

Topic	RMA Section	Bill Clause	What it does
Interpretation and application			
Crown accountability	S 4	5	An abatement notice or excessive noise direction may be served or issued against the Crown. A local authority can issue an enforcement order against the Crown. The Crown may be served with an infringement notice.
Duties and restrictions under this Act			
Land			
Restrictions on use of land	S 9	6	Removes requirement that no person may use land in a manner that contravenes a proposed regional rule or a proposed district rule.
Restrictions on subdivision of land	S 11	9	Removes requirement that in order to subdivide without consent, the subdivision must also be expressly authorised in a proposed district plan as well as in the operative district plan. Introduces ability to authorize subdivision through an NES.
Coastal marine area			
Restrictions on use of coastal marine area	S 12	10	Adds NES reference, so that person can undertake activities within the marine area if in accordance with a NES.
River and lake beds			
Restriction on certain uses of beds and lakes of rivers	S 13	11	Removes reference to proposed regional plan and adds reference to NES.
Water			
Restrictions relating to water	S 14	12	Removes reference to proposed regional plan and adds reference to NES.
Discharges			
Discharge of contaminants into environment	S 15	13	Removes reference to proposed regional plan and adds reference to NES.
Noise			
Duty to avoid unreasonable noise	S 16(2)	14	Adds reference to NES so that NES can prescribe noise emission standards.
Adverse effects			
Duty to avoid, remedy, or mitigate adverse effects	S 17	15	Add reference to NES. Duty is still relevant notwithstanding a NES.
Effect of certain changes to plans			

Certain rules in proposed plans to be operative	S 19	16	Repeals section. Section 19(1) is now covered in new section 86C (exactly the same wording). However, s 19(2) is now covered by s 86B. Means that the s 19(1) criteria are only one of three reasons why a rule has legal effect.
Certain rules in proposed plans not to have effect	S 20	16	Repeals section. Section 20(1) & (2) is now covered by s 86A(1)(c). A rule in a proposed plan does not have legal effect until a plan is operative, but a local authority have to make a resolution to that effect before the plan is notified. Section 20(3) & (4) is now covered by s 86A(2)(c). A rule has legal effect from the day a resolution of a local authority is rescinded. Section 20(5) is now covered by s 86B.
Miscellaneous provisions			
Duty to give certain information	S 22	18	Now applies to natural and non natural persons (i.e. companies). And have to give date of birth in addition to name and address.
Functions powers and duties of central and local government			
Functions and powers of Ministers			
Ministers may direct commencement of review	S 25B	19	New Section. Allows Ministers to direct councils to commence a review of the whole or any part of a regional plan, regional coastal plan, and district plan.
Functions of Minister of Conservation	S 28(c)	20	Repeals section. The Minister can no longer make decisions on applications for coastal permits in relation to restricted coastal activities.
Delegation of functions by Ministers	S 29	21	Adds the following functions that the Minister cannot delegate: (a) Recommending the making of a national environmental standard under s 44. (b) Recommending the making of an Order in Council under section 150C. (c) Recommending the making of an Order in Council under section 165O. (d) Recommending the appointment of an Environment Judge or alternative Environment Judge under section 250. (e) Recommending the appointment of the Principle Environment Judge under section 251. (f) Recommending the appointment of an Environment Commissioner or Deputy Environment Commissioner under section 254. (g) Recommending the making of regulations under section 360. Inserts a provision allowing the Minister to delegate to the EPA functions under s 144, 145 and 147

			(call in provisions, to notify direction, receive submissions and conduct an inquiry).
Functions, powers and duties of local authorities			
Delegation of powers and functions to employees and other persons	S 34(2)(c)	22	A local authority cannot now delegate the making of a decision on a requirement for a designation. Used to be it could not delegate the recommendation on a requirement.
Duty to gather information, monitor, and keep records	S 35(5)(f)	23	A local authority must keep a copy of a NES at its principle office.
Administrative charges	S 36	24	All costs, as a result of an applicant or submitter requesting that the hearing be heard by a Commissioner, above the cost of not appointing a Commissioner, can be fixed by the local authority payable by the requester.
Local authority to adopt policy on discounting administrative charges for failure to meet consent processing deadlines	S 36AA	25	New section. A local authority must adopt a policy of discounting administrative charges where: <ul style="list-style-type: none"> (a) a resource consent is not processed within the time frames set out in the Act; and (b) the responsibility for failure rests with the local authority. <p>The policy must specify the discount and procedure applicant must follow to obtain discount.</p> <p>A policy adopted must be operative no later than 12 months after the commencement of the Act.</p>
Enforcement officers			
Authorisation and responsibilities of enforcement officers	S 38(3)(b)	27	Repeals section. The Minister can no longer authorise any officers of the Department of Conservation or of a local authority to exercise and carry out the functions and powers of an enforcement officer under this Act in relation to: those parts of a coastal marine area which a regional coastal plan states as having significant conservation value and in respect of which that Minister is the consent authority.
Powers and duties in relation to hearings			
Provisions relating to hearings	S 41(4)	28	Repeals section. An authority can no longer request and receive any information or advice that is relevant and reasonably necessary to determine the application from the reporting planner, a person who is heard by the authority or represented at the hearing.
Reports before the	S 41BA	30	New section.

hearing			<p>Before a hearing, the authority may require a report on:</p> <ul style="list-style-type: none"> (a) information provided by the applicant; or (b) information provided by a person who made a submission. <p>A report can come from:</p> <ul style="list-style-type: none"> (a) an officer of a local authority; (b) a consultant commissioned for the purpose; or (c) any other person employed for the purpose. <p>The report can:</p> <ul style="list-style-type: none"> (a) adopt the whole AEE; (b) adopt part of the AEE; or (c) adopt some of the material in the assessment. <p>The authority may commission a report on any matter relating to an application, but only if:</p> <ul style="list-style-type: none"> (a) The activity may have significant adverse environmental effects; (b) The application is notified before the authority commissions the report; and (c) The applicant does not refuse to agree to the commissioning of the report. <p>The authority must notify the applicant that it wants to commission a report under this section. A copy of the report must be sent to the applicant and submitters who wish to be heard (only if the applicant does not refuse to agree to the commissioning of the report). The report must be served at least 5 working days before the hearing (15 working days if the authority gives a direction). The authority may waive service if there is no material prejudice to any person, or is not aware of any potential prejudice.</p>
Reports at hearings	S 41BB	30	<p>New section.</p> <p>The authority may commission a report on any matter which the authority requires further information on, but only if:</p> <ul style="list-style-type: none"> (a) The activity may have significant adverse environmental effects; (b) The application is notified before the authority commissions the report; and (c) The applicant does not refuse to agree to the commissioning of the report. <p>A copy of the report must be sent to the applicant and submitters who wish to be heard (only if the applicant does not refuse to agree to the commissioning of the report).</p>
Directions and requests before or at hearings	S 41C	31	<p>Repeals section 41C(4) (replaced with section 41BB above).</p> <p>Provides that information is provided to the applicant and submitters.</p>
Information and advice	S 41D	32	<p>New section. At the hearing the authority can receive any information and advice relevant and</p>

at hearings			reasonably necessary to determine the application. The authority may request this information, but must do so within a reasonable amount of time before the hearing, and the information must be provided to the consent authority no later than 10 working days before the hearing.
Reports to local authority	S 42A	34	Repeals section.
Environmental Protection Authority			
Establishment of an EPA	S 42B	35	New section.
Functions of Authority	S 42C	35	New section. Sets out the functions of the EPA: (a) Receive matters lodged under s 141AA and 141AAG; (b) Make recommendations to Minister under s 141AAb or 141AAH in relation to matters in para (a); (c) Make decisions under s 139 on applications for certificates of compliance for proposals related to call ins; (d) Provide secretariat and support to Bol; (e) Exercise any functions, duties or powers delegated to it by Minister; and (f) Exercise any other function specified in the Act.
Secretary for the Environment to exercise functions of Authority	??	36	Until this section is repeal, the Secretary may exercise all functions, powers and duties of the EPA.
Standards, Policy Statements and Plans			
National Environment Standards			
Interpretation	S 43AA	37	New section. Inserts definitions to “change”, “district plan”, “operative”, “plan”, “policy statement”, “proposed policy statement”, “regional coastal plan”, “regional plan”, “regional policy statement”, “rule”, “variation”. “Change” – deletes “operative” so that a change is to a policy statement not an operative policy statement. “Proposed policy statement” – entirely new definition. Means a proposed policy statement that has been notified under clause 5 of Schedule 1 but has not become operative in terms of clause 20 of Schedule 1.

