

APPENDIX 1

Wellington City Council Clause by Clause Submission

Amendments to principal Act	WCC position	Reason
<i>Clause 1</i> is the Title clause.	Support	
<i>Clause 2</i> is the commencement clause. Different sections come into force at different times. <i>Clause 147</i> , which removes the non-complying activity category from the principal Act, comes into force 3 years and 1 day after the date on which the Act receives the Royal assent. <i>Clause 151(1) and (2)</i> , containing transitional provisions relating to existing district rules that protect trees, come into force 2 years and 1 day after the date on which the Act receives the Royal assent. The rest of the Act comes into force on the day after the date on which it receives the Royal assent.	Partially Oppose	The Council does not support the removal of the non-complying activity status.
<i>Clause 3</i> provides that the Bill amends the Resource Management Act 1991.	Support	
<i>Clause 4</i> amends section 2(1). Definitions.	Support	
<i>Clause 5</i> amends section 4 so that an abatement notice, excessive noise direction, or enforcement order may be issued or made against the Crown.	Support	Entirely appropriate for the Crown to have such enforcement orders issued against them.
<i>Clause 6</i> replaces section 9. The section has been rewritten in a way that streamlines and simplifies it. The only substantive change is the addition of a reference to national environmental standards.	Support	Clarifies effect of national environmental standards.
<i>Clauses 7 and 8</i> remove material from sections 10 and 10B to assist in the streamlining and simplifying of the Act. The material removed is almost incomprehensible. It has been comprehensively overhauled and moved to the new definitions of land and use.		

APPENDIX 1

<i>Clause 9</i> replaces section 11(1)(a). The paragraph is rewritten in a way that streamlines and simplifies it. The only substantive changes are the addition of a reference to national environmental standards and the removal of references to a District Land Registrar and the Registrar of Deeds.	Support	Clarifies effect of national environmental standards.
<i>Clause 10</i> amends section 12 to include references to national environmental standards.	Support	Clarifies effect of national environmental standards.
<i>Clause 11</i> amends section 13(1) and (2). The subsections are rewritten in a way that streamlines and simplifies them. The only substantive change is the addition of a reference to national environmental standards.	Support	Clarifies effect of national environmental standards.
<i>Clauses 12 to 15</i> amend sections 14 to 17 to include references to national environmental standards.	Support	Clarifies effect of national environmental standards.
<i>Clause 16</i> repeals sections 19 and 20 and the heading above section 19. These provisions, in amended form, have been moved to Part 5 of the Act (see <i>clause 59</i>).	Oppose	These clauses are consequential to other changes proposed that do not allow plans to take effect immediately. As those changes are not supported these changes are also not supported.
<i>Clause 17</i> inserts a heading before section 20A.	Support	Provides clarification
<i>Clause 18</i> substitutes a <i>new section 22</i> . The new section allows an enforcement officer to require a natural person breaching the Act to give the officer the person's date of birth.	Support	Useful clarification
<i>Clause 19</i> inserts a <i>new section 25B</i> . The new section authorises the Minister to direct a regional council to commence a review of the whole or any part of its regional plan and a territorial authority to commence a review of the whole or any part of its district plan.	Support	The Clause complements the repeal of the 10 year Plan review requirement.

APPENDIX 1

<p><i>Clause 20</i> amends section 28 to remove the Minister of Conservation's functions relating to restricted coastal activities.</p>	<p>n/a</p>	<p>The Council on the revised functions for the Minister of Conservation</p>
<p><i>Clause 21(1)</i> rewrites section 29(1)(a) to (h) to streamline and simplify the paragraphs by putting them in a sensible order. The only substantive change is that paragraphs are added to ensure that the Minister cannot delegate to the chief executive of the Ministry for the Environment the Minister's powers to recommend the making of delegated legislation.</p>	<p>Support</p>	<p>Useful clarification</p>
<p><i>Clause 21(2)</i> authorises the Minister to delegate to the Environmental Protection Authority (established under <i>new Part 4A</i>) his or her functions, powers, and duties under sections 144, 145, and 147 (which relate to decisions on proposals of national significance).</p>	<p>Support</p>	<p>The Council supports this clause as it will enable more efficient decision-making on significant applications</p>
<p><i>Clause 22</i> amends section 34A. The first amendment clarifies that a local authority may not delegate the power to approve a proposed policy statement or plan under clause 17 of Schedule 1. The second amendment is consequential on the amendments to sections 171 to 176A that provide for the local authority to decide on a requirement for a designation (instead of making a recommendation to the requiring authority).</p>	<p>Support</p>	<p>Clarifies who can and cannot approve a proposed Plan change. The Council also supports the change in approach for the approval of notices of requirement for designations.</p>
<p><i>Clause 23</i> amends section 35 to include references to national environmental standards.</p>	<p>Support</p>	<p>Clarifies effect of national environmental standards.</p>
<p><i>Clause 24</i> amends section 36 to allow a local authority to fix charges in relation to the costs of deciding an application for a resource consent. The charges are payable by persons who request that the local authority delegates its powers to hear and decide the application in accordance with <i>new</i></p>	<p>Support</p>	<p>The Council agrees that the persons requesting independent Commissioners should be required to pay accordingly.</p>

