



ANALYSIS

Title
1. Short Title

2. Duties to consider alternatives, assess
benefits and costs, etc.
3. Transitional provisions

1994, No. 139

An Act to amend the Resource Management Act 1991

[9 December 1994]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Resource Management Amendment Act (No. 2) 1994, and shall be read together with and deemed part of the Resource Management Act 1991 (hereinafter referred to as the principal Act).

2. Duties to consider alternatives, assess benefits and costs, etc.—(1) Section 32 of the principal Act (as amended by section 23 of the Resource Management Amendment Act 1993) is hereby amended by repealing subsections (2) and (3), and substituting the following subsections:

“(2) Subsection (1) applies to—

“(a) The Minister, in relation to—

“(i) The public notification of any proposed national policy statement or of any review of, change to, or revocation of any national policy statement:

“(ii) Any recommendation that the Governor-General in Council approve any national policy statement or any review of, change to, or revocation of any national policy statement:

“(iii) Any recommendation that regulations be made under section 43:

“(b) The Minister of Conservation, in relation to—

“(i) The public notification of any proposed New Zealand coastal policy statement or of any review of,

change to, or revocation of any New Zealand coastal policy statement:

“(ii) Any recommendation that the Governor-General in Council approve any New Zealand coastal policy statement or any review of, change to, or revocation of any New Zealand coastal policy statement:

“(iii) Any requirement, under clause 19 (1) of the First Schedule, that a regional council make amendments to a regional coastal plan:

“(c) Every local authority, in relation to—

“(i) The public notification, under clause 5 of the First Schedule, of any proposed regional policy statement or proposed plan or of any change to a regional policy statement or of any variation:

“(ii) Any decision made by the local authority, under clause 10 of the First Schedule, on a proposed regional policy statement or proposed plan or on any change to any regional policy statement or on any variation:

“(iii) Any decision made by the local authority under clause 29 (4) of the First Schedule on any plan or change requested under clause 21 of that Schedule.

“(3) A challenge to any objective, policy, rule, or other method, on the ground that subsection (1) of this section has not been complied with, may be made only in a submission made under—

“(a) Section 49 or section 50 or either of those sections as applied by section 57; or

“(b) The First Schedule.

“(4) Every person on whom duties are imposed by subsection (1) shall prepare a record, in such form as that person considers appropriate, of the action taken, and the documentation prepared, by that person in the discharge of those duties.

“(5) The record prepared by a local authority under subsection (4) in relation to the discharge by that local authority of the duties imposed on it by subsection (1), in relation to any public notification specified in subsection (2) (c) (i), shall be publicly available in accordance with section 35 as from the time of that public notification.”

(2) Section 23 of the Resource Management Amendment Act 1993 is hereby consequentially repealed.

3. Transitional provisions—(1) Where, in any proceedings, the Planning Tribunal has, before the commencement of this section, completed a hearing, or made a decision, in relation to—

- (a) Any provision of a proposed regional policy statement or proposed plan; or
- (b) Any variation to a proposed regional policy statement or proposed plan; or
- (c) Any change to a regional policy statement or plan; or
- (d) Any plan or change requested under clause 21 of the First Schedule to the principal Act,—

the principal Act shall continue to apply in relation to those proceedings, and to the rights of appeal conferred by the principal Act in relation to those proceedings, as if this Act had not been passed.

(2) Where, before the commencement of this section, proceedings have been commenced in the High Court or the Court of Appeal in relation to any of the matters specified in paragraphs (a) to (d) of subsection (1) of this section, the principal Act shall continue to apply in relation to those proceedings as if this Act had not been passed.

This Act is administered in the Ministry for the Environment.
