REPORT
Item Number:

Open Meeting

To	Waikato District Council
From	TG Whittaker General Manager Strategy & Support
Date	29 February 2016
Prepared By	Jenni Vernon Strategic Planning and Resource Management Team Leader
Chief Executive Approved	Y
DWS Document Set #	1468489
Report Title	**Feedback to Local Government New Zealand regarding the Resource Legislation Amendment Bill 2015**

1. Executive Summary

On 26 November 2015 the Minister for the Environment, Hon. Nick Smith introduced to Parliament the Resource Legislation Amendment Bill. The first reading was taken on 3 December 2015 and then interested parties have been asked to make submissions by 14 March 2016. Government has proposed that the Bill be enacted by July 2016.

To assist local authorities with this Bill, Local Government New Zealand (LGNZ) took the initiative to put together a submission and sought feedback from local authorities.

This report is to inform Council of the changes and provide Council's feedback to LGNZ for its final submission to the Bill.

2. Recommendation

THAT the report of the General Manager Strategy and Support – *Feedback to Local Government New Zealand regarding the Resource Legislation Amendment Bill 2015* - be received.

AND THAT Council approves the feedback on the Resource Legislation Amendment Bill 2015 that is to be provided to LGNZ.

3. Background

The new Bill proposes many changes to the current Resource Management Act 1991 (RMA) with some opportunity to remove the need for resource consent and "red tape" associated with activities that have few/no effects. Also there is the promotion of a mandatory national planning template, greater iwi participation in plan making and two planning tracks for councils: The Collaborative Planning Process (CPP) and the Streamlined Planning Process (SPP).

The CPP involves:

- Council consideration if CPP is deemed the best approach.

- May be best suited to complex planning issues where significant trade-offs are required.
- Council sets the terms of reference.
- Collaborative group provides Council with report with recommendations.
- Council prepares proposed plan based on consensus position reached by collaborative group.
- Iwi authorities provide comments on the pre-notified plan to Council.
- Plan publicly notified and submissions invited.
- Council appoints 'review panel'.
- Panel provides report to Council and can recommend changes to the notified plan.
- Council must accept or reject the panel's recommendations.

The Streamlined Planning Process (SPP) involves:

- Council must seek Ministerial approval to adopt the process.
- Can only apply if:
  - The proposed instrument will be implemented as national direction.
  - It is deemed urgent as a matter of public policy.
  - It is required to meet a significant community need.
  - An operative instrument has resulted in unintended consequences.
  - It will combine several instruments.

However, there are components that change the "machinery" of the RMA. Such changes include:

- Financial contributions to be phased out of the RMA completely.
- Costs of servicing to be met through development contributions.
- New procedural principles for decision-makers in Part 3 of the RMA.
- New function under s31:
  - Establishment, implementation, and review of objectives, policies and methods to ensure there is sufficient development capacity in respect of residential and business land to meet expected long-term demands of the district.
- New requirement under s32:
  - Evaluation report must summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and
  - Summarise the response to the advice.
- Council may strike out submissions.
- Public notices to be standardised.

Commencement dates vary from immediate, six months after Royal Assent and up to five years after Royal Assent. As a Council the likely changes will apply to the proposed District Plan Review.

4. Discussion and Analysis of Options

4.1 Discussion

It is important that local authorities participate in providing central government feedback when there are proposed major changes to one of our key pieces of legislation.

4.2 Options

- Option 1: Do nothing
- Option 2: Write our own submission
- Option 3: Provide feedback to LGNZ to build upon the extensive analysis that they have completed.

The third option was taken due to the complexity of the changes being proposed and the considerable amount of time that could be saved by adding to the LGNZ draft submission which Council largely supported.

5. Considerations

5.1 Financial

Nil.

5.2 Legal

Government has proposed that the Resource Legislation Amendment Bill be enacted by July 2016.

5.3 Strategy, Plans, Policy & Partnership Alignment

Council will be required to give effect to any changes made to the Resource Management Act 1991 through its planning processes.

5.4 Assessment of the Significance & Engagement Policy

The feedback to LGNZ does not trigger Council's Significance & Engagement Policy.

6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		√	Internal
N/A	N/A	N/A	Community boards/Community committees
N/A	N/A	N/A	Waikato-Tainui/Local iwi
N/A	N/A	N/A	Households
N/A	N/A	N/A	Business
N/A	N/A	N/A	Other Please Specify

Council's resource consent, monitoring and policy planning teams have been involved in providing the consolidated feedback to LGNZ. At this stage it is not our function to consult with the wider community given the Bill is being proposed by central government.

7. Conclusion

The purpose of this report is to provide Council with the feedback given to LGNZ on the Resource Legislation Amendment Bill.

8. Attachments

Attachment 1: Draft Feedback form to LGNZ

Resource Legislation Amendment Bill

Part 1 Amendments to Resource Management Act 1991.

Clause	Section	Text from RLAB	Commentary/recommendation
Subpart 1—Amendments that commence on day after Royal assent			
		Amendments to Part 1 of Principal Act	
4	**Section 2 amended (Interpretation)**	(1) In section 2(1), insert in their appropriate alphabetical order: **collaborative group** has the meaning given in **clause 36** of Schedule 1 **collaborative planning process** means the process by which a proposed policy statement or plan is prepared or changed in accordance with **Part 4** of Schedule 1 **combined document** means any instrument for which section 80 makes provision **development capacity** has the meaning given in **section 30(5)** (2) In section 2(1), definition of **infrastructure**, delete ", in section 30," (3) In section 2(1), insert in their appropriate alphabetical order: **iwi participation arrangement** means an arrangement entered into **under section 58L** **iwi participation legislation** means legislation (other than this Act), including any legislation listed in Schedule 3 of the Treaty of Waitangi Act 1975, that provides a role for iwi or hapū in processes under this Act **national planning template** means the national planning template approved under **section 58E**, as amended from time to time	Need a definition of watercourse (see 95DA) WDC Agrees with this proposed change.
		Amendment to Part 2 of principal Act	
5	**Section 6 amended (Matters of national importance)**	After section 6(g), insert: (h) the management of significant risks from natural hazards	**Support** the inclusion of this matter and note the sector has sought this for some time. Careful consideration needed to ensure ~~to ensure~~ appropriate wording of this provision. See later comments about the

			expression "significant". WDC Agrees with this proposed change.
		Amendments to Part 3 of principal Act	
6	**Section 12 amended (Restrictions on use of coastal marine area)**	After section 12(6), insert: This section does not prohibit a regional council from removing structures from the common marine and coastal area, in accordance with the requirements of **section 19(3) to (3C)** of the Marine and Coastal Area (Takutai Moana) Act 2011, unless those structures are permitted by a coastal permit.	**Support** NB if the structure is permitted under a coastal plan section 19 would still apply. WDC Agrees with this proposed change.
7	**Section 14 amended (Restrictions relating to water)**	In section 14(3)(b)(ii), replace "an individual's" with "a person's".	**Support** – gives clarification and removed potential for inconsistent interpretation and challenge. WDC Agrees with this proposed change.
8	**New section 18A and cross-heading inserted**	After section 18, insert: **Procedure 18A Procedural principles** Every person exercising powers and performing functions under this Act must— (a) use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised; and (b) ensure that policy statements and plans— (i) include only those matters relevant to the purpose of this Act; and (ii) are worded in a way that is clear and concise; and (c) promote collaboration between or among local authorities on their common resource management issues.	These provisions in their present form could lead to legal challenges. Seek that a subsection (2) is inserted to provide that the principles are not of themselves enforceable against any person and no person is liable to any other person for a breach of the principles (see existing section 17(2)). WDC Agrees with this proposed change.
		Amendments to Part 4 of principal Act	

9	**Section 24 amended (Functions of Minister for the Environment)**	(1) After section 24(b), insert: (ba) the approval of the national planning template under section **58E:** (2) In section 24(f), after "national policy statements,", insert "the national planning template,".	Consequential amendment.
10	**Section 29 amended (Delegation of functions by Ministers)**	After section 29(1)(d), insert: (da) approving, changing, replacing, or revoking the national planning template under **section 58E or 58G**:	Consequential amendment.
11	**Section 30 amended (Functions of regional councils under this Act)**	(1) After section 30(1)(b), insert: (ba) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to residential and business land to meet the expected long-term demands of the region: (2) Repeal section 30(1)(c)(v). (3) In section 30(1)(d)(v), delete "and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances". (4) After section 30(4), insert: (5) In this section and section 31, **development capacity**, in relation to residential and business land, means the capacity of the land for development, taking into account the following factors: (a) the zoning of the land; and (b) the provision of adequate infrastructure, existing or likely to exist, to support the development of the land, having regard to— (i) the relevant proposed and operative policy statements and plans for the region; and (ii) the relevant proposed and operative plans for the district; and (iii) any relevant management plans and strategies prepared under other Acts; and (c) the rules and methods in the operative plans that govern the capacity of the land for development; and (d) other constraints on the development of the land, including natural and	Indications are this will be supported by the NPSUD (under development). Definition of "development capacity" must be wider than **land capacity** Further analysis to come - does HSNO deal with the same matters that 30/31 do i.e the location and relationship to other activities/ sensitive landuses? Need a definition of "Business land". Does it include "Industrial land"? Wording of section 30(1)(b) and 30(5) *could* be open to the interpretation that it only applies to *existing* residential and business land. Should councils be able to exercise local discretion for GMOS in their

		physical constraints.	plans ? WDC Agrees with this proposed change and the LGA comments made above. With respect to GMOs, recent case law held that Regional Council's have jurisdiction to make provision for the control of the use of GMOs through Regional Policy Statements & Plans (*Federated Farmers of NZ v Northland Regional Council* [2015] NZEnvC 159). Our preference would be that GMOs are addressed at this level and not for TAs to manage. Or that direction and guidance is provided to TAs from Regional Council's. Currently no direction at all in Waikato Regional Policy Statement or Regional Plan.
12	**Section 31 amended (Functions of territorial authorities under this Act)**	(1) After section 31(1)(a), insert: (aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of residential and business land to meet the expected long-term demands of the district: (2) Repeal section 31(1)(b)(ii).	See earlier comments above. WDC Agrees this proposed change.
13	**Section 32 amended (Requirements for preparing and publishing evaluation reports)**	(1) In section 32(3), after "statement,", insert "national planning template,". (2) After section 32(4), insert: (4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must— (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and	Further analysis to come: Check Schedule 1.

		(b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice. (3) In section 32(6), definition of **proposal**, after "statement,", insert "national planning template,".	WDC Agrees this proposed change. Consequential amendment.
14	**Section 32AA amended (Requirements for undertaking and publishing 5 further evaluations)**	(1) In section 32AA(1)(d)(i), after "New Zealand coastal policy statement", insert "or the national planning template". (2) In section 32AA(3), after "statement,", insert "national planning template,".	Consequential amendment.
15	**Section 32A amended (Failure to carry out evaluation)**	In section 32A(3), after "statement,", insert "national planning template,".	Consequential amendment.
16	**Section 34A amended (Delegation of powers and functions to employees and other persons)**	After section 34A(1), insert: (1A) If a local authority is considering appointing 1 or more hearings commissioners to exercise a delegated power to conduct a hearing under Part 1 of Schedule 1,— (a) the local authority must consult tangata whenua through relevant iwi authorities on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū; and (b) if the local authority considers it appropriate, it must appoint at least 1 commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū, in consultation with relevant iwi authorities.	Subsection 1A(a) could state that contact must be made and a timeframe specified for a response (but no obligation on iwi to respond) Councils are unlikely to be able to meet the timetables for the commencement of hearings in many instances (eg multiple iwi). WDC agrees with this proposed change. WDC also agrees with the LGA comment in part. WDC has concerns with respect to the wording "must" and potential timeframes being delayed through consultation. Also there is requirement under s100A to

			consult anyway. It is also noted that WDC has a Joint Management Agreement which requires Council and iwi to work in a partnership anyway.
17	**New section 34B inserted (Consent authority may fix fee payable to hearings commissioner)**	After section 34A, insert: **34B Consent authority may fix fee payable to hearings commissioner** (1) A consent authority may, from time to time, fix the fee payable to a hearings commissioner for hearing and deciding a matter in accordance with a delegation by the consent authority under section 34A(1). (2) A fee fixed under this section must be either a specific amount or determined by reference to scales of fees or other formulae fixed by the consent authority. (3) A fee may be fixed under this section only— (a) in the manner set out in section 150 of the Local Government Act 2002; and (b) after using the special consultative procedure set out in section 83 of the Local Government Act 2002. (4) A consent authority must fix a fee under this section if required to do so by regulations made under **section 360E**. (5) A consent authority must publish and maintain, on an Internet site to which the 5 public has free access, an up-to-date record of any fee that it fixes under this section.	Further analysis to come There may be some latitude to ensure the scales of charges reflect reasonable hourly/daily rate Subclause (3) needs some more scrutiny. Section 150 LGA provides for two ways of fixing fees – bylaws or "section 82". The correct references should now be to section 83. Section 150 requires amendment**.** WDC has concerns with this proposed change. Fixed fees may limit who WDC get as Commissioners and potentially the quality of decisions.
18	**Section 35 amended (Duty to gather information, monitor, and keep records)**	(1) After section 35(2)(c), insert: (ca) the efficiency and effectiveness of processes used by the local authority in exercising its powers or performing its functions or duties (including those delegated or transferred by it), including matters such as timeliness, cost, and the overall satisfaction of those persons or bodies in respect of whom the functions, powers, or duties are exercised or performed; and	Expected – has been signalled Comment: 2AA regs need to be developed in consultation with LG and other obligations e.g under

		(2) After section 35(2), insert: (2AA) Monitoring required by subsection (2) must be undertaken in accordance with any regulations.	NPSFM for accounting need to be taken into account. WDC Supports the changes in principle but has concerns as to how the efficiency and effectiveness of processes may be measured. Is this going to involve more resources and costs? With respect to 2AA this makes the powers in terms of "any regulations" quite wide.
19	**Section 35A amended (Duty to keep records about iwi and hapu)**	20 (1) In section 35A(1)(c), after "kaitiakitanga", insert "; and". (2) After section 35A(1)(c), insert: (d) any iwi participation arrangement entered into under **section 58L**	Consequential amendment.
20	**Section 36 amended (Administrative charges)**	(1) In section 36(1), delete ", subject to subsection (2)," (2) After section 36(1)(cb), insert: (cc) charges payable by a person who carries out a permitted activity, for the monitoring of that activity, if the local authority is empowered to charge for the monitoring in accordance with **section 43A(8)**: (3) In section 36(1), delete "Charges fixed under this subsection shall be either specific amounts or determined by reference to scales of charges or other formulae fixed by the local authority." (4) Replace section 36(2) to (8) with: (2) Charges fixed under this section must be either specific amounts or determined by reference to scales of charges or other formulae fixed by the local authority. (3) Charges may be fixed under this section only (a) in the manner set out in section 150 of the Local Government Act 2002; and (b) after using the special consultative procedure set out in section 83 of the Local Government Act 2002; and	**Support** principle of charging for permitted activities See comments above. Support the ability to recover actual and reasonable costs

		(c) in accordance with section **36AAA**. (4) A local authority must fix a charge under this section if required to do so by regulations made under **section 360E**. *Additional charges* (5) Where a charge fixed under this section is, in any particular case, inadequate to enable a local authority to recover its actual and reasonable costs in respect of the matter concerned, the local authority may require the person who is liable to pay the charge to also pay an additional charge to the local authority. (6) A local authority must, on request by any person liable to pay a charge under this section, provide an estimate of any additional charge likely to be imposed under **subsection (5**). (7) Sections 357B to 358 (which deal with rights of objection and appeal against certain decisions) apply in respect of the requirement by a local authority to pay an additional charge under **subsection (5).** *Other matters* (8) **Section 36AAB** sets out other matters relating to administrative charges.	WDC Agrees with this proposed change. However further detail would assist to understand how charges would be applied to permitted activities and monitoring in accordance with section 43A(8) for NES activities What are actual and reasonable costs with respect to NES? – who determines this and does this need further definition or clarification? Would there be an issue with respect to increased objections?

