

21-D-00758

s 9(2)(a)

Dear s 9(2)(a)

On 11 March 2021 you made a request to the Department of Prime Minister and Cabinet (DPMC) under the Official Information Act 1982 (the Act). On 24 March 2021, you clarified your request with DPMC to the following:

If there are any policy documents related to Treaty clauses in legislation from at least 1990-2001, would this be helpful in refining the search? Otherwise, documents of the same kind as the former, but with a date limit of 1995-2001 would also be useful.

Does Cabinet have any policy documents that relate specifically to the change in wording for Treaty clauses? These would be the type of documents I'd be looking for, but if these are unavailable, then agencies that have included/are contemplating including Treaty clauses would also be beneficial.

On 8 April 2021 DPMC partially transferred your request to the Ministry for the Environment (the Ministry) and asked that we provide a response to the request in relation to the Resource Management Act 1991 (the RMA).

We have interpreted your request to mean any policy documents related to the change in wording of the Treaty section (section 8) of the RMA, including the relevant parts of any cabinet papers or cabinet minutes from 1990 following the introduction of the Resource Management Bill, to 1991 when the RMA was passed.

The Ministry has identified 39 documents in scope of your request, as listed in the attached document schedule.

23 of these documents have been released in response to an earlier request under the Act and are available on the Ministry's website. We have provided you with links to where this information can be found.

A further eight documents which provide policy explanation of wording changes made to the Treaty Clause between when the Bill was introduced, and when it passed in 1991, are also publicly available. As such, we have refused this part of your request under section 18(d) of the Act as the information requested is publicly available.

To be helpful, we have provided links to four of these documents. The four remaining documents can be difficult to access, therefore we have attached the relevant sections for your convenience at Attachment 1. Details for accessing the documents in full are included in the document schedule.

Despite reasonable efforts, we are unable to locate eight of these documents potentially in scope of your request. Therefore, we have refused your request for these documents under section 18(e) of the Act as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

While your request also refers to policy documents related to wording changes from 1995 to 2001, it is worth noting that section 8 of the RMA was not subject to any changes since 1991. A search of our hard copy and electronic records has not returned any documents that relate to changes to section 8 in that date range.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decisions relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: ministerials@mfe.govt.nz.

Yours sincerely



Jo Gascoigne
Director, Natural and Built Systems

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Document schedule

Doc. no.	Document date	Content	Decisions	OIA sections applied
1.	18 July 1990	Paper to Cabinet policy Committee from Chair, Select Committee on the Resource Management Bill (RMB):	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
2.	ca. 30 July 1990	CAB (90) M 25/7 RMB: Select Committee report back	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
3.	ca. 1 August 1990	Attachment: Cabinet memo from Minister for State-Owned Enterprises	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
4.	Undated	Attachment page 19 of the RM Bill	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
5.	ca. 3 August 1990	POL (90) M 29/6 Minutes: Cabinet Cttee meeting 1 August. Resource Management Bill (RMB): Select Committee report back	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
6.	1 August 1990	Attachment to [3] POL (90) M29/6 Memo to Cabinet from Ministers of SOE, Commerce & Conservation RMB: Select Committee report back	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
7.	ca. 13 August 1990	CAB (90) M26/4b Minutes: Cabinet Meeting 6 August RMB: Select Committee report back	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)

8.	9 November 1990	CAB (90) 865 Cabinet Paper RMB: Peer Group Review	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
9.	8 November 1990	Attachment: Memo to Cabinet from Minister for the Environment RMB: Peer group Review	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
10.	8 November 1990	Appendix to 5a Peer Group Review, including Terms of Reference	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
11.	ca. 15 November 1990	CAB (90) M 40/19 Minutes: Cabinet meeting 12 November RMB: Review Group.	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
12.	ca. 22 February 1991	CAB (91) M 6/4 Minutes: Cabinet meeting 18 February RMB: Review Group.	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
13.	15 March 1991	ENV (91) 4 Cabinet Cttee Paper RMB: Review Group's Recommendations	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
14.	14 March 1991	Attachment: paper RMB: Review Group Recommendations	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
15.	14 March 1991	Attachment: paper to Cabinet (ENV) Cttee from the Minister for the Environment Re: RMB	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
16.	15 March 1991	Attachment: paper to Cabinet from the Minister for the Environment RMB: Report of the Review Group	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)

17.	ca. 21 March 1991	ENV (91) M 3/1 Minutes: Cabinet Cttee meeting 19 March RMB: Review Group's Recommendations	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
18.	22 March 1991	ENV (91) 6 Cabinet ENV Cttee Paper RMB: Review Group's Recommendations	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
19.	ca. 28 March 1991	ENV (91) M 4/3 Minutes: Cabinet Cttee meeting 26 March RMB: Review Group's Recommendations	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
20.	ca. 2 May 1991	LEG (91) M 10/3 Minutes of Cabinet Cttee, 2 May Supplementary Order Paper(SOP): RMB	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
21.	3 May 1991	PCO 18/7 Cabinet paper SOP: RMB	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
22.	30 April 1991	Attachment to PCO 18/7 Memo for Cabinet from the Minister for the Environment	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
23.	2 May 1991	Attachment to PCO 18/7 draft SOP	Refused Information can be found here: https://environment.govt.nz/node/27079/	Section 18(d)
24.	31 July 1990	POL 14/1/1 Letter from Minister of Maori Affairs, Koro Wetere to Chairman, Cabinet legislation Committee, Manatu Māori	Refused	Section 18(e)

25.	6 August 1990	CAB (90) M26/6 Minutes, Cabinet memo (Cabinet agrees the Bill should include a reference to the Treaty)	Refused	Section 18(e)
26.	18 February 1991	CAB (91) 72 Resource Management Bill: Review Group	Refused	Section 18(e)
27.	18 February 1991	CAB (91) M 6/4 Resource Management Bill: Review Group (appendix B)	Refused	Section 18(e)
28.	17 June 1991	CAB (91) 464 Resource Management Bill: Policy Decisions Arising from SOP 22	Refused	Section 18(e)
29.	17 June 1991	CAB (91) M 23/34 Resource Management Bill: Policy Decisions Arising from SOP 22	Refused	Section 18(e)
30.	24 June 1991	CAB (91) M 24/48 Additional Item: Resource Management Bill: Policy Decisions Arising from Supplementary Order Paper 22	Refused	Section 18(e)
31.	1990-1991	ALG 1990-1991 register of documents	Refused	Section 18(e)
32.	1 June 1990	Departmental Report on Resource Management Bill	Refused Information was released and publicly available at the time. Relevant extracts provided in Attachment 1 Full document can be accessed through: Parliamentary.Information@parliament.govt.nz	Section 18(d)
33.	1990	Reported Back Resource Management Bill	Refused Information can be found here: http://www.nzlii.org/nz/legis/hist_bill/rmb19902242210/	Section 18(d)

34.	August 1990	Select Committee Report on Resource Management Bill	<p>Refused</p> <p>Information was released and publicly available at the time.</p> <p>Relevant extracts provided in Attachment 1.</p> <p>Full document can be accessed through: https://archives.govt.nz/search-the-archive/ask-an-archivist</p>	Section 18(d)
35.	1990	Review Group Discussion Document	<p>Refused</p> <p>Information can be found here: https://tinyurl.com/2rh6cj6t</p>	Section 18(d)
36.	1991	Review Group Report	<p>Refused</p> <p>Information can be found here: https://tinyurl.com/2rh6cj6t</p>	Section 18(d)
37.	1991	Supplementary Order Paper No 22	<p>Refused</p> <p>Information can be found here: https://tinyurl.com/ye7n8udz</p>	Section 18(d)
38.	18 June 1991	Departmental Report on Supplementary Order Paper No 22	<p>Refused</p> <p>Information was released and publicly available at the time.</p> <p>Relevant extracts provided in Attachment 1.</p> <p>Full document can be accessed through: Parliamentary.Information@parliament.govt.nz</p>	Section 18(d)
39.	1991	Select Committee Report on SOP 22	<p>Refused</p> <p>Information was released and publicly available at the time.</p> <p>Relevant extracts provided in Attachment 1.</p> <p>Full document can be accessed through: https://archives.govt.nz/search-the-archive/ask-an-archivist</p>	Section 18(d)