			<p>“regional plan” – deletes “regional council” so that an operative regional plan is one approved by the Minister only i.e. not the regional council. (but no supporting new provision in Schedule 1 so may be a typo)</p> <p>All other definitions are the same.</p>
Meaning of district rule and regional rule	S 43AAB	37	New section. The definition of “district rule” and “regional rule” are basically the same. However, this section makes them subject to a new section 86A. This means a rule will not have legal effect until a decision on submissions is publicly notified.
Meaning of proposed plan	S 43AAC	37	New section. Structures definition differently but the interpretation is the same. As with S 43AAB above, makes the definition subject to section 86A.
Contents of national environmental standards	S 43A	38	New title. Amended from “additional powers to implement NES’s”.
Relationship between NES’s and rules or consents	S 43B(5)-(8)	39	<p>Repeals subsections. Provides clarity.</p> <p>Amends (7) and (8) so that a resource consent (subject to a notification decision) prevails over an NES (unless the NES states otherwise). An NES used to prevail over a resource consent when it hadn’t yet been heard at a hearing.</p>
Restrictions on power to make NES’s	S 44	40	<p>Repeals section. New section. Provides clarity.</p> <p>Adds new provision to allow for Minister to not follow process if NES has no more than minor effect or just correct errors or makes technical alterations.</p>
Local authority recognition of NES’s	S 44A	40	<p>New section.</p> <p>A local authority must amend its plan or proposed plan without further formality to remove the duplication or conflict as soon as practicable after date on which standard comes into force.</p> <p>A conflict includes a situation when a standard does not expressly say that a rule may be more stringent than it. Therefore, this means that a local authority will never be able to have a rule that is more stringent than an NES in its plan unless the NES expressly says that it may.</p> <p>Local authority can include reference to a NES without further formality.</p> <p>Local and consent authorities must observe, and enforce the observance of NES’s.</p>
National Policy Statements			
Minister chooses process	S 46A	41	<p>When considering what process the Minister want to use for a NPS, the Minister cannot now take into account regional policy statements/regional or district plans, but can take into account NES’s.</p> <p>If the NPS includes a provision of the kind described in s 55(2A)(b) i.e. insert provisions directly into</p>

			plans, the Minister can use both options. So doesn't now only have to use the Bol option if going to use s 55(2A)(b).
Board of Inquiry	S 47	42	Bol member not liable for anything they do.
Board of Inquiry to suspend consideration or consider additional material	S 47A	43	New section. The Minister can now suspend the Bol (before it reports to the Minister). The Minister must give public notice of this.
Conduct of hearing	S 50	44	Deletes the provision that any person who made a submission has a right to be heard. Replaces with provision that Minister has the right to be heard.
Matters to be considered and Bol's report	S 51	45	Adds "any additional material provided by the Minister" as matter that Bol can consider.
Withdrawal of proposed NPS	S 51A	46	New section. Allows Minister to withdraw all or part of NPS at any time before is it approved. Minister must give public notice of withdrawal.
Consideration of recommendations and approval of statement	S 52	47	Provides the Minister with an opportunity to not only make changes to a NPS but also to withdraw all or part of it when considering a report and any recommendations.
Local authority recognition of NPS's	S 55(2) and (2A)	48	Clarifies section. A NPS can, in addition to directing that objectives and policies must be included in a document, direct that objectives and policies specified in the document give effect to the objectives and policies specified in the NPS.
Regional policy statements			
Matters to be considered by regional council (policy statements)	S 61(3)	49	Adds provision so that when preparing a regional policy statement a regional council must not have regard to the effects of trade competition.
Regional plans			
Matters to be considered by regional council	S 66(3)	50	Adds provision so that when preparing a regional plan a regional council must not have regard to the effects of trade competition.
District plans			
Matters to be considered by territorial authority	S 74(3)	51	Adds provision so that when preparing or changing a district plan a territorial authority must not have regard to the effects of trade competition.
District rules	S 76(4A)	52	New section. A rule must not provide for the protection of any tree, or group of trees, in an urban environment, unless the tree or group of trees is, specifically identified, located within a reserve, or subject to a conservation management plan.

Regional and district rules			
Power to make rules to apply to classes of activities and specific conditions	S 77A	53	Repeals section. New section. Allows for rules to specify notification.
Duty to include certain rules in relation to controlled or restricted discretionary activities	S 77B	53	New section. Deletes descriptions of classes of activities (now covered in s 87A). Simplifies section to only cover a duty that a local authority must specify the matters over which it has reserved its control for both controlled activities and restricted discretionary activities.
Certain activities to be treated as discretionary activities or prohibited activities	S 77C	54	Repealed. Now covered by s 87B.
Rules for certain activities may include restrictions on notification	S 77D	54	Repealed. Largely replaced by s 77A above.
Miscellaneous			
Combined regional and district documents	S 78A	55	Repealed.
Review of policy statements and plan	S 79(2)	56	Removes requirement to complete full review of plan every 10 years. Replaces with full review when plan no longer assists the authority to carry out its functions in order to achieve the purpose of the Act.
Combined regional and district documents	S 80	57	Repealed. New section. When and how territorial and regional authorities can combine plans.
Disputes	S 82(3)	58	Provides more clarity to wording.
When rules in proposed plans and changes have legal effect	S 86A	59	<p>New section. A rule in plan or proposed plan does not have legal effect until a decision on submissions is publicly notified, s 86C applies, or the plan or change becomes operative if local authority made a resolution to that effect.</p> <p>However, in addition, a proposed rule has legal effect if:</p> <ul style="list-style-type: none"> (a) From the date it is publicly notified, the rule protects water, air, soil, SNA's or historic heritage. (b) A local authority can apply to the Environment Court to have the rule exempt from not having legal effect. If the Court makes an order the rule will have legal effect from the date of the order. (c) From the day after the date on which the local authority publicly notified that a order made

			under proposed section (1)(c) is rescinded.
Rule to which section 86A applies excluded from reference to rule in this Act	S 86B	59	New section. References to rules in the Act do not include rules that have not taken legal effect in accordance with s 86A above.
Certain rules in proposed plans to be operative	S 86C	59	A rule is to be treated as operative if the time for making submissions or lodging appeals has expired and no submission in opposition were lodged, or all submissions have been determine, or all submissions in opposition have been withdrawn.
Resource consents			
Classes of activities	S 87A	60	New section. Replaces s 77B description of classes of activities. Permitted activity- basically the same definition. Controlled activity- deletes option to decline activity because of insufficient information to determine if it is a controlled activity. Otherwise simplifies the definition. Restricted discretionary activity - basically the same definition. Discretionary activity - basically the same definition. Non complying activity - basically the same definition. Prohibited activity - basically the same definition.
Certain activities to be treated as discretionary activities or prohibited activities	S 87B	60	New section. Replaces s 77C. Same wording.
Streamlining decision making on resource consents (new title)			
Request for application to go directly to Environment Court	S 87C	60	New section. An applicant can make an application (with local authority consent) to have an application determined by the Environment Court instead of local authority.
Consent authority's decision and subsequent processing	S 87D	60	If the local authority does not grant the applicant's requested under s 87C, the applicant can object to consent authority. If the request is granted, the application must have ss 88A – 95 applied to it, and have ss 96 – 98 applied to it only if it was publicly notified. The consent authority must prepare a report on the application as soon as reasonably practicable after the authority complies with s 98, or within 10 working days after granting the request if s 98 doesn't apply. The authority must include any conditions in the report that it considers should be imposed if the application is granted. The authority must send a copy of the report to the applicant and all submitters.

