

#### 4A Application of this Act to ships and aircraft of foreign States

Except as otherwise expressly provided in any regulations made under this Act, this Act does not apply to any of the following:

- (a) warships of any State other than New Zealand:
- (b) aircraft of the defence forces of any State other than New Zealand:
- (c) any ship owned or operated by any State other than New Zealand, if the ship is being used by that State for wholly governmental (but not including commercial) purposes:
- (d) the master or crew of any warship, aircraft, or ship referred to in paragraphs (a) to (c).

Section 4A: inserted, on 20 August 1998, by section 3 of the Resource Management Amendment Act 1994 (1994 No 105).

## Part 2 Purpose and principles

### 5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
  - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

### 6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:
- (g) the protection of protected customary rights:
- (h) the management of significant risks from natural hazards.

Section 6(f): inserted, on 1 August 2003, by section 4 of the Resource Management Amendment Act 2003 (2003 No 23).

Section 6(g): replaced, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 6(h): inserted, on 19 April 2017, by section 6 of the Resource Legislation Amendment Act 2017 (2017 No 15).

## 7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) *[Repealed]*
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

Section 7(aa): inserted, on 17 December 1997, by section 3 of the Resource Management Amendment Act 1997 (1997 No 104).

Section 7(ba): inserted, on 2 March 2004, by section 5(1) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Section 7(e): repealed, on 1 August 2003, by section 5 of the Resource Management Amendment Act 2003 (2003 No 23).

Section 7(i): inserted, on 2 March 2004, by section 5(2) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Section 7(j): inserted, on 2 March 2004, by section 5(2) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

## **8 Treaty of Waitangi**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

## **Part 3 Duties and restrictions under this Act**

### *Land*

## **9 Restrictions on use of land**

- (1) No person may use land in a manner that contravenes a national environmental standard unless the use—
  - (a) is expressly allowed by a resource consent; or
  - (b) is allowed by section 10; or
  - (c) is an activity allowed by section 10A; or
  - (d) is an activity allowed by section 20A.
- (2) No person may use land in a manner that contravenes a regional rule unless the use—
  - (a) is expressly allowed by a resource consent; or
  - (b) is an activity allowed by section 20A.
- (3) No person may use land in a manner that contravenes a district rule unless the use—
  - (a) is expressly allowed by a resource consent; or
  - (b) is allowed by section 10; or
  - (c) is an activity allowed by section 10A.
- (4) No person may contravene section 176, 178, 193, or 194 unless the person obtains the prior written consent of the requiring authority or the heritage protection authority.
- (5) This section applies to overflying by aircraft only to the extent to which noise emission controls for airports have been prescribed by a national environmental standard or set by a territorial authority.
- (6) This section does not apply to use of the coastal marine area.

Section 31(1)(c): repealed, on 1 August 2003, by section 10(1) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 31(2): inserted, on 1 August 2003, by section 10(2) of the Resource Management Amendment Act 2003 (2003 No 23).

### **31A Minister of Conservation to have certain powers of local authority**

- (1) The Minister of Conservation—
  - (a) has, in respect of the coastal marine areas of the Kermadec Islands, the Snares Islands, the Bounty Islands, the Antipodes Islands, the Auckland Islands, Campbell Island, and the islands adjacent to Campbell Island, the responsibilities, duties, and powers that a regional council would have under section 30(1)(d) if those coastal marine areas were within the region of that regional council; and
  - (b) may exercise, in respect of the islands specified in paragraph (a),—
    - (i) the responsibilities, duties, and powers that a regional council would have under this Act if those islands were within the region of that regional council; and
    - (ii) the responsibilities, duties, and powers that a territorial authority would have under this Act if those islands were within the district of that territorial authority.
- (2) The responsibilities, duties, and powers conferred on the Minister of Conservation by subsection (1)(b) are in addition to the powers conferred on that Minister by subsection (1)(a).
- (3) The responsibilities, duties, and powers conferred on the Minister of Conservation by this section are in addition to the responsibilities, duties, and powers conferred on that Minister by this Act.