21	**New sections 36AAA and 36AAB inserted**	After section 36, insert: **36AAA Criteria for fixing administrative charges** (1) When fixing charges under section 36, a local authority must have regard to the criteria set out in this section. (2) The sole purpose of a charge is to recover the reasonable costs incurred by the local authority in respect of the activity to which the charge relates. (3) A particular person or particular persons should be required to pay a charge only— (a) to the extent that the benefit of the local authority's actions to which the charge relates is obtained by those persons as distinct from the community of the local authority as a whole; or (b) where the need for the local authority's actions to which the charge relates results from the actions of those persons; or (c) in a case where the charge is in respect of the local authority's monitoring functions under section 35(2)(a) (which relates to monitoring the state of the whole or part of the environment),— (i) to the extent that the monitoring relates to the likely effects on the environment of those persons' activities; or (ii) to the extent that the likely benefit to those persons of the monitoring exceeds the likely benefit of the monitoring to the community of the local authority as a whole. (4) The local authority may fix different charges for different costs it incurs in the performance of its various functions, powers, and duties under this Act— (a) in relation to different areas or different classes of applicant, consent holder, requiring authority, or heritage protection authority; or (b) where any activity undertaken by the persons liable to pay any charge reduces the cost to the local authority of carrying out any of its functions, powers, and duties. (5) If a local authority fixes a charge under section 36 that includes a component payable to a hearings commissioner for hearing and deciding a matter, the amount of that component must be the amount of the fee fixed under **section 34B** (if any).	Section 36AAA(2) to (4) reflects the existing section 36(4) Section 36AAA – See comments above.
	36AAB Other matters relating to	**36AAB Other matters relating to administrative charges** (1) A local authority may, in any particular case and in its absolute discretion, remit	Similar to existing section 36(5) to (8).

	administrative charges	the whole or any part of any charge of a kind referred to in section 36 that would otherwise be payable. (2) Where a charge of a kind referred to in section 36 is payable to a local authority, the local authority need not perform the action to which the charge relates until the charge has been paid to it in full. (3) However, **subsection (2)** does not apply to a charge to which section 36(1)(ab)(ii), (ad)(ii), or (cb)(iv) applies (relating to independent hearings commissioners requested by submitters or reviews required by a court order). (4) A local authority must publish and maintain, on an Internet site to which the public has free access, an up-to-date list of charges fixed under section 36	
		Amendments to Part 4A of principal Act	
22	**Section 42C amended (Functions of EPA)**	After section 42C(d), insert: (daa) to provide planning advice under section 149L to a board of inquiry: (dab) if requested by the Minister, to provide secretarial and support services to a person appointed under another Act to make a decision requiring the application of provisions of this Act as applied or modified by the other 35 Act: (dac) if requested by the Minister, to provide advice and secretarial and support services to the Minister in relation to the Minister's functions the streamlined planning process (see **subpart 5** of Part 5 and **Part 5** of Schedule 1)	No comment required.
23	**New section 42CA inserted (Cost recovery for specified function of EPA)**	After section 42C, insert: **42CA Cost recovery for specified function of EPA** (1) If the Minister asks the EPA under **section 42C(dab)** to provide secretarial and support services to a person,— (a) the Minister may direct the EPA to recover from the person the actual and reasonable costs incurred by the EPA in providing the services; and (b) the EPA may recover those costs in accordance with the direction, but only to the extent that they are not provided for by an appropriation under the Public Finance Act 1989. (2) The EPA must, on request by an applicant, provide an estimate of the costs likely to be recovered under this section. (3) When recovering costs under this section, the EPA must have regard to the following criteria: (a) the sole purpose is to recover the reasonable costs incurred in providing the	No comment required.

		services: (b) the applicant should be required to pay for costs only to the extent that the benefit of the services provided by the EPA 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 EPA of providing the services. (4) If the EPA requires a person to pay costs recoverable under this section, the costs are a debt due to the Crown that is recoverable by the EPA on behalf of the Crown in any court of competent jurisdiction.	
		Amendments to Part 5 of principal Act	
24	**Cross-heading above section 43 replaced**	Replace the cross-heading above section 43 with: Subpart 1—National instruments	
25	**Section 43 amended (Regulations prescribing national environmental standards)**	Replace section 43(3) with: (3) Regulations made under this section or any provisions of those regulations may apply— (a) generally; or (b) to any specified district or region of any local authority; or (c) to any other specified part of New Zealand.	**Support in part** NB Likely to be some circumstances where the test for national significance would be met
26	**Section 43A amended (Contents of national environmental standards)**	After section 43A(7), insert: (8) A national environmental standard may— (a) empower a consent authority to charge for monitoring any permitted activities specified in the standard; and (b) specify how consent authorities must perform their functions in order to achieve the standard.	**Support** (a) – see comments above. Not certain what (b) might involve in practice. WDC Agrees with this proposed change in principle and the LGA comment above, but has concerns with respect to the costs to our community.
27	**Section 43B amended (Relationship**	Replace section 43B(3) with: (3) A rule or resource consent that is more lenient than a national environmental standard prevails over that standard, so long as the standard expressly permits a	**Support** – an issue that has come up in NESs under development

	between national environmental standards and rules or consents)	rule or consent to be more lenient than the standard.	(NESPF) WDC Agrees with this proposed change.
28	**Section 44 amended (Restriction on power to make national environmental standards)**	After section 44(2), insert: (2A) In relation to a proposal for a national environmental standard that relates to a specified district, region, or other part of New Zealand, the references in subsection (2) to the public and iwi authorities must be read as references to the public and iwi authorities within the specified region, district, or other part of New Zealand.	See earlier comments about national significance. WDC Agrees with this proposed change.
29	**New section 45A inserted (Contents of national policy statements)**	After section 45, insert: **45A Contents of national policy statements** (1) A national policy statement must state objectives and policies for matters of national significance that are relevant to achieving the purpose of this Act. (2) A national policy statement may also state— (a) the matters that local authorities must consider in preparing policy statements and plans: (b) methods or requirements that local authorities must, in developing the content of policy statements or plans, apply in the manner specified in the national policy statement, including the use of models and formulas: (c) the matters that local authorities are required to achieve or provide for in policy statements and plans: (d) constraints or limits on the content of policy statements or plans: (e) objectives and policies that must be included in policy statements and plans: (f) directions to local authorities on the collection and publication of specific information in order to achieve the objectives of the statement: (g) directions to local authorities on monitoring and reporting on matters relevant to the statement, including— (i) directions for monitoring and reporting on their progress in relation to any provision included in the statement under this section; and (ii) directions for monitoring and reporting on how they are giving effect	At least some of these provisions have the potential to be onerous and costly for local authorities to give effect to. In particular, clauses 45A(2)(f) and (g) create a separate information and monitoring regime to that applicable to policy statements and plans generally. WDC Agrees with this proposed change in principle. However we support the LGA comment above in respect of costs to smaller Council's and additionally we have concerns that the provisions are very prescriptive and the timeliness of information potentially may mean that it is out of date).

		to the statement; and (iii) directions specifying standards, methods, or requirements for carrying out monitoring and reporting under **subparagraph (i) or (ii):** (h) any other matter relating to the purpose or implementation of the statement. (3) A national policy statement or any provisions of it may apply— (a) generally; or (b) to any specified district or region of any local authority; or (c) to any other specified part of New Zealand. (4) A national policy statement may include transitional provisions for any matter, including its effect on existing matters or proceedings.	Clause 45A(3) – see earlier comments.
30	**Section 46A amended (Minister chooses process)**	After section 46A(2), insert: (2A) If the Minister uses the process in subsection (1)(b) in relation to a proposed national policy statement that relates to a specified district, region, or other part of New Zealand, the reference in that subsection to public and iwi authorities must be read as a reference to the public and iwi authorities within the specified region, district, or other part of New Zealand.	Consequential amendment.
31	**Section 48 amended (Public notification of proposed national policy statement and inquiry)**	After section 48(1), insert: (1A) However, if a proposed national policy statement applies only to a specified district, region, or other part of New Zealand, the obligations under subsection 35 (1) do not apply and are replaced by the obligation— (a) to publish a notice of the proposed national policy statement and the inquiry in a newspaper in regular circulation in the specified district, region, or other part of New Zealand; and (b) to serve the notice on the local authorities and other persons and authorities within that district, region, or other part of New Zealand, as the 5 board considers appropriate	Consequential amendment.
32	**Section 52 amended (Consideration of recommendations and approval or**	After section 52(3), insert: (4) However, if a national policy statement applies only to a specified district, region, or other part of New Zealand, the obligation under subsection (3)(b) is— (a) to publicly notify the statement and report in whatever form the Minister thinks appropriate; and	Consequential amendment.

	withdrawal of statement)	(b) to send copies to the local authorities in the specified district, region, or 15 other part of New Zealand to which the national policy statement applies.	
33	**Section 55 amended (Local authority recognition of national policy statements)**	(1) In section 55(3), replace "specified in" with "directed by". (2) Repeal section 55(4).	Consistent with clause 45A. Consequential amendment.
34	**New section 55A inserted (Combined process for national policy statement and national environmental standard)**	After section 55, insert: **55A Combined process for national policy statement and national environmental standard** (1) The Minister may prepare a national policy statement and a national environmental standard using a combined process by— (a) preparing the proposed national policy statement in accordance with section 46; and (b) preparing the proposal for a national environmental standard in accordance with section 44; and (c) proceeding in accordance with **subsection (2).** (2) For the purposes of **subsection (1)(c),** the Minister must— (a) use the process set out in sections 47 to 51 or the process set out in section 46A(1) (b)(iaaa), (i), and (ii), and a reference to a proposed national policy statement must be read as a reference to the proposed national policy statement and a proposal for a national environmental standard; and (b) comply with sections 52 and 54 in relation to the proposed national policy statement; and (c) decide whether to make a recommendation to the Governor-General for 5 the making of the national environmental standard and comply with section 44(2)(ba) before making that decision.	There is potential overlap with the NPT but it is difficult to reach any clear view on this in the absence of a "model" template. Note clause 58B(1) – "nationally significant". As later noted, there is considerable complexity as how NPS/NES and national planning template processes will "mesh" together. WDC Agrees with the change in principle but supports the above LGA comments.
35	**Section 56 amended (Purpose of New Zealand coastal policy statements)**	In section 56, after "state", insert "objectives and"	Support this change. WDC Agrees with this proposed change.

36	**Section 58 amended (Contents of New Zealand coastal policy statements)**	In section 58, insert as subsections (2) and (3): (2) A New Zealand coastal policy statement may also include any of the matters specified in **section 45A(2) and (4)** (which applies as if a New Zealand coastal policy statement were a national policy statement). (3) A New Zealand coastal policy statement or any provisions of it may apply— (a) generally within the coastal environment; or (b) to any specified part of the coastal environment.	See earlier comments. WDC Agrees with this proposed change.
National planning template			
37	**New sections 58B to 58J and cross-heading inserted**	After section 58A, insert: *National planning template* **58B Purposes of national planning template** The purposes of the national planning template are— (a) to assist in achieving the purpose of this Act; and (b) to set out requirements or other provisions relating to any aspect of the structure, format, or content of regional policy statements and plans to address matters that the Minister considers— (i) to be nationally significant: (ii) to require national consistency: (iii) to be required to address any of the procedural principles set out in **section 18A**.	**Support principle of a NPT** Further analysis to come including cost implications; NB no recognition of cost implications in RIS Councils, when surveyed in 2015, supported in principle a template as far as consistent terms/definitions and structure/format of plans. This current proposal potentially could apply to virtually any plan provisions given the scope of the procedural principles in clause 18A. How will it be determined as to what "requires national consistency" (b)(ii)? There seems to be overlap with clause 18A. "Require" is a strong word. Cost of investment by councils and

			participants May vs must is consistent with clause 45A(2). WDC agrees with the change in principle, but supports the LGA comments above, specifically in regards to what is meant by "requires national consistency". How do we measure this? It is noted that it will take some time to achieve national consistency giving timing of NPT and subsequent plan changes and DP reviews required to implement the NPT. WDC also have concerns about how the Hamilton Infrastructure Technical Specifications (ITS) will be affected by the NPT? Any national template has to be broad enough to be fit for purpose for the respective local authorities throughout the country.
37	**58C Contents of national planning template**	**58C Contents of national planning template** (1) The national planning template may specify— (a) the structure and form of regional policy statements and plans: (b) any of the matters specified in **section 45A(2) and (4)** (which applies as if the national planning template were a national policy statement): (c) objectives, policies, methods (including rules), and other provisions that must or may be included in plans: (d) objectives, policies, methods (but not rules), and other provisions that must	How does 58B(b)(ii) relate to 58C(c) and (d) Very wide open as drafted – can the provisions provide for some regional/local circumstances A lot of discretion is left to NPT

		or may be included in regional policy statements: (e) a time frame or time frames for councils to give effect to the whole or part of the national planning template, including different time frames for— (i) different local authorities: (ii) different parts of the national planning template: (f) if the national planning template specifies that a rule must or may be included in plans, whether the local authority must review a discharge, coastal, or water permit under section 130 to ensure compliance with the rule. (2) For the purpose of **subsection (1)(c),** the national planning template may include any rules that could be included in any regional or district plan under section 68 or 76. (3) The national planning template may specify requirements that relate to the electronic accessibility and functionality of policy statements and plans. (4) The national planning template or any provisions of it may apply generally or to specific regions or districts or other parts of New Zealand. (5) The national planning template may incorporate material by reference, and **Schedule 1AA** applies for the purposes of this subsection as if references to a national environmental standard, national policy statement, or New Zealand coastal policy statement were references to the national planning template. (6) The national planning template may, for ease of reference, set out (or incorporate by reference) provisions of a national policy statement, a New Zealand coastal policy statement, or regulations (including a national environmental standard), but those provisions do not form part of the national planning template for the purposes of any other provision of this Act or any other purpose.	development process Clause 58C(2) is very wide – see earlier comments. WDC agrees with the proposed change in principle. However agrees with the LGA comments above with respect to the reference to "may" being a wide provision. WDC also has concerns with respect to the costs for smaller Council's. Suggest that existing NPS/NES's be retrofitted and future NPS/NES's be incorporated into NPT.
37	**58D Preparation of national planning template**	**58D Preparation of national planning template** (1) If the Minister determines to prepare a national planning template, the Minister must prepare it in accordance with this section and **sections 58E to 58J**. (2) In preparing or amending the national planning template, the Minister may have regard to— (a) the matters set out in section 45(2)(a) to (h): (b) whether it is desirable to have national consistency in relation to a resource management issue: (c) any other matter that is relevant to the purpose of the national planning	Support a public process to prepare the NPT WDC Agrees with this proposed change.

		template. (3) Before approving the national planning template, the Minister must— (a) prepare a draft national planning template; and (b) prepare an evaluation report in accordance with section 32 and have particular regard to that report before deciding whether to publicly notify the draft; and (c) publicly notify the draft; and (d) establish a process that— (i) the Minister considers gives the public, local authorities, and iwi authorities adequate time and opportunity to comment on the draft; and (ii) requires a report and recommendations to be made to the Minister on those comments. (4) If a draft national planning template includes provisions that relate to the content or preparation of a regional coastal plan, the Minister must consult the Minister of Conservation about all of the steps referred to in **subsection (3).**	Clause 58D reflects the existing sections 44(2) and 46(1)(b). NB There is no option to use a Board of Enquiry process similar to that under section 47 to 52, despite the potential overlap between an NPS and national planning template. WDC Agrees with this proposed change and supports the LGA comments above. Positive with respect to MFE preparing S32 (costs at central govt level).
37	**58E Approval of national planning template**	**58E Approval of national planning template** (1) Before approving the national planning template, the Minister must— (a) consider the report and recommendations made under **section 58D (3)(d)(ii);** and (b) carry out a further evaluation of the draft national planning template in accordance with section 32AA and have particular regard to that evaluation when deciding whether to approve the national planning template. (2) The Minister may— (a) approve the national planning template after making any changes or no changes to the draft national planning template (except to the extent that it relates to the preparation or content of regional coastal plans) as he or she thinks fit; or (b) withdraw all or part of the draft template (except to the extent that it relates to the preparation or content of regional coastal plans) and give public notice of the withdrawal, including the reasons for the withdrawal. (3) The Minister of Conservation may amend, withdraw, or approve the draft national planning template, but only to the extent that it relates to the preparation	Similar to existing statutory provisions. WDC Agrees with this proposed change. However WDC considers this provision provides a lot of power to the Minister and this becomes a highly centralised process for the Local Authorities (which sometimes leaves us wondering where we stand with the NPT).