Environment Court determines application	S 87E	60	<p>The applicant (after receiving the authority's report) must, within 10 working days, lodge a motion with the Court, and, as soon as practicable, serve it on the authority and submitters and tell the register of this service.</p> <p>The authority must send the Court:</p> <ul style="list-style-type: none"> a) the application; b) the authority's report; c) all submissions received; d) all information and reports on the application. <p>In determining the application, the Court must have regard to all the things to which the consent authority would have had regard if it were determining the application.</p>
Residual powers of consent authority	S 87F	60	The consent authority has all the powers and functions in relation to the resource consent granted by the Court that it would have had if it had granted the consent itself.
When consent authority must determine application	S 87G	60	If the authority declines to grant the request in s 87C, and the applicant does not lodge an objection with the consent authority, the application must be determined by the authority.
Application for resource consent			
Description of type of activities to remain the same	S 88A	61	Amendments to references to section numbers.
Processing provisions form which periods described in section 88C are excluded	S 88B	62	Amendments to references to section numbers.
Description of excluded periods	S 88C	63	Inserts new provisions. Clarifies the period that must be excluded from timeframes set out in s 88B relating to the process set out in ss87 C-E and relating to determination under s 91(1) not to proceed with notification or a hearing.
Further information			
Further information may be requested	S 92	64	<p>Repeals section. New section.</p> <p>An authority can request further information if not holding a hearing on a resource consent. The request must contain its reasons and be given a reasonable time before it makes a decision on the application.</p> <p>The applicant must provide the information no later than 10 working days before the authority makes its decision.</p> <p>The applicant can refuse to provide the information.</p>
Responses to request	S 92A (3)-(6)	65	Repeals section. Means that now an authority cannot decline consent if the applicant does not

			<p>respond within the time limit, the applicant responds under but does not comply with the time limit, or the applicant responds and the authority considers that it has insufficient information to enable it to determine the application.</p> <p>New provisions state that the application must still be determined under s 104.</p>
Report may be required	S 92AB	66	<p>New section.</p> <p>If a consent authority is not going to hold a hearing it can:</p> <p>require a report on:</p> <ul style="list-style-type: none"> (a) information provided by the applicant; (b) or information provided by a person who made a submission. <p>A report can come from:</p> <ul style="list-style-type: none"> (a) an officer of a local authority; (b) a consultant commissioned for the purpose; or (c) any other person employed for the purpose. <p>The report can:</p> <ul style="list-style-type: none"> (a) adopt the whole AEE; (b) adopt part of the AEE; or (c) adopt some of the material in the assessment. <p>The authority may commission a report on any matter relating to an application, but only if:</p> <ul style="list-style-type: none"> (a) The activity may have significant adverse environmental effects; (b) The application is notified before the authority commissions the report; and (c) The applicant does not refuse to agree to the commissioning of the report. <p>The authority must notify the applicant that it wants to commission this type of report and provide its reasons. The applicant can refuse to the commissioning of the report.</p> <p>Any report prepared under this section must be available to the authority and applicant no later than 10 working days before the authority makes its decision on the application.</p>
Responses to notification	S 92B(2)-(5)	67	<p>Repeals provisions. Means that now an authority cannot decline consent if the applicant does not respond within the time limit or the consent authority receives a written notice refusing the applicant's agreement to the commissioning of the report and the authority considers that it has insufficient information to enable it to determine the application.</p> <p>New provisions state that the application must still be determined under s 104.</p>
Public and other notification of applications (new)			

title)			
Definitions for purposes of s 93A to 95	S 93	68	<p>New section.</p> <p>“Affected person” means</p> <ul style="list-style-type: none"> (a) a person that may be adversely affected by the activity; and (b) the holder of a customary rights order if the activity may adversely affect a recognised customary activity. <p>“publicly notify” means</p> <ul style="list-style-type: none"> (a) giving public notice of the application in prescribed form; and (b) serving notice of the application on every prescribed person.
Forming an opinion on whether person adversely affected	S 93A	68	<p>New section.</p> <p>A person must not be treated as being adversely affected:</p> <ul style="list-style-type: none"> (a) unless effects are more than minor; or (b) if the plan permits an activity with that effect; or (c) if, for a controlled or restricted discretionary activity, the effects on the environment do not relate to a matter which control is reserved, or discretion is reserved; or (d) it is unreasonable to seek the written approval of the person.
Notification of consent application at consent authority’s discretion	S 94	68	<p>New section.</p> <p>Expressly provides that notification is discretion of consent authority.</p>
Circumstances in which consent application required to be publicly notified	S 94AA	68	<p>New section.</p> <p>A consent authority must notify an application if:</p> <ul style="list-style-type: none"> (a) the adverse effects of the activity beyond the immediate environment will be more than minor; or (b) a request for further information or response to a notification is not responded to by the deadline, or the person refuses to provide the additional information or agree to the commissioning of a report; or (c) the applicant requests notification.
Circumstances in which consent application required to be notified in limited manner	S 94AAB	68	<p>New section.</p> <p>A consent authority must notify an application by serving notice on the affected persons that have not given written approval to the authority if:</p> <ul style="list-style-type: none"> (a) the application will not be publically notified; or (b) one or more affected persons have not given written approval to the consent authority.

Circumstances in which consent application being publicly notified prohibited	S 94AAC	68	New section. Prohibits notification if adverse effects of activity on the environment are minor (unless special circumstances exist or contrary provision in plan – see below).
Local authority may specify in plan or proposed plan types of activities for which consent applications to be publicly or otherwise notified	S 94AAD	68	New section. Means that authority can specify how the activity should be notified or limited notified in the plan or proposed plan. If rule is included which does not require notification, the authority must still notify the application on the holder of a customary rights order, if the application may adversely affect the recognised customary activity. If a rule does specify the method of notification, the rule will always prevail over the notification provisions of the Act.
Special circumstances in which consent application publicly notified	S 94AAE	68	New section. If authority thinks special circumstances exist in relation to an application, it may notify it, notwithstanding other notification provisions of the Act.
Forming an opinion as to whether adverse effects are minor or more than minor	S 94A	69	Inserts provision that when deciding whether adverse effects will be more than minor, the authority must disregard trade competition and the effects of trade competition.
Time limit for notification	S 95	71	Basically the same wording.
Submissions on applications			
Making submissions	S 96	72	Repeals section. New section. Any person can make a submission on a publicly notified application (but not if submitter is a trade competitor of the applicants). Any person served with a notice (limited notification) can make a submission (but not if submitter is a trade competitor of the applicants). Submission must be in prescribed form, served on the authority and applicant. The submission may state whether it supports or opposes the application, or is neutral.
Hearings			