Section 31A: inserted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 31A(1)(b)(i): amended, on 1 October 2009, by section 150 of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

### **32 Requirements for preparing and publishing evaluation reports**

- (1) An evaluation report required under this Act must—
  - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
  - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
    - (i) identifying other reasonably practicable options for achieving the objectives; and
    - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
    - (iii) summarising the reasons for deciding on the provisions; and

- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
  - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
    - (i) economic growth that are anticipated to be provided or reduced; and
    - (ii) employment that are anticipated to be provided or reduced; and
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an **amending proposal**) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—
  - (a) the provisions and objectives of the amending proposal; and
  - (b) the objectives of the existing proposal to the extent that those objectives—
    - (i) are relevant to the objectives of the amending proposal; and
    - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- (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
  - (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
  - (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or

- (b) at the same time as the proposal is notified.
- (6) In this section,—
- objectives** means,—
- (a) for a proposal that contains or states objectives, those objectives:
- (b) for all other proposals, the purpose of the proposal
- proposal** means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act
- provisions** means,—
- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
- (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

Section 32: replaced, on 3 December 2013, for all purposes, by section 70 of the Resource Management Amendment Act 2013 (2013 No 63).

Section 32(3): amended, on 19 April 2017, by section 14(1) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 32(4): amended, on 19 April 2017, by section 14(2) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 32(4A): inserted, on 19 April 2017, by section 14(3) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 32(5)(b): amended, on 19 April 2017, by section 14(4) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 32(6) **proposal**: amended, on 19 April 2017, by section 14(5) of the Resource Legislation Amendment Act 2017 (2017 No 15).

### 32AA Requirements for undertaking and publishing further evaluations

- (1) A further evaluation required under this Act—
- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the **changes**); and
- (b) must be undertaken in accordance with section 32(1) to (4); and
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and
- (d) must—
- (i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

regional council must not have regard to the effects of such a discharge on climate change, except to the extent that the use and development of renewable energy enables a reduction in the discharge into air of greenhouse gases, either—

- (a) in absolute terms; or
- (b) relative to the use and development of non-renewable energy.

Section 70A: inserted, on 2 March 2004, by section 6 of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

### **70B Implementation of national environmental standards**

If a national environmental standard is made to control the effects on climate change of the discharge into air of greenhouse gases, a regional council may make rules that are necessary to implement the standard, provided the rules are no more or less restrictive than the standard.

Section 70B: inserted, on 2 March 2004, by section 6 of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Section 70B heading: amended, on 10 August 2005, by section 43(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 70B: amended, on 10 August 2005, by section 43(2)(a) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 70B: amended, on 10 August 2005, by section 43(2)(b) of the Resource Management Amendment Act 2005 (2005 No 87).

### **71 Rules about esplanade reserves on reclamation**

*[Repealed]*

Section 71: repealed, on 7 July 1993, by section 38 of the Resource Management Amendment Act 1993 (1993 No 65).

### *District plans*

### **72 Purpose of district plans**

The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

### **73 Preparation and change of district plans**

- (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.
- (1A) A district plan may be changed in the manner set out in the relevant Part of Schedule 1.
- (1B) A territorial authority given a direction under section 25A(2) must prepare a change to its district plan in a way that implements the direction.
- (2) Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Part 2 or 5 of Schedule 1.

- (2A) A request for a plan change may be made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 if the territorial authority—
- (a) is also the administering body in which the recreation reserve land is vested; and
  - (b) agrees that the request and application may be made jointly.
- (3) A district plan may be prepared in territorial sections.
- (4) A local authority must amend a proposed district plan or district plan to give effect to a regional policy statement, if—
- (a) the statement contains a provision to which the plan does not give effect; and
  - (b) one of the following occurs:
    - (i) the statement is reviewed under section 79 and not changed or replaced; or
    - (ii) the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative; or
    - (iii) the statement is changed or varied and becomes operative.
- (5) A local authority must comply with subsection (4)—
- (a) within the time specified in the statement, if a time is specified; or
  - (b) as soon as reasonably practicable, in any other case.