APPENDIX 1

<i>section 100A</i> . Section 36 is also amended consequentially on <i>new sections 87C to 87G</i> .		
<i>Clause 25</i> inserts a <i>new section 36AA</i> . The new section requires a local authority to adopt a policy in respect of discounting administrative charges imposed under section 36 in the circumstances where a resource consent is not processed within the time frames set out in the Act, and the responsibility for the failure rests with the local authority.	Conditionally support	See main submission for our discussion.
<i>Clause 26</i> amends section 37B to clarify when the Minister has the powers of a consent authority for the purposes of sections 37 and 37A and to include the Environmental Protection Authority as a consent authority for the purposes of those sections.	Support	Clarifies process
<i>Clause 27</i> amends section 38 so that the Minister of Conservation's power to appoint enforcement officers reflects changes made to the Minister's functions.	n/a	The Council expresses no view on the revised functions for the Minister of Conservation
<i>Clause 28</i> amends the heading to section 41 to make it more informative. It also repeals section 41(4) and moves the material to a more logical place in <i>new section 41D</i> .	Support	Simplifies Act
<i>Clause 29</i> adds a consequential cross reference to <i>new section 41D</i> .	Support	Simplifies Act
<i>Clause 30</i> inserts <i>new sections 41BA and 41BB</i> giving a local authority power to require an expert report before or during a hearing. The authority must send the report to interested parties at least 15 working days before the hearing, if briefs of evidence are being circulated, or at least 5 working days before the hearing, if they are not.	Support	Clarifies process
<i>Clause 31</i> amends section 41C. The amendments remove material from section 41C(4) as the material is now more logically placed in <i>new section 41BB</i> ; ensure that everyone	Support	Clarifies process, but guidance needed from MfE on striking out of submissions.

APPENDIX 1

involved in a hearing receives the same information; and allow the consent authority to strike out a submission by a trade competitor that does not comply with the new rules on the content of submissions by trade competitors.		
<i>Clause 32</i> inserts a <i>new section 41D</i> , based on current section 41(4).	Support	Clarifies process
<i>Clause 33</i> amends the definition of local authority in section 42(6).	Support	Clarifies definition
<i>Clause 34</i> repeals section 42A. The substance of the section is moved to a more logical place as <i>new section 92AB</i> .	Support	Clarifies process
<i>Clause 35</i> inserts <i>new Part 4A</i> in the Act. The new Part establishes the Environmental Protection Authority and sets out its functions.	Support	Provides alternative efficient processes for assessing significant applications.
<i>Clause 36</i> provides for the Secretary for the Environment to exercise the powers, functions, and duties of the Environmental Protection Authority until the provision is repealed.	Support	Necessary transitional amendment
<i>Clause 37</i> inserts <i>new sections 43AA to 43AC</i> . <i>New section 43AA</i> collects together, from section 2(1), the definitions of terms used in this Part, and adds a definition for proposed policy statement. <i>New section 43AAB</i> sets out the definitions of district rule and regional rule and <i>new section 43AAC</i> sets out the definition of proposed plan	Support	Puts definitions into the Part of the Act to which they mostly relate.
<i>Clause 38</i> makes the heading of section 43A more accurate.	Support	Clarifies heading
<i>Clause 39</i> amends section 43B to explain more clearly how national environmental standards, rules, and consents fit together.	Support	Clarifies process