		or content of regional coastal plans. (4) The Minister must give notice of the approval of the national planning template in the Gazette. (5) The national planning template is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.	
37	**58F Publication of national planning template and other documents**	**58F Publication of national planning template and other documents** (1) The Minister must ensure that— (a) the approval of the national planning template is publicly notified in any manner the Minister thinks fit; and (b) a copy of the national planning template is provided to every local authority. (2) The Minister must publish the national planning template and the report and any recommendations made to him or her under **section 58D(3)(d)** on an Internet site to which the public has free access, and may publish the national planning template and the report and recommendations in any other way or form he or she considers appropriate.	Support Updated to reflect use of internet sites. WDC Agrees with this proposed change.
37	**58G Amending, replacing, or revoking national planning template**	**58G Amending, replacing, or revoking national planning template** (1) The Minister may amend or replace the national planning template after following the process set out in **sections 58D and 58E**. (2) If an amendment to the national planning template has not more than a minor effect or corrects errors or makes similar technical alterations, the Minister may make the amendment without following the process set out in **sections 58D and 58E**, other than to give notice of the amendment in the Gazette. (3) If the Minister wishes to revoke the national planning template in whole or in part (except to the extent that it relates to the preparation or content of regional coastal plans), the Minister— (a) must give the public and iwi authorities notice, with adequate time and opportunity to comment on the proposed revocation; but (b) may make the revocation and give notice of it without following any further the process set out in **sections 58D and 58E**. (4) If the Minister of Conservation wishes to revoke the national planning template	Clauses 58G(1) and (2) reflect with some changes the existing section 53. Clause 58g(3) is vague (see comments above). LAs could end up with considerable wasted expenditure in this situation. WDC Agrees with this proposed change in principle. However supports the LGA comment above and consider there will be no real certainty for our communities.

		in whole or in part, to the extent that it relates to the preparation or content of a regional coastal plan, the Minister of Conservation— (a) must give the public and iwi authorities notice, with adequate time and opportunity to comment on the proposed revocation; but (b) may make the revocation and give notice of it without following any further the process set out in **sections 58D and 58E**. (5) The revocation of the whole or part of the national planning template does not have the effect of revoking any provision of a plan included at the direction of, or in reliance on, a revoked provision of the national planning template.	Support clause 58G(5).
37	**58H Local authority recognition of national planning template**	**58H Local authority recognition of national planning template** (1) In this section and **section 58J**, document means— (a) a regional policy statement; or (b) a proposed regional policy statement; or (c) a proposed plan; or (d) a plan; or (e) a variation. (2) A local authority must amend a document, if the national planning template directs so, to include specific provisions set out in the national planning template. (3) If **subsection (2**) applies, the local authority must— (a) make the amendments to the document as directed and make any consequential amendments to any document that are necessary to avoid duplication or conflict with the directed amendments, without using any of the processes set out in Schedule 1; and (b) make all amendments within the time specified in the national planning template or (in the absence of a specified time) within 1 year after the date of the notification in the Gazette of the approval of the national planning template; and (c) give public notice of the amendments within 5 working days after making them. (4) A document is amended as from the date of the relevant public notice under **subsection (3)(c**).	Clause 58H is similar but is not identical to the section 55. WDC Agrees with this proposed change. Clause 58H(3) is different from section 55(2) – it leaves the local authority with the task of deciding what consequential amendments to avoid conflict or duplications. This may not be a straightforward task. the relationship between (a) ad (b) is unclear.

		(5) A local authority must— (a) make all other amendments to any document that are required to give effect to any provision in the national planning template that affects the document, using one of the processes set out in Schedule 1; and (b) make all amendments within the time specified in the national planning template or (in the absence of a specified time) within 5 years after the date of the notification in the Gazette of the approval of the national planning template, unless **subsection (6)** applies. (6) However, **subsection (7)** applies if an amendment relates to matters that are the subject of a proposed policy statement or plan that was notified under clause 5 or **48** of Schedule 1, but had not become operative before the approval of the national planning template. (7) If this subsection applies, the local authority— (a) is not required to amend the document within the time specified in **subsection (5)(b);** but (b) must make the amendments under **subsection (5)(a)** within the time specified in the template or (in the absence of a specified time) within 5 years after the date on which the proposed policy statement or plan becomes operative. (8) A local authority must also take any other action that is directed by the national planning template. (9) This section is subject to obligations placed on local authorities, or on any particular local authority, by or under any other Act that relates to the preparation or change of a policy statement or plan under this Act.	The position depends on whether or not specific provisions are directed to be included in the local authority document. Other changes require the Schedule 1 process. It may not always be clear what is a consequential amendment. Under clause 58H(4), the NPT has effect at the date of "public notice". Otherwise it is a little unclear how clause 58H(5)(b) works – start of process or completion? WDC Agrees with this proposed change in principle. However supports the LGA comments, particularly where costs are concerned and timeframes to implement the NPT. Is the 1 year timeframe to "Operative"?
37	**58I First national planning template to be made within 2 years and template to be kept in force at all times**	**58I First national planning template to be made within 2 years and template to be kept in force at all times** (1) The Minister must ensure that the first national planning template is approved within 2 years after the date on which **Part 1 of the Resource Legislation Amendment Act 2015** receives the Royal assent. (2) The Minister must ensure that, at all times after the approval of the first national planning template, a national planning template is for the time being in force.	Is 2 years is long enough to prepare and consult on the NPT WDC Agrees with this proposed change in principle, but agrees with the LGA comment that 2 years may not be long enough to prepare and consult on the NPT.

37	**58J Obligation to publish planning documents**	**58J Obligation to publish planning documents** Not later than 1 year after the date on which the approval of the national planning template is notified in the Gazette, a local authority must make the following publicly available, free of charge on a single searchable Internet site, as they relate to a particular district or region: (a) plans, both operative and proposed, and changes to plans; and (b) policy statements, both operative and proposed.	It is not clear what "searchable" means and this is still to be worked through. if it means full functionality (e-plan) this will mean considerable resource is required to provide WDC Agrees with this proposed change in principle and supports the LGA comments particularly where additional resources may be required. This may also have cost implications for smaller Council's.
Subpart 2—Iwi participation arrangements			
38	**New subpart 2 of Part 5 and new subpart 3 heading in Part 5 inserted**	After section 58J (as inserted by section 37 of this Act), insert: *Subpart 2—Iwi participation arrangements* **58K Purpose of iwi participation arrangements** The purpose of an iwi participation arrangement is to provide an opportunity for local authorities and iwi authorities to discuss, agree, and record ways in which tangata whenua may, through iwi authorities, participate in the preparation, change, or review of a policy statement or plan in accordance with the processes set out in Schedule 1.	**Support** in principle NB purpose is about **process** (how LAs will work with iwi authorities) not content WDC Agrees with this proposed change in principle. However WDC already has a Joint Management Agreement. Assume we may not need to go further than this?
38	**58L Local authorities to invite iwi to enter into iwi participation arrangement**	**58L Local authorities to invite iwi to enter into iwi participation arrangement** (1) The requirement for an invitation to be extended under this section applies when a triennial general election is held under section 10 of the Local Electoral 30 Act 2001. (2) Not later than 30 working days after the date of a relevant event referred to in **subsection (1),** a participating local authority must invite iwi authorities representing tangata whenua to enter into 1 or more iwi participation	30 days not be long enough as the default 60 days instead as the default instead? Some local authorities have

		arrangements. (3) However, the local authority need not extend the invitation to an iwi authority if it has already agreed to an iwi participation arrangement with that iwi authority. (4) If an iwi authority wants to enter into an iwi participation arrangement with a local authority, it must notify its acceptance of the invitation given under **subsection (2)** to the local authority within 60 working days after the date on which the invitation is issued, but nothing in this section requires an iwi authority to respond to an invitation or enter into an iwi participation arrangement. (5) Nothing in this section prevents a local authority from preparing, changing, or reviewing a policy statement or plan in accordance with Schedule 1 while the local authority is waiting for a response from, or is negotiating an iwi participation arrangement with, 1 or more iwi authorities.	multiple iwi to work with And some iwi have multiple local authorities to work with Clause 58L(3) is not entirely clear. What is the duration of an IPA? See however clause 58M(b)(v). Note clauses 3(1)(d), 3B and 3C in the First Schedule. WDC Agrees with this proposed change in principle. However supports the comments provided by LGA above. Agree that timeframes are an issue and suggest 90 days as the default. WDC work with a large number of iwi and would need the longer timeframes. Otherwise unachievable. Clause 58L(3) is clear where you have a JMA established by legislation.
38	**58M Content of iwi participation arrangements**	**58M Content of iwi participation arrangements** An iwi participation arrangement— (a) must be recorded in writing and identify the parties to the arrangement; and (b) must record the parties' agreements about— (i) how an iwi authority party may participate in the preparation or change of a policy statement or plan; and (ii) how the parties will give effect to the requirements of any provision of any iwi participation legislation, including any requirements of any	WDC agrees with this change in principle. Re-iterate that WDC has a JMA in place.

		agreements entered into under that legislation; and (iii) whether any other arrangement agreed between the local authority and any 1 or more iwi authority parties that provides a role for those iwi authority parties in the preparation or change of a policy statement or plan should be maintained or, if applicable, modified or cancelled; and (iv) ways in which iwi authority parties can identify resource management issues of concern to them; and (v) the process for monitoring and reviewing the arrangement; and 30 (c) may— (i) specify a process that the parties will use for resolving disputes about the implementation of the arrangement; and (ii) indicate whether an iwi authority party has delegated to any person or group of persons the role of participating in the preparation, change, or review of a policy statement or plan; and (iii) if there are 2 or more iwi authority parties or other parties, set out how those parties will work together collectively under the arrangement.	
38	**58N Time frame for concluding iwi participation arrangement**	**58N Time frame for concluding iwi participation arrangement** (1) If an iwi authority accepts a local authority's invitation to enter into an iwi participation arrangement, the local authority and the iwi authority must use their best endeavours to conclude an arrangement within— (a) 6 months after the date of the acceptance; or (b) any other period agreed by all the parties. (2) If a local authority and an iwi authority are not able to conclude an iwi participation arrangement within the period that applies under **subsection (1),** the local authority must invite the iwi authority to participate in mediation or some other form of alternative dispute resolution for the purpose of concluding an arrangement. (3) No dispute resolution provisions in an iwi participation arrangement may require the local authority to suspend— (a) the preparation, change, or review of a policy statement or plan; or (b) any other part of a process provided for in Schedule 1.	WDC Agrees with this proposed change in principle. However have some concerns that it could be difficult if there is more than 1 iwi and it depends on the scope of the arrangement i.e. co-governance and co-management.

38	**58O Parties may seek assistance from Minister**	**58O Parties may seek assistance from Minister** (1) This section applies if a local authority and an iwi authority that accepted an invitation to enter into an iwi participation arrangement— (a) have endeavoured, but have been unable, to conclude an arrangement within the time specified in **section 58N(1);** and (b) in their endeavours to conclude an arrangement, have used mediation or some other form of alternative dispute resolution. (2) The local authority or iwi authority may apply to the Minister for assistance to conclude an iwi participation arrangement. (3) If the local authority and the iwi authority agree, the Minister may— (a) appoint a person to assist the local authority and the iwi authority to conclude an iwi participation arrangement; or (b) direct them to use a particular alternative dispute resolution process for that purpose.	WDC Agrees with this proposed change in principle. We see this as a fall-back position
38	**58P Relationship with iwi participation legislation**	**58P Relationship with iwi participation legislation** An iwi participation arrangement does not limit any relevant provision of any iwi participation legislation or any agreement under that legislation.	WDC Agrees with this proposed change.
Subpart 3 – Local authority policy statements and plans			
39	**Section 61 amended (Matters to be considered by regional council (policy statements))**	1) After section 61(1)(d), insert: (da) a national policy statement, a New Zealand coastal policy statement, and the national planning template; and (2) In section 61(2), replace “62(2)” with “62(3)”.	Consequential amendment.
40	**Section 62 amended (Contents of regional policy statements)**	(1) Repeal section 62(1)(i)(ii). (2) In section 62(3), replace “or New Zealand coastal policy statement” with “, a New Zealand coastal policy statement, or the national planning template”.	Consequential amendment.
41	**Section 65**	(1) Replace section 65(3)(c) with:	Deletions consistent with other

	amended (Preparation and change of other regional plans)	(c) any risks from natural hazards: (2) In section 65(4), after "set out in", insert "Part 2 of". (3) In section 65(5), replace "by the regional council in the manner set out in Schedule 1" with "in the manner set out in the relevant Part of Schedule 1". (4) In section 65(7), replace "local authority" with "regional council".	changes
42	**Section 66 amended (Matters to be considered by regional council (plans))**	After section 66(1)(e), insert: (ea) a national policy statement, a New Zealand coastal policy statement, and the national planning template; and	Consequential amendment.
43	**Section 67 amended (Contents of regional plans)**	After section 67(3)(b), insert: (ba) the national planning template; and	Consequential amendment.
44	**Section 69 amended (Rules relating to water quality)**	After section 69(3), insert: (4) On and from the commencement of this subsection, Schedule 3 ceases to be applicable to fresh water.	Further analysis to come Not relevant to WDC – Regional Council matter
45	**Section 73 amended (Preparation and change of district plans)**	(1) Replace section 73(1) with: (1) There must at all times be 1 district plan for each district, prepared in the manner set out in the relevant Part of Schedule 1. (2) Replace section 73(1A) with: (1A) A district plan may be changed in the manner set out in the relevant Part of Schedule 1. (3) In section 73(2), after "set out in", insert "Part 2 of".	Consequential amendment.
46	**Section 74 amended (Matters to be considered by territorial authority)**	After section 74(1)(e), insert: (ea) a national policy statement, a New Zealand coastal policy statement, and the national planning template; and	Consequential amendment.
47	**Section 75 amended (Contents of**	After section 75(3)(b), insert: (ba) the national planning template; and	Consequential amendment.

	district plans)		
48	**Cross-heading above section 78 repealed**	Repeal the cross-heading above section 78.	No comment.
49	**New cross-heading above section 79 inserted**	Before section 79, insert: *Review*	No comment.
50	**New cross-heading above section 80 inserted**	Before section 80, insert: *Combined documents*	No comment.
51	**Section 80 amended (Combined regional and district documents)**	(1) After section 80(6), insert: (6A) In preparing or amending a combined document, the relevant local authorities must apply the requirements of this Part, as relevant for the documents comprising the combined document. (6B) The relevant local authorities may also, in preparing the provisions of a regional plan or a district plan, as the case may be, for a combined document that includes a regional policy statement,— (a) give effect to a proposed regional policy statement; and (b) have regard to an operative regional policy statement. (2) In section 80(7), replace "(6)" with **"(6B)".**	**Further amendment sought**: Unitary authorities consider that the requirement to have a Regional Policy Statement (RPS) is redundant. Because the territory of a unitary authority covers a single district that is the same as the region, the over-arching RPS is not necessary. As the RMA stands, for unitary authorities, unnecessary duplication of regional policy statement provisions and district provisions is required. It is necessary to have a mechanism to identify within the combined plan, those provisions that have the status of a RPS provision. WDC agrees with this proposed change.
Subpart 4—Collaborative planning process			
52	**New subparts 4 and 5 of Part 5 and**	After section 80, insert: Subpart 4—Collaborative planning process	**Support**

	new subpart 6 heading in Part 5 inserted	**80A Use of collaborative planning process** (1) This subpart and **Part 4** of Schedule 1 apply if a local authority gives public notice in accordance with **clause 38** of Schedule 1 of its intention to use the collaborative planning process— (a) to prepare a proposed policy statement or plan, or change a policy statement or plan: (b) to prepare or change a combined regional and district document under section 80. (2) If this subpart applies,— (a) clauses 1, **1A(1), 1B**, 20, and 20A of Schedule 1 apply; but (b) the rest of Part 1 of Schedule 1 does not apply, except to the extent that it is expressly applied by this subpart or **Part 4** of Schedule 1.	Support for this alternative process Support that it is optional Further analysis to come on detail of process WDC Agrees with this proposed change and supports the LGA comments above. WDC has concerns that this process could be costly to participants with respect to time and money.
Subpart 5—Streamlined planning process			
	80B Purpose, scope, and definitions	Subpart 5—Streamlined planning process **80B Purpose, scope, and definitions** (1) This subpart and **Part 5** of Schedule 1 provide a process, through a direction of the responsible Minister, for the preparation or variation of, or change to, a planning instrument in order to achieve an expeditious planning process that is proportionate to the complexity and significance of the planning issues being considered. (2) If this subpart applies,— (a) Part 11 does not apply; and (b) clauses **1A** to 3C and 20A of Schedule 1 apply; but (c) the rest of Part 1 of Schedule 1 does not apply unless it is expressly applied by— (i) this subpart; or (ii) **Part 5** of Schedule 1; or (iii) a direction given under **clause 77** of Schedule 1. (3) In this subpart and **Part 5** of Schedule 1,— **national direction** means a direction made by—	Support for this alternative process Further analysis to come