Section 73(1): replaced, on 19 April 2017, by section 58(1) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 73(1A): replaced, on 19 April 2017, by section 58(2) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 73(1B): inserted, on 10 August 2005, by section 44(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 73(2): amended, on 19 April 2017, by section 58(3) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 73(2A): inserted, on 19 April 2017, by section 188(4) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 73(4): inserted, on 10 August 2005, by section 44(2) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 73(5): inserted, on 10 August 2005, by section 44(2) of the Resource Management Amendment Act 2005 (2005 No 87).

#### **74 Matters to be considered by territorial authority**

- (1) A territorial authority must prepare and change its district plan in accordance with—
- (a) its functions under section 31; and
  - (b) the provisions of Part 2; and
  - (c) a direction given under section 25A(2); and



- (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
  - (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
  - (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
  - (f) any regulations.
- (2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—
- (a) any—
    - (i) proposed regional policy statement; or
    - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
  - (b) any—
    - (i) management plans and strategies prepared under other Acts; and
    - (ii) *[Repealed]*
    - (ia) relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and
    - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—  
to the extent that their content has a bearing on resource management issues of the district; and
  - (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

Section 74(1): replaced, on 3 December 2013, for all purposes, by section 78 of the Resource Management Amendment Act 2013 (2013 No 63).

Section 74(1)(ea): inserted, on 19 April 2017, by section 59 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 74(2): amended, on 10 August 2005, by section 45(2) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 74(2)(a): replaced, on 17 December 1997, by section 15(1) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 74(2)(b)(ii): repealed, on 1 August 2003, by section 31(1) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 74(2)(b)(iia): inserted, on 1 July 1993, by section 118(2) of the Historic Places Act 1993 (1993 No 38).

Section 74(2)(b)(iia): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 74(2)(b)(iii): replaced, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

Section 74(2A): replaced, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 74(3): inserted, on 17 December 1997, by section 15(2) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 74(3): amended, on 1 October 2009, by section 58 of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

## **75 Contents of district plans**

- (1) A district plan must state—
  - (a) the objectives for the district; and
  - (b) the policies to implement the objectives; and
  - (c) the rules (if any) to implement the policies.
- (2) A district plan may state—
  - (a) the significant resource management issues for the district; and
  - (b) the methods, other than rules, for implementing the policies for the district; and
  - (c) the principal reasons for adopting the policies and methods; and
  - (d) the environmental results expected from the policies and methods; and
  - (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and
  - (f) the processes for dealing with issues that cross territorial authority boundaries; and
  - (g) the information to be included with an application for a resource consent; and
  - (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.
- (3) A district plan must give effect to—
  - (a) any national policy statement; and
  - (b) any New Zealand coastal policy statement; and
  - (ba) a national planning standard; and
  - (c) any regional policy statement.

**20A Correction of operative policy statement or plan**

A local authority may amend, without using the process in this schedule, an operative policy statement or plan to correct any minor errors.

Schedule 1 clause 20A: inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 20A: amended, on 1 October 2009, by section 150 of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

**Part 2****Requests for changes to policy statements and plans of local authorities and requests to prepare regional plans**

Schedule 1 Part 2: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

**21 Requests**

- (1) Any person may request a change to a district plan or a regional plan (including a regional coastal plan).
- (2) Any person may request the preparation of a regional plan, other than a regional coastal plan.
- (3) Any Minister of the Crown or any territorial authority in the region may request a change to a policy statement.
- (3A) However, in relation to a policy statement or plan approved under Part 4 of this schedule, no request may be made to change the policy statement or plan earlier than 3 years after the date on which it becomes operative under clause 20 (as applied by section 80A(2)(a)).
- (4) Where a local authority proposes to prepare or change its policy statement or plan, the provisions of this Part shall not apply and the procedure set out in Part 1, 4, or 5 applies.
- (5) If a request for a plan change is made jointly with an application to exchange recreation reserve land (as permitted by section 65(4A) or 73(2A)), the application must be—
  - (a) processed, with the request for a plan change, in accordance with this Part, other than clauses 27 and 29(4) to (8); then
  - (b) decided under section 15AA of the Reserves Act 1977.