APPENDIX 1

<p><i>Clause 40</i> replaces section 44 with a provision that enables minor and technical amendments to be made to national environmental standards more easily. It also inserts a <i>new section 44A</i> that sets out local authorities' duties in relation to national environmental standards.</p>	<p>Support</p>	<p>Clarifies process and outlines the scope of when Councils can amend plans in response to NES without going through the First Schedule process.</p>
<p><i>Clause 41</i> amends section 46A to add national environmental standards to the matters the Minister must consider when choosing a process for making a national policy statement. Section 46A is also amended so that the alternative process (under section 46A(1)(b)) can be used to prepare the proposed national policy statement even if the statement specifically directs that amendments be made to a document.</p>	<p>Support</p>	<p>Clarifies process</p>
<p><i>Clause 42</i> amends section 47 to restrict the liability of a member of a board of inquiry.</p>	<p>Support</p>	<p>Appropriate that BoI members should not be held personally liable.</p>
<p><i>Clause 43</i> inserts a <i>new section 47A</i>. The new section gives the Minister the power to direct a board of inquiry to suspend its inquiry and the power to provide the board with additional material to consider. The powers may only be exercised before the board reports to the Minister.</p>	<p>Support</p>	<p>Will make the BoI process more flexible.</p>
<p><i>Clause 44</i> amends section 50 to update a cross reference and to provide that the Minister has the right to be heard at a hearing into a proposed national policy statement. Submitters already have the right to be heard.</p>	<p>Tentatively support</p>	<p>Unsure why the Minister would need to be heard by the BOI when the Minister ultimately makes the decision and does not need to adopt the BoI recommendations.</p>
<p><i>Clause 45</i> amends section 51 to require a board of inquiry to also consider any additional material provided by the Minister under <i>new section 47A</i>.</p>	<p>Support</p>	<p>Will make the BoI process more flexible.</p>

APPENDIX 1

<p><i>Clause 46</i> inserts <i>new section 51A</i>. The new section lets the Minister withdraw all or part of a proposed national policy statement before it is approved.</p>	Support	Will make the BoI process more flexible.
<p><i>Clause 47</i> amends section 52 to provide that the Minister may withdraw all or part of a proposed national policy statement after considering the report and recommendations made by a board of inquiry.</p>	Support	Will make the BoI process more flexible.
<p><i>Clause 48</i> amends section 55. That section concerns a local authority's duty to amend a document if the document is affected by a national policy statement. The amendment to section 55 more clearly distinguishes between the specific duty to amend a document in a manner directed by the statement, and the overlapping general duty to amend a document to give effect to the statement. The first type of amendment (under the specific duty) must be made without further formality, but the amendment must be publicly notified. The second type of amendment (under only the general duty) must be made using the process set out in Schedule 1.</p>	Support	The Council supports this amendment as it will reduce costs and delays for Councils in updating their Plans.
<p><i>Clauses 49 to 51</i> amend sections 61, 66, and 74 to ensure that the effects of trade competition are treated in the same way as trade competition itself.</p>	Oppose	See main submission for our discussion
<p><i>Clause 52</i> amends section 76 by inserting <i>new subsection (4A)</i>. The new subsection prohibits a rule in a district plan from providing for the protection of any tree, or group of trees, in an urban environment unless the tree or group of trees is specifically identified in a schedule to the district plan, or located within a reserve or an area subject to a conservation management plan or conservation management strategy.</p>	Conditional support	See main submission for our discussion

APPENDIX 1

<i>Clause 53</i> repeals and substitutes sections 77A and 77B to clarify how a local authority may categorise activities, make rules for activities, and specify conditions in a plan or proposed plan.	Support	Clarifies process
<i>Clause 54</i> repeals sections 77C and 77D consequentially to the amendments made in <i>clause 53</i> .	Support	Provisions no longer needed
<i>Clause 55</i> repeals section 78A as a consequence of the inserting of <i>new section 80</i> (see <i>clause 57</i>).	Support	Provision no longer needed
<i>Clause 56</i> changes the requirement in section 79(2) for a territorial authority to review its district plan at no more than 10 year intervals, to a requirement to review its plan if the plan no longer assists the authority to carry out its functions in order to achieve the purpose of the Act.	Support	Significant support for this provision. The Council already embarked on a rolling review of all chapters in the Plan as this seemed the most practical approach to up-dating the Plan. This provision will save the Council significant cost and delays in re-notifying chapters of the Plan that have recently been amended.
<i>Clause 57</i> repeals and substitutes section 80. <i>New section 80</i> sets out when combined regional and district documents may be prepared, implemented and administered.	Support	Clarifies and extends scope of what may be in a combined Plan.
<i>Clause 58</i> amends section 82. The amendment clarifies that the process set out in Schedule 1 must be used to change a policy statement or plan to remove an inconsistency. The amendment also provides that the relevant process under section 55 must be used to amend a policy statement or plan to give effect to another policy statement.	Support	Clarifies process
<i>Clause 59</i> inserts a new heading and <i>new sections 86A to 86C</i> . These sections set out the legal effect of rules and when certain rules are to be treated as operative.	Oppose	See main submission for our discussion