		(a) a national planning template; or (b) a national environmental standard; or (c) regulations made under section 360; or (d) a national policy statement **planning instrument**— (a) means a policy statement or plan; and (b) includes a change or variation to a policy statement or plan **responsible Minister** means the Minister or Ministers who give a direction in accordance with this subpart and **Part 5** of Schedule 1.	The implications of the definition of "national direction" are unclear. It seems to indicate that there must be a specific direction, as opposed to some other provision in the document. Also does any "direction" suffice? WDC Agrees with this proposed change in principle and supports the LGA comments above. There may be implications in the detail. Also unsure what is meant by "national direction". Would it be possible to achieve consistency?
	80C Application to responsible Minister for direction	**80C Application to responsible Minister for direction** (1) If a local authority determines that, in the circumstances, it would be appropriate to use the streamlined planning process to prepare a planning instrument, it may apply in writing in accordance with **clause 74** of Schedule 1 for a direction to proceed under this subpart to— (a) the Minister of Conservation, in the case of a regional coastal plan: (b) both the Minister and the Minister of Conservation, in the case of a proposed planning instrument that is to encompass matters within the jurisdiction of both those Ministers: (c) the Minister, in every other case. (2) However, a local authority may apply for a direction only if the local authority is satisfied that the application satisfies at least 1 of the following criteria: (a) the proposed planning instrument will implement a national direction: (b) as a matter of public policy, the preparation or change of a planning instrument is urgent: (c) the proposed planning instrument is required to meet a significant community need: (d) an operative planning instrument raises an issue that has resulted in	Support this as an optional process As to clause 80(2)(a) – see comments above. It is not entirely clear what "implement" means here. There are other provisions in the Act/Bill that implement a NPS, NES and NPT.

		unintended consequences: (e) the proposed planning instrument will combine several policy statements or plans to develop a combined document prepared under section 80: (f) the expeditious preparation of a planning instrument is required in any circumstance comparable to, or relevant to, those set out in **paragraphs (a) to (e).** (3) An application under this clause must be submitted to the responsible Minister before the local authority gives notice,— (a) under clause 5 or **5A** of Schedule 1, of a proposal to prepare a planning instrument; or (b) under **clause 38** of Schedule 1, of its intention to use the collaborative planning process.	The criteria are generally wide but clause 80C(2)(f) is somewhat unclear. WDC agrees with this proposed change in principle. However as above with respect to the LGA comments, the interpretation of "national direction" is somewhat ambiguous.
Subpart 6 – Miscellaneous matters			
53	**Section 82 amended (Disputes)**	(1) In section 82(1)(c), after "New Zealand coastal policy statement", insert "or the national planning template". (2) In section 82(2), after "New Zealand coastal policy statement,", insert "the national planning template,". (3) In section 82(4), after "New Zealand coastal policy statement", insert "or the national planning template". (4) In section 82(4), after "the other policy statement", insert "or the national planning template". (5) In section 82(4), after "section 55", insert "or **58H**". (6) In section 82(5), after "the other policy statement", insert "or the national planning template". (7) In section 82(5), after "purpose of the policy statement,", insert "national planning template,". (8) In section 82(6), after "section 55(2)", insert ", and giving effect to the national planning template includes giving effect to it by complying with **section 58H(2**)".	Consequential amendment.
54	**Section 85**	(1) Replace the heading to section 85 with "**Environment Court may give directions**	

	amended (Compensation not payable in respect of controls on 15 land)	**in respect of land subject to controls**". (2) In section 85(2)(a), delete "Part 1 of". (3) Replace section 85(3) and (4) with: (3) **Subsection (3A)** applies in the following cases: (a) on an application to the Environment Court to change a plan under clause 21 of Schedule 1: (b) on an appeal to the Environment Court in relation to a provision of a proposed plan or change to a plan. (3A) The Environment Court, if it is satisfied that the grounds set out in **subsection (3B)** are met, may,— (a) in the case of a plan or proposed plan (other than a regional coastal plan or proposed regional coastal plan), direct the local authority to do whichever of the following the local authority considers appropriate: (i) modify, delete, or replace the provision in the plan or proposed plan in the manner directed by the court: (ii) if the requirements of **subsection (3D)** are met, by agreement with the person with an estate or interest in the land or part of it, acquire all or part of the estate or interest in the land under the Public Works Act 1981; and (b) in the case of a regional coastal plan or proposed regional coastal plan,— (i) report its findings to the applicant, the regional council concerned, and the Minister of Conservation; and (ii) include a direction to the regional council to modify, delete, or replace the provision in the manner directed by the court. (3B) The grounds are that the provision or proposed provision of a plan or proposed plan— (a) renders any land incapable of reasonable use; and (b) places an unfair and unreasonable burden on any person who has an interest in the land. (3C) Before exercising its jurisdiction under **subsection (3A),** the Environment Court must have regard to— (a) Part 3 (including the effect of section 9(3); and (b) the effect of subsection (1) of this section.	Clause 85(3A)(a) could be clearer. It appears to reflect case law but clause 21 does not specifically provide for applications to the Court. This would be a worthwhile improvement. WDC agrees with this proposed change and supports the comments made my LGA above.

		(3D) The Environment Court must not give a direction under **subsection (3A)(a)(ii)** unless the owner of the estate or interest in the land or part of the land concerned (or the spouse, civil union partner, or de facto partner of the owner)— (a) had acquired the estate or interest in the land or part of it before the date on which the provision or proposed provision was first publicly notified or otherwise included in the relevant plan or proposed plan and the provision or proposed provision remained in substantially the same form; and (b) consents to the direction being given. (4) Any direction given or report made under **subsection (3A)** has effect under this Act as if it were made or given under clause 15 of Schedule 1. (4) Replace section 85(5) to (7) with: (5) Nothing in **subsections (3) to (3D)** limits the powers of the Environment Court under clause 15 of Schedule 1 on an appeal under clause 14 of that schedule. (6) In this section,— **provision of a plan or proposed plan** does not include a designation or a heritage order or a requirement for a designation or a heritage order **reasonable use**, in relation to land, includes the use or potential use of the land for any activity whose actual or potential effects on any aspect of the environment or on any person (other than the applicant) would not be significant.	
55	**Section 86 amended (Power to acquire land)**	In section 86(2), replace "section 185 and section 198" with "**sections 85(3A)(a)(ii)**, 185, and 198".	
Subpart 7—Legal effect of rules			
56	**Cross-heading above section 86A replaced**	Replace the cross-heading above section 86A with: *Subpart 7—Legal effect of rules*	No comment.
57	**Section 86A amended (Purpose of sections 86B to 86G**)	In section 86A(1), delete "or change described in section 86B(6)".	No comment.
58	**Section 86B amended (When**	In the heading to section 86B, delete "**and changes**".	No comment.

	rules in proposed plans and changes have legal effect)		
59	**Section 86D amended (Environment Court may order rule to have legal effect from date other than standard date)**	(1) In section 86D(1)(a), delete "or change". (2) In section 86D(1)(b), delete "or (6)".	No comment.
60	**Section 86E amended (Local authorities must identify rules having early or delayed legal effect)**	(1) Repeal section 86E(2). (2) In section 86E (3), delete "or change" in each place. (3) In section 86E(3), delete "or (2)".	No comment.
61	**Section 86G amended (Rule that has not taken legal effect or become operative excluded from references to rule in this Act and regulations made under this Act)**	(1) In section 86G(1), delete "or a change". (2) In section 86G(1), delete "or change".	No comment.
		Amendments to Part 6 of principal Act	
62	**Section 104 amended (Consideration of applications)**	(1) After section 104(1)(a), insert: (ab) any measure proposed by the applicant for the purpose of ensuring positive effects on the environment to offset any adverse effects on the environment that will or may result from allowing the activity; and	**Support** ref to positive effects Further analysis to come Clause 104(1A) seems to give effect

		(2) After section 104(1), insert: (1A) The consent authority must also have particular regard to the objectives and policies in the national planning template that— (a) are required to be included in regional policy statements or plans in accordance with **section 58C(1)(c) or (d),** as the case may be; and (b) are specified as an objective or a policy that is intended to deal with matters that the Minister considers are nationally significant.	to a NPT if nationally significant even if it is not as yet incorporated into a plan. WDC agrees with this proposed change in priniciple and supports the comment provided by LGA. However WDC are still unclear as to whether "offsetting" adverse effects is appropriate in many cases and whether this is actually achieving desirable outcomes.
63	**Section 108 amended (Conditions of resource consents)**	In section 108(1), replace "subject to any regulations" with "subject to **section 108AA** and any regulations".	WDC agrees with this proposed change.
64	**New section 108AA inserted (Requirements for conditions of resource consents)**	After section 108, insert: **108AA Requirements for conditions of resource consents** (1) A consent authority must not include a condition in a resource consent for an activity unless— (a) the applicant for the resource consent agrees to the condition; or (b) the condition is directly connected to 1 or both of the following: (i) an adverse effect of the activity on the environment: (ii) an applicable district rule or regional rule. (2) For the purpose of this section, a district rule or a regional rule is **applicable** if the application of that rule to the activity is the reason, or one of the reasons, that a resource consent is required for the activity.	Further analysis to come How does this sit with current case law and practice? Clause 108AA(a) allows for *Ogier* conditions. However, clause 108AA(b) definitely does narrow the scope of conditions ("directly connected"), and does not take into account the specialist nature of subdivision consent conditions (although they have a statutory basis). WDC Consents Team has concerns about this proposal. Constraining the scope seems sound, however

Comment [WG]: Is this good or bad?

			shouldn't be too constraining. Concerned that this could be too restrictive in a way that it is not intended to be. We have concerns with respect to subdivision conditions. Is Council going to rely on approval from applicants for the installation of footpaths, street lamps, road names etc which cannot be directly connected to an adverse effect on the environment necessarily. There may be other issues where conditions are indirectly or one step removed from an adverse effect e.g a consent holder self-monitoring/reporting on a mitigation. (a) will be taken in the wrong context by applicants/consultants. We're trying to simplify things i.e decouple the District Plan from the ITS. Will it overly restrict subdivision conditions, or does it mean that we have to justify conditions more to identify linkages to the effects of the proposal. Why use of "an applicable district rule or regional rule" , i.e if the proposal is a discretionary or non-

			complying activity, we're not limited in the matters of assessment. Whereas if it is a controlled or restricted discretionary activity then we are. Activity status as opposed to rule?
65	**Section 139 amended (Consent authorities and Environmental Protection Authority to issue certificates of compliance)**	(1) In section 139(13)(c), after "making the request", insert "; and". (2) After section 139(13)(c), insert: (d) if the EPA requires a person to pay costs recoverable under paragraph (c), the costs are a debt due to the Crown that is recoverable in any court of competent jurisdiction.	No comment.
		Amendments to Part 6AA of principal Act	
66	**Section 142 amended (Minister may call in matter that is or is part of proposal of national significance)**	(1) After section 142(3)(a)(iii), insert: (iiia) if it is a matter specified in any of paragraphs (c) to (f) of the definition of matter in section 141, gives effect to a national policy statement or the national planning template; or (2) After section 142(8), insert: (9) In subsections (2) to (6A), references to a matter include references to a— (a) part of a change to a plan: (b) part of a variation to a proposed plan: (c) part of a request for the preparation of a regional plan: (d) part of a request for a change to a plan.	See earlier comments about the NPT. No comment.
67	**Section 144 amended (Restriction on when Minister may call in matter)**	Replace section 144(a) with: (a) later than 5 working days before the date fixed for the commencement of the hearing, if the local authority has notified the matter; or	No comment.
68	**Section 149C amended (EPA must give public**	After section 149C(3)(e), insert: (ea) specify an electronic address for sending submissions; and	No comment.

	notice of Minister's direction)		
69	**Section 149E amended (EPA to receive submissions on matter if public notice of direction has been given)**	(1) After section 149E(3), insert: (3A) A person who makes an electronic submission is to be treated as (a) having specified the electronic address from which the submission is received as an address for service; and (b) having consented to receive electronically further correspondence relating to the matter to which the submission relates. (3B) **Subsection (3A)** does not apply, however, if the submission includes a request that further information relating to the matter to which the submission relates be provided in hard copy form and not electronically. (2) In section 149E(9), replace "20 working days" with "30 working days".	No comment.
70	**Section 149F amended (EPA to receive further submissions if matter is request, change, or variation)**	(1) After section 149F(2)(d), insert: (da) an electronic address for sending submissions; and (2) After section 149F(5), insert: (5A) A person who makes a further electronic submission is to be treated as— (a) having specified the electronic address from which the further submission is received as an address for service; and (b) having consented to receive electronically further correspondence relating to the matter to which the further submission relates. (5B) **Subsection (5A)** does not apply, however, if the further submission includes a request that further correspondence relating to the matter to which the further submission relates be provided in hard copy form and not electronically.	No comment. No comment.
71	**Section 149G amended (EPA must provide board or court with necessary information)**	In section 149G(3)(a), after "New Zealand coastal policy statement,", insert "the national planning template,".	No comment.
72	**Section 149J amended (Minister to appoint board**	(1) In section 149J(3)(b), replace "must be" with "may (but need not) be". (2) After section 149J(3), insert: (3A) The Minister may, if he or she considers it appropriate,—	No comment.

	of inquiry)	(a) invite the EPA to nominate persons to be members of the board: (b) appoint a member of the EPA board to be a member of the board of inquiry. (3B) The Minister may, as he or she sees fit, set terms of reference for the board of inquiry.	
73	**Section 149K amended (How members appointed)**	Replace section 149K(4) with: (4) In appointing members, the Minister must consider the need for the board to have available to it, from its members,— (a) knowledge, skill, and experience relating to— (i) this Act; and (ii) the matter or type of matter that the board will be considering; and (iii) the local community; and (iv) the exercise of control over the manner of examining and crossexamining witnesses; and (b) legal expertise; and (c) technical expertise in relation to the matter or type of matter that the board will be considering.	No comment.
74	**New section 149KA inserted (EPA may make administrative decisions)**	After section 149K, insert: **149KA EPA may make administrative decisions** (1) The EPA may— (a) make decisions regarding administrative and support matters that are incidental or ancillary to the conduct of an inquiry under this Part; or (b) allow the board of inquiry to make those decisions. (2) The EPA must have regard to the purposes of minimising costs and avoiding unnecessary delay when exercising its powers or performing its functions under **subsection (1)(a) or (b).**	No comment.
75	**Section 149L amended (Conduct of inquiry)**	Replace section 149L(2) to (4) with: (2) If a hearing is to be held, the EPA must— (a) fix a place for the hearing, which must be near to the area to which the matter relates; and (b) fix the commencement date and time for the hearing; and (c) give not less than 10 working days' notice of the matters stated in **paragraphs (a) and (b)** to— (i) the applicant; and	No comment.