Hearing by commissioner if requested by applicant or submitter	S 100A	73	New section. Applicant or submitter can apply to have the hearing heard by one hearing commissioner or one or more persons permitted by s 34A(1), including at least one hearing commission (not a member of the authority). Applies if application is publicly notified, and a hearing is to be held. Authority must delegate its role.
Joint hearings by 2 or more consent authorities	S 102	74	Provides for hearing commissioners (s 100A) to hear the joint hearings.
Combined hearings in respect of 2 or more applications	S 103	75	Provides for hearing commissioners (s 100A) to hear 2 or more applications.
Time limits for hearings adjourned on completion	S 103A	76	New section. Provides that a hearing must be concluded no longer than 10 working days after the right of reply has been exercised.
Decisions			
Consideration of applications	S 104	77	Adds reference to NES that authority must have regard to. Inserts provisions so that the authority can have regard to whether it has adequate information to enable it to determine the application, including whether any s 92 requests were carried out. Adds reference to effects of trade competition so that authority cannot have regard to them.
Determination of applications for controlled activities	S 104A(b)	78	Adds ability to impose conditions relating to NES's or other regulations.
Determination of applications for restricted discretionary activities	S 104C	79	Repeals section. New section. Basically the same wording. Includes reference to NES.
Decisions on applications relating to non-aquaculture activities			
Decisions on applications to be in writing	S 113	80	Makes a distinction between decisions on notified consents and non notified consents. Overall provides more clarity to the section. Removes the need to repeat material, a decision can now cross reference the AEE, or adopt all or part of the assessment. For decisions on non notified consents, a decision must be in writing and state the reasons for the decision.
When resource consent commences	S 116	81	Rewords the section to provide more clarity to timing. Deletes reference to a coastal permit granted by the Minister.
Restrictive coastal activities			

Application to carry out restricted coastal activities	S 117	82	Repeals section. New section. Provides more clarity to process. Amends provisions about the decision making body. Now, a consent authority must delegate its duties and functions to 1 or more persons permitted by s 34A(1), including 1 person nominated by the Minister of Conservation. The consent authority must ensure that a copy of the decision is served on the Minister. Deletes references to making recommendations to the Minister.
	S118, 119, 119A	83	Repealed. Removes provision for Minister to make a decision.
Appeals			
Rights to appeal	S120	84	Means a Minister can now appeal a decision in relation to a coastal permit for a restricted coastal activity.
Procedure for appeal	S 121(3)	85	Repeals provision about appealing recommendation in relation to a coastal permit for a restricted coastal activity.
Review of consent conditions by consent authority			
Circumstances when consent conditions can be reviewed	S 128	86	Inserts provision relating to an order under the penalties section of the Act.
Public notification, submissions, and hearing, etc	S 130	87	Amends the provisions relating to a review of a coastal permit.
Matters to be considered in a review	S 131	88	Repeals provisions relating to a Ministers consideration of a review.
Decisions on review of consent conditions	S 132	89	Repeals provisions relating to a Minister's decision on review.
Certificates of compliance or existing use			
Consent authorities to grant certificates of compliance	S 139	90	Amends section to refer to NES's to ensure that activities comply with the NES. Inserts a provision which allows an application for a certificate of compliance to the EPA, if the activity concerns a matter that has been called in.
Decisions on proposals of national significance			
Meaning of applicant, local authority, and matter in sections 141 to 150AA	S 140	91	New section. Provides definitions for "applicant", "local authority", "matter". "Applicant" – expands definition to include local authorities who have a plan change or variation. "local authority" – expands definition to provide clarity. "matter" - expands definition to provide clarity.
Application of sections 141A to 150AA to	S 141	92	Deletes references to recommendations to a Minister in relation to coastal permits for restricted coastal activities.

coastal marine areas			
Applicant may lodge certain matters with EPA	S 141AA	93	<p>New section.</p> <p>An applicant may lodge a matter with the Authority if the applicant considers that the matter is, or is part of, a proposal of national significance.</p> <p>If the matter is an application for a resource consent, the applicant must still apply in accordance with section 88. But the applicant must serve, on the local authority to which the application would otherwise have been made, notice of the application and its lodging with the Authority under this section. The applicant has no right of objection under subsection (5) of the section if the Authority determines that the application is incomplete under subsection (3) of the section.</p> <p>If the matter is a notice of requirement for a designation, the applicant must still give notice in accordance with section 168. But the applicant must serve, on the territorial authority to which the notice of requirement would otherwise have been made, notice of the requirement and its lodging with the Authority under this section.</p> <p>If the matter is a notice of requirement for a heritage protection order, the applicant must still give notice in accordance with section 189. But the applicant must serve, on the territorial authority to which the notice of requirement would otherwise have been made, notice of the requirement and its lodging with the Authority under this section.</p> <p>If the matter is a request for a plan change under clause 21(1) or (2) of Schedule 1, the applicant must still make the request in accordance with clause 22 of that schedule. But the applicant must serve, on the local authority to which the request would otherwise have been made, notice of the request and its lodging with the Authority under this section.</p> <p>An applicant lodging a matter under this section or a local authority may not request the Minister to intervene under section 141A(1) in relation to the same matter.</p> <p>This section does not apply to a matter that is:</p> <ul style="list-style-type: none"> (a) a change to a plan prepared by a local authority under clause 2 of Schedule 1; or (b) a variation to a plan prepared by a local authority under clause 16A of Schedule 1.
Authority to make recommendation to Minister on matter	S 141AAB	93	<p>Within 10 days of receiving a matter, the EPA must recommend to the Minister that he or she either call in the matter or direct the matter be referred to the local authority.</p> <p>The EPA can also recommend that the Minister exercise one or more of the following:</p>

			<ul style="list-style-type: none"> (a) make a submission on behalf of the Crown; (b) appoint a project coordinator for the matter to advise the local authority; (c) direct the local authorities to hold a joint hearing; (d) appoint an additional hearings commissioner. <p>The EPA must serve a copy of the recommendation on the applicant and the local authority.</p>
Authority may request further information	S 141AAC	93	<p>The EPA may request in writing further information from the applicant.</p> <p>After receiving a request for a further information, the applicant must either:</p> <ul style="list-style-type: none"> (a) provide the information; (b) tell the EPA in writing that it agrees to provide the information; (c) tell the EPA in writing that it refuses to provide the information. <p>If the applicant agrees to provide the information, the EPA must:</p> <ul style="list-style-type: none"> (a) set a reasonable time within which the applicant must provide the information; and (b) tell the applicant in writing the date by which it must provide the information. <p>The EPA can also require an employee, or commission any person, to prepare a report on any matter relating to the application. However, for this report, the applicant must be notified before the report is commissioned, and the applicant must agree no later than 15 working days after being notified to the commissioning.</p> <p>The 10 working day timeframe in which the EPA must make a recommendation to the Minister begins:</p> <ul style="list-style-type: none"> (a) on the day after the day on which it receives the information or report; (b) if the information is not received by the applicant, the day after the deadline expires; (c) if the applicant refuses to agree to the preparation of a report, the earlier of : <ul style="list-style-type: none"> - the day after the EPA receives written notification of the refusal; or - 16 working days after the applicant is notified of the request. <p>The EPA must consider the matter for the purposes of making its recommendation even if the applicant:</p> <ul style="list-style-type: none"> (a) doesn't respond to a request for information or notification of a report; (b) agrees to provide the information but does not do so before the deadline; or (c) refuses to agree to the preparation of a report or does not respond within the deadline.
Minister's decision on Authority's	S 141AAD	93	<p>Upon receipt of a recommendation the Minister can do the matters set out in s 141AAB. When deciding what to do the Minister must have regard to the following factors:</p>