THE MINISTRY FOR THE ENVIRONMENT DEPARTMENTAL REPORT ON THE RESOURCE MANAGEMENT BILL

June 1990

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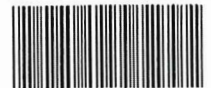


RESOURCE MANAGEMENT LAW REFORM

A REVIEW OF THE LAWS FOR MANAGING
AIR, LAND AND WATER USE AND MINING
TE TAHUATŪ O TE TAIĀO

CONFIDENTIAL

Ministry for the Environment



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VII. TREATY OF WAITANGI ISSUES AND MAORI VALUES

1. Many submissions have commented on the combined effects of Clause 6 and those other provisions of the Resource Management Bill that make reference to Maori values, and the involvement of Maori in decision making. Part B of this report provides detailed comment on the various clauses, but this issue is addressed more comprehensively below.
2. A very small number of submissions question the need for special recognition of Maori values or role in decisions. The vast majority agree that the Bill should incorporate clear recognition of Maori and Treaty issues. The differences arise in terms of how this should be expressed. A small but significant number of submissions, principally from Maori groups, state that the Bill should take a stronger stance in recognising the rangatiratanga of the tangata whenua.
3. Detailed suggestions for amendments and additions to clauses are set out in Part B. Some common themes include the priority to be given to Maori values, the place of iwi as advisers or decision makers in their own right, the need for consistency in use of terminology and Maori words, and references to iwi management plans.
4. There are concerns that the combined effects of Clauses 5, 6 and other clauses which refer to Maori values are still weaker than provisions in existing law, particularly the Town and Country Planning Act. Some submissions are concerned that the references are not sufficiently well defined. It should be noted that c. 5(1)(f) is the same as section 3(1)(c) of the TCPA except that it refers to more than just ancestral land.
5. Most submissions from Maori groups were concerned that iwi did not have sufficient status or authority and that provision for consultation and advice is not enough. Possible solutions included giving iwi authorities full decision making powers over certain resources (including, at least, Maori land) or having iwi representatives as of right on local authorities. Opportunities for transfer and delegation of functions to iwi were seen as inadequate by most Maori groups.

6. Many Maori groups felt that iwi management plans were not given sufficient status in the Bill. They wanted iwi management plans to have status in their own right and be binding on relevant local authorities. However, some local authorities commented that if iwi management plans are to be binding, statutory documents, then they would need to be prepared via an open, public process.

7. The RMB was drafted with the expectation that the concept of iwi management plans (IMPs) would have been accommodated in the Runanga Iwi Bill. Given the current state of progress with this other legislation, it may be necessary to modify references to IMPs.

8. Many Maori groups oppose the provision that Maori authorities do not automatically become heritage protection authorities. Some other submissions supported their view. Some simply suggested that iwi or iwi authorities be recognised as heritage protection authorities as of right. This matter is discussed further in Part B.

9. Several submissions felt the time limits specified for making submissions and commenting on policy statements and plans were too short to allow adequate input from tangata whenua, given that iwi need to determine their position, seek professional advice if necessary and prepare papers.

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CLAUSE 6 Treaty of Waitangi

A variety of submissions called for stronger wording in relation to the Treaty of Waitangi, with most suggesting that the Bill should 'give effect to the Treaty of Waitangi' (504) rather than simply 'have regard'. Maori groups wanted greater recognition of their role as a Treaty partner, while other groups wanted greater consistency with other legislation. Councils, businesses, planners and lawyers were particularly concerned at the vagueness of clause 6, fearing that it could lead to a blossoming in litigation (371).

Insofar as clause 6 (Treaty of Waitangi) is concerned many local authorities are questioning whether the Crown can transfer its obligations under the Treaty. Some also suggest that if the Crown is to transfer its obligations to local government then more clarification as to what is intended should be provided.

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1 JUNE 1990

Maori and other people are saying that the present words are too weak and not consistent with emerging Treaty jurisprudence. Still others are concerned that Clause 6 as drafted would be open to much litigation.

We recommend an alternative expression for clause 6. It focuses on the special relationship between the Crown and iwi which gives rise to legal and political obligations of protection and trust. Although resource management decision making powers are devolved to local government, it is essential that the relationship between the Treaty partners is recognised and protected.

The legal context of this special relationship can be understood by examining the recent Treaty jurisprudence. There are many references to principles of reasonable co-operation, fairness, trust etc. These judgments will assist people in distinguishing the character of the relationship. Similarly, the provisions in the Bill relating to the need to consult, the need to recognise Maori values, the need to provide for taonga Maori in the coastal environment all provide decision-makers with opportunities to give practical effect to the relationship as an ordinary part of the process.

Behind the notion of a special relationship, there are two very important ideas. Firstly, the concept of jurisdiction and secondly, the term responsibility. The suggested re-wording does not undermine the Crown's jurisdiction. It does however confirm that local/regional consent agencies have a responsibility, ie. an obligation, to act towards Maori on the basis of Treaty principles.

RECOMMENDATION

That clause 6 be amended by deleting the reference "to consider" and to replace it with a duty to give effect to the relationship between the Crown and te iwi Maori which is embodied in the Treaty of Waitangi.

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Report of the
Committee on the
Resource Management Bill

August 1990

SECOND SESSION, FORTY-SECOND PARLIAMENT

(HON PHILIP WOOLLASTON, CHAIRMAN)

Laid on the Table of the House of Representatives

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1. ORDER OF REFERENCE

The Resource Management Bill was referred to the Committee on the Resource Management Bill for consideration by resolution of the House on the motion of the Minister in charge of the bill, the Rt Hon Geoffrey Palmer on 5 December 1989.

2. COMMITTEE PERSONNEL

2.1 Committee Members

Hon Philip Woollaston (Chairman)
Jeff Grant
Dr Gregory
Denis Marshall
Hon Ken Shirley
Dr Peter Simpson
Mr Storey

2.2 Changes in personnel

The following members attended meetings replacing permanent members on various occasions:

Mr Burdon, John Carter, Wyatt Creech, Sonja Davies, Harry Duynhoven, Jack Elder, Hon G F Gair, Judy Keall, Graham Kelly, Jenny Kirk, Mr Lee, Mr R F H Maxwell, H V Ross Robertson, Dave Robinson, Larry Sutherland, Elizabeth Tennet, Hon M L Wellington and Hon V S Young.

2.3 Committee staff

Genevieve Orr, Committee Secretary
Rachel Parker, Assistant Committee Secretary

2.4 Parliamentary Counsel

Julie Melville

2.5 Departmental advisers

Ministry for the Environment:

Dennis Bush-King	Christina Wells
Denise Church	Craig Mallet
John Hassan	Bob Zuur
Debbie Iverson	Tony Whareaitu
Craig Lawson	Jackie Challis
Suzanne Baird	Beth Vaughan
Lynley Lee	

Department of Conservation:

Paula Warren

Ministry of Commerce:

Philip Toyé
Bruce Chapman
Geoff Feasey

2.5 In addition to the officials listed above the committee also invited the Office of the Parliamentary Commissioner for the Environment to

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act as adviser to the committee. Staff from that office attended the hearing of evidence and consideration of the bill.

3. PROCEDURAL MATTERS

When the bill was introduced, the Rt Hon Geoffrey Palmer, the Minister for the Environment, stated that it would be appropriate that the bill be considered by a specially constituted select committee comprising seven members in order that the range of topics dealt with in the bill could receive scrutiny from members with different backgrounds.