APPENDIX 1

<p><i>Clause 60</i> inserts <i>new sections 87A to 87G</i>. <i>New section 87A</i> sets out the consequences of describing an activity as being permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited. <i>New section 87B</i> sets out when certain activities must be treated as discretionary activities or prohibited activities. <i>New sections 87C to 87G</i> provide for an application for a resource consent to go directly to the Environment Court for a decision, bypassing the local authority process.</p>	<p>Conditional support</p>	<p>See main submission for our discussion</p>
<p><i>Clause 61</i> makes amendments to section 88A that are consequential on <i>new sections 87A to 87G</i>.</p>	<p>Support</p>	<p>Consequential changes</p>
<p><i>Clauses 62 and 63</i> amend sections 88B and 88C to clarify the time periods in sections 91, 101(2), and 115(a).</p>	<p>Oppose</p>	<p>See main submission for our discussion</p>
<p><i>Clause 64</i> replaces section 92. The <i>new section 92</i> no longer deals with the provision of reports to consent authorities because that is done by <i>new section 41AB</i>, if there is a hearing, and by <i>new section 92AB</i>, if there is no hearing.</p>	<p>Oppose</p>	<p>See main submission for our discussion</p>
<p><i>Clause 65</i> clarifies that a consent authority must consider an application under section 104 even if the applicant does not meet certain obligations in relation to the consent authority requesting further information.</p>	<p>Oppose</p>	<p>See main submission for our discussion</p>
<p><i>Clause 66</i> inserts <i>new section 92AB</i>. The new section deals with reports requested by a consent authority when it has decided not to hold a hearing.</p>	<p>Support</p>	<p>Clarifies process</p>

APPENDIX 1

<p><i>Clause 67</i> consequentially amends a cross reference in section 92B and clarifies that a consent authority must consider an application under section 104 even if the applicant does not meet certain obligations in relation to the consent authority requesting the applicant's agreement to the commissioning of a report.</p>	Oppose	Will reduce quality decision-making and increase declined applications.
<p><i>Clause 68</i> repeals sections 93 and 94 and substitutes <i>new sections 93 to 94AAE</i>. The sections set out how a consent authority determines whether or not to notify an application for a resource consent and the manner in which it may do so.</p>	Oppose	See main submission for our discussion
<p><i>Clause 69</i> amends section 94A to ensure that the effects of trade competition are treated in the same way as trade competition itself. It also updates a cross-reference consequential on the amendments made by <i>clause 68</i>.</p>	Conditional Support	See main submission for our discussion
<p><i>Clause 70</i> repeals sections 94B, 94C, and 94D. The matters in these provisions are now covered by <i>new sections 93 to 94AAE</i>.</p>	Oppose	Consequential changes
<p><i>Clause 71</i> amends section 95 by setting a 10 day time restriction for a consent authority to decide whether or not to notify an application for a resource consent.</p>	Support	Clarifies process
<p><i>Clause 72</i> replaces section 96 to limit the rights of trade competitors to make submissions on applications.</p>	Conditional Support	See main submission for our discussion
<p><i>Clause 73</i> inserts <i>new section 100A</i>. The new section applies to certain applications for resource consents. Applicants and submitters on a relevant application may request that the local authority delegate its functions, powers, and duties to hear and decide the application to at least 1 hearings commissioner who is not a member of the local authority.</p>	Support	See main submission for our discussion