recommendation			<p>(a) the extent to which a matter is or is part of a proposal of national significance under section 141B(2); and</p> <p>(b) whether the local authority that would process and decide the matter if the Minister did not call it in—</p> <p>(i) have the capacity to process and decide it; and</p> <p>(ii) consider that the exercise of any of the powers in subsection (4) would be appropriate.</p> <p>The Minister may make any direction under s 141AAB whether or not the EPA made a recommendation to that effect or not.</p>
Authority to execute Minister's decision	S 141AAE	93	<p>If the Minister makes a direction to call the matter in, the EPA must:</p> <p>(a) provide the board or Environment Court with all matters and information received;</p> <p>(b) serve a copy of the direction on the applicant and local authority; and</p> <p>(c) give notice of the direction to each owner and occupier of land to which the matter relates, and each owner and occupier of land adjoining any land to which the matter relates.</p> <p>If the Minister makes a direction that the matter be referred back to the local authority, the EPA must:</p> <p>(a) serve a copy of the direction on the applicant; and</p> <p>(b) refer the matter to the local authority with a copy of the direction and all the information received.</p>
Determination of matter by local authority	S 141AAF	93	<p>If a matter is referred back the local authority it must do the following:</p> <p>For a resource consent:</p> <ul style="list-style-type: none"> - treat the application as if it had been made under s 88(1), lodged on the date that the local authority received it from the EPA, and included an AEE. <p>For a notice of requirement for a designation:</p> <ul style="list-style-type: none"> - treat the notice as id it had been given to the local authority under s 168 and lodged on the date that the local authority received it from the EPA. <p>For a notice of requirement for a heritage order:</p> <ul style="list-style-type: none"> - treat the notice as if it had been given to the local authority under s 189 and lodged on the date that the local authority received it from the EPA. <p>For a regional plan or change to a district plan or a regional plan:</p> <ul style="list-style-type: none"> - treat the application as if it had been made to the local authority under clause 21 of Schedule 1, and lodged on the date that the local authority received if from the EPA. <p>For a change or cancelation of the conditions of a resource consent:</p> <ul style="list-style-type: none"> - treat the application as if it had been made under s 127 and lodge on the date that the local authority received it from the EPA. <p>If the notice of requirement relates to a public work located in the territorial authority's own district and for which it has financial responsibility, the territorial authority must give notice under section</p>

			<p>168A(1), and the rest of that section applies accordingly with any necessary modifications.</p> <p>If the notice of requirement relates to a heritage order located in the territorial authority's own district, the territorial authority must give notice under section 189A(1), and the rest of that section applies accordingly with any necessary modifications.</p>
Applicant may lodge certain applications and notices or requirement with Authority if related to proposal of national significance	S 141AAG	93	<p>A applicant may lodge the following with the EPA if the application or notice relates to a proposal of national significance in relation to which the Minister has call in a matter:</p> <ul style="list-style-type: none"> (a) an application for a resource consent; (b) an application for a change or cancellation of the conditions of a resource consent; (c) a notice of requirement for an alteration to a designation; or (d) a notice of requirement for an alteration to a heritage order. <p>The application or notice or requirement may be lodged either before the Bol or EC makes a decision or after the Bol or EC has made its decision, but only if the matter was granted.</p>
Authority to make recommendation to Minister	S 141AAH	93	<p>The EPA must make a recommendation on an application or notice lodged under s 141AAG. The application or notice lodged should be treated as if it were a matter lodged under s 141AA and sections 141AAB and 141AAC apply.</p> <p>If the EPA makes a recommendation to call the matter in, the EPA must also recommend to the Minister whether the application or notice should be notified.</p>
Minister's decision on Authority's recommendation	S 141AAI	93	<p>Upon receipt of a recommendation the Minister can either call in the matter (and decision on notification), or direct that it be referred back to the local authority.</p> <p>The Minister can also exercise one or more of the following (doesn't need a recommendation to direct one or more of these matters):</p> <ul style="list-style-type: none"> (a) make a submission on behalf of the Crown; (b) appoint a project coordinator for the matter to advise the local authority; (c) direct the local authorities to hold a joint hearing; (d) appoint an additional hearings commissioner. <p>When making a decision the Minister must have regard to:</p> <ul style="list-style-type: none"> (a) the extent to which a matter is or is part of a proposal of national significance under section 141B(2); and (b) whether the local authority that would process and decide the matter if the Minister did not call it in— <ul style="list-style-type: none"> i. have the capacity to process and decide it; and ii. consider that the exercise of any of the powers in subsection (4) would be appropriate. <p>The Minister must ensure the application or notice is either notified or not, and if not, serve notice in</p>

			accordance with s 94AAB. The closing date for serving submissions on the Minister is 20 working days after notice if given.
Minister's power to intervene (other than in response to an application under section 141AA)	S 141A	94	Amends wording for clarity and consistency. Inserts new provision that a local authority can not apply to have a plan change or a variation (not private plan change/variation) called in unless it has complied with clauses 2, 3 and if relevant 4 of Schedule 1 (i.e. preparation and consultation phase).
Minister's power to call in matters that are or are part of proposals of national significance	S 141B	95	Inserts provision so that when deciding if a matter is of national significance the Minister may have regard to whether the matter relates to a network utility operation that extends, or is proposed to extend, to more than 1 region in NZ. Inserts provision so that where a direction is made to call in a matter that relates to a change or variation, a local authority may withdraw the change at any time before a notice of hearing is given but may not initiate a variation until after the Board has made a decision.
Local authority's obligation	S 143	96	Amends wording for clarity and consistency. Inserts provision so that if a direction is made to call in a matter that relates to a change or variation to a proposed plan, a local authority must also comply with clauses 5(4) and 5(6) of Schedule 1 (i.e. distribution of proposed change or variation to libraries and other public agencies).
Minister to notify direction	S 144	97	Inserts provision so that Minister does not have to notify a direction if it relates to a request for a regional plan or a request for a change to a regional plan or a district plan under s 146B.
Minister to receive submissions	S 145	98	Amends wording for clarity and consistency.
Minister to appoint a Board of Inquiry	S 146	99	Amends wording so that Minister must now appoint a BoI as soon as practicable after public notice of a direction is given. Repeals provision relating to the factors the Minister should take into account when appointing members. Same provisions for number of members and Chairperson as current, former or retired Environment Judge.
How members appointed	S 146A	100	New section. Minister must request nominations from the local authority. But may appoint members whether or not they were nominated. In appointing members, must have regard to skill, knowledge and experience of members. Inserts new factor, being that of the local community.
Conduct of inquiry relating to request for regional plan or requests for changes	S 146B	100	New Section. This section applies to a board of inquiry if— (a) the Minister makes a direction under section 141B(1)(a); and (b) the matter is a request for a regional plan or a request for a change to a regional plan or a district plan made under section 141AA or clause 21 of Schedule 1; and