The extent of public interest in the bill was apparent by the number and depth of the submissions presented to the committee. Accordingly the committee resolved to supplement its recommendations to the House with a narrative report. The purpose of this report is to give an overview of the committee's consideration of the bill and the reasons for its recommendations.

4. CONDUCT OF THE COMMITTEE'S CONSIDERATION

The committee met 35 times to hear evidence and consider the bill. The meetings took place from 7 December 1989 until 7 August 1990. The committee received a total of 1325 submissions, of which 329 were oral and 996 were written. The committee heard 120 hours of evidence over 23 meetings and spent 31 hours in consideration.

Submissions were received from a wide range of interests, from industry, environmental groups and the general public. The committee heard evidence in Auckland, Wellington and Christchurch between March and May of this year. Maori submissions from the northern region were heard at a specially convened hui at the Te Puea Marae in Mangere.

The committee acknowledges the input of people who presented submissions and thanks them for this contribution to the committee's scrutiny of the bill.

A list of those who made submissions is found in the Appendix to this report.

The committee received advice from the Ministry for the Environment, the Department of Conservation, the Ministry of Commerce and the Office of the Parliamentary Commissioner for the Environment.

5. THE BILL AS INTRODUCED

The objective of the bill is to integrate the laws relating to resource management, and to set up a resource management system that promotes sustainable management of natural and physical resources.

The bill integrates existing laws by bringing together those relating to the management of land, including land subdivision, water and soil, minerals and energy resources, the coast, air, and pollution control,

including noise control. It sets out the rights and responsibilities of individuals, and territorial, regional and central government.

The bill repeals in whole or in part 54 statutes and more than 20 regulations and represents the largest law reform of its kind in New Zealand.

6. CONSIDERATION OF EVIDENCE AND COMMITTEE RECOMMENDATIONS

From the hearing of evidence a number of issues arose which the committee felt warranted further examination. After careful consideration the Committee on the Resource Management Bill recommends to the House that the amendments as noted on the reported back bill be incorporated into the legislation.

The following is a summary of the major points considered by the committee in response to the submissions. Clausal references throughout the report are taken from the bill as introduced to the House.

6.1 Preservation of present wording and existing case law

Submissions expressed concern that traditional terminology is being abandoned in the new legislation. Submissions, particularly from the legal profession, stressed that existing words and phrases have well established meanings and therefore should be used in this legislation.

Although the change in resource management objectives justifies a departure from the present terminology, the committee agreed that existing wording should be used where it is compatible with the policy intent of the bill.

The committee, however, does not believe that the principles contained in clause 5 should be replaced by "matters of national importance", as contained in the Town and Country Planning Act 1977. The committee thought it is preferable for the bill to provide (in the form of principles) a list of the durable matters to be taken into account. In addition, the Government has the choice of issuing statements of government policy when it wishes to provide guidance on specific matters. The committee therefore sought no amendment to the structure of clause 5.

The committee also chose not to use the term "amenities". The bill has a broad scope, covering a number of different resources and the committee thought that embodying the concept in the definition of "environment" is more appropriate.

In some cases the committee recommends returning to existing wording, "coastal management" being one example. The committee thought it important to return to the term "unnecessary subdivision, use and development" in place of "inappropriate subdivision, use and development" as used in the bill. The committee also accepted that the "maintenance of the natural character of the coast" should be returned to "preservation of the natural character

of the coastal environment" as used in section 3 of the Town and Country Planning Act 1977. Another example is the retention of the phrase "the needs of primary and secondary industry and of the community", as one of the factors that has to be considered by the special tribunal when an application for a water conservation order is made.

6.2 Ability to be heard at hearings

The bill proposes that anyone can make submissions and be heard by local authorities on the preparation of plans and policy statements, and applications for consent. This provision is designed to encourage participation early, rather than later, in the planning process. Submissions were divided on whether these provisions are an improvement on the existing system. Community and environmental groups welcomed the removal of restrictions whereas industry groups were concerned that the number of objectors would increase with added costs and delays.

The committee agreed to retain this new provision. It did not believe that this would lead to an excessive number of submissions and protracted litigation. The committee considered that consent authorities would not give weight to frivolous and vexatious submissions, and in addition already have powers to deal with deliberate obstruction or disorder.

In order to facilitate the hearing of a large number of submissions, a change is recommended to clause 39 to allow consent authorities to limit repetitious evidence.

At the Planning Tribunal level, a specific provision has been included to enable appeals to be struck out on specified grounds.

6.3 Environmental issues and mining

Many submissions raised concerns about excluding parts of clause 4 and the whole of clause 5 from Part IX. The committee agreed to recommend removing the exclusions. However Part IX applies only to the allocation of Crown owned minerals and access to land for mining purposes. The external effects of mining are to be considered in the environmental consent process.

6.4 Use of Maori terms

Both written and oral submissions raised the issue of whether it is appropriate to define Maori terms in the bill. Concerns raised included whether it is appropriate to include Maori language references without precise definitions and whether English translations should be used.

Many submissions felt that some terms such as "kaitiakitanga" and "taonga" should not be locked into a narrow definition, but that other terms, such as "tangata whenua", could be defined using English for the benefit of those who have limited knowledge of Maori culture and language. The committee maintains that it is appropriate for the bill to include Maori language references which need only

be defined to the extent that they are not in common usage with accepted meanings.

6.5 National standards

A number of submissions felt that the bill does not allow for enough central government input and guidance. They especially felt that there should be a greater role for national standards. The committee considers that the bill allows for both the setting of such standards as part of the regulation making powers and for the Government to promulgate statements of government policy.

PART I—INTERPRETATION AND APPLICATION

6.6 Boundary of the coastal marine area (Clause 2)

The bill retains the landward boundary of the coastal marine area as being "mean high water springs". It also clarifies this boundary where it extends up rivers adjacent to the coast.

Demarcation of this boundary is important because it determines the extent of territorial authorities' jurisdiction. This is important because territorial authorities have no direct role or function in the coastal marine area even though they have joint jurisdiction in the management of lakes and rivers with regional authorities.

The committee recommendation provides that the coastal marine area shall include all estuaries, fiords and inlets, and will extend up rivers and streams a distance of five times the river or stream width at its mouth, or one kilometer, whichever is the lesser.

PART II—PURPOSE AND PRINCIPLES

6.7 Purpose of the legislation (Clause 4)

Submissions were divided on whether the purpose of the bill provided the right mix of conservation and development interests. They were concerned with the appropriateness of the bill's focus on the management of natural and physical resources and questioned the move away from "the direction and control of development" as required by section 4 of the Town and Country Planning Act 1977.

The committee, however, recommends that the purpose, as presently worded in the bill, should be retained. It considers the purpose statement is not simply a recasting of existing planning principles, but represents a commitment to a long-term and holistic approach to resource management.

The committee did consider, as submissions had asked, whether the purpose of the legislation should be changed to the promotion of the sustainable management of the "environment" rather than "natural and physical resources". It decided, however, that inclusion of "environment" with its broad definition is not appropriate. The committee thought that the "sustainable management of natural and physical resources" as worded in the bill, would have the same effect as promoting the "sustainable management of the quality of the environment".

Some submissions were concerned about the balance between the conservation and development focus in clause 4, in particular the needs of future generations versus the present. The committee agreed that the words of clause 4(2) "without compromising the ability of future generations to meet their own needs" constituted too restrictive a test and therefore recommends these words be altered to "without unduly compromising the ability of future generations...".

Submissions commented on the structure of the "purposes and principles" part of the bill, and sought a clear relationship between the purpose and the principles and, as much as possible, use of unambiguous language. Some submissions pointed out duplication between the concepts contained in clauses 4 (which defines the overall purpose of the bill) and 5 (the list of relevant principles) and suggested that these be combined. The committee, however, decided that the relationship between these clauses is sufficiently clear. The committee suggested some rewording in clause 4(2)(b) and (c) to improve its clarity and recommends the addition of the concept of "intrinsic values" to clause 4(2)(b).