		(ii) every person who made a submission on the matter stating that he or she wished to be heard and who has not subsequently advised the board that he or she no longer wishes to be heard. (3) The EPA may provide a board of inquiry with an estimate of the amount of funding required to process a nationally significant proposal. (4) A board of inquiry— (a) must conduct its inquiry in accordance with any terms of reference set by the Minister under **section 149J(3B):** (b) must carry out its duties in a timely and cost-effective manner: (c) may direct that briefs of evidence be provided in electronic form: (d) must keep a full record of all hearings and proceedings: (e) may allow a party to question any other party or witness: (f) may permit cross-examination: (g) may, without limiting sections 39, 40 to 41C, 99, and 99A,— (i) direct that a conference of a group of experts be held: (ii) direct that a conference be held with— (A) any of the submitters who wish to be heard at the hearing; or (B) the applicant; or (C) any relevant local authority; or (D) any combination of such persons: (h) must, in relation to a nationally significant proposal, have regard to the most recent estimate provided to the board of inquiry by the EPA under **subsection (3).** (5) A board of inquiry may obtain planning advice from the EPA in relation to— (a) the relevant district and regional plans, regional and national policy statements, the national planning template, national environmental standards, and other similar documents: (b) the issues raised by the matter being considered by the board.	
76	**Section 149O amended (Public notice and submissions where EPA receives 5**	(1) Replace section 149O(2) with: (2) On receiving a copy of the proposed plan or change, the EPA must give public notice of the proposed plan or change that— (a) states the Minister's reasons for making a direction in relation to the matter; and	No comment.

	proposed plan or change from local authority under section 149N)	(b) states where the proposed plan or change, accompanying information, and any further information may be viewed; and (c) specifies any rule in the proposed plan or change that has legal effect on and from the date that public notice of the proposed plan or change is given under this section; and (d) states that any person may make submissions to the EPA on the proposed plan or change; and (e) specifies the closing date for receiving submissions; and (f) specifies an electronic address for sending submissions; and (g) specifies the address for service of the EPA and the applicant. (2) In section 149O(4), replace "20 working days" with "30 working days". (3) After section 149O(4), insert: (4A) A person who makes an electronic submission under subsection (3) is to be treated as— (a) having specified the electronic address from which the submission is received as an address for service; and (b) having consented to receive electronically further correspondence relating to the matter to which the submission relates. (4B) **Subsection (4A)** does not apply, however, if the submission includes a request that further correspondence relating to the matter to which the submission relates be provided in hard copy form and not electronically.	
77	**Section 149Q repealed (Board to produce draft report)**	Repeal section 149Q.	
78	**Section 149R amended (Board to produce final report)**	(1) Replace section 149R(1) with: (1) As soon as practicable after the board of inquiry has completed its inquiry on a matter, it must— (a) make its decision; and (b) produce a written report. (2) In section 149R(2), replace "do everything under subsection (1)" with "perform the duties in **subsection (1)**". (3) Replace section 149R(2A) and (2B) with:	No comment.

		(2A) For the purposes of subsection (2), the 9-month period excludes— (a) the period starting on 20 December in any year and ending with 10 January in the following year: (b) any time while an inquiry is suspended under **section 149ZG(3)** (as calculated from the date of notification of suspension under **section 149ZG(5)** to the date of notification of resumption under **section 149ZG(5)).** (4) In section 149R(3)(e), after "New Zealand coastal policy statement", insert "or to the national planning template". (5) In section 149R(3)(f), after "New Zealand coastal policy statement,", insert "the national planning template,". (6) In section 149R(4), replace "must send" with "must provide". (7) After section 149R(7), insert: (8) For the purposes of subsection (4)(d), the EPA is to be taken to have provided a copy of the final report to a submitter if— (a) the EPA has published the final report on an Internet site maintained by the EPA to which the public has free access; and (b) the submitter has specified an electronic address as an address for service (and has not requested that the final report be provided in hard copy form); and (c) the EPA has sent the submitter at that electronic address a link to the final report published on the Internet site referred to in **paragraph (a).**	
79	**Section 149RA amended (Minor corrections of board decisions, etc)**	In section 149RA(1), replace "minor mistakes or defects" with "minor omissions, errors, or other defects"	No comment.
80	**Section 149S amended (Minister may extend time by which board must report)**	After section 149S(3), insert: (3A) For the purposes of subsection (2)(b), the period of 18 months excludes any time while an inquiry is suspended under **section 149ZG(3)** (as calculated from the date of notification of suspension under **section 149ZG(5)** to the date of notification of resumption under **section 149ZG(5)).**	No comment.
81	**New sections 149ZF and 149ZG**	After section 149ZE, insert: **149ZF Liability to pay costs constitutes debt due to EPA or the Crown**	No comment.

	inserted	(1) This section applies when— (a) the EPA or the Minister has required a person to pay costs recoverable under section 149ZD(2), (3), or (4); and (b) the requirement to pay is final, in that the person who is required to pay— (i) has not objected under section 357B or appealed under section 358 within the time permitted by this Act; or (ii) has objected or appealed and the objection or the appeal has been decided against that person. (2) The costs referred to in **subsection (1)** are a debt due to the Crown that is recoverable by the EPA on behalf of the Crown in any court of competent jurisdiction.	
	New sections 149ZF and 149ZG inserted	**149ZG Process may be suspended if costs outstanding** (1) This section applies if— (a) the EPA or the Minister has required a person to pay costs recoverable under section 149ZD(2), (3), or (4); and (b) the EPA has given the person written notice that, unless the costs specified in the notice are paid within 20 working days of the date of notice,— (i) the EPA may cease to carry out its functions in relation to the 25 matter; and (ii) if it does so, any board of inquiry will be suspended. (2) If the person referred to in **subsection (1)(b)** fails to pay the costs in the required time, the EPA may cease carrying out its functions in respect of the matter. (3) If the EPA ceases to carry out its functions in respect of the matter, the inquiry is suspended. (4) If the EPA ceases to carry out its functions in respect of the matter, but subsequently the person required to pay the costs does so,— (a) the EPA must resume carrying out its functions in respect of the matter; and (b) the inquiry is resumed. (5) The EPA must, as soon as practicable after an inquiry is suspended under **subsection (3)** or is resumed under **subsection (4)(b),** notify the following that the inquiry is suspended or has resumed (as the case may be): (a) the applicant; and (b) the board; and	

		(c) the Minister; and (d) the relevant local authority; and (e) every person who has made a submission on the matter. (6) Nothing in this section affects or prejudices the right of a person to object under section 357B or appeal under section 358, but an objection or an appeal does not affect the right of the EPA under **subsection (2)** of this section to cease carrying out its functions.	
		Amendments to Part 8 of principal Act	
82	**Section 168A amended (Notice of requirement by territorial authority)**	After section 168A(3)(a)(ii), insert: (iia) the national planning template:	Consequential amendment.
83	**Section 171 amended (Recommendation by territorial authority)**	Before section 171(1)(a), insert: (aa) the objectives and policies in the national planning template that are— (i) required to be included in regional policy statements or plans in accordance with **section 58C(1)(c) or (d),** as the case may be; and (ii) specified as an objective or a policy intended to deal with matters that the Minister considers are nationally significant; and	It is not clear to us why the NPT should be a relevant factor under section 171(1). WDC agrees with the LGA comment above.
84	**Section 189 amended (Notice of requirement to territorial authority)**	(1) After section 189(1), insert: (1A) However, a heritage protection authority that is a body corporate must not give notice of a requirement for a heritage order in respect of any place or area of land that is private land. (2) After section 189(5), insert: (6) In this section,— **Crown** includes— (a) the Sovereign in right of New Zealand; and (b) departments of State; and (c) State enterprises named in Schedule 1 of the State-owned Enterprises Act 1986; and (d) Crown entities within the meaning of section 7 of the Crown Entities Act 2004; and (e) the mixed ownership model companies named in Schedule 5 of the Public	**Support** The removal of a body corporate as an applicant is supported. WDC agrees with this proposed change.

		Finance Act 1989; and (f) local authorities within the meaning of the Local Government Act 2002 **private land**— (a) means any land held in fee simple by any person other than the Crown; and (b) includes— (i) Maori land within the meaning of section 4 of Te Ture Whenua Maori Act 1993; and (ii) land held by a person under a lease or licence granted to the person by the Crown	
85	**Section 191 amended (Recommendation by territorial authority)**	After section 191(1)(c), insert: (ca) the objectives and policies in the national planning template that are— (i) required to be included in plans or regional policy statements in accordance with **section 58C(1)(c) or (d),** as the case may be; and (ii) specified as an objective or a policy intended to deal with matters that the Minister considers are nationally significant; and	See earlier comments.
86	**New sections 195B and 195C inserted**	After section 195A, insert: **195B Transfer of heritage order** (1) The Minister may, on the Minister's own initiative, transfer responsibility for an existing heritage order to another heritage protection authority (other than a body corporate). (2) In determining whether to transfer responsibility for an order under **subsection (1)**, the Minister must take into account— (a) the heritage values of the place or area subject to the heritage order; and (b) the reasonable use of the place or area despite it being subject to a heritage order; and (c) any other matters that the Minister considers relevant, such as— (i) the effect of the heritage order on the property rights of the owner and occupier (if any) of the place or area: (ii) the ability of the heritage protection authority to whom the Minister proposes to transfer the heritage order to protect the place or area. (3) Before the Minister may make a determination to transfer responsibility for a heritage order under this section, the Minister must serve written notice of the Minister's intention to do so on—	**Support** This provision seems reasonable. WDC Agrees with this proposed change.

		(a) the heritage protection authority currently responsible for the heritage order; and (b) the heritage protection authority to whom the Minister proposes to transfer that responsibility; and (c) the owner and occupier (if any) of the place or area subject to the heritage order and any other person with a registered interest in that place or area; and (d) the territorial authority in whose district the place or area subject to the order is located. (4) The persons or organisations served with a notice under **subsection (3)** may, within 20 working days after being served, make a written objection or submission to the Minister on the Minister's proposal. (5) The Minister must take into account all objections and submissions received within the specified time before making a final determination.	
86	**New sections 195B and 195C inserted**	**195C Notice of determination** (1) The Minister must publish a notice in the Gazette of the Minister's determination under **section 195B**. (2) The territorial authority in whose district the place or area subject to an order under **section 195B** is located must note the transfer of responsibility for the heritage order by amending the district plan accordingly as soon as is reasonably practicable without using a process set out in Schedule 1.	As above.
		Amendments to Part 9 of principal Act	
87	**Section 207 amended (Matters to be considered)**	In section 207, insert as subsection (2): (2) A special tribunal must also have particular regard to the objectives and policies in the national planning template that are— (a) required to be included in plans or regional policy statements in accordance with **section 58C(1)(c) or (d),** as the case may be; and (b) specified as an objective or a policy intended to deal with matters that the Minister considers are nationally significant.	See comments above.
88	**Section 212 amended (Matters to be considered by Environment**	In section 212(b), replace "and any proposed plan;" with "any proposed plan, and the national planning template;".	See comments above.

	Court)		
		Amendments to Part 11 of principal Act	
89	**Section 265 amended (Environment Court sittings)**	In section 265(1)(c), after "Principal Environment Judge", insert "or an Environment Judge".	
90	**Section 267 amended (Conferences)**	Replace section 267(1) with: (1) An Environment Judge— (a) must, as soon as practicable after the lodging of proceedings, consider whether to convene a conference presided over by a member of the court; and (b) may, at any time after the lodging of proceedings, require the parties, or any Minister, local authority, or other person that or who has given notice of intention to appear under section 274, to be present at a conference presided over by a member of the court. (1A) A person required to be present at a conference may be present in person or by a representative. (1B) However, a person **(person A)** may represent a person required to be present at a conference **(person B)** only if person A has the authority to make decisions on behalf of person B in respect of matters that may arise at the conference.	This is a worthwhile improvement. WDC agrees with this proposed change.
91	**Section 268 replaced (Alternative dispute resolution)**	Replace section 268 with: **268 Alternative dispute resolution** (1) At any time after the lodgement of proceedings, the Environment Court may, for the purpose of facilitating the resolution of any matter, ask a member of the Environment Court or another person to conduct an ADR process before or at any time during the course of a hearing. (2) The Environment Court may act under this section on its own motion or on request. (3) A member of the Environment Court who conducts an ADR process is not disqualified from resuming his or her role to decide a matter if— (a) the parties agree that the member should resume his or her role and decide the matter; and (b) the member concerned and the court are satisfied that it is appropriate for him or her to do so.	This is a worthwhile improvement

		(4) In this section and **section 268A, ADR process** means an alternative dispute resolution process (for example, mediation) designed to facilitate the resolution of a matter. **268A Mandatory participation in alternative dispute resolution processes** (1) This section applies to an ADR process conducted under **section 268**. (2) Each party to the proceedings must participate in the ADR process in person or by a representative, unless leave is granted under this section. (3) A person (**person A**) may represent a person required to participate in an ADR process (**person B**) only if person A has the authority to make decisions on behalf of person B in respect of matters that may arise during the ADR process. (4) A party to the proceedings may apply to the Environment Court for leave not to participate in the ADR process. (5) The Environment Court may grant leave if it considers that it is not appropriate for the party to participate in the ADR process.	but there are no specific sanctions for not taking part – except perhaps costs/contempt proceedings? It may be appropriate to prevent a party from continuing to participate in a hearing if he or she fails to take part. WDC agrees with this proposed change and supports the LGA comments above.
92	**Section 276 amended (Evidence)**	After section 276(3), insert: (4) This section applies subject to **section 277A**.	No comment.
93	**New section 277A inserted (Powers of Environment Court in relation to evidence heard on appeal by way of rehearing)**	After section 277, insert: **277A Powers of Environment Court in relation to evidence heard on appeal by way of rehearing** (1) This section applies to an appeal brought by way of a rehearing under **clause 59** of Schedule 1. (2) In conducting the appeal, the Environment Court has full discretion to rehear all or any part of the evidence received by the local authority or panel whose decision is the subject of the appeal. (3) The Environment Court must rehear the evidence of a witness if the court has reason to believe that the record of evidence of that person made by direction of the local authority or panel is or may be incomplete in any material way. (4) A party to the appeal may introduce new evidence with the leave of the Environment Court. (5) The Environment Court may grant leave under **subsection (4),** but only if it considers that the proposed new evidence was not able to be produced at the hearing conducted by the local authority or panel.	No comment.

94	**Section 279 amended (Powers of Environment Judge sitting alone)**	After section 279(4), insert: (5) In the case of an appeal under section 120, in addition to exercising the powers conferred by subsections (1) to (4), an Environment Judge sitting alone may— (a) exercise any other powers of the Environment Court that may be conferred by the Principal Environment Judge either generally or in relation to a particular matter; and (b) exercise those powers on any terms and conditions that the Principal Environment Judge may think fit.	Support. WDC agrees with this proposed change.
95	**Section 280 amended (Powers of Environment Commissioner sitting without Environment Judge)**	(1) After section 280(1), insert: (1AA) If proceedings relate to an appeal under section 120, 1 or more Environment Commissioners sitting without an Environment Judge may,— (a) in relation to a particular matter, exercise any of the powers conferred by section 279(1) to (4) on an Environment Judge sitting alone that may be conferred by the Environment Judge after a conference held under section 267 in relation to that matter; and (b) exercise the powers referred to in **paragraph (a)** on any terms and conditions that the Environment Judge may think fit. (2) Repeal section 280(1A).	Support. WDC agrees with this proposed change.
96	**Section 281A replaced (Registrar may waive, reduce, or postpone payment 20 of fee)**	Replace section 281A with: **281A Registrar may waive, reduce, or postpone payment of fee** (1) A person may apply to the Registrar for a waiver, reduction, or postponement of the payment to the court of any fee prescribed by regulations made under this Act. (2) The application must be made in the prescribed form (if any). (3) The Registrar may waive, reduce, or postpone the payment of the fee only if the Registrar is satisfied, after applying any prescribed criteria, that— (a) the person responsible for paying the fee is unable to pay the fee in whole or in part; or (b) in the case of proceedings concerning a matter of public interest, the proceedings are unlikely to be commenced or continued if the powers are not exercised.	Appears reasonable. WDC agrees with this proposed change.
97	**Section 290A replaced (Environment**	Replace section 290A with: **290A Environment Court to have regard to decision that is subject of appeal or inquiry, and to related reports and processes**	Again this appears reasonable. Clause 290A(a) is existing, Clause 290A(b) is new.