			<p>(c) the request was made to a local authority under clause 21 of Schedule 1, the local authority has not yet made a decision under clause 25 of that schedule in relation to the matter.</p> <p>The board has all the powers of a local authority under clauses 23 to 25 of Schedule 1 except that the Board—</p> <p>(a) may only accept or reject the request entirely; and</p> <p>(b) as well as notifying the applicant under clause 25(5), the board must serve notice of its decision on the local authority.</p> <p>If the board—</p> <p>(a) accepts the request, section 146C applies to the request;</p> <p>(b) rejects the request, the applicant may appeal to the High Court on a question of law only.</p> <p>Section 149A(2) applies to any appeal made.</p>
Process after Board accepts request under s 146B	S 146C	100	<p>New section.</p> <p>The local authority must prepare the proposed plan or change in consultation with the applicant. No later than 4 months after the local authority is served with notice of the Board's decision, it must serve a copy of the proposed plan or change on the Board.</p> <p>On receiving a copy, the Board must give public notice of the plan or change and state the Minister's reasons for calling it in, where the plan or change can be viewed by the public, that submissions on the plan or change can be made, the closing date for submission, and address for service of the Board and applicant.</p>
Manner in which board to consider proposed plan or change generated from request under s 146B	S 146D	100	<p>New section.</p> <p>Where a board of inquiry gives public notice under section 146C(3) of a proposed plan or change, the board must conduct a hearing in accordance with section 147 and, for this purpose:</p> <p>(a) in relation to a proposed regional plan, must apply section 147 as if it were considering a matter that was a change to a regional plan prepared by a regional council under clause 2 of Schedule 1;</p> <p>(b) in relation to a change to a territorial plan, must apply section 147 as if it were considering a matter that was a change to a district plan prepared by a territorial authority under clause 2 of Schedule 1;</p> <p>(c) all references to the applicant must be read as references to the person who made the request.</p>
Conduct of hearing	S 147	101	<p>Inserts provision so that if the matter is a change to a district plan prepared by a territorial authority under clause 2 of Schedule 1 or a variation to a proposed district plan, the board must also give notice under section 101(3) to any requiring authority that made a requirement under clause 4 of that schedule in respect of the change or variation.</p>

			Amends the wording of provision relating to a matter that is a proposed regional plan or change to a regional plan to provide consistency and clarity. Amends the wording of provision relating to a matter that is change to a district plan or a variation to a proposed district plan to provide consistency and clarity.
Board to produce draft report	S 148(4)	102	Repeals subsection. New subsections. Adds provisions clarifying what a minor or technical aspect of the report is. Includes: (a) Comments on minor errors; and (b) Comments on the wording of conditions specified in the report; and (c) Does not include comments on the Board's decision or reasons for its decision.
Board to produce final report	S 149	103	Inserts provision so that final report from board must be within 9 months after public notice of the direction that referred the matter to the board is given. However, the board may apply to the Minister to extend the period by which it must report. The Minister has absolute discretion to grant an extension. But may not grant an extension for more than 18 months after public notice of the direction that referred the matter to the board is given. S 37(1) (application for waivers) does not apply to the above timeframes. Repeals subsection (5) and inserts new sections that apply to a local authority if the board decides that the plan must be changed. If this occurs, a local authority must: (a) amend the plan under clause 16(1) of Schedule 1, and that clause applies accordingly as if the decision were a direction of the Environment Court made under section 293; and (b) if the decision is in respect of a change or variation to a district plan or regional plan (other than a regional coastal plan), the local authority must— i. approve the change under clause 17 of Schedule 1; and ii. make the change operative by giving public notice in accordance with clause 20 of that schedule; and (c) if the decision is in respect of a change or variation to a regional coastal plan, the regional council must— i. adopt the change or variation under clause 18(1) of Schedule 1; and ii. send the plan to the Minister of Conservation for his or her approval in accordance with clause 19 of Schedule 1; and (d) following approval of the change or variation by the Minister of Conservation, make the change operative by giving public notice in accordance with clause 20 of that schedule.
Appeals on questions of law	S 149A	104	Inserts new subsections. Cannot appeal a decision of the High Court to the Court of Appeal. But can apply to the Supreme Court to bring an appeal against the High Court.

			<p>The Supreme Court can refuse to give leave (because no exceptional circumstances exist) but may remit the appeal back to the Court of Appeal.</p> <p>No appeal may be made from any appeal determined by the Court of Appeal.</p> <p>An application for leave to appeal to the Supreme Court must be filed no later than 10 working days after the determination of the High Court.</p> <p>The Supreme Court or Court of Appeal must determine an application for leave as a matter of priority and urgency.</p>
Cost of process	S 149B	105	<p>Extends costs recoverable by Minister to costs incurred by EPA in exercising any powers delegated by Minister.</p> <p>Inserts new subsection so that costs incurred by the EPA in exercising its powers under ss 141AA to 141AAH may be recovered from an applicant by the Minister.</p> <p>Actual and reasonable costs recoverable in relation to a Board of Inquiry now include costs in respect of secretarial and support services provided to the Board by the EPA.</p>
References to Environment Court	S 150AA	106	Clarifies responsibility of providing information to Court and rewords what Court must consider.
Coastal tendering			
Publication, etc, of Order in Council	S 154(b)(ii)	107	A notice of the making of the Order in Council and its effect is no longer to be served on the appropriate regional manager for the Ministry for the Environment.
Designation and heritage orders			
Designations			
Notice of requirement by local authority	S 168A	108	<p>Rewords the section to provide more clarity.</p> <p>Refers to new notification provisions above so that territorial authority must decide if it should be notified.</p> <p>Inserts reference to ss 87A to 87G. This means that an applicant can request that a NoR go straight to the Environment Court.</p>
Further information, public notification, submissions, and hearing	S 169	109	Amends section to align with other sections.
Decision of territorial authority	S 171	110	<p>Expressly states that territorial authority cannot have regard to trade competition or effects of trade competition.</p> <p>Amends section so that it refers to the territorial authority's decision, not recommendation.</p>
Decision of requiring authority	S 172	111	Repealed. Because territorial authority now makes a decision.
Notification of decision on designation	S 173	112	Amends wording to align with decision of territorial authority, not recommendation. Requires notice summarizing its decision to be served on the requiring authority that gave notice of the requirement.

Appeals	S 174	113	Amends section to align with other sections. Requiring authority can appeal the decision.
Designation to be provided for in district plan	S 175	114	Amends section to align with other sections.
Effect of designation	S 176	115	Amends section to align with other sections.
Outline plan	S 176A	116	Within 20 working days after receiving the outline plan, the territorial authority may require the requiring authority to make changes to the outline plan (not request). Enables the requiring authority to appeal to the Environment Court.
Land subject to existing designation or heritage order	S 177	117	Amends section to align with other sections.
Heritage orders			
Notice of requirement by territorial authority	S 189	118	Provides more clarity on notification and submissions. Any person may submit if the notice was publicly notified, or any person served with the notice can submit. Submission must be in prescribed form, served on consent authority and territorial authority, and may state whether it supports, opposes the application or is neutral.
Further information, public notification, submissions and hearing	S 190(2)	119	Amends section to align with other sections.
Decision by territorial authority	S 191	120	Amends section so that it refers to the territorial authority's decision, not recommendation.
Land subject to heritage order to designation	S 193	121	Amends section to align with other sections.
Interim effect of requirement	S 194	122	Where a heritage protection authority has given notice of a requirement for a heritage order during the period described in subsection (2) then, regardless of the provisions of any plan or resource consent, no person may, without the prior written consent of the heritage protection authority, do anything that would wholly or partly nullify the effect of the heritage order. For the purposes of subsection (1), the period commences on the date on which notice is given under s 141AA.
Water conservation orders			
Special tribunal	S 203	123	Tribunal member not liable for anything they do.
Submissions to special tribunal	S 205	124	Amends section to align with other sections.

