the requiring authority's decision, appeal against the decision to the Environment Court.
 - (6) In determining any such appeal, the Environment Court must consider whether the changes requested by the territorial authority will give effect to the purpose of this Act.
 - (7) This section applies, with all necessary modifications, to public works, projects, or works to be constructed on designated land by a territorial authority.
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181 Alteration of designation

- (3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if—
 - (a) the alteration—
 - (i) involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or
 - (ii) involves only minor changes or adjustments to the boundaries of the designation or requirement; and
 - (b) written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and
 - (c) both the territorial authority and the requiring authority agree with the alteration—and sections 168 to 179 shall not apply to any such alteration.
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223 Approval of survey plan by territorial authority

- (1A) Within 10 working days after receiving a survey plan submitted to it under subsection (1), a territorial authority must either—
 - (a) approve the survey plan; or

- (b) decline the survey plan.
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236 Where land previously set aside or reserved

Where—

- (a) land along the mean high water mark or the mark of mean high water springs of the sea, or along the bank of any river, or along the margin of any lake, has—
- (i) been set aside as an esplanade reserve under this Part, or has been reserved for the purpose specified in section 289 of the Local Government Act 1974, or for public purposes pursuant to section 29(1) of the Counties Amendment Act 1961 or section 11 of the Land Subdivision in Counties Act 1946; or
 - (ii) been set aside or reserved for public recreation purposes pursuant to any other enactment (whether passed before or after the commencement of this Act and whether or not in force at the commencement of this Act); or
 - (iii) been reserved from sale or other disposition pursuant to section 24 of the Conservation Act 1987, or section 58 of the Land Act 1948, or the corresponding provisions of any former Act; and
- (b) A survey plan of land adjoining that land previously set aside or reserved is submitted to the territorial authority under section 223—

then, notwithstanding that any land of the kind referred to in paragraph (a) has been previously reserved or set aside but subject to any rule in a district plan or any resource consent, there may, as a condition of consent under section 220(1)(aa), be set aside on the survey plan an esplanade reserve adjoining the land previously set aside or reserved, which shall—

- (c) be of a width that is the difference between the width of the land previously set aside or reserved and—
- (i) the width required by a rule in a district plan under section 77 for an esplanade reserve, if any, where any allotment 4 hectares or more is created when land is subdivided; or
 - (ii) the width required by a rule in a district plan under section 77 for an esplanade reserve, if any, where any allotment less than 4 hectares is created when land is subdivided; or
 - (iii) where any allotment less than 4 hectares is created when land is subdivided, and there is no rule in a district plan under section 77, then 20 metres as required under section 230.
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254 Appointment of Environment Commissioner or Deputy Environment Commissioner

- (1) The Governor-General may, on the recommendation of the Attorney-General, after consultation with the Minister for the Environment and the Minister of Maori Affairs, appoint a person as an Environment Commissioner or a Deputy Environment Commissioner of the Environment Court for a period not exceeding 5 years.
 - (2) A person may be reappointed as an Environment Commissioner or a Deputy Environment Commissioner any number of times.
 - (3) At any one time any number of Environment Commissioners or Deputy Environment Commissioners may hold office.
 - (4) If an Environment Commissioner or Deputy Environment Commissioner is not reappointed, he or she may continue in office until his or her successor comes into office, notwithstanding that the term for which he or she was appointed may have expired.
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314 Scope of enforcement order

- (e) change or cancel a resource consent if, in the opinion of the Environment Court, the information made available to the consent authority by the applicant contained inaccuracies relevant to the enforcement order sought which materially influenced the decision to grant the consent:
 - (f) where the Environment Court determines that any 1 or more of the requirements of Schedule 1 have not been observed in respect of a policy statement or a plan, do any 1 or more of the following:
 - (i) grant a dispensation from the need to comply with those requirements:
 - (ii) direct compliance with any of those requirements:
 - (iii) suspend the whole or any part of the policy statement or plan from a particular date (which may be on or after the date of the order, but no such suspension shall affect any Court order made before the date of the suspension order).
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338 Offences against this Act