	Court to have regard to decision that 35 is subject of appeal or inquiry)	In determining an appeal or inquiry, the Environment Court must have regard to— (a) the decision that is the subject of the appeal or inquiry; and (b) in the case of an appeal under section 120,— (i) any reports prepared by the consent authority for the purpose of a hearing on the decision; and (ii) the outcome of any related pre-hearing meeting or alternative dispute resolution process.	WDC agrees with this proposed change.
98	**Section 293 amended (Environment Court may order change to proposed policy statements and plans)**	(1) In section 293(3)(b), replace "the" with "a". (2) After section 293(3)(b), insert: (ba) the national planning template: (3) In section 293(5)(a), replace "the New Zealand coastal policy statement," with "a New Zealand coastal policy statement, the national planning template,".	Consequential amendment.
		Amendments to Part 12 of principal Act	
99	**Section 310 amended (Scope and effect of declaration)**	(1) In section 310(b)(i), after "New Zealand coastal policy statement", insert "or the national planning template". (2) In section 310(ba)(i), after "for the region", insert with "or a relevant provision or proposed provision of the national planning template". (3) In section 310(bb)(i), after "regional policy statement", insert with "or a relevant provision or proposed provision of the national planning template".	Consequential amendment.
		Amendments to Part 14 of principal Act	
100	**Section 352A amended (Mode of service of summons on master or owner of ship)**	In section 352A(4), definition of Registrar, replace "section 2(1)" with "section 5".	No comment.
101	**Section 357B amended (Right of objection in relation to**	In section 357B(a), replace "section 36(3)" with "**section 36(5)".**	No comment.

	imposition of additional charges or recovery of costs)		
102	**Section 357D amended (Decision on objections made under sections 357 to 357B)**	In section 357D(1)(c), replace "section 36(3)" with "**section 36(5)**".	No comment.
103	**Section 360 amended (Regulations)**	(1) After section 360(1)(b), insert: (baa) prescribing, for the purpose of the Registrar deciding whether to waive, reduce, or postpone the payment of a fee under **section 281A**, the criteria that the Registrar must apply to— (i) assess a person's ability to pay a fee; and (ii) identify proceedings that concern matters of public interest: (2) In section 360(1)(ba), after "under this Act", insert "(including offences prescribed under **paragraph (ho)**)". (3) In section 360(1)(bb), replace "$1,000" with "$750 in the case of any offence prescribed under **paragraph (ho)** and not exceeding $1,000 in any other case". (4) After section 360(1)(d), insert: (da) prescribing the form and content (including conditions) of water permits and discharge permits: (5) In section 360(1)(hk), replace "section 35(2)(a)(ii)" with "section 35(2) and **(2AA)".** (6) After section 360(1)(hk)(i), insert: (ia) matters by reference to which monitoring must be carried out: (7) After section 360(1)(hm), insert: (hn) prescribing measures for the purpose of excluding stock from water bodies, estuaries, and coastal lakes and lagoons, including regulations that— (i) apply generally in relation to stock or to specified kinds of stock (for example, dairy cattle): (ii) apply generally in relation to water bodies, estuaries, and coastal	No comment. Further analysis to come Unsure where this has come from. Very unclear – why single out these consents? Been signalled (LAWF and national direction priorities)

		lakes and lagoons or to specified kinds of water bodies, estuaries, and coastal lakes and lagoons: (iii) apply different measures to different kinds of stock or to different kinds of water bodies, estuaries, and coastal lakes and lagoons: (iv) prescribe technical requirements for the purposes of the regulations (for example, the minimum height and other specifications with which any required means of exclusion must comply, such as requirements for fencing or riparian planting): (ho) prescribing infringement offences for the contravention of, or non-compliance with, any regulations made under **paragraph (hn):** (hp) prescribing requirements that apply to the use of models (being simplified representations of systems, for example, farms, catchments, and regions) under this Act by— (i) local authorities: (ii) the holders of resource consents: (iii) other persons:	We support the general direction of using regulations to exclude stock from water. Feedback sought from regional councils on subclause 7(hp) WDC agrees with this proposed change in principle and supports the comments provided by LGA above.
104	**Section 360B amended (Conditions to be satisfied before regulations made under section 360A)**	After section 360B(2)(c)(iii)(B), insert: (BA) the national planning template; and	Consequential amendment.
105	**New sections 360D and 360E inserted**	After section 360C, insert: **360D Regulations that permit or prohibit certain rules** (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations— (a) to permit a specified land use: (b) to prohibit a local authority from making specified rules or specified types of rules: (c) to specify rules or types of rules that are overridden by the regulations and must be withdrawn: (d) to prohibit or override specified rules or types of rules that meet the	**Oppose** This is a complicated space – already an NES can permit/prohibit and so can the NPT. The regs can potentially be applied to a Rural Urban Boundary; rules relating to apartments (floor to

		description in **subsection (3)(b**). (2) Regulations made under **subsection (1)(a)** may provide for a land use to be a permitted activity, but only for the purpose of avoiding restrictions on land use that are not reasonably required to achieve the purpose of the Act. (3) Regulations must not be made— (a) under **subsection (1)(b) or (c)** unless, in the Minister's opinion, the rules would restrict land use for residential development in a way that is not reasonably required to achieve the purpose of the Act: (b) under **subsection (1)(d)** unless, in the Minister's opinion, the rules would duplicate, overlap with, or deal with the same subject matter as is included in other legislation and that duplication, overlap, or repetition would be undesirable. (4) Regulations made under **subsection (1)** may require that— (a) rules inconsistent with those regulations be withdrawn or amended— (i) to the extent necessary to remove the inconsistency; and (ii) as soon as practicable after the date on which the regulations come into force; and (iii) without using any of the processes under Schedule 1 for changing a plan or proposed plan; and (b) their withdrawal or amendment be publicly notified by the local authority concerned. (5) Regulations made under this section— (a) may specify, in relation to a rule made before the commencement of the regulations,— (i) the extent to which a matter that the regulations apply to continues to have effect; or (ii) the period for which a matter that the regulations apply to continues to have effect; and (b) may apply— (i) generally; or (ii) to any specified district or region; or (iii) to any specified part of New Zealand. (6) Section 360(2) and (4) applies to regulations made under this section.	ceiling heights) Needs clarity on the process to underpin the development of the Regs This is an important "plank" of the Government's reforms, but question whether it is necessary to achieve their objectives given other reforms. The regulations could lead to a quite substantial short term interference with planning processes, either nationally or at a local/regional level, pending the gazettal of the first NPT. There are some safeguards built into the process. See clause 360D (8). Query the words "necessary or desirable" are an adequate threshold test given that the Regulations are largely an interim measure.

		(7) Before recommending that regulations be made under this section, the Minister must— (a) prepare an evaluation report under section 32; and (b) have particular regard to that report when deciding whether to recommend that regulations be made. (8) The Minister must not recommend the making of regulations under this section unless the Minister is of the opinion that it is necessary or desirable to do so, after the Minister has— (a) notified the public, relevant local authorities, and relevant iwi authorities of the proposed regulations; and (b) established a process that— (i) the Minister considers gives the public, the relevant local authorities, and the relevant iwi authorities adequate time and opportunity to comment on the proposed regulations; and (ii) requires a report and recommendation to be made to the Minister on the comments received under **subparagraph (i)**; and (c) publicly notified the report and recommendation. (9) In the case of regulations relating to a specified district, region, or part of New Zealand, the requirements of **subclause (8)** may apply only to that district, region, or part of New Zealand. (10) The power to make regulations conferred by **subsection (1)(a), (b), and (c)** expires and is repealed on and from the day that is 1 year after the first national planning template is notified in the *Gazette* under **section 58E(4)**. (11) Regulations made under **subsection (1)(b) or (c)** that are still in force expire and are revoked on and from the day specified in **subsection (10).**	(10) suggests the scope of the NPT will be very broad. See earlier comments. WDC does not agree with this proposed change and supports the LGA comments provided above. This provision makes future planning difficult.
105	**New sections 360D and 360E inserted**	**360E Regulations relating to administrative charges and other amounts** (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations specifying— (a) the charges that a local authority is required to fix under section 36 (see **section 36(4));** and (b) whether a consent authority is required to fix a fee under **section 34B**. (2) Regulations made under this section— (a) may require a local authority to fix a charge listed in section 36(1) only if the	Further analysis to come See earlier comments. 36(5) provides for councils to seek additional charges WDC agrees with this proposed change and can always seek

		charge relates to an application for a resource consent, a review of a resource consent, or an application to change or cancel a condition of a resource consent (including charges for certificates of compliance and existing use certificates); and (b) must specify the class or classes of application in respect of which each charge or fee is to be fixed; and (c) may include a schedule of charges or fees to be fixed; but (d) must not fix any charges or fees.	additional charges as per LGNZ comment above.
		Amendment to Part 15 of principal Act	
106	**Section 401B amended (Obligation to pay coastal occupation charge deemed condition of consent)**	Replace section 401B(a) with: (a) authorises the holder to occupy any part of the common marine and coastal area; and	Updating amendment.
		Part 16 of principal Act replaced	
107	**Part 16 replaced**	Replace Part 16 with: **Part 16** **Transitional, savings, and related provisions for amendments made on or after 4 September 2013** **434 Transitional, savings, and related provisions for amendments made on or after 4 September 2013** The transitional, savings, and related provisions set out in Schedule 12 have effect according to their terms	No comment.
		Amendments to Schedule 1 of principal Act	
108	**Schedule 1 amended**	Amend Schedule 1 as set out in **Schedule 1** of this Act.	Consequential amendment.
		Amendments to Schedule 4 of principal Act	
109	**Schedule 4 amended**	In Schedule 4,— (a) clause 6(1)(c), delete “substances and”; and (b) clause 7(1)(f), delete “or the use of hazardous substances”.	Consequential amendment.

		Amendments to Schedule 12 of principal Act	
110	**Schedule 12 amended**	Amend Schedule 12 as set out in **Schedule 2** of this Act	Consequential amendment.
		Consequential amendments commencing on day after Royal assent	
111	**Consequential amendments commencing on day after Royal assent**	Amend the enactments specified in **Schedule 3** as set out in that schedule	Consequential amendment.
Subpart 2—Amendments that commence 6 months after Royal assent			
		Amendments to Part 1 of principal Act	
112	**Section 2 amended (Interpretation)**	(1) In section 2(1), insert in their appropriate alphabetical order: **affected boundary**, in relation to a boundary activity, has the meaning given in **section 87AAB** **boundary activity** and **boundary rule** have the meanings given in **section 87AAB** **fast-track application** has the meaning given in **section 87AAC** **public boundary** has the meaning given in **section 87AAB** (2) In section 2(1), replace the definition of public notice with: **public notice** has the meaning given in **section 2AB**	Essentially machinery provisions.
113	**Section 2AA amended (Definitions relating to notification)**	Replace section 2AA(2) with: (2) In this Act, unless the context requires another meaning,— **affected customary marine title group** has the meaning given in section 95G **affected person** means a person who, under **section 95E**, a consent authority decides is an affected person in relation to the application or matter **affected protected customary rights group** has the meaning given in section 95F **limited notification** means serving notice of the application or matter in accordance with **section 95B** and within the time limit specified by **section 95** **notification** means public notification or limited notification of the application or matter **public notification** means giving public notice of the application or matter in accordance with **section 95A**, in the manner required by **section 2AB**, and within the time limit specified by **section 95**.	Consequential amendments. May need further analysis.

114	**New section 2AB inserted (Meaning of public notice)**	After section 2AA, insert: **2AB Meaning of public notice** (1) If this Act requires a person to give **public notice** of something, the person must— (a) publish on an Internet site to which the public has free access a notice that— (i) includes all the information that is required to be publicly notified; and (ii) is in the prescribed form (if any); and (b) publish a short summary of the notice, along with details of the Internet site where the notice can be accessed, in 1 or more newspapers circulating in the entire area likely to be affected by the matter to which the notice relates. (2) The notice and the short summary of the notice must be worded in a way that is clear and concise.	Support WDC agrees with this proposed change.
		Amendments to Part 3 of principal Act	
115	**Section 11 amended (Restrictions on subdivision of land)**	(1) Replace section 11(1)(a) with: (a) a subdivision permitted by **subsection (1A)**; or (2) After section 11(1), insert: (1A) A person may subdivide land under **subsection (1)(a)** if— (a) either— (i) the subdivision is expressly allowed by a resource consent; or (ii) the subdivision does not contravene a national environmental standard, a rule in a district plan, or a rule in a proposed district plan for the same district (if there is one); and (b) the subdivision is shown on a survey plan that is— (i) deposited under Part 10 by the Registrar-General of Land, in the case of a survey plan described in paragraph (a)(i) or (b) of the definition of survey plan in section 2(1); or (ii) approved as described in section 228 by the Chief Surveyor, in the case of a survey plan described in paragraph (a)(ii) of the definition of survey plan in section 2(1).	Implications for different approaches to drafting of plans. The presumption against subdivision activity is largely historic, but has some logic given that permitted activity status is not really viable for this activity. Need to check subclause (b) to ensure that is covers the same ground as the existing section 11(1)(a)(i) to (iii). WDC agrees with this proposed change in principle and support the comments provided by LGA above.
		Amendments to Part 4 of principal Act	

116	**Section 35 amended (Duty to gather information, monitor, and keep records)**	In section 35(5)(ga), after "37", insert ", **87BA, 87BB**".	Consequential amendment.
117	**Section 36 amended (Administrative charges)**	After section 36(1)(ad), insert: (ae) charges payable by persons proposing to undertake an activity, for the carrying out by the local authority of its functions in relation to issuing a notice under **section 87BA or 87BB** stating whether the activity is a permitted activity: (af) charges payable by a person making an objection under section 357A(1)(f) or (g), if the person requests under **section 357AB** that the objection be considered by a hearings commissioner, for the cost of the objection being considered and decided in accordance with the request:	Consequential amendment.
118	**Section 41A amended (Control of hearings)**	In section 41A, replace "section 41B or section 41C" with "any of sections 41B to **41D**".	Consequential amendment.
119	**Section 41C amended (Directions and requests before or at hearings)**	Repeal section 41C(7) to (9).	Replaced by new clause 41D. Retain.
120	**New section 41D inserted (Striking out submissions)**	After section 41C, insert: **Striking out submissions** (1) An authority conducting a hearing on a matter described in section 39(1) may direct that a submission or part of a submission be struck out if the authority is satisfied that at least 1 of the following applies to the submission or the part: (a) it is frivolous or vexatious: (b) it discloses no reasonable or relevant case: (c) it would be an abuse of the hearing process to allow the submission or the part to be taken further. (2) However, the authority must direct that a submission or part of a submission be struck out if—	Potentially too harsh; **must** strike out; will affect lay people most If an objection is filed under (4) what happens to the hearings process; this needs provision for extending processing times. WDC is not supportive of this change. We share the same concerns as the LGA comments

		(a) the submission is on an application for a resource consent, a review of a resource consent, or an application to change or cancel a condition of a resource consent; and (b) the authority is satisfied that at least 1 of the following applies to the submission or the part: (i) it does not have a sufficient factual basis: (ii) it is not supported by any evidence: (iii) it is supported only by evidence that purports to be independent expert evidence on a matter but that is prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert evidence on the matter: (iv) it is unrelated to an activity's actual or likely adverse effects, if those effects were the reason for notifying the application or review; and (c) the authority considers that the direction would not materially compromise the authority's ability to fulfil its obligations under Part 2. (3) An authority— (a) may make a direction under this section before, at, or after the hearing; and (b) must record its reasons for any direction made. (4) A person whose submission is struck out, in whole or in part, has a right of objection under section 357.	above. Have concerns about Clause (4) in regards to a process under S357. Would we then find ourselves in a hearing about the submission being struck out before we hold the RC or plan change hearing? Would definitely need to extend timeframes and look closely at S357 process. There is already provision for frivolous or vexatious submissions to be struck out, provided not repealed. What are we trying to achieve by further restricting the lay persons right to make a submission and be heard?
		Amendments to Part 6 of principal Act	
121	**New sections 87AAB to 87AAD inserted**	After section 87AA, insert: **87AAB Meaning of boundary activity and related terms** (1) An activity is a **boundary activity** if— (a) the activity requires a resource consent because of the application of 1 or more boundary rules, but no other district rules, to the activity; and (b) no affected boundary is a public boundary. (2) In this section,— **affected boundary**, in relation to a boundary activity, means a boundary that is affected by the application of a boundary rule to the activity **boundary rule** means a district rule, or part of a district rule, to the extent that it relates to—	Need to carry out reality check to verify whether height plane rules etc are adequately captured by