Conduct of hearing	S 206(2)	125	Repeals subsection. "Every special tribunal shall have, in relation to the exercise of its functions and powers under this Act, the same immunities and privileges as are possessed by a District Court Judge in the exercise of his or her civil jurisdiction." This is now provided for under s 203.
Subdivision and reclamation			
Territorial authority to issue a consent notice	S 221	126	A consent notice must be signed by a person authorised by the territorial authority to sign consent notices.
Approval and deposit of survey plans			
Restrictions upon deposit of survey plan	S 224	127	Amends section to align with other sections.
Reclamations			
Consent authority approval of a plan of survey of a reclamation	S 245	128	Deletes provision for Minister to sign off on restricted coastal activities.
Restrictions on deposit of plan of survey for reclamation	S 246	129	Amends section to align with other sections.
Environment Court			
Environment Court Judges and alternative Environment Judges			
Appointment of Environment Judges and alternative Environment Judges	S 250(3)(a)	130	Increases number of Judges that can hold office from 8 to 10.
Procedure and powers			
Representation at proceedings	S 274	131	The following persons may be a party to any proceeding before the Environment Court: (a) the Minister; (b) a local authority; (c) the Attorney-General representing a relevant aspect of the public interest; (d) a person who has an interest in the proceedings that is greater than the interest that the general public has but is not a trade competitor; (e) a person who made a submission to which the following apply: i. it was made about the subject matter of the proceedings; and ii. section 308B(2) and clauses 6(4) and 29(1B) of Schedule 1 were irrelevant to it; (f) a person who made a submission to which the following apply:

			<ul style="list-style-type: none"> i. it was made about the subject matter of the proceedings; and ii. section 308B(2) or clause 6(4) or 29(1B) of Schedule 1 was relevant to it; and it was made in compliance with whichever of section 308B(2) or clause 6(4) or 29(1B) of Schedule 1 was relevant to it. <p>A person may become a party by giving notice within 15 working days (not 30) after the period for lodging appeals ends, or the decision to hold an inquiry, or the notice of motion if lodged (under s 87E).</p>
Application to extend scope of appeal	S 280A	132	<p>New section.</p> <p>A person may apply to the Environment Court to extend the scope of an appeal to the merits of 1 or more of the provisions or matters of the local authority's decision on the proposed policy statement or plan concerned in respect of the provisions or matters referred to in the applicant's submission.</p> <p>An application for leave must be made—</p> <ul style="list-style-type: none"> (a) no later than 30 working days after the applicant is notified under clause 11(1) of that schedule of the local authority's decision; and (b) by notice of motion in accordance with section 291. <p>The Environment Court may grant an application if the Court is satisfied that the local authority's decision—</p> <ul style="list-style-type: none"> (a) has a significant impact on existing property rights; or (b) fails to give effect to Part 2 of this Act; or (c) is unclear in meaning or effect. <p>If leave is granted, the appeal must be brought—</p> <ul style="list-style-type: none"> (a) by the date fixed by the Environment Court when leave is granted; or (b) if no date is fixed by the Court, no later than 30 working days after the date of leave is granted.
Security of costs	S 284A	133	Repeals section. Environment Court can now seek security for costs.
Awarding costs	S 285	134	<p>Repeals section. New section.</p> <p>Sets out costs (same as existing provisions) but excludes section from costs awarded under s 308G(7) (i.e. in relation to declarations).</p> <p>In relation to s 87E (application to have application heard before Environment Court not local authority) the Court should apply a presumption that:</p> <ul style="list-style-type: none"> (a) costs should not be awarded against a 274 party; and (b) costs are to be awarded against the applicant. <p>When determining costs, the Court should have regard to the fact that the proceedings are at first instance.</p>
Appeals, inquiries and other proceedings before			

Environment Court			
Reply to appeal or request for inquiry	S 289	135	Repeals section. No longer need to file a reply.
Powers of Court in regard to appeals under clause 14 of Schedule 1	S 290AA	136	New section. Environment Court can only hear appeals on questions of law (for plan matters). The Court can grant leave to extend the scope of the appeal to the merits of the local authority's decision in respect of matters referred to in the applicant's submission.
Environment Court's powers in regards to plans and policy statements			
Environment Court may order change to proposed policy statements and plans	S 293	137	Amends wording to refer to proposed policy statement or plan.
Appeals from Environment Court decisions			
Appeals to the Court of Appeal	S 308	138	Cannot appeal a determination of the High Court to the Court of Appeal if the High Court determination related to a decision of the Environment Court under s 150AA (decisions on proposals of national significance). But can apply to the Supreme Court to bring an appeal against the High Court. The Supreme Court can refuse to give leave (because no exceptional circumstances exist) but may remit the appeal back to the Court of Appeal. No appeal may be made from any appeal determined by the Court of Appeal. An application for leave to appeal to the Supreme Court must be filed no later than 10 working days after the determination of the High Court. The supreme Court or Court of Appeal must determine an application for leave as a matter of priority and urgency.
Part 11A Act not to be used to oppose trade competitors (new Part)			
Identification of trade competitors and surrogates	S 308A	139	person A means a trade competitor of person B: person B means the person of whom person A is a trade competitor: person C means— (a) a person whom person A proposes to help to bring an appeal, or be a party to an appeal, against a decision under this Act in favour of person B; and (b) a person whom person A helps to bring an appeal, or be a party to an appeal, against a decision under this Act in favour of person B.
Limit on making	S 308B	139	Person A can only make a submission about an application by Person B if, Person A is directly

submissions			affected by an effect of the application that adversely effects the environment and does not relate to trade competition or effects thereof.
Limit on representation at appeals	S 308C	139	Person A may be a party to an appeal against a decision in favour of Person B if Person A is directly affected by an effect of the application that adversely effects the environment and does not relate to trade competition or effects thereof.
Limit on appealing to Environment Court	S 308D	139	Person A must not bring an appeal, or be party to an appeal, for any of the following reasons: (a) Protecting Person A from trade competition; (b) Preventing Person B from engaging in competitive conduct in the same market; or (c) Deterring Person B from engaging in competitive conduct in the same market.
Prohibition on using surrogate	S 308E	139	Person A cannot directly or indirectly help Person C to bring an appeal, or be party to an appeal, against a decision in favour of Person B for any of the purposes in section 308D.
Surrogate must disclose status	S 308F	139	Person C must tell the EC if they appeal as an appellant or as a party to an appeal, against a decision in favour of Person B and has received direct or indirect help from Person A to bring the appeal or be party to the appeal.
Declaration that Part contravened	S 308G	139	Any person who was a party to an appeal against a decision in favour of Person B may bring proceedings in the EC that Person A or C: (a) contravened any of the provisions in this Part: (b) aided, abetted, counselled, induced, or procured the contravention of any of the provisions in this Part: (c) conspired with any other person in the contravention of any of the provisions in this Part: (d) was in any other way knowingly concerned in the contravention of any of the provisions in this Part. The appeal must be determined before proceedings can be brought. The proceedings must be brought within 10 years of the contravention. The EC may make a declaration and may make the following orders: (a) an order that the party against whom it makes the declaration pay to any other party all the costs and expenses (including witness expenses) that that party incurred because the party against whom the declaration is made contravened the provisions in this Part: (b) an order that the party against whom it makes the declaration pay to the Crown all costs and expenses incurred by the Court because the party contravened the provision in this Part: (c) if the declaration is made against Person C, an order that Person A not directly or indirectly reimburse Person C for the costs and expenses that the Court has ordered Person C to pay. The EC may decline to make an order if the circumstances are exceptional. It may make an order under s 285(1) though.
Proceedings for damages in High Court	S 308H	139	A person who obtains a declaration under s 308G may bring proceedings in the HC against the person against who the EC made the declaration. The proceedings must be commenced within 6 years of the declaration.