The issue of applying sustainable management to mining activities attracted much comment. Submissions asked that mining be treated the same as any other resource use and that it be dealt with under the "purpose and principles" part of the bill. The committee's view is that Part II should apply in all respects to the effects arising from mining activity. However, additional considerations apply in respect of the allocation of Crown owned minerals and these have been recommended in the amended clause 206.

6.8 Principles (Clause 5)

Submissions questioned the lack of priority amongst the principles listed in clause 5. However, the committee decided that a hierarchy amongst the principles would be difficult to determine and that it is more appropriate to allow the circumstances of each case to determine the importance of matters. The committee decided that it would, however, be useful to include a new provision which makes it clear that weight should be given to the principles as circumstances require.

The committee recommends other wording changes to clause 5 to refine the expression of the principles. For example, the change from the term "costs and benefits" to "advantages and disadvantages". It also recommends the addition of a new principle concerning access to the public estate.

Despite a number of submissions expressing the concern about clause 5(2) as relating to the coastal marine area, the committee took the view that the coast justifies special recognition because of its special conservation values and its status as Crown land.

6.9 Reference to Treaty of Waitangi (Clause 6)

A number of submissions called for the wording in relation to the Treaty of Waitangi to be strengthened, with most suggesting that the bill should "give effect to the Treaty of Waitangi" rather than simply "consider" the Treaty.

Maori groups wanted greater recognition of their role as a Treaty partner, while other groups wanted greater consistency with other legislation. Councils, businesses, planners and lawyers were particularly concerned at the use of the word "consider" which they thought is too vague and could lead to extensive litigation.

Many local authorities queried whether this represents the Crown's transfer of its obligations under the Treaty. There was resistance to this concept and authorities felt that the implications of this clause should be clarified.

A change to the wording of clause 6 is recommended by the committee to the following: "(in order to achieve) the purpose of the Act, all persons who exercise functions and powers under this Act have a duty to take into account the special relationship between the Crown and te iwi Maori as embodied in the Treaty of Waitangi". This new wording confirms that local government as "a creature of statute" has an obligation to act towards Maori on the basis of Treaty principles.

PART III—DUTIES AND RESTRICTIONS UNDER THIS ACT

Discharges

6.10 Best practicable option (Clause 13)

Best practicable option (BPO) is a pollution management tool. The bill continues to require in clause 13 that people who discharge contaminants adopt the BPO to prevent or minimise any actual or likely adverse effect on the environment.

BPO had a mixed reception. Some submissions, especially those from environmental groups, welcomed the expanded application of the duty. Others felt that BPO was too onerous and objected to it representing an overriding obligation.

The committee recommends, however, amending the definition of BPO to refer more directly to achieving particular outcomes by managing effects rather than regulating the process or equipment employed to meet those outcomes.

In order to meet industry concerns about uncertainty, a change is recommended to tighten up the variation of conditions under clause 109.

Adverse Effects

6.11 Duty to avoid or mitigate adverse effects (Clause 16)

Many submissions objected that clause 16 is not enforceable against any person, and suggested that it should either be made enforceable or dropped.

The committee considers that this general duty should not of itself be enforceable but should complement the enforcement provisions contained in clauses 360 and 368 (enforcement orders and abatement notices)

PART IV—FUNCTIONS, POWERS AND DUTIES OF CENTRAL AND LOCAL GOVERNMENT

. . . of Ministers

6.12 Role of the Minister of Conservation: Coastal Management (Clause 25)

Submissions were divided on the Minister of Conservation's role in coastal management. Some wanted regional authorities to have total jurisdiction of the coastal marine area. Others argued that the Minister of Conservation's control should be increased to include lakes and river beds, and some suggested the "Queen's Chain" should be included in the coastal marine area.

The committee recommends that the bill retain the role of the Minister of Conservation in coastal management including the preparation and approval of national coastal policy statements, final approval of regional coastal plans and a consent granting role for "restricted coastal activities".

Submissions pointed out that decisions by the Minister on consents for restricted coastal activities could not be appealed to the Planning Tribunal and that this is inconsistent with the provisions of Part VI relating to the "call-in" of consent applications by central government. The committee recommends that the process should be retained as provided in the bill because in this situation the Minister is making decisions not only on environmental effects of proposals but also on use of the Crown estate.

. . . of Local Authorities

6.13 River and lake bed management (Clause 27)

The bill allows regional councils and territorial authorities to exercise control over activities on lake and river beds. This joint jurisdiction was criticised in a number of submissions. Some felt that districts should have exclusive control over water as a venue for activity, while others argued that if the Minister of Conservation was not to have a similar role in lakes and rivers as in respect of the coastal marine area, then regional councils should have exclusive jurisdiction.

The committee agreed that the arrangement for the management of river and lake beds within, and adjoining, protected areas is unsatisfactory. It recommends that the power of regional councils to control the occupation of land and the extraction of sand and gravel from beds does not extend over national parks and other protected areas.

Local authorities, when granting consents under clause 89 for resources related to river and lake beds adjoining the conservation estate, should have regard to any associated management plan.

6.14 Duty to consider different methods (Clause 30)

Local authorities, although appreciating the intention behind the clause believed the requirement is too onerous. The committee agreed that this clause needed to be narrowed, although the concept of considering the costs and benefits of regulatory action is valuable and should be retained.

6.15 Costs of monitoring (Clause 31)

Several submissions queried the costs of monitoring imposed by this clause. Some councils argued that it is not efficient for them to collect specialised information and that central government should continue to maintain nationally funded data facilities. Some submissions were concerned that consent authorities would not be able to afford expert staff or pay the costs involved in monitoring programmes. Developers were concerned that they might be required to bear the costs of monitoring, whereas some other groups thought this would be appropriate.

The committee put the question of additional costs to local authorities. A number replied that they did not see these requirements as adding significant costs and it is an activity they should be doing anyway.

The committee believes that the provisions concerning the collection of, and the access to, information should be in the same section. The committee therefore recommends building a truncated clause 31 into clause 34.

6.16 Administrative charges—cost recovery (Clause 35)

This clause received much comment from submissions. There was concern from developers and industry groups that local authorities may use the cost recovery provisions indiscriminately and they sought clear guidelines in the legislation on the concept of "actual and reasonable" costs.

The committee decided that the inclusion of guidelines is not necessary as subclause (1) already allows local authorities to fix a scale or charge fees according to criteria. The committee thought that the use of the word "criteria" was however possibly confusing and recommends that it be changed to "formulae".

Submissions were divided on whether the community should pay some of the costs of information or work done which is to its benefit. Local authorities, although supporting this provision, sought a clarification so that they could continue to recover a share of the costs of resource management, in a similar manner to that under section 24K of the Water and Soil Conservation Act 1967.

The committee agreed that although clause 35 could be interpreted to allow the recovery of costs related to management of the

resource, clarification is warranted to ensure it does. The committee also thought that a change is needed to make it clear that fees for certificates of compliance could also be charged. Amendments are also recommended to subclause (5) to make it clear that an extra appeal is not provided where there is already one available under the normal consent process (clause 101).

The committee also considered whether a maximum limit for administrative charges should be set in the statute, given that the present Town and Country Planning Act 1977 specifies limits for notified and non-notified applications. However, the committee did not think such a limit is appropriate for legislation, would be difficult to determine and may impose unreasonable restrictions on consent authorities, given the range of resource management functions under the bill. Consent authorities should indicate their own maximum charges in determining their own formulae or scales.