		(a) the distance between a structure and 1 or more boundaries of an allotment; or (b) the dimensions of a structure in relation to its distance from 1 or more boundaries of an allotment **public boundary** means a boundary between an allotment and any road, river, lake, coast, esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown.	"boundary rule". WDC queries the need for this in legislation – why not through the NPT?
121	**New sections 87AAB to 87AAD inserted**	**87AAC Meaning of fast-track application** (1) An application is a **fast-track application** if— (a) the application is for a resource consent for 1 or both of the following, but no other, activities: (i) a controlled activity (other than a subdivision of land): (ii) an activity prescribed, or identified in the manner prescribed, under **section 360F(1)(a)**; and (b) the application includes an address for service that is an electronic address. (2) An application described in **subsection (1)** ceases to be a fast-track application if— (a) a consent authority gives public or limited notification of the application; or (b) a hearing is to be held for the application. (3) To avoid doubt, if an application ceases to be a fast-track application under **subsection (2)**,— (a) the application is not incomplete by reason only that it does not include the information referred to in **section 88(2)(c)**; but (b) a consent authority may, under section 92, request the applicant to provide any of the information referred to in **section 88(2)(c).**	**Oppose in part** Sounds simple but is problematic for a number of reasons: Controlled activities are not all "simple" and therefore suitable for "fast-track"; cannot compare a mooring with a new build at hospital/university (both potentially controlled activities under Wellington DP) A disincentive to frontload plans and may discourage the use of controlled activities. May incentivise notification to avoid fast track. Implications for resourcing are significant – in large and small Las. Agree, including system/process changes. Essentially means some applications will jump the queue

			WDC agrees with this proposed change in principle and supports the LGA position to oppose in part with respect to controlled activities. However WDC have concerns with respect to (2)(a) &(b) – should we not be certain about whether applications would require notification or hearing before accepting pursuant to S88 as a fast track consent? I guess these provisions make it clear. Don't necessarily agree that fast track applications "jump the queue". Possibly more of an issue where there is a finite resource being managed eg water allocation. Workloads are still managed in the same way, just different due dates. Very beneficial for simple applications which should not require 20 working days. Prefer that councils were able to stipulate in their plan, for example, which consents would be fast-tracked. Fast track applications prescribed by a reg will have information

			requirements spelt out whereas controlled activities may/will not.
122	**New sections 87AAB to 87AAD inserted**	**87AAD Overview of application of this Part to boundary activities and fast-track applications** (1) If an activity is a boundary activity,— (a) the activity may be a permitted activity if the requirements of **section 87BA** are satisfied: (b) there are restrictions on who may be notified of an application for a resource consent for the activity (see **sections 95A(4) and (5) and 95DA(4)**): (c) there is no right of appeal under section 120 against the whole or any part of a decision of a consent authority referred to in section 120(1) to the extent that the decision relates to resource consent for the activity. (2) If an application is a fast-track application,— (a) a consent authority must, within the time limit specified in **section 95** for fast-track applications, decide whether to give public or limited notification of the application; and (b) notice of a decision on the application must be given within the time limit specified in **section 115(4A);** and (c) except as provided for in **paragraphs (a) and (b),** this Act applies to 15 the application in the same way as it applies to any other application for a resource consent. (3) This overview is by way of explanation only. If any provision of this Act conflicts with this overview, that provision prevails	Support – practice/similar already adopted by some councils Support (c) no right of appeal Boundary activity – needs to refer to activity classification and not include DA and NC WDC agrees with this proposed change and supports the comments provided by LGA above.
122	**New sections 87BA and 87BB inserted**	After section 87B, insert: **87BA Boundary activities approved by neighbours on affected boundaries are permitted activities** (1) A boundary activity is a permitted activity if— (a) the person proposing to undertake the activity provides to the consent authority— (i) a description of the activity; and (ii) a plan (drawn to scale) of the site at which the activity is to occur, showing the height, shape, and location on the site of the proposed activity; and	87BA needs provision corresponding to 87AAD1(c) no right of appeal Further analysis to come re mechanics WDC agrees with this proposed change and supports the comments

		(iii) the full name and address of each owner or occupier of the site; and (iv) the full name and address of each owner or occupier of an allotment with an affected boundary; and (b) each owner or occupier of an allotment with an affected boundary— (i) gives written approval for the activity; and (ii) signs the plan referred to in **paragraph (a)(ii);** and (c) the consent authority notifies the person proposing to undertake the activity that the activity is a permitted activity. (2) If a person proposing to undertake an activity provides information to a consent authority under this section, the consent authority must,— (a) if **subsection (1)(a) and (b)** are satisfied, give a notice under **subsection (1)(c)**; or (b) if **subsection (1)(a) and (b)** are not satisfied, notify the person of that fact and return the information to the person. (3) A notice given under this section must be in writing. (4) If a person has submitted an application for a resource consent for a boundary activity that is a permitted activity under this section, the application need not be further processed, considered, or decided and must be returned to the applicant.	provided by LGA above. However WDC have concerns with respect to scenarios where no written approval can be obtained. We assume this would revert to normal process, but could there be something similar to 95E(3)(b) *Despite anything else in this section, the consent authority must decide that a person is not an affected person if—… it is unreasonable in the circumstances to seek the person's written approval*? An occupier could give written approval for an activity that effects the owner's outlook. Consents Team queries the need for this in legislation - Why not put this in the NPT, an NES or Reg, it can then be reviewed a lot easier. Timeframe for subsection 2 would be appreciated. Suggest 10 wds. Ability to recover costs for this, as per Certificate of Compliance, as a certain level of assessment is still required to determine permitted activity status.
121	**New sections 87BA**	**87BB Activities meeting certain requirements are permitted activities**	

	and 87BB inserted	(1) An activity is a permitted activity if— (a) the activity would be a permitted activity except for a marginal or temporary non-compliance with requirements, conditions, and permissions specified in this Act, regulations (including any national environmental standard), a plan, or a proposed plan; and (b) any adverse environmental effects of the activity are no different in character, intensity, or scale than they would be in the absence of the marginal or temporary non-compliance referred to in **paragraph (a)**; and (c) any adverse effects of the activity on a person are less than minor; and (d) the consent authority, in its discretion, decides to notify the person proposing to undertake the activity that the activity is a permitted activity. (2) A consent authority may give a notice under **subsection (1)(d)**— (a) after receiving an application for a resource consent for the activity; or (b) on its own initiative. (3) The notice must be in writing and must include— (a) a description of the activity; and (b) details of the site at which the activity is to occur; and (c) the consent authority's reasons for considering that the activity meets the criteria in **subsection (1)(a) to (c),** and the information relied on by the consent authority in making that decision. (4) If a person has submitted an application for a resource consent for an activity that is a permitted activity under this section, the application need not be further processed, considered, or decided and must be returned to the applicant.	**Support** the principle of this provision. 87BB needs provision corresponding to 87AAD1(c) no right of appeal Further analysis to come re mechanics WDC agrees with this proposed change and supports LGA comments above. However definition of "marginal or temporary non-compliance" needs further definition or clarification. Could be somewhat subjective, this could lead to it being applied inconsistently over time, or between districts.. Can we can apply this retrospectively eg in response to a complaint about something that meets these criteria. Clause (4) is problematic in that applicant's will have gone to the effort and expense of putting an application together only to find out that their proposal is a permitted activity. However this

Comment [WG]: Agree. But we could create our own 'application form' that customers could quickly fill out and submit to get a determination as to whether they are permitted or need to prepare a more full application.

			could be overcome with an application form where customers could submit to get a determination as to whether they are permitted or need to prepare a more full application. Ability to recover costs for this, as per Certificate of Compliance, as a certain level of assessment is still required to determine permitted activity status.
123	**Section 88 amended (Making an application)**	(1) Replace section 88(2)(b) with: (b) in the case of a fast-track application, include the prescribed information relating to the activity (see **section 360F(1)(b));** and (c) in the case of any other application, include the information relating to the activity, including an assessment of the activity's effects on the environment, that is required by Schedule 4. (2) Replace section 88(3)(b) with: (b) include the information required by **subsection (2)(b) or (c)** (as applicable).	Consequential amendment.
124	**Section 88E amended (Excluded time periods relating to other matters)**	In section 88E(3), replace "95E(3)" with "**95E(4)".**	Consequential amendment.
125	**Sections 95 to 95B replaced**	Replace sections 95 to 95B with: **95 Time limit for public notification or limited notification** (1) A consent authority must, within the time limit specified in **subsection (2)**,— (a) decide, in accordance with **sections 95A and 95B**, whether to give public or limited notification of an application for a resource consent; and (b) notify the application if it decides to do so. (2) The time limit is,—	WDC agrees with this proposed change. 10 working days to decide on notification for fast track applications is reasonable.

		(a) in the case of a fast-track application, 10 working days after the day the application is first lodged; and (b) in the case of any other application, 20 working days after the day the application is first lodged.	
125	**Sections 95 to 95B replaced**	**95A Public notification of consent applications** (1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent. *Step 1: mandatory public notification in certain circumstances* (2) Determine whether the application meets any of the criteria set out in **subsection (3)** and,— (a) if the answer is yes, publicly notify the application; and (b) if the answer is no, go to step 2. (3) The criteria for step 1 are as follows: (a) the applicant has requested that the application be publicly notified: (b) public notification is required under section 95C: (c) the application includes a proposal to exchange recreation reserve land under **section 14B** of the Reserves Act 1977. *Step 2: if not required by step 1, public notification precluded in certain circumstances* (4) Determine whether the application meets either of the criteria set out in **subsection (5)** and,— (a) if the answer is yes, go to step 4 (step 3 does not apply); and (b) if the answer is no, go to step 3. (5) The criteria for step 2 are as follows: (a) a rule or national environmental standard precludes public notification of the application: (b) the application is for a resource consent for 1 or more of the following, but no other, activities: (i) a controlled activity: (ii) a restricted-discretionary or discretionary activity, but only if the activity is a boundary activity, a subdivision of land, or a residential	Very complicated process. Seek comment on alternatives Very significant proposal involving the erosion of participatory rights, especially in the context of fully notified applications Further analysis to come Do the transitional provisions cover this? Existing notification clauses in plans can stand if they are not covered by new provisions? Suggest the threshold (discretionary) is too high/not appropriate; there is greater prospect generally of offsite/third party effects if an activity has been categorised as discretionary.

		activity: (iii) a prescribed activity (see **section 360G(1)(a)(i)**). (6) In **subsection (5), residential activity** means an activity associated with the construction, alteration, or use of a dwellinghouse on land that, under a district plan, is intended to be used solely or principally for residential purposes. *Step 3: if not precluded by step 2, public notification required in certain circumstances* (7) Determine whether the application meets either of the criteria set out in **subsection (8)** and,— (a) if the answer is yes, publicly notify the application and specify in the notice the adverse effects that the consent authority considers to be relevant under section 95D (if applicable); and (b) if the answer is no, go to step 4. (8) The criteria for step 3 are as follows: (a) a rule or national environmental standard requires public notification of the application: (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor. *Step 4: public notification in special circumstances* (9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,— (a) if the answer is yes, publicly notify the application and specify in the notice the special circumstances that warrant the application being publicly notified; and (b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under **section 95B**.	Sub-clause (6) – does this relate only to a *single* dwellinghouse on land? Further analysis to come Potential for challenge – if not all effects are identified/applicant considers some effects are identified that should not be NB there is still an element of risk in the current legislative regime. Subclause (9) – this reflects a change from existing section 95A(4). WDC considers this is complex and could be written more clearly than it is, especially for the limited notification section. There are a lot of *if, or* and *unless*. There are now '*affected persons*', '*eligible persons*' and '*prescribed persons*'. Agree with LGNZ that the threshold (discretionary) is too high/not appropriate.

Comment [WG]: RMA - *dwellinghouse means any building, whether permanent or temporary, that is occupied, in whole or in part, as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but does not include the land upon which the residence is sited*

			Will add time/cost to the notification decision while planners work through each step. Central govt guidance would be appreciated in the form of a diagram which simplifies the flow. It is noted that with respect to the potential for challenges, notification decisions may only be judicially reviewed therefore it is not likely that applicants would challenge decisions. If anything the process is more robustly set out here than existing provisions and judicial review would only look at the process, not the decision. Is it appropriate that activity type (residential activities) is being legislated in the Act? Could this be covered in an NES or NPT? Residential activities don't only occur in urban areas and can affect, for example, rural areas/character.
125	**Sections 95 to 95B replaced**	**95B Limited notification of consent applications** (1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under **section 95A**. *Step 1: certain affected persons must be notified* (2) Determine whether there are any—	Further analysis to come Support application of 95C to limited notification Careful consideration of the provisions needed.

		(a) affected protected customary rights groups; or (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity). (3) Determine— (a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and (b) whether the person to whom the statutory acknowledgement is made is an affected person under **section 95E**. (4) Notify the application to each group identified under **subsection (2)** and each affected person identified under **subsection (3)**, and specify in the notice the adverse effects that the consent authority considers to be relevant for the purpose of **section 95E**, 95F, or 95G (as applicable). *Step 2: notification of other affected persons precluded in certain circumstances* (5) Determine whether the application meets either of the criteria set out in **subsection (6)** and,— (a) if the answer is yes, go to step 4 (step 3 does not apply); and (b) if the answer is no, go to step 3. (6) The criteria for step 2 are as follows: (a) a rule or national environmental standard precludes limited notification of the application: (b) the application is for a resource consent for either or both of the following, but no other, activities: (i) a controlled activity other than a subdivision of land: (ii) a prescribed activity (see **section 360G(1)(a)(ii)**). *Step 3: if not precluded by step 2, certain other affected persons must be notified* (7) Determine— (a) whether the proposed activity is on or adjacent to, or may affect,— (i) land in respect of which a nohoanga, an overlay classification, or a vest and vesting back is granted in accordance with an Act listed 10 in Schedule 3 of the Treaty of Waitangi Act 1975; or	Will go through this provision with some actual examples to test workability. Until regs/rules developed do not know what is covered here

		(ii) land that is the site of a wāhi tapu that is recognised in a plan or entered on the New Zealand Heritage List/Rārangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; and (b) whether the person to whom the nohoanga, overlay classification, or vest and vesting back is granted, or the iwi to whom the site is wāhi tapu, is an affected person under **section 95E**. (8) Determine— (a) which other persons are eligible under **section 95DA** to be considered affected persons in relation to the application (eligible persons); and (b) which of the other persons are affected persons under **section 95E**. (9) Notify each affected person identified under **subsections (7) and (8)** of the application, and specify in the notice the adverse effects that the consent authority considers to be relevant for the purpose of **section 95E**. *Step 4: further notification in special circumstances* (10) Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons and,— (a) if the answer is yes, notify those persons and specify in the notice the special circumstances that warrant their being notified of the application; and (b) if the answer is no, do not notify anyone else. *Meaning of nohoanga, overlay classification, and vest and vesting back* (11) In subsection (7),— **nohoanga** means an instrument, whether known as a nohoanga or by another name, that provides for the grant of an entitlement to occupy 1 or more specified sites for the purpose of undertaking customary fishing and the gathering of natural resources **overlay classification** means an instrument, whether known as an overlay classification or by another name, that declares 1 or more specified areas to be subject to the Crown's acknowledgement of particular values in relation to the site and the agreement by the Crown and the governance entity of the relevant iwi of certain protection principles that are directed at avoiding harm to, or avoiding the	Potential for challenge re identification of effects but see comments above. Subclause (1) – see comments above. Opportunity to amend 95C to give clearer direction around special circumstances 95C WDC agrees with the comments provided by LGA above regarding the use of actual examples to test.