- (1) Every person commits an offence against this Act who contravenes, or permits a contravention of, any of the following:
 - (a) sections 9, 11, 12, 13, 14, and 15 (which impose duties and restrictions in relation to land, subdivision, the coastal marine area, the beds of certain rivers and lakes, water, and discharges of contaminants):
 - (b) any enforcement order:
 - (c) any abatement notice, other than a notice under section 322(1)(c):
 - (d) any water shortage direction under section 329.
 - (1A) Every person commits an offence against this Act who contravenes or permits a contravention of section 15A or section 15C (which impose restrictions in relation to waste or other matter).
 - (1B) Where any harmful substance or contaminant or water is discharged in the coastal marine area in breach of section 15B, the following persons each commit an offence:
 - (e) if the discharge is from a ship, the master and the owner of the ship:
 - (f) if the discharge is from an offshore installation, the owner of the installation.
 - (2) Every person commits an offence against this Act who contravenes, or permits a contravention of, any of the following:
 - (a) section 22, which relates to failure to provide certain information to an enforcement officer:
 - (b) section 42, which relates to the protection of sensitive information:
 - (c) any excessive noise direction under section 327:
 - (d) any abatement notice for unreasonable noise under section 322(1)(c):
 - (e) any order (other than an enforcement order) made by the Environment Court.
 - (3) Every person commits an offence against this Act who—
 - (a) wilfully obstructs, hinders, resists, or deceives any person in the execution of any powers conferred on that person by or under this Act:
 - (b) contravenes, or permits a contravention of, any of the following:
 - (i) section 283, which relates to non-attendance or refusal to co-operate with the Environment Court:
 - (ii) any summons or order to give evidence issued or made pursuant to section 41:
 - (c) contravenes, or permits a contravention of, any provision (as provided in Schedule 10) specified in an instrument for the creation of an esplanade strip or in an easement for an access strip, or enters a strip which is closed under section 237C.
 - (4) Notwithstanding anything in the Summary Proceedings Act 1957, any information in respect of any offence against subsection (1), (1A), or (1B) of this section may be laid by any person at any time within 6 months after the time when the contravention giving rise to the information first became known, or should have become known, to the local authority or consent authority.
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357A Right of objection to consent authority against certain decisions or requirements

- (1) There is a right of objection to a consent authority,—
 - (a) in respect of a decision of that authority, for any person who has made an application under—
 - (i) section 124(2) (which relates to the exercise of a resource consent while applying for a new resource consent);
 - (ii) section 125(1)(b) (which relates to the lapsing of consents);
 - (iii) section 126(2)(b) (which relates to the cancellation of consents);
 - (iv) section 139 (which relates to certificates of compliance);
 - (v) section 139A (which relates to existing use certificates):
 - (b) *[Repealed]*
 - (c) *[Repealed]*
 - (d) in respect of an application or a submission that a consent authority declines to process or to consider, as provided for by section 99(8), for the person who made the application or submission:
 - (e) in respect of a decision of the authority under section 87E(5) or (6), for a person who made a request under section 87D:
 - (f) in respect of the consent authority's decision on an application or review described in subsections (2) to (5), for an applicant or consent holder, if—
 - (i) the application or review was notified; and
 - (ii) either no submissions were received or any submissions received were withdrawn:
 - (g) in respect of the consent authority's decision on an application or review described in subsections (2) to (5), for an applicant or consent holder, if the application or review was not notified.
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386 Existing rights and authorities under Water and Soil Conservation Act 1967

- (1) Except as provided in subsections (2) to (7),—
 - (a) every right—
 - (i) granted under section 21(3) of the Water and Soil Conservation Act 1967; or
 - (ii) deemed to be so granted by virtue of section 58(1) of the Water and Soil Conservation Amendment Act 1988; or
 - (iii) referred to in subparagraph (vii) of section 365(d)—
(in this section called an **existing right**); and
 - (b) every authority under section 21(2) or section 21 (2A) of the Water and Soil Conservation Act 1967 (in this section called an **existing authority**); and
 - (c) every right—
 - (i) referred to in section 21(1) of that Act that was granted during the period commencing on the 10th day of September 1966 and ending with the 31st day of December 1968; or
 - (ii) expressly authorised by any other Act (other than the Tasman Pulp and Paper Company Enabling Act 1954) or Provincial Ordinance before the passing of that Act in respect of any specified water; or
 - (iii) referred to in subparagraphs (vi) or (viii) of section 365(d); or
 - (iv) deemed to be granted under section 21(3) of the Water and Soil Conservation Act 1967 by virtue of section 25(2)(d) of the Water and Soil Conservation Amendment Act (No 2)1971—
(in this section called an **existing authority**)—that is in force immediately before the date of commencement of this Act shall be deemed to be—
 - (d) a coastal permit, where it relates to a coastal marine area; or
 - (e) where it does not relate to a coastal marine area—
 - (i) a water permit, if it authorises something that would otherwise contravene section 14; or
 - (ii) a discharge permit, if it authorises something that would otherwise contravene section 15—

granted under this Act on the same conditions (including those set out in any enactment whether or not repealed or revoked by this Act) by the appropriate consent authority; and the provisions of this Act shall apply accordingly.