6.17 **Time restrictions** (Clause 36)

Submissions supported imposing time restrictions in order to speed up the consent process. However a number of submissions felt that the restrictions proposed by the bill are unrealistic. They made the point that if time restrictions are too tight consent authorities would constantly be extending them, thereby defeating their purpose. Submissions argued that time restrictions should also apply to the Planning Tribunal as many saw the time taken to hear appeals as a major source of delay.

The committee is mindful that clause 36 does not override the obligation under clause 20 to avoid unreasonable delay. It recommends however, that no time limit should be extended by any more than the original maximum limit.

The committee thought that explicit time restrictions expressed in working days are important and should be retained. Some modifications are recommended to accommodate some procedural difficulties but on balance the committee is concerned to ensure improved, but responsible, performance.

The committee does not believe it is appropriate to impose time restrictions on the Planning Tribunal. It felt that the Tribunal is under the same duty as others to avoid unreasonable delays, and that it is important to let the judicial process run its natural course without interference.

PART V—POLICY STATEMENTS AND PLANS

6.18 **National policy statements**

The committee recommends that the term "national policy statements" be changed to "statements of government policy" to confirm their status as (central) government expressions of policy.

Clauses 41 to 45 received much support in submissions. Issues that were raised included the provision to comment on draft statements, and a need for better guarantees of public participation in the process. Other submissions wanted mandatory statements prepared on specific topics and for these statements to have a binding effect on regional and district councils. A number of possible subjects for statements of government policy were suggested.

The committee thought that there should be no mandatory statements of government policy, with the exception of the coastal policy, but that the Government, through the Minister for the Environment should be free to select topics that are important at the time. Where the issue deals solely with the allocation of hydro or geothermal energy the committee recommends that the Minister of Energy should prepare the statement of government policy.

The committee agreed that the bill should better spell out the specific public consultation process and recommends changes to clause 42 which detail what steps the Minister is to take when producing a statement of government policy, and requires that the published draft statement is made available for public submissions before it is gazetted. The committee also recommends that the statement should be laid before the House once gazetted.

A number of submissions supported making statements of government policy binding on regional policy statements and regional and district plans. The committee accepts that local authorities should consider whether any inconsistency arises upon promulgation of a statement of government policy. Amendments to clause 45 have been recommended to clarify the obligations on local government.

6.19 **Regional policy statements and plans**

The committee supported the provisions relating to regional policy statements and regional and district plans. It believes that no significant amendments are required.

6.20 **Water classification and the power to reduce water quality** (Clause 59)

The bill provides for regional councils to classify water for a variety of management purposes, but only allows water to be classified at a quality lower than the existing level "if there is good reason for doing so". The lack of guidance in the interpretation of this phrase was criticised by many submissions which feared a general decline in water quality through the classification process.

This was accepted by the committee, although it recognised that the lowering of water quality may be warranted in some situations. The committee recommends that water quality could only be lowered through classification if "consistent with the purpose of this Act to do so".

PART VI—RESOURCE CONSENTS

6.21 Impact assessment (Clauses 75, 78)

A number of submissions commented on the requirements for impact assessment as they appear in clauses 75 and 78. Submissions generally welcomed the inclusion of impact assessment in the statutory consent process. However, some felt that the possible scope of assessment is too broad and feared that requests for information may be excessive. Other submissions called for a schedule or regulations containing criteria which would define an adequate impact assessment.

The committee agreed that a schedule would be helpful both to those preparing and those judging the adequacy of impact assessments. A new Schedule 3A contains the matters to be considered when preparing an assessment of environmental effects.

Some submissions called for the Parliamentary Commissioner for the Environment to have an explicit role in the bill. The committee felt that this would only duplicate the Parliamentary Commissioner's existing powers to investigate matters of environmental concern under the Environment Act.

6.22 Applications not requiring public notification, and "controlled uses" (Clause 80)

The bill allows for full public notification to be dispensed with only in situations where the plan allows for this, the effects are minor, and the approval of all affected persons have been obtained. Many submissions expressed the view that these provisions are too restrictive.

The committee recommends changes to clause 80 to make wider provision for non-notification of applications. Clause 80 will now allow non-notification of applications where there is no plan but where the effects are minor and the consent of affected parties has been gained. Non-notification is also allowed for subdivision and coastal consents concerning matters such as servicing, occupation or other technical issues which do not require third party involvement.

The other issue related to dispensing with the full public notification process was the carry-over of present categories used under the Town and Country Planning Act 1977, such as "controlled uses" and "dispensations and waivers". Submissions stressed the importance of keeping the existing provision allowing a council to limit the number of issues over which it is to have discretion, and allow applications to be non-notified.

In response to these submissions the committee recommends the reinstatement of the "controlled activity" category, covering activities which are of minor environmental effect (relative to the context) and appropriate to determine without public involvement. Certain aspects of subdivision and coastal consents will now come under this category.

The reinstated "controlled activity" category, together with the changes to clause 80, will, in the committee's view, provide the opportunity for consent procedures to avoid unnecessary cost or delay where the effects on the environment are minor.

6.23 Review of consent conditions (Clauses 109, 110)

Submissions were concerned about the provisions for varying conditions of a consent. Clause 109 allows consent authorities to review conditions outside periods agreed to in the consent, and limited reviews to situations where:

- significant adverse effects on the environment have occurred or are likely to occur;
- Best practicable option can be enforced;
- a regional plan containing new rules for water quality has been introduced, or;
- inaccurate information was found to have been presented and more appropriate conditions are required.

These powers were seen as too wide, it was feared they would reduce certainty and add costs to industry. Submissions requested that provisions for varying conditions of a consent be further restricted and that provision be made for consent reviews to not have to go through the full public notification process.

The committee was sympathetic to the requests for greater certainty but wanted to retain some of the flexibility offered to consent authorities in clause 109. It therefore recommends amending clause 109 to allow reviews outside periods agreed to in the consent, only where a new regional plan is implementing new rules or where inaccurate information has influenced a decision.

PART VII—DESIGNATIONS, HERITAGE ORDERS AND WATER CONSERVATION ORDERS

6.24 Designations

Some additions are recommended to the definition of network utility operator, but no substantive changes are recommended regarding the designation procedure.

6.25 Heritage protection authority (Clause 152)

The main issue raised was whether it is appropriate to retain the provision allowing anyone to apply to become a heritage protection authority. Submissions expressed the views that this provision is too broad and that there is no guarantee the person applying would continue to carry out his or her responsibilities.

The committee agreed to recommend a restriction of the eligibility to apply to become a heritage protection authority to "any body corporate" having a legitimate interest. The committee recommends additional criteria requiring that the Minister, when approving a heritage protection authority, be satisfied that the approval is in the public interest and that the applicant is likely to satisfactorily

carry out its functions. The committee also recommends the insertion of a new subclause allowing the Minister, on application to the Governor-General, to remove the heritage protection authority status where the body is unable or unwilling to carry out its functions.

6.26 Water conservation orders (Clauses 163–181)

Many people expressed concern that the “conservation bias” of the current law has been lost. They interpreted clause 171 (which sets out the matters a special tribunal shall have regard to in considering an application) as setting up a “balancing” test where choices have to be made between values which are very difficult to compare such as easily quantified economic advantages against the less easily quantified non-economic ones.

The committee agreed with these submissions and decided to better reflect the current law (with some additional wording). Reference has now been made to the protection of outstanding intrinsic as well as amenity values and explicit provision has been recommended for protection of water bodies which are no longer in their natural state but which have values which are outstanding. The committee recommends the further strengthening of the water conservation order provisions by locating them in a separate Part to the bill.

Submissions were also concerned that the water conservation order provisions protected only the water and not the surrounding land. This is seen as a deficiency in the current law. The committee considered that new provisions in the bill for heritage protection orders are an appropriate tool for protecting land alongside a water body. To control uses of land (such as forest clearance or gravel extraction) which might affect the values protected by an order, the committee recommends including additional provisions in clause 89. These will now require a consent authority to have regard to the provisions of a water conservation order when granting a resource consent.