Schedule 1 clause 21: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 21(3): amended, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 21(3A): inserted, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 21(4): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 21(5): inserted, on 19 April 2017, by section 188(11) of the Resource Legislation Amendment Act 2017 (2017 No 15).

## **22 Form of request**

- (1) A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation report prepared in accordance with section 32 for the proposed plan or change.
- (2) Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.

Schedule 1 clause 22: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 22(1): amended, on 3 December 2013, for all purposes, by section 85 of the Resource Management Amendment Act 2013 (2013 No 63).

Schedule 1 clause 22(1): amended, on 1 August 2003, by section 92(13) of the Resource Management Amendment Act 2003 (2003 No 23).

Schedule 1 clause 22(2): amended, on 3 March 2015, by section 124 of the Resource Management Amendment Act 2013 (2013 No 63).

## **23 Further information may be required**

- (1) Where a local authority receives a request from any person under clause 21, it may within 20 working days, by written notice, require that person to provide further information necessary to enable the local authority to better understand—
  - (a) the nature of the request in respect of the effect it will have on the environment, including taking into account the provisions of Schedule 4; or
  - (b) the ways in which any adverse effects may be mitigated; or
  - (c) the benefits and costs, the efficiency and effectiveness, and any possible alternatives to the request; or
  - (d) the nature of any consultation undertaken or required to be undertaken—  
if such information is appropriate to the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change or plan.
- (2) A local authority, within 15 working days of receiving any information under this clause, may require additional information relating to the request.
- (3) A local authority may, within 20 working days of receiving a request under clause 21, or, if further or additional information is sought under subclause (1) or subclause (2), within 15 working days of receiving that information, commission a report in relation to the request and shall notify the person who made the request that such a report has been commissioned.

- (4) A local authority must specify in writing its reasons for requiring further or additional information or for commissioning a report under this clause.
- (5) The person who made the request—
- (a) may decline, in writing, to provide the further or additional information or to agree to the commissioning of a report; and
  - (b) may require the local authority to proceed with considering the request.
- (6) To avoid doubt, if the person who made the request declines under subclause (5) to provide the further or additional information, the local authority may at any time reject the request or decide not to approve the plan change requested, if it considers that it has insufficient information to enable it to consider or approve the request.

Schedule 1 clause 23: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 23(4): inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 23(5): inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 23(6): inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

## 24 Modification of request

As a result of further or additional information, commissioned reports, or other relevant matters, the local authority may, with the agreement of the person who made the request, modify the request.

Schedule 1 clause 24: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

## 25 Local authority to consider request

- (1) A local authority shall, within 30 working days of—
- (a) receiving a request under clause 21; or
  - (b) receiving all required information or any report which was commissioned under clause 23; or
  - (c) modifying the request under clause 24—
- whichever is the latest, decide under which of subclauses (2), (3), and (4), or a combination of subclauses (2) and (4), the request shall be dealt with.
- (1A) The local authority must have particular regard to the evaluation report prepared for the proposed plan or change in accordance with clause 22(1)—
- (a) when making a decision under subclause (1); and
  - (b) when dealing with the request under subclause (2), (3), or (4).
- (2) The local authority may either—

- (a) adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so,—
    - (i) the request must be notified in accordance with clause 5 or 5A within 4 months of the local authority adopting the request; and
    - (ii) the provisions of Part 1 or 4 must apply; and
    - (iii) the request has legal effect once publicly notified; or
  - (b) accept the request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26.
- (2AA) However, if a direction is applied for under section 80C, the period between the date of that application and the date when the application is declined under clause 77(1) must not be included in the calculation of the 4-month period specified by subclause (2)(a)(i).
- (2A) Subclause (2)(a)(iii) is subject to section 86B.
- (3) The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 6 shall apply accordingly.
- (4) The local authority may reject the request in whole or in part, but only on the grounds that—
- (a) the request or part of the request is frivolous or vexatious; or
  - (b) within the last 2 years, the substance of the request or part of the request—
    - (i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
    - (ii) has been given effect to by regulations made under section 360A; or
  - (c) the request or part of the request is not in accordance with sound resource management practice; or
  - (d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or
  - (e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.
- (5) The local authority shall notify the person who made the request, within 10 working days, of its decision under this clause, and the reasons for that decision, including the decision on notification.