APPENDIX 1

<i>Clause 74</i> amends section 102 to specify who may hear and decide matters in a joint hearing by 2 or more consent authorities if a request has been made under <i>new section 100A</i> .	Support	See main submission for our discussion
<i>Clause 75</i> amends section 103 to specify who may hear and decide matters that are considered together by a local authority if a request has been made under <i>new section 100A</i> .	Support	See main submission for our discussion
<i>Clause 76</i> inserts a <i>new section 103A</i> . The new section requires a hearing to be concluded no later than 10 working days after it is adjourned, if it is adjourned after the applicant's right of reply has been exercised	Support	Will prevent delays in hearings process.
<i>Clause 77</i> amends section 104 to add national environmental standards to the matters that must be considered when a consent authority is determining an application and also to ensure that the effects of trade competition are treated in the same way as trade competition itself. The clause also amends section 104 to direct a consent authority to have regard to whether it has adequate information to enable it to determine an application, including whether a request under <i>new section 92</i> or section 92A resulted in further information or a report being available	Conditional support	Support inclusion of NES into s104. See main submission for concerns about considering the 'effects of trade competition'.
<i>Clause 78</i> amends section 104A.	Support	Enhances link with NES
<i>Clause 79</i> amends section 104C.	Support	Enhances link with NES
<i>Clause 80</i> amends section 113 to ensure that decisions on applications record that national environmental standards were considered. It also clarifies other matters to which the section applies.	Support	Enhances link with NES

APPENDIX 1

<p><i>Clause 81</i> amends section 116 consequentially on <i>new section 87E</i>. Section 116 is also amended to remove the special provision for when coastal permits commence. The default commencement provisions now apply to coastal permits.</p>	n/a	The Council expresses no view of coastal permit provisions.
<p><i>Clause 82</i> substitutes <i>new section 117</i>. The new section provides that a regional council is the consent authority for an application to carry out a restricted coastal activity. The section specifies the council's functions, powers, and duties for hearing and deciding on the application, and requires the council to delegate these under section 34A(1). The delegates must include 1 person nominated by the Minister of Conservation.</p>	n/a	The Council expresses no view of coastal permit provisions.
<p><i>Clause 83</i> repeals sections 118, 119, and 119A. Those sections are redundant because hearing committees no longer make recommendations about coastal permits. Some of the repealed provisions are effectively replaced, under new section 117, by the default provisions that apply to an application for a resource consent.</p>	n/a	The Council expresses no view of coastal permit provisions.
<p><i>Clause 84</i> amends section 120 so that the right to appeal applies to decisions about coastal permits and the Minister of Conservation may appeal against those decisions.</p>	n/a	The Council expresses no view of coastal permit provisions.
<p><i>Clause 85</i> amends section 121 to remove a provision that is now redundant because hearing committees no longer make recommendations in relation to coastal permits.</p>	n/a	The Council expresses no view of coastal permit provisions.
<p><i>Clause 86</i> amends section 128 to require a consent authority to initiate a review of the conditions of a resource consent if required by a court order.</p>	Support	Clarifies process

APPENDIX 1

<i>Clause 87</i> amends section 130 to apply the relevant provisions to the review of a coastal permit. The provisions are modified by parts of <i>new section 117</i> so that, among other things, the functions, powers, and duties relating to review must be delegated under that section. Other consequential amendments are also made.	n/a	The Council expresses no view of coastal permit provisions.
<i>Clause 88</i> amends section 131 to remove reference to hearing committees.	n/a	The Council expresses no view of coastal permit provisions.
<i>Clause 89</i> amends section 132 to apply the default provisions to the decision on review of a coastal permit. Under <i>new section 117</i> , any functions, powers, and duties in those provisions that relate to review must also be delegated.	n/a	The Council expresses no view of coastal permit provisions.
<i>Clause 90</i> amends section 139 to allow certificates of compliance to be issued for activities that comply with national environmental standards and to allow the Environmental Protection Authority to issue certificates of compliance if the proposal or activity concerned relates to a matter that is or is part of a proposal of national significance called in by the Minister under section 141B(1).	Support	Clarifies that certificates of compliance can be issued for compliance with a NES.
<i>Clause 91</i> repeals and substitutes section 140 which is the definition section that applies to the call in provisions of the Act.	Support	Clarifies process
<i>Clause 92</i> amends section 141 to clarify the role of the Minister of Conservation.	n/a	The Council expresses no view on the role of the Minister for Conservation
<i>Clause 93</i> inserts <i>new sections 141AA to 141AAI</i> . The new sections extend the current call in provisions in the Act, including by involving the Environmental Protection Authority in the process.	Support	May create process efficiencies for significant works