A number of submissions were concerned that clause 181 departs from the existing law by requiring some people to re-apply for water permits or discharge permits which had been granted prior to the making of an order. The committee considered that this created unreasonable uncertainty and recommends reinstating the current situation whereby an order cannot affect or restrict any right granted before an order is made. However, where water permits or discharge permits are applied for after the preparation of a report by a special tribunal or by the Planning Tribunal, regional councils will be required to have regard to the provisions in the report in considering the application.

PART VIII—SUBDIVISION

6.27 Esplanade reserves (Clauses 188–194)

The esplanade reserve provisions of the bill generated a significant amount of comment. Esplanade reserves, part of what is commonly referred to as the “Queen's Chain”, are strips of land taken along rivers, lakes, and the coast, when land is subdivided, to provide public access and help protect this delicate environment.

Councils were concerned about the compensation provisions (compared with the existing provisions in the Local Government Act 1974) and the requirement to pay survey costs, particularly as they, rather than the Crown, would be responsible for payment. It was suggested that the retention of the compensation provisions of the Local Government Act 1974 would address some of these issues.

Other submissions expressed concern over the ability to dispense with or reduce the width of an esplanade reserve. They considered that esplanade reserves would seldom be taken in future if the bill was left unchanged and there would be a resultant loss of access to waterways. Concerns over the powers in the bill to stop and lease roads were also raised. The committee recommends amending the bill to address this concern.

The committee recommends amending the bill to clearly state that compensation will not be paid where an esplanade reserve of not more than twenty metres is required. Where an esplanade reserve of more than twenty metres is required, compensation will be payable only to the extent that the value of the reserve exceeds the value of a 20 metre esplanade reserve. The local authority will not be liable for survey costs.

The committee recommends reinstating the requirement to “top up” any existing esplanade reserve to the standard twenty metre width (or as provided in the district plan) when land is further subdivided. The committee considered this particularly important where the width has been reduced due to erosion.

To provide greater certainty for landowners and the public the committee recommends amending the bill to clarify the circumstances in which the width of an esplanade reserve can be varied through a district plan.

The effect of these amendments is to ensure that the public right of access to the margins of rivers, lakes and the sea is no less than under the present law.

PART IX—CROWN OWNED MINERALS

A number of submissions asked for Part IX, which deals with Crown owned minerals, to be deleted from the bill. These submissions fell into two groups.

The first, a minority group, believed that present legislation is fair and efficient and does not need changing. However, there is also a

widely held view that the mining legislation is weighted in favour of the mining industry and is out-of-date. This criticism came from many sources.

The second group thought that special provisions in the bill for minerals kept mining in a privileged position. This view has arisen out of a misunderstanding about the need for Part IX and its relationship to the rest of the bill. Mining as an activity will receive the same treatment as all other activities.

Part IX does not exempt mining from the rest of the bill but merely provides for the allocation of Crown owned minerals and sets out the rights of landowners to refuse consent to mining activities on their land.

6.28 **Access to land (landowner consent)** (Clauses 253–272)

Many submissions criticised the proposed process for landowner consent. The majority believed that landowners' rights should not be able to be overridden. A number believed that if they were to be overridden this decision should be made by a politically accountable body and not by the judiciary.

Not all submissions supported such moves. Industry submissions made it clear that they see access as essential for the continuation of business and were not in favour of the proposed change, preferring the status quo.

As a result of consideration, the committee has decided to recommend changes to the landowner access provisions.

There will not be a Planning Tribunal review of access to land where the landowner has refused entry. The landowner and occupier's decision is final. This will apply to all lands, Crown and private. However, the committee agreed with those submissions which argued that the Crown should have a residual right to gain access to its own minerals. A procedure for the Crown to use the Public Works Act 1981 in limited circumstances has been provided for.

The right of entry to land for activities with minimal impact remains, subject to specific protections for the landowner.

The bill also allows for entry for seismic activities subject to a requirement for compensation.

Many submissions called for the closure of National Parks and other Conservation lands to mining. The committee does not believe that this is necessary. The bill provides a procedure allowing for the closure of land where appropriate, and requires the consent of the appropriate Minister for access to other Crown lands.

PART X—PLANNING TRIBUNAL

Submissions noted the extended powers and responsibilities of the Planning Tribunal and many felt that an increase in resources would be required to enable the Tribunal to do its job properly.

Environmental groups were particularly concerned about the Tribunal's power to over-ride Ministerial call-in decisions. However, some submissions from industry groups and local authorities argued that Tribunal decisions with regard to coastal management plans should also be binding on the Minister of Conservation, not recommendatory as in the bill. The committee does not agree with this argument.

Some questioned whether hearing cases de novo is an effective use of the Planning Tribunal's time, suggesting that it simply adds delay to the process. The committee recommends that de novo hearings should remain in the bill, but that other measures to ensure the appropriate processing of appeals should be put in place.

The committee decided not to recommend changing the maximum number of Planning Judges in the bill. The workload under the new legislation is not yet known. To date there have been no more than four Planning Judges. The bill makes provision for five Planning Judges and additional temporary appointments to enable better workload management as the need arises.

Several submissions felt "assessors" should have a title that properly reflects their role as members who participate in decisions, rather than offer advice. The committee agreed and recommends renaming lay members "Planning Commissioners".

Submissions generally commended the provision in the bill for alternative dispute resolution mechanisms, such as pre-hearing conferences, mediation and conciliation. The committee agreed with submissions which proposed that arbitration would also be a useful tool to enable matters in dispute to be resolved without recourse to the Tribunal. The committee recommends inserting a new provision in Part XII to enable anyone to agree to resolve any matter of dispute between them by arbitration under the Arbitration Act 1908. Such an agreement would preclude them from any rights they would have had to appeal to or request an inquiry under the Planning Tribunal.

PART XIII—TRANSITIONAL PROVISIONS

6.29 **Power of Minister of Conservation during the transition** (Clauses 401, 402)

Submissions, especially from regional and district councils, criticised the transitional arrangements for coastal management. They indicated that transitional provisions should reflect as much as possible the nature of the long term partnership envisaged between the Minister of Conservation and the regions. Under the

drafted clauses 401 and 402 the Minister would have been the consent authority on all matters unless they had been delegated to the region.

The committee decided to recommend that instead of issuing delegations the regional council will exercise consent granting powers except where the Minister gives notice on matters to be dealt with as restricted coastal activities.

In addition, until a regional coastal plan becomes operative, the Minister will have the power to direct that individual applications be dealt with in the same manner as applications for restricted coastal activities. This will be a process similar to call-in, with the Minister able to select matters of real concern for his or her own decision.

The committee decided to recommend the retention of the Minister of Conservation's power to direct that changes be made to transitional coastal plans to identify restricted coastal activities, until the first New Zealand coastal policy statement is issued. Until this policy statement is issued the Minister will be able to give supplementary directions to regions.

The committee also recommends the inclusion of a transitional provision to deem public bodies to have transferred to them from regional government coastal management functions consistent with current grants of control powers until the end of the financial year.

6.30 Transitional plans (Clauses 403–409)

Submissions pointed to a deficiency in clause 403 in its failure to take account of proposed plans nearing completion. A considerable amount of effort may have been put into a proposed plan which is almost approved by a council when the bill is enacted. Indeed section 75 of the Town and Country Planning Act 1977 gives proposed district schemes operative effect by preventing anyone from doing anything contrary to its provisions.

The committee has agreed to recommend amendments to the clause so that proposed district schemes and maritime planning schemes are carried forward as "proposed district plans".

Submissions also noted that clause 407 is not clear about the proper review date when a territorial authority is responsible for several district schemes, each with different review dates.

The committee agreed that in such situations the transitional plans should be reviewed at the last review date, to ensure a transition to the new regime is manageable. While this solution is not ideal, people will be able to request changes where they are considered desirable to remedy the effects of out-of-date provisions.