		diminishing of, the values of the site **vest and vesting back** means an instrument, whether known as a vest and vesting back or by another name, that provides for the Crown to vest the fee simple estate in a specified area of land in an entity on a specified date, and for the fee simple estate in that land to vest back in the Crown on a specified date.	See comments above with respect to challenge. Does 95(B)(9) combined with s41C(2)(b)(iv) mean that the council *must* strike out a submission if it is not related to the adverse effects that are specified in this notice? If so, (we accept that sometimes submitters raise matters that are not relevant), but we have some concern as submitters can also raise valid points that need to be taken into account which are sometimes not related to the reasons we notified.
126	**Section 95C amended (Public notification of consent application after request for further information or report)**	In section 95C(1), replace "Despite section 95A(1), a consent authority must publicly notify an application for a resource consent if" with "A consent authority must publicly notify an application for a resource consent (see **section 15 95A(2) and (3)**) if".	Consequential amendment.
127	**Section 95D amended (Consent authority decides if adverse effects likely to be more**	(1) In section 95D, replace "section 95A(2)(a)" with "**section 95A(8)(b)**". (2) After section 95D(c), insert: (ca) may disregard an adverse effect of the activity if the adverse effect, considered in the context of the relevant plan or proposed plan, is already taken into account by the objectives and policies of that plan; and	The new subclause 2(ca) leaves significant uncertainty for a local authority in terms of how objectives and policies (and particularly more general ones)

	than minor)		should be applied. Proposals likely to result in less testing of applications by submitters; meaning greater responsibility will fall on Council. WDC does not support this proposal. We support the comments provided by LGA. We note that generally Objectives and Policies are not considered at the time of notification. This is a very difficult call for a planner. The notification decision should specifically focus on "effects", not on objectives and policies. These are dealt with at S104 assessment. In addition, policies and objectives can be very broad, as such this would require quite a subjective assessment.
128	**New section 95DA inserted (Persons eligible to be considered affected persons for purpose of limited notification)**	After section 95D, insert: **95DA Persons eligible to be considered affected persons for purpose of limited notification** (1) This section specifies, for the purpose of limited notification of an application for a resource consent, which persons other than those identified in **section 95B(3) and (7)** are eligible to be considered affected persons under **section 95E** in relation to the application and notified of the application under **section 95B(9)** if that subsection applies. *Applications for which eligibility is not limited*	Further analysis to come

<table>
<tr>
<td></td>
<td></td>
<td colspan="2">(2) Any person is eligible to be considered an affected person in relation to the following applications:
(a) an application for a resource consent for an activity that may be granted only by a regional council, unless the activity is an activity prescribed under section 360G(1)(b) (in which case eligibility is determined under subsection (3)):
(b) any other application for a resource consent for an activity, unless—
(i) the activity is an activity prescribed under section 360G(1)(b) (in which case eligibility is determined under subsection (3)); or
(ii) the activity is described in the first column of the table in subsection (4) (in which case eligibility is determined under that subsection).

Limitations on eligibility
(3) To the extent that an application is for a resource consent for an activity prescribed under section 360G(1)(b), only a person who is a prescribed person in relation to that activity is eligible to be considered an affected person in relation to the application. This subsection prevails over subsections (2) and (4).
(4) To the extent that an application is for a resource consent for an activity described in the first column of the following table, a person is eligible to be considered an affected person in relation to the application only if—
(a) the activity is not an activity prescribed under section 360G(1)(b) (in which case eligibility is determined under subsection (3)); and
(b) the person is listed in the second column alongside 1 or more of the descriptions in the first column that applies to the activity:</td>
<td>This is potentially a very complex legislative regime.
Some testing on how the provisions would work in practice.

WDC supports the comments provided by LGA above, including the use of actual examples to test.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Activity for which consent is sought
A boundary activity

Any activity, other than a non-complying activity, that is to occur on land that is subject to a designation
A subdivision of land, unless the subdivision is a non-complying activity</td>
<td>Persons eligible to be considered affected
The owner or occupier of any allotment with an affected boundary
The requiring authority responsible for the designation

The owner of infrastructure associated with providing services to the land
The medical officer of health (as defined in</td>
<td>This is very restrictive and could undoubtedly disenfranchise persons who may well be affected by an application. Persons beyond adjacent lots can be affected.

WDC agrees with the comments provided by LGA. This is very prescriptive. It is unclear why we</td>
</tr>
</table>

		Any activity other than a boundary activity, a subdivision of land, or a non-complying activity	section 2(1) of the Health Act 1956) for the health district (within the meaning of that Act) in which the proposed subdivision is located The New Zealand Fire Service A Civil Defence Emergency Management Group (as defined in section 4 of the Civil Defence Emergency Management Act 2002) of which the consent authority is a member The owner or occupier of an allotment that is adjacent (see **subsection (5))** to the allotment on which the activity is to occur The owner of infrastructure assets that pass through, over, or under the allotment on which the activity is to occur	are trying to further refine this when S95A and B make this clear.
		Meaning of adjacent (5) For the purpose of **subsection (4),** an allotment (**allotment A**) is adjacent to another allotment (**allotment B**) if— (a) any part of the boundary of allotment A touches the boundary of allotment B; or (b) allotment A— (i) is on the other side of a road, right of way, or watercourse from allotment B; and (ii) is directly or diagonally opposite allotment B.		*Watercourse* needs a definition; this could be a river What does 'directly or diagonally opposite' mean in practice? Some situations there are two right of ways alongside each other, meaning the properties separated by the two right of ways would not be considered 'adjacent'. There may be other anomalies like this.
129	**Section 95E replaced (Consent authority decides if person is affected 10 person)**	Replace section 95E with: **95E Affected persons for purpose of limited notification under section 95B** (1) For the purpose of giving limited notification of an application for a resource consent for an activity to a person under **section 95B(4) and (9)** (as applicable), a person is an **affected person** if the consent authority decides that the activity's		Similar to the current section 95E but with some additions.

		adverse effects on the person are minor or more than minor (but are not less than minor). (2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,— (a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and (b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and (c) may disregard an adverse effect of the activity if the adverse effect, considered in the context of the relevant plan or proposed plan, is already taken into account by the objectives and policies of that plan; and (d) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11. (3) A consent authority must record the adverse effects that are the basis for any decision that a person is an affected person. (4) A person is not an affected person in relation to an application for a resource consent for an activity if— (a) the person has given, and not withdrawn, written approval for the proposed activity; or (b) the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval. (5) **Subsection (4)** prevails over **subsection (1).**	Some implications for plan drafting and a relatively short timeframe. Potential for challenge see earlier comments about the equivalent of clause 95E(2)(c).] Common practice re notification decisions WDC supports the comments provided by LGA above. Codifying the restriction on effects to be disregarded for controlled and RDAs is useful so long as the controlled/RDA matters in plans are written with such in mind. We note that generally Objectives and Policies are not considered at the time of notification. This is a very difficult call for a planner. The

			notification decision should specifically focus on "effects", not on objectives and policies. These are dealt with at S104 assessment. In addition, policies and objectives can be very broad and as such this would require quite a subjective assessment.
130	**Section 95F amended (Status of protected customary rights group)**	(1) In the heading to section 95F, replace **"Status of**" with "**Meaning of affected".** (2) In section 95F, replace "A consent authority must decide that a protected customary rights group is an affected protected customary rights group" with "A protected customary rights group is an **affected protected customary rights group".**	Consequential Amendment.
131	**Section 95G amended (Status of customary marine title group)**	(1) In the heading to section 95G, replace "Status of" with "Meaning of affected". (2) In section 95G, replace "A consent authority must decide that a customary marine title group is an affected customary marine title group" with "A customary marine title group is an affected customary marine title group".	Consequential Amendment.
132	**Section 104D amended (Particular restrictions for non-complying activities)**	In section 104D(1), replace "for the purpose of section 95A(2)(a)" with "for the purpose of notification".	Consequential Amendment.
133	**Section 106 amended (Consent authority may refuse subdivision consent 20 in certain circumstances)**	(1) Replace section 106(1)(a) and (b) with: (a) there is a significant risk from natural hazards; or (2) After section 106(1), insert: (1A) For the purpose of **subsection (1)(a),** an assessment of the risk from natural hazards requires a combined assessment of— (a) the likelihood of natural hazards occurring (whether individually or in combination); and (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and (c) any likely subsequent use of the land in respect of which the consent is	Further analysis to come: - Check wording re alignment with: recent work around NH - BA 2004 provisions. Clause 106(1A) does not directly relate the assessment of risk back to "significant" in clause 106(1). WDC supports the comments

		sought that would accelerate, worsen, or result in material damage of the kind referred to in **paragraph (b).**	provided by LGA above.
134	**Section 115 amended (Time limits for notification of decision)**	After section 115(4), insert: (4A) Despite anything else in this section, if the application is a fast-track application, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority.	As per previous comments – sounds simple but won't be in practice WDC supports the comments provided by LGA above. Concern regarding workflow and resourcing issues/impacts.
135	**Section 120 amended (Right to appeal)**	(1) After section 120(1), insert: (1A) However,— (a) there is no right of appeal under this section against the whole or any part of a decision of a consent authority referred to in subsection (1) to the extent that the decision relates to resource consent for— (i) a boundary activity; or (ii) a subdivision, unless the subdivision is a non-complying activity; and (b) there is no right of appeal under this subsection against the whole or any part of a decision of a consent authority referred to in subsection (1) to the extent that the decision relates to resource consent for an activity that— (i) is a residential activity (being an activity associated with the construction, alteration, or use of a dwellinghouse on land that, under a district plan, is intended to be used solely or principally for residential purposes); and (ii) is to occur on a single allotment; and (iii) is a controlled, restricted-discretionary, or discretionary activity; and (c) a person described in subsection (1)(b) may appeal under this section only in respect of a provision or matter raised in the person's submission (excluding any part of the submission that is struck out under **section 41D**). (2) In section 120(2), after "sections 357A,", insert "**357AB,**".	**Support in part** Potentially support (1A)(a)(i) but not clause 120(1A)(a)(ii) Should also extend to 87BB (Activities meeting certain requirements are permitted activities) See earlier comments about "dwellinghouse". "Single allotment" would exclude a dwellinghouse built across a common boundary of 2 lots.
136	**Section 139 amended (Consent authorities and**	In section 139(9), after "357A", insert ", **357AB,**"	

	Environmental Protection Authority to issue certificates of compliance)		
137	**Section 139A amended (Consent authorities to issue existing use certificates)**	In section 139A(10), after "357A", insert ", **357AB**,".	Consequential amendment.
		Amendment to Part 7 of principal Act	
138	**Section 151 amended (Interpretation)**	In section 151, repeal the definition of **public notice**.	Consequential amendment.
		Amendment to Part 8 of principal Act	
139	**Section 198AD amended (Excluded time periods relating to other matters)**	In section 198AD(1), replace "95E(3)" with "**95E(4**)".	Consequential amendment.
		Amendment to Part 9 of principal Act	
140	**Section 204 amended (Public notification of application)**	Replace section 204(1)(a) with: (a) public notice of the application is given; and (ab) a copy of the short summary of the notice referred to in **section 2AB(1)(b)**, along with details of the Internet site where the notice can be accessed, is published in a daily newspaper in each of the cities of Auckland, Wellington, Christchurch, and Dunedin; and	Support
		Amendments to Part 10 of principal Act	
141	**Section 220 amended (Condition of subdivision consents)**	In section 220(1)(d),— (a) replace "erosion, subsidence, slippage, or inundation" with "natural hazards"; and (b) replace "subsidence, slippage, erosion, or inundation" with "natural hazards".	"Natural hazards" are defined in Section 2.

Amendments to Part 14 of principal Act			
142	**Section 352 amended (Service of documents)**	(1) Replace section 352(1) with: (1) Where a notice or other document is to be served on a person for the purposes of this Act,— (a) if the person has specified an electronic address as an address for service for the matter to which the document relates, and has not requested a method of service listed in **paragraph (b),** the document must be served by sending it to the electronic address; and (b) if **paragraph (a)** does not apply, the document may be served by any of the following methods: (i) delivering it personally to the person (other than a Minister of the Crown): (ii) delivering it at the usual or last known place of residence or business of the person: (iii) sending it by pre-paid post addressed to the person at the usual or last known place of residence or business of the person: (iv) posting it to the PO box address that the person has specified as an address for service: (v) leaving it at a document exchange for direction to the document exchange box number that the person has specified as an address for service: (vi) sending it to the fax number that the person has specified as an address for service. (1A) However, if the document is to be served on a person to commence, or in the course of, court proceedings, **subsection (1)** does not apply if the court, whether expressly or in its rules or practices, requires a different method of 10 service. (2) In section 352(4A)(b), replace "email address" with "electronic address". (3) In section 352(5), replace "subsection (1)(c) or (d)" with "**subsection (1)(b)(iii) or (iv)".**	Clause 352(1A) is welcome.
143	**Section 357 amended (Right of objection against certain decisions)**	In section 357(2), replace "section 41C(7)" with "**section 41D**".	Consequential amendment.

144	**New section 357AB inserted (Objection under section 357A(1)(f) or (g) may be considered by hearings commissioner)**	After section 357A, insert: **357AB Objection under section 357A(1)(f) or (g) may be considered by hearings commissioner** (1) An applicant for a resource consent who has a right of objection under section 357A(1)(f) or (g) (as applied by section 357A(2) to (5)) may, when making the objection, request that the objection be considered by a hearings commissioner. (2) If a consent authority receives a request under this section, the authority must, under section 34A(1), delegate its functions, powers, and duties under sections 357C and 357D to 1 or more hearings commissioners who are not members of the consent authority.	Support? WDC agrees with this proposed change. WDC has found that using independent hearings commissioners to determine objections is beneficial.
145	**Section 357C amended (Procedure for making and hearing objection under sections 357 to 357B)**	After section 357C(2), insert: (2A) A notice of an objection made under section 357A(1)(f) or (g) may include a request that the objection be considered by a hearings commissioner instead of by the consent authority.	Support As above.
146	**New section 357CA inserted (Powers of hearings commissioner 35 considering objection under section 357A(1)(f) or (g))**	After section 357C, insert: **357CA Powers of hearings commissioner considering objection under section 357A(1)(f) or (g)** (1) This section applies if a hearings commissioner is considering an objection made under section 357A(1)(f) or (g) (see **section 357AB**). (2) The hearings commissioner may do 1 or more of the following: (a) require the person or body making the objection to provide further information: (b) require the consent authority to provide further information: (c) commission a report on any matter raised in the objection. (3) However, the hearings commissioner must not require further information or commission a report unless he or she considers that the information or report will assist the hearings commissioner to make a decision on the objection.	As above. As above.
147	**Section 357D amended (Decision on objections**	In section 357D(3), replace “consent authority” with “person to whom, or body to which, the objection is made”.	

	made under sections 357 to 357B)		
148	**Section 358 amended (Appeals against certain decisions or objections)**	(1) In section 358(1), delete "Appeals from objections under section 357(3A), (4), or (8) or, for objections only to a board of inquiry, under section 357(2) are excluded." (2) After section 358(1), insert: (1A) However, appeals from the following objections are excluded: (a) an objection to an authority under section 357(2), if the objection relates to a decision that the authority made under **section 41D(2):** (b) an objection to an authority under section 357(3A) or (8): (c) an objection to a board of inquiry under section 357(4).	Need to check cross referencing.
149	**Section 360 amended (Regulations)**	In section 360(1)(hi), replace "sections 41B and 41C" with "sections 41B to **41D**".	Consequential amendment.
150	**Section 360E amended (Regulations relating to administrative charges and other amounts)**	Replace **section 360E(2)(a)** (as inserted by **section 105 of the Resource Legislation Amendment Act 2015**) with: (a) may require a local authority to fix a charge listed in section 36(1) only if the charge relates to— (i) an application for a resource consent, a review of a resource consent, or an application to change or cancel a condition of a resource consent (including charges for certificates of compliance and existing use certificates); or (ii) a notice issued under **section 87BA or 87BB** stating whether an activity is a permitted activity; and	See earlier comments.
151	**New sections 360F and 360G inserted**	After **section 360E** (as inserted by **section 105 of the Resource Legislation Amendment Act 2015**), insert: **360F Regulations relating to fast-track applications** (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations— (a) prescribing, for the purpose of **section 87AAC** (meaning of fast-track application), particular activities or classes of activities, or the methods or criteria that a consent authority must use to identify particular activities or classes of activities; and	As per previous comments – fast-track process will not be straightforward if blanket approach is taken e.g controlled activities WDC supports LGA comments above.