APPENDIX 1

<i>Clause 94</i> amends section 141A which relates to the Minister's powers to intervene.	Support	Create a flexible process
<i>Clause 95</i> amends section 141B so that, in considering whether a matter is part of a proposal of national significance, the Minister may have regard to whether it relates to a network utility operation that extends, or is proposed to extend, to more than 1 region in New Zealand.	Support	May create process efficiencies for significant works
<i>Clause 96</i> amends section 143.	Support	Clarifies process
<i>Clause 97</i> amends section 144.	Support	Clarifies process
<i>Clause 98</i> updates a cross reference in section 145 and references in other provisions.	Support	Clarifies process
<i>Clause 99</i> amends section 146 in relation to appointing board members and restricting their liability.	Support	Clarifies process and limits liability of BoI.
<i>Clause 100</i> inserts <i>new sections 146A to 146D</i> which relate to the conduct of boards of inquiry relating to requests for regional plans or requests for changes.	Support	Clarifies process
<i>Clause 101</i> amends section 147.	Support	Clarifies process
<i>Clause 102</i> amends section 148 to restrict comments on a board of inquiry's draft report to minor or technical aspects of the report.	Support	Clarifies process
<i>Clause 103</i> amends section 149.	Support	Clarifies process
<i>Clause 104</i> amends section 149A which relates to appeals.	Support	Clarifies process
<i>Clause 105</i> amends section 149B.	Conditional Support	Clarify how local authorities can recover their costs of being involved in the process.
<i>Clause 106</i> amends section 150AA.	Support	Clarifies process
<i>Clause 107</i> removes an obsolete reference from section 154.	Support	Simplifies Act

APPENDIX 1

<i>Clause 108</i> amends section 168A to update references to notification provisions. Section 168A(2) is amended consequentially on <i>new sections 87C to 87G</i> . <i>New section 100A</i> is already included in the range of provisions applied by section 168A(2), so that a request for delegation can be made under that section.	Oppose	Oppose changes to notification regime – see main submission.
<i>Clause 109</i> amends section 169.	Oppose	Oppose changes to notification regime – see main submission.
<i>Clause 110</i> amends section 171 so that a territorial authority makes the decision about a requirement for a designation, instead of a recommendation to the requiring authority who then makes the decision.	Support	Appropriate that TAs make these decisions for the reasons outlined in the TAG report.
<i>Clause 111</i> repeals section 172, which is now redundant because a requiring authority does not make the decision on its requirement for a designation.	Support	Consequential change as a result of Clause 110
<i>Clause 112</i> amends section 173 so that a territorial authority must give notice of its decision, and include the requiring authority as a recipient.	Support	Consequential change as a result of Clause 110
<i>Clause 113</i> amends section 174 to refer to the decision of the territorial authority and to add the requiring authority as a person who may appeal against the decision.	Support	Consequential change as a result of Clause 110
<i>Clause 114</i> amends section 175 to refer to the decision of the territorial authority (rather than the requiring authority).	Support	Consequential change as a result of Clause 110
<i>Clause 115</i> updates cross references in section 176.	Support	Clarifies process
<i>Clause 116</i> amends section 176A so that a territorial authority can require a requiring authority to change its outline plan, and to let the requiring authority appeal the requirement to make the changes.	Support	Appropriate that TAs exercise more control over designation process.

APPENDIX 1

<i>Clause 117</i> updates a cross reference in section 177.	Support	Clarifies process
<i>Clause 118</i> amends section 189A.	Support	Clarifies process
<i>Clause 119</i> amends section 190.	Support	Clarifies process
<i>Clause 120</i> amends section 191.	Support	Clarifies process
<i>Clause 121</i> updates a cross reference in section 193A.	Support	Clarifies process
<i>Clause 122</i> amends section 194.	Support	Clarifies process
<i>Clause 123</i> amends section 203 to restrict the liability of a member a special tribunal, in the same way as for a member of a board of inquiry under amended sections 47 and 146.	Support	Clarifies process and limits liability
<i>Clause 124</i> updates cross references in section 205.	Support	Clarifies process
<i>Clause 125</i> amends section 206(2) to remove the restriction on the liability of a member of a special tribunal, which has been replaced by a different provision in section 203.	Support	Consequential change
<i>Clause 126</i> replaces an outdated reference to the Local Government Act 1974 in section 221.	Support	Updates Act
<i>Clause 127</i> updates a cross reference, and replaces an outdated reference to the Local Government Act 1974, in section 224.	Support	Updates Act
<i>Clause 128</i> amends section 245 to remove a provision that is now redundant, because the Minister of Conservation's functions have changed.	n/a	The Council expresses no view on the amended role of the Minister of Conservation.
<i>Clause 129</i> amends section 246 to consequentially amend a cross reference.	Support	Clarifies process
<i>Clause 130</i> amends section 250 to increase the number of Environment Judges who may be appointed from 8 to 10.	Support	Flexibility will be required in the Environment Court to cope with its increased functions