It is recommended that no change should be made to the requirement to immediately review schemes that are overdue for review.

Clause 408 attracted a lot of comment from local authorities in relation to scheme reviews because of the use of the phrase "wholly

or partly heard". Most submissions recommended that scheme reviews already in progress should be completed under the pre-existing law, and that once completed, they should take effect under Part XIII. Such plans would need to be reviewed after five years instead of the ten years allocated to new plans to ensure the transition to the new regime will not take an unnecessarily long time.

6.31 Subdivision and development (Clauses 421–425)

A large number of submissions wanted more generous transitional provisions for subdivisions.

Some submissions suggested Part XX of the Local Government Act 1974 as a whole should remain available for a two year transitional period. Others wanted all the condition-setting abilities of Part XX retained until district plans are amended to ensure there is no loss of council powers while district plans are being prepared. Submissions also raised concerns about subdivision applications in process on the date of commencement.

The committee recommends that the transitional provisions for subdivisions be redrafted so that:

- Parts XX and XXI of the Local Government Act 1974 would continue to apply to scheme plans and survey plans approved under the Local Government Act 1974, but such approvals will have to be acted upon within three years.
- scheme plan applications not yet approved should be deemed to be resource consent applications.
- consent authorities will be able to impose conditions on subdivision consents on the grounds contained in the Local Government Act 1974 until the plan is changed or reviewed, or within 3 years of commencement.
- the bill should not apply to cross leases, company leases or unit plans which are near completion prior to commencement of the Act.
- subdivisions which are presently permitted in district schemes should be deemed controlled activities until the district plan is changed or reviewed.
- Parts XX and XXI of the Local Government Act 1974 should continue to apply to developments that have been notified under the Local Government Act 1974 prior to commencement of the Act.

6.32 Transitional provisions for national water conservation orders

The committee also recommends changes to the transitional provisions covering national water conservation orders. It recommends that where an application has been made before the date of commencement of the new Act and it has not been publicly notified, it shall be deemed to be an application under the new law. Where an application has been made and has been publicly notified under the old law, the Minister shall have discretion as to whether it will

continue to be dealt with under the old law or be dealt with under the new law.

6.33 PART XV—HAZARDS CONTROL COMMISSION

The committee noted the Government's stated intention to bring in new legislation relating to the Hazards Control Commission and hazardous substances management generally. In the absence of this, the committee recommends the retention of Part XV subject to some minor changes.

6.34 SECOND SCHEDULE

(matters that may be provided for in policy statements and plans)

The Schedule states the matters which can be dealt with in plans and regional policy statements. It is structured on the basis of the functions given to regional and territorial authorities in clauses 27 and 28.

The Schedule also contains references to certain types of conditions which may be placed on resource consents if the plan provides for them, for example, financial contributions and esplanade reserve exemptions.

Many submissions criticised the loss of detail in the Schedules to the Town and Country Planning Act 1977, and wanted references carried over to the Second Schedule.

The committee decided that this would result in long lists with the application of the bill to resources other than land, that it is not consistent with the non-prescriptive nature of the bill, and that there is a much greater risk of items being missed.

Matters that submissions considered were particularly important were the inclusion of specific references to minorities and disabled persons, and "community wellbeing" as a purpose of planning.

The committee thought that submissions on the need for the inclusion of specific references to minority groups were particularly compelling and recommends inclusion of these references in the amended bill.

On the matter of reference to "community wellbeing" the committee notes that this is, in fact, covered in the principles in clause 5(1)(b). The principles apply to plan making as well as other functions under the bill and the committee decided they should not be repeated as this would cause difficulties in later interpretation if some principles were repeated and not others. Therefore no change is recommended.

CONCLUSION

7. The committee on the Resource Management Bill supports the Resource Management Bill. The committee, by a majority, recommends to the House that the bill proceed with the amendments as shown in the second print of the bill.

APPENDIX

ORAL SUBMISSIONS RECEIVED BY THE COMMITTEE

No.	Witness	No.	Witness
7	Ted Fox	280	Ida Valley Irrigation Company
10	Eric G Moodie	281	Southland Regional Council
28	Guardians of Lakes Manapouri & Te Anau	282	Southland District Council
29	NZ Institute of Parks & Recreation Administration Inc	283	Northland Regional Council
43	Department of Anthropology (University of Auckland)	284	Christchurch City Council
51	R H Kingsley Smith	286	Coal Producers Federation of NZ
52	Northern Ward Advisory/Planning Group	287	Bill Heritage
53	Royal Forest & Bird Protection Society (Waikato Branch)	288	Anglican Trusts Board (Auckland Diocese)
105	J M Hawthorn	289	Sanford Ltd
106	T Wyn Harris	292	Harrison Grierson Consultants Ltd
108	NZ Underwater Assn Inc (Scientific Committee)	294	The Clean Air Society of Australia & NZ
110	C G Martin	296	H C Evison
111	Tui Milk Products Ltd	297	T Watkins
112	Tasman District Council (Environment & Planning Committee)	298	Dunedin City Council
113	Applied Planning Consultants Ltd	299	Crown Leasehold Assn
114	NZ Cooperative Dairy Co Ltd	300	NZ Mountain Lands Institute
115	Dr K A Palmer	301	St Albans Resident Assn
184	Stop C R A Pollution	302	Ruakaka Parish Residents & Ratepayers Assn Inc
200	A W & J A Mason	303	NZ Institute of Environmental Health Officers
201	Sand Producers Assn	305	Sally-Anne Lambert
202	Hawkes Bay Planning Group	306	Epicentre
203	P Kammler	308	Mount Cook Group Ltd
204	Institute of Professional Engineers NZ (Technical Group on Water)	310	Waste Management Institute NZ Inc
205	J A & K F Pollock	312	Waitakere City Council
206	Stan Hemsley	313	C M Jones
208	Auckland Agricultural Chemicals Liaison Group	314	Graham Anderson
209	Tasman Forestry Ltd	315	Transit New Zealand
210	Thames Coast Protection Society	316	NZ Federation of Commercial Fishermen
211	C J Lux, M C & A E Ward	317	J Holdom
212	NZ Clean Air Society	318	Waikato District Council
213	M & H Topzand	319	Graham Parfitt & Associates
214	R N Kennaway	321	NZ Housing Initiative
215	H Curtis	322	Clean Air Council
216	A E Taylor	323	I M Thompson
221	Marlborough District Council	324	Paul Harman
222	Napier City Council	325	NZ Institute of Landscape Architects Inc
223	Porirua City Council	326	ANZ Banking Group (NZ) Ltd
224	Pukemiro Coal Development Committee	327	S J Berry & M A Wright
225	Dr Peter Read	328	Aquaculture Federation
277	Murray-North Ltd	329	NZ Institute of Architects
279	A McOnie	330	Weddel Crown Corporation Ltd
		331	North Canterbury National Parks & Reserves Board
		332	Banks Peninsula District Council
		335	Te Roroa