Schedule 1 clause 25: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 25(1A): inserted, on 3 December 2013, for all purposes, by section 86 of the Resource Management Amendment Act 2013 (2013 No 63).

Schedule 1 clause 25(2): replaced, on 17 December 1997, by section 72 of the Resource Management Amendment Act 1997 (1997 No 104).

Schedule 1 clause 25(2)(a)(i): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 25(2)(a)(ii): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 25(2)(a)(iii): amended, on 1 October 2009, by section 149(16) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 25(2AA): inserted, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 25(2A): inserted, on 1 October 2009, by section 149(17) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 25(4)(b): replaced, on 1 October 2011, by section 60 of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

Schedule 1 clause 25(5): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

## 26 Notification timeframes

- (1) Where a local authority accepts the request or part of the request under clause 25(2)(b)—
- (a) the local authority shall prepare the change to the policy statement or plan in consultation with the person who made the request under clause 21; and
  - (b) the local authority shall notify the change or the proposed policy statement or plan—
    - (i) within 4 months of agreeing to accept the request; or
    - (ii) within the period that the Environment Court directs under clause 27.
- (2) However, if a direction is applied for under section 80C, the period between the date of that application and the date when the application is declined under clause 77(1) must not be included in the calculation of the 4-month period specified in subclause (1)(b)(i).

Schedule 1 clause 26: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 26(1)(b): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 26(1)(b)(i): amended, on 17 December 1997, by section 73 of the Resource Management Amendment Act 1997 (1997 No 104).

Schedule 1 clause 26(1)(b)(ii): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Schedule 1 clause 26(2): inserted, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

## 26A Mana Whakahono a Rohe

In exercising or performing any powers, functions, or duties under this Part, a local authority must comply with any Mana Whakahono a Rohe that specific-

ally provides a role for iwi authorities in relation to any plan or change requested under this Part.

Schedule 1 clause 26A: inserted, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

## 27 Appeals

- (1) A person who requests a plan change under clause 21 may appeal to the Environment Court against a decision referred to in subclause (1A) within 15 working days of receiving the decision.
- (1A) The decisions that may be appealed under subclause (1) are decisions—
  - (a) to adopt or accept the request in part only under clause 25(2):
  - (b) to reject the request under clause 23(6):
  - (c) to deal with the request under clause 25(3):
  - (d) to reject the request under clause 25(4) in whole or in part.
- (2) The Environment Court may make such decision on any such appeal as it thinks fit.

Schedule 1 clause 27: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 27(1): replaced, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 27(1A): inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 27(2): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

## 28 Withdrawal of requests

- (1) Where any person has made a request under clause 21 that person may withdraw the request at any time before the decision by the local authority under clause 29 is notified.
- (2) Where any local authority has reasonable grounds to consider that a person who made a request under clause 21 no longer wishes to continue with the request, the local authority may send a notice to that person at their last known address.
- (3) A notice sent under subclause (2) shall state that if the person who made the request does not advise the local authority within 30 working days of their wish to continue with the request, the local authority shall deem the request to have been withdrawn.
- (4) If the local authority receives no response to its notice sent under subclause (2), it shall deem the request to have been withdrawn under subclause (1).
- (5) Where notice of withdrawal is given under subclause (1) or is deemed to be given under subclause (4), preparation of the policy statement or plan or



change shall cease, unless the local authority determines to proceed with the request itself under this Part.

- (6) The local authority shall ensure that, within 15 working days of receiving a notice of withdrawal under subclause (1) or deeming it to be withdrawn under subclause (4), public notice of the withdrawal, including the reason for the withdrawal, is given, unless the local authority determines to proceed with the request itself.