APPENDIX 1

<i>Clause 131</i> amends section 274 to prevent trade competitors from pursuing one another through appeals to the Environment Court and to make the Attorney-General the only person who can represent the public interest.	Support	See main submission for discussion. Seek further changes to the role of s274 parties.
<i>Clause 132</i> inserts <i>new section 280A</i> which relates to extend the scope of an appeal under clause 14 of Schedule 1.	Support	Consequential change given scope of appeals narrowed.
<i>Clause 133</i> repeals section 284A. Repealing the section has the effect that the Environment Court can require security for costs.	Support	Provides flexibility to discourage known vexatious appellants. Provision used sparingly when it was in effect previously, and still requires the Council (if a defendant in proceedings) to agree amongst themselves to ask for security of costs, to which the Environment Court may still decide no.
<i>Clause 134</i> amends section 285 consequentially on <i>new section 87E</i> and <i>new Part 11A</i> .	Support	Clarifies process
<i>Clause 135</i> repeals section 289 because it is obsolete.	Support	Consequential change
<i>Clause 136</i> inserts <i>new section 290AA</i> and sets out the powers of the Environment Court in regard to appeals under clause 14 of Schedule 1.	Support	See main submission for discussion
<i>Clause 137</i> amends section 293 to clarify that it applies only to proposed policy statements and plans.	Support	Clarifies process
<i>Clause 138</i> amends section 308 which relates to appeals to the Court of Appeal.	Support	Clarifies process
<i>Clause 139</i> inserts a <i>new Part 11A</i> , which contains provisions stopping trade competitors from using the Act against one another.	Conditional support	See main submission for discussion
<i>Clause 140</i> amends section 325.	Support	Clarifies process

APPENDIX 1

<i>Clause 141</i> amends section 339. The first amendment increases the maximum penalty for certain offences from \$200,000 to \$300,000, in the case of an individual, and to \$600,000, in the case of a body corporate. The penalty of imprisonment is retained for individuals. The second amendment provides that, if a person is convicted of an offence that involves an act or omission that contravenes a resource consent, the court may also make an order requiring a review of the consent to be initiated.	Support	Increases fines for offences under the Act
<i>Clause 142</i> amends section 352 to provide for the service of documents by email.	Support	Will ease administrative burden of Act
<i>Clause 143</i> amends section 357A consequentially on <i>new section 92AB(2)</i> .	Oppose	As a consequence of not supporting proposed changes to section 92
<i>Clause 144</i> amends section 358.	Support	Clarification
<i>Clause 145</i> amends section 360.	Support	Clarifies process
<i>Clause 146</i> replaces outdated references to the Minister of Transport in section 395.	Support	Updates Act
<i>Clause 147</i> removes the category of non-complying activities from the Act. The commencement of this provision is delayed by 3 years (see <i>clause 2(1)</i>).	Oppose	See main submission for discussion
<i>Clause 148</i> amends Schedule 1.	Support and oppose	See main submission for discussion on the changes to the First Schedule that are not supported.
<i>Clause 149</i> enacts <i>Schedule 2</i> , which makes minor amendments to the principal Act.	Support	Updates Act
<i>Schedule 1</i> makes amendments consequential on <i>clause 147</i> .	Oppose	Consequential changes opposed

APPENDIX 1

<p><i>Schedule 2</i> amends the principal Act to—</p> <ul style="list-style-type: none"> • replace references to District Land Registrars or Registrars of Deeds with references to the Registrar-General of Land because District Land Registrars and Registrars of Deeds no longer exist; • remove a reference to the Hazards Control Commission because the Hazards Control Commission never existed; • remove references to Schedule 2 because Schedule 2 no longer exists; • make technical or consequential updates. 	Support	Updates Act
<p><i>Clauses 150 to 163</i> make transitional provisions.</p>	Support and oppose	The need for these provisions is consequential on other decisions being made, some of which we oppose (eg. removal of non-complying activities)
<p><i>Clauses 164 to 167</i> amend enactments other than the principal Act.</p>	Support	Consequential changes