			The HC may order the payment of damages for the loss suffered by the plaintiff because of the conduct of the defendant that gave rise to the making of the declaration.
Declarations, enforcement and ancillary powers			
Abatement notices			
Appeals	S 325	140	Amends section to align with other sections.
Offences			
Penalties	S 339	141	Increases the fines for a person who commits an offence from \$200,000 to \$300,000 and inserts a fine of \$600,000 for a body corporate. Inserts provisions that if person is convicted the EC can, instead of imposing a fine or imprisonment, make an order requiring the consent authority to serve notice, of the review of a resource consent held by the person, but only if the offence involves an act or omission that contravenes the consent.
Miscellaneous provisions			
Service of documents	S 352	142	Rewords section to provide for greater clarity for service of documents, includes reference to email (if specified as an address for service).
Rights of objection			
Right of objection to consent authority against certain decisions or requirements	S 357	143	Amends section to align with other sections.
Appeals against certain decisions or objections	S 358	144	Amends section to align with other sections.
Regulations	S 360	145	Allows for regulations to incorporate material by reference. As can do for NES, NPA or NZCPS.
Applications for works, etc, in coastal marine area	S 395	146	Amended so that reference to the Minister of Transport means Maritime NZ.
Non complying activities category removed from the Act	??	147	Each local authority must amend its plan or proposed plan, including any rules in the plan/proposed plan, to delete any reference to non-complying activity, and replace each reference with reference to a discretionary activity. A local authority may make amendments without further authority than this section (i.e. don't have to use Schedule 1).
Schedule 1			
Making submissions	Clause 6	148	Amended to exclude trade competitor submissions.

Public notice of submissions	Clause 7	148	Local authority must give public notice of the availability of a summary of all decisions and where the summary can be inspected. No longer have to provide the date on which further submissions close or the address for service of the local authority.
Local authority may seek view of person affected by matters raised in submissions	Clause 8	148	<p>A local authority may seek the view of any person that it considers may be adversely affected by a matter raised in a submission in the period starting on the closing date for submissions; and ending 10 working days:</p> <p>(a) before the commencement of the hearing at which the submission concerned will be considered; or</p> <p>(b) if no hearing is required, ending 10 working days before a decision is made.</p> <p>The local authority must prepare a report summarising any matters raised and, the report must be treated as if it were a report prepared under section 92AB(1) to (3) and (7).</p> <p>The local authority must, by public notice, advise the availability of the report and where the report and any written views may be inspected.</p> <p>The local authority must serve a copy of the public notice on all persons who made a submission.</p> <p>To avoid doubt, this clause does not limit or affect the local authority's ability to discuss, at any time, matters arising from the proposed policy statement or plan concerned.</p>
Decision of local authority	Clause 10	148	<p>Allows for decisions to address submissions by grouping them according to the provisions of the proposed statement or plan, or the matters to which they relate.</p> <p>The local authority is not now required to give a decision that addresses each submission.</p>
Appeals to the Environment Court	Clause 14	148	<p>Cannot now appeal to the EC on a plan matter if the relief sought is to withdraw the whole policy statement or plan.</p> <p>The appeal must be on a point of law or with leave under s 280A.</p>
Amendments to proposed policy statement or plan	Clause 16	148	Amends subsection 1 so that it reads: A local authority must, without further formality, make an amendment to its proposed policy statement or plan that is required by section 55(2A) or by a direction of the EC under s 293.
Operative date	Clause 20	148	<p>The local authority no longer has to provide one copy of its operative policy statement or plan without charge to:</p> <p>(a) The Minister for the Environment; and</p> <p>(b) The appropriate regional manager for the Ministry for the Environment; and</p> <p>(c) In the case of a regional coastal plan, the Minister of Conservation and the appropriate regional conservator for the Department of Conservation; and</p> <p>(d) In the case of a district plan, the regional council and adjacent territorial authorities; and</p> <p>(e) In the case of a policy statement or regional plan, constituent territorial authorities and adjacent</p>

			<p>regional councils; and</p> <p>(f) The tangata whenua of the area, through iwi authorities ; and</p> <p>(g) the board of any foreshore and seabed reserve in the area.</p>
Transitional provisions and amendments to other enactments			
Legal effect of rules		150	If a rule in a plan or proposed plan was notified under clause 5 of Schedule 1 before the commencement of this Act, the effect of the rule must be determined in accordance with the principle Act.
Existing rules providing for protection of trees		151	<p>If a rule exists in a district plan or proposed district plan that provides for the protection of any tree, or group of trees, the rule is revoked within 2 years of the commencement of this Act, without further authority.</p> <p>Exceptions to the section include, if the tree, or group of trees:</p> <p>(a) specifically identified in a schedule to the plan or proposed plan;</p> <p>(b) located within a reserve or subject to a conservation management plan.</p> <p>Before revoking the rule, the local authority must amend any rule and use Schedule 1 for that procedure.</p>
Removal of non complying activity category from the principle Act		152	<p>In preparing for amendments pursuant to s 147, a local authority must change its plan or vary its proposed plan to reclassify any non complying activities to another activity status and use the Schedule 1 procedure to make the change or variation.</p> <p>An activity that is still referred to as a non complying activity in a plan or proposed plan on the commencement of s 147 (3 years after the Act commences) must be treated as reference to a discretionary activity.</p>
National environmental standards		153	The principle Act, as amended by this Act, applies to a NES, whether the standard was in force before or after the commencement of s 2(3).
National policy statements		154	The principle Act, as amended by this Act, applies to a NPS, whether the statement was in force before or after the commencement of s 2(3).
Matters referred directly to Environment Court		155	A resource consent or a notice of requirement lodged before the commencement of this Act and accepted under s 88, must be determined as if the amendments made to the principle Act by this Act had not been made.
Restricted coastal activities		157	An application for a restricted coastal activity publicly notified before the commencement of s 2(3) must be determined as if the amendments made to the principle Act by this Act had not been done.
Notices of requirement		158	A NoR lodged with a territorial authority before the commencement of s 2(3) must be determined as if the amendments made to the principle Act by this Act had not been done.
Enforcement proceedings		159	An application for an enforcement order lodged, or information laid, before the commencement of s 2(3) must be determined as if the amendments made to the principle Act by this Act had not been done.

Appeals		160	An appeal lodged with the EC in respect of a decision on a proposed policy statement, proposed plan, change or variation, before the commencement of this Act, must be determined as if amendments made to the principle Act by this Act had not been made. Section 131 applies to appeals lodged before the commencement of this Act, but only if neither mediation nor a hearing has begun.
Outstanding applications for resource consent where further information requested		161	A consent authority must determine that an application for resource consent has lapsed if: (a) The application was lodged before the commencement of this Act; and (b) The applicant has not responded to a request to provide further information within 12 months of the request. An application lodged again because of lapsing, must be treated as a new resource consent application.
Applications and requirements lodged and accepted before the commencement of s 2(3)		162	An application or requirement lodged before the commencement of this Act, and accepted by s88, must be determined as if amendments made to the principle Act by this Act had not been made.
Certain proposed policy statements or plans, changes, and variations publicly notified before commencement of s 2(3)		163	A proposed policy statement or plan, change, or variation that before the commencement of this Act, has been publicly notified but has not proceeded to the stage at which no appeal or further appeal is possible, must be determined as if amendments made to the principle Act by this Act had not been made.