425A Functions and powers in respect of activities on or in Lake Taupo

- (1) Nothing in this Act shall have the effect of giving any local authority any power, duty, function, or control in respect of any activity on or in Lake Taupo where that power, duty, function, or control was exercised, at the date of commencement of this Act, by—
 - (a) the Minister of Internal Affairs; or
 - (b) the Minister of Transport; or
 - (c) the Lake Taupo Harbourmaster; or
 - (d) the Secretary for Local Government; or
 - (e) the Secretary for Internal Affairs—under any of the enactments referred to in subsection (2).
 - (2) The enactments to which subsection (1) applies are as follows:
 - (a) the Maori Land Amendment and Maori Land Claims Adjustment Act 1926:
 - (b) the Harbours Act 1950:
 - (c) the Shipping and Seamen Act 1952:
 - (d) the General Harbour (Nautical and Miscellaneous) Regulations 1968:
 - (e) the Lake Taupo Regulations 1976:
 - (f) the Water Recreation Regulations 1979:
 - (g) the Shipping (Distress Signals and Prevention of Collisions) Regulations 1988:
 - (h) the Water Recreation (Waikato River Outlet, Lake Taupo) Notice 1983 (*Gazette*, 1983, Vol I, page 177):
 - (i) the Water Recreation (Waikato River Outlet, Lake Taupo) Notice 1983, No 2 (*Gazette*, 1983, Vol III, page 3640):
 - (j) (any other regulation or notice made under the Harbours Act 1950 and applying to Lake Taupo.
 - (3) For the purposes of this section, **Lake Taupo** has the same meaning as **lake** in the Lake Taupo Regulations 1976.
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20 Operative date

- (1) Subject to subclause (2), an approved policy statement or plan shall become an operative policy statement or plan on a date which is to be publicly notified.
 - (2) The local authority shall publicly notify the date on which the policy statement or plan becomes operative at least 5 working days before the date on which it becomes operative.
 - (3) *[Repealed]*
 - (4) The local authority shall provide 1 copy of its operative policy statement or plan without charge to—
 - (a) the Minister for the Environment; and
 - (b) *[Repealed]*
 - (c) in the case of a regional coastal plan, the Minister of Conservation and the appropriate regional conservator for the Department of Conservation; and
 - (d) in the case of a district plan, the regional council and adjacent territorial authorities; and
 - (e) in the case of a policy statement or regional plan, constituent territorial authorities and adjacent regional councils; and
 - (f) the tangata whenua of the area, through iwi authorities; and
 - (g) the board of any foreshore and seabed reserve in the area.
 - (5) The local authority shall provide 1 copy of its operative policy statement or plan to every public library in its area.
 - (6) The obligation imposed by subclause (5) is in addition to the local authority's obligations under section 35 (records).
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1A Proposed regional coastal plan or proposed change to regional coastal plan must not describe certain areas as aquaculture management areas

- (1) A proposed regional coastal plan or a proposed change to a regional coastal plan must not describe an area as an aquaculture management area if the area comprises or includes space—
- (a) that is subject to an application—
 - (i) to which section 25(3) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 applies; and
 - (ii) made by a person to whom section 25(2) of that Act applies; and
 - (iii) which has not been determined or withdrawn; or
 - (b) that is, or may be, subject to an application—
 - (i) referred to in section 26(1)(b) of that Act; and
 - (ii) made by a person referred to in section 26(1)(a) of that Act; and
 - (iii) where an application has been made, it has not been determined or withdrawn; or
 - (c) that is subject to an application to which section 50(2) of that Act applies and the application has not been determined or withdrawn; or
 - (d) that was subject to an application to which section 50(2) of that Act applied and—
 - (i) the coastal permit applied for has been granted; and
 - (ii) the coastal permit has not lapsed or been cancelled or surrendered; but
 - (iii) the application for a marine farming permit or spat catching permit referred to in section 50(3) of that Act has not been made or has been made but has not been determined or withdrawn.