Schedule 1 clause 28: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

## **29 Procedure under this Part**

- (1) Except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b).
- (1A) Any person may make a submission but, if the person is a trade competitor of the person who made the request, the person's right to make a submission is limited by subclause (1B).
- (1B) A trade competitor of the person who made the request may make a submission only if directly affected by an effect of the plan or change that—
- (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.
- (2) The local authority shall send copies of all submissions on the plan or change to the person who made the request.
- (3) The person who made the request has the right to appear before the local authority under clause 8B.
- (4) After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to that evaluation, the local authority—
- (a) may decline, approve, or approve with modifications the plan or change; and
  - (b) must give reasons for its decision.
- (5) In addition to those persons covered by clause 11, the local authority shall serve a copy of its decision on the person who made the request under clause 21.
- (6) The person who made the request, and any person who made submissions on the plan or change, may appeal the decision of the local authority to the Environment Court.
- (7) Where a plan or change has been appealed to the Environment Court, clauses 14 and 15 shall apply, with all necessary modifications.

- (8) Where a plan or change has been appealed to the Environment Court, the person who made the request under clause 21 has the right to appear before the Environment Court.
- (8A) If the decision to change a plan is subject to the grant of an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977, the local authority must advise the person who requested the plan change that—
- (a) the plan change is subject to a decision by the administering body on the application to exchange the recreation reserve land; and
  - (b) the decision on the exchange will be made under the Reserves Act 1977 after the time allowed for appeals against the decision on the plan change has expired and any appeals have been completed.
- (9) With the agreement of the person who made the request, the local authority may, at any time before its decision on the plan or change, initiate a variation under clause 16A.

Schedule 1 clause 29: inserted, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 29(1): amended, on 1 October 2009, by section 149(18) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 29(1A): inserted, on 1 October 2009, by section 149(19) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 29(1B): inserted, on 1 October 2009, by section 149(19) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 29(4): replaced, on 3 December 2013, for all purposes, by section 87 of the Resource Management Amendment Act 2013 (2013 No 63).

Schedule 1 clause 29(6): amended, on 1 August 2003, by section 92(14)(a) of the Resource Management Amendment Act 2003 (2003 No 23).

Schedule 1 clause 29(6): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Schedule 1 clause 29(7): amended, on 1 August 2003, by section 92(14)(b) of the Resource Management Amendment Act 2003 (2003 No 23).

Schedule 1 clause 29(7): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Schedule 1 clause 29(8): amended, on 1 August 2003, by section 92(14)(c) of the Resource Management Amendment Act 2003 (2003 No 23).

Schedule 1 clause 29(8): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Schedule 1 clause 29(8A): inserted, on 19 April 2017, by section 188(12) of the Resource Legislation Amendment Act 2017 (2017 No 15).

### **Part 3**

## **Incorporation of documents by reference in plans and proposed plans**

Schedule 1 Part 3: inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

### **30 Incorporation of documents by reference in plans and proposed plans**

- (1) The following written material may be incorporated by reference in a plan or proposed plan:
  - (a) standards, requirements, or recommended practices of international or national organisations:
  - (b) standards, requirements, or recommended practices prescribed in any country or jurisdiction:
  - (c) any other written material that deals with technical matters and is too large or impractical to include in, or print as part of, the plan or proposed plan.
- (2) Material may be incorporated by reference in a plan or proposed plan—
  - (a) in whole or in part; and
  - (b) with modifications, additions, or variations specified in the plan or proposed plan.
- (3) Material incorporated by reference in a plan or proposed plan has legal effect as part of the plan or proposed plan.

Schedule 1 clause 30: inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

### **31 Effect of amendments to, or replacement of, material incorporated by reference in plans and proposed plans**

An amendment to, or replacement of, material incorporated by reference in a plan or proposed plan has legal effect as part of the plan or proposed plan only if—

- (a) a variation that has merged in and become part of the proposed plan under Part 1, 4, or 5 states that the amendment or replacement has that effect; or
- (b) an approved change made to the plan under Part 1, 4, or 5 states that the amendment or replacement has that effect.

Schedule 1 clause 31: inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 31(a): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 31(b): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).