No.	Witness	No.	Witness	No.	Witness	No.	Witness
336	Coromandel Forest Park Advisory Committee	386	L C Cadenhead & N A Deans	550	L R B Mann	923	Charles Crothers, Department of Sociology
338	Waikato/Rotorua National Parks & Reserves Board	435	Te Runanga O Ngai Tamarawaho Inc	551	The Tree Council (Auckland Region)	927	Neil Smith
339	P A Jorgensen	500	Alliance Freezing Co (Southland) Ltd	552	Property Management Institute	928	Runanga Ki Mua-Upoko
340	Civic Trust Auckland	501	Animal Remedies & Pesticides Boards	553	Keys Preston Maskell and Co Ltd	930	Environment Access Inc
341	Hauauru-Ki-uta Regional Management Committee (Maniapoto Maori Trust Board)	502	National Mutual	554	NZFP Pulp & Paper Ltd	931	Federated Farmers of NZ Inc (Womens Division)
342	Residents Action Group	503	NZ Chemical Industry Council Inc	555	NZ Geophysical Society Inc	933	Mori Mori Tchakat Henu Assn
343	Integrated Economic Services Ltd	504	Te Runanga O Ngati Whatua	556	Aggregates Assn of NZ (Inc)	934	Juliet Yates
344	NZ Tourist Industry Federation Inc	505	Robin Delamore	557	Opito Bay Ratepayers Assn	935	Simon Reeves
345	CRA Exploration Pty Ltd	506	Bill Williams	558	Marsden Point Clean Air Coalition	936	North Shore City Council
346	Rodney District Council	507	Turners Properties	559	Moutere Station Ltd	937	Waimakariri District Council
347	Te Pakakohi	508	Buller District Council	560	Taranaki Regional Council	938	Royal Forest and Bird Protection Society (Central Auckland Branch)
348	NZ Ecological Society	509	Corporate Environmental Research Ltd	561	Far North District Council	939	United Building Society
349	Ngaitahu Maori Trust Board	510	Kevin Lynch/Waitakere Ranges Protection Society	563	Northland Port Corporation	940	Federated Farmers (Mid Canterbury)
350	Tower Corporation	511	Aupouri Maori Trust Board	564	Hurunui District Council	941	Federated Farmers (North Canterbury)
351	Auckland Regional Council (Maori Advisory Committee and Operations Division)	512	NZ Institute Of Forestry Inc	565	Otago Regional Council	942	Ngati Kahu Trust Board
352	NZ Dairy Board	513	Waste Management NZ Ltd	566	Wakatipu Environmental Society Inc	943	Thames Environment Society
353	NZ Institute of Patent Attorneys	514	Centre for Resource Management	568	John MacMillan	944	Watchdog (Waikato) Inc.
354	Telecom, Head Office	515	Barker Exploration Services	569	Warwick Goldsmith	945	Lower Hutt City Council
355	NZ Employers Federation	516	Otago Private Water Rights Holders' Assn	570	M J & S A Edens and R A & J R Chapman	947	Waitemata Electric Power Board
356	Auckland City Council	517	Queen's Chain Protection Group	571	Waikato Anti-Racism Coalition	948	Mineral Resources Ltd & Associated Companies
357	Hamilton City Council	518	NZ Public Service Assn	572	Bay of Plenty Area Health Board	949	McDonalds System of New Zealand
359	Sinclair Group Architects	520	Opoutere Ratepayers & Residents Assn Inc	575	Coromandel Mining Assn	950	L & M Mining Ltd
360	National Council of Women of NZ	522	Mainzeal Group Ltd	576	Central Otago District Council	952	Amax Resources New Zealand Ltd
361	NZ Petroleum Co Ltd	524	Neil Aitken	577	Clutha District Council	973	Christchurch International Airport Ltd
362	Queen Elizabeth II National Trust	525	Selwyn District Council	578	Whangapoua Trust	974	Winstone Aggregates Ltd
363	Bruce Bornholdt	526	Davie Lovell-Smith & Partners Ltd	579	NZ Fire Service No 1 A Area Auckland	975	M R Stevens
366	Agricultural Chemical & Animal Remedies Manufacturers' Assn of NZ (Inc)	527	North Canterbury Acclimatisation Society	580	Manawatu-Wanganui Regional Council	976	Barrack Mines (NZ) Ltd
369	Airways Corporation of NZ Ltd	528	John & Louise Barry	581	Wellington Regional Council (including Wairarapa Division)	977	New Zealand Institute of Surveyors
370	Broadcast Communications Ltd	529	NZ Forest Owners' Assn Inc	582	West Coast Regional Council	978	Environmental Conservation Organisations of NZ Inc
371	Milburn NZ Ltd	530	Peter Rikys & Hirini Matunga	583	Canterbury Regional Council	979	Nature Conservation Council
372	Franklin District Council	531	National Trading Co of NZ Ltd	584	Waikato Regional Council	980	Green Alternative
373	NZ Historic Places Trust	533	Hawkes Bay Irrigation Co	587	Hauraki Maori Trust Board	981	New Zealand Oil and Gas Ltd
374	NZ Regional Government Assn Inc	535	East Harbour Environmental Assn Inc	590	New Zealand Law Society	1050	Encor Inc/TCPL Resources Ltd
375	Royal Forest & Bird Protection Society (North Shore Branch)	536	NZ Assn Of Soil & Water Conservation Inc	591	Southern Petroleum	1141	Southland National Parks & Reserves Board
377	J M Gubay	537	Colin Garnett	592	Australasian Institute of Mining & Metallurgy (NZ Branch)	1184	Auckland PLanners & Planning Lawyers Group
378	Abby Mitchell	538	NZ Planning Institute	593	Manukau City Council	1187	Australian Mutual Provident Society
379	NZ Fishing Industry Assn Inc.	539	NZ Archaeological Assn Inc	594	Disabled Persons Assembly (NZ) Ltd Inc	1188	Carter Holt Harvey Ltd
380	Te Taura Here O Taranaki Poneke Trust Inc	540	Timaru District Council	595	Federated Mountain Clubs of NZ Inc	1190	Westport Titanium Joint Venture
381	Norman G Corner	541	NZFP Forests Ltd (Kinleith)	596	Arbitrators' Institute of NZ Inc	1197	NZI Corporation Ltd
382	Edmund Cutler	542	K Brehmer	597	James Green	1200	Building Owners & Managers Assn
385	Queenstown-Lakes District Council	543	Works Consultancy Services (Auckland)	598	Wellington City Council	1201	Challenge Properties Ltd
		545	Spectrum Resources Ltd	599	Ngati Rangiteaorere	1202	Fletcher Development & Construction Ltd
		547	NZ Rock Oyster Farmers' Assn	747	Neil Construction Ltd		
		549	Rod & Jo Scott	777	Diane Lucas & Associates		
				809	Dr N J Peet		
				826	Kawerau District Council		
				827	NZ Meat Industry Assn		

No.	Witness	No.	Witness
1203	Fletcher Residential Ltd	1248	Petroleum Exploration Assn of NZ Inc
1204	NZ Housing Industry Group	1250	Wanganui Ecological Forum
1205	Lion Nathan Ltd	1251	Maruia Society/Guardians of the Bay
1206	Ports of Auckland Ltd	1253	Otago Acclimatisation Society
1207	The Royal Society of New Zealand	1254	National Executive of Acclimatisation Societies
1208	Public Lands Coalition	1337	Wellington Maori Legal Service Inc
1209	AFFCO New Zealand Ltd	1340	Maruia Society
1210	Kahi Harawira	1341	Air New Zealand
1212	Caltex Oil (NZ) Ltd	1342	NZ Canoeing Assn
1214	NZ Woollscourers' Assn Inc	1344	Tainui Maaori Trust Board
1215	NZ Fishing Industry Board	1345	Electricorp of NZ Ltd
1216	NZ Mining & Exploration Assn Inc	1346	NZ Federation of Freshwater Anglers Inc
1217	Petroleum Corporation of NZ Ltd	1349	Queenstown-Lakes District Council/Lakes District Waterways Authority
1219	Electricity Supply Assn of NZ	1350	Peninsula Watchdog Group Inc
1220	Auckland Electric Power Board	1351	P Mawhinney
1221	Liquigas Ltd	1352	Central Plains Irrigation Assn Inc
1222	NZ Business Roundtable	1353	Vivienne Bull
1223	Comalco NZ Ltd	1354	Te Runanga Ko Huiarau
1224	Financial Services Federation	1355	NZ Local Government Assn Inc
1225	Federated Farmers (West Coast Province)	1356	Peninsula Watchdog (Wellington)
1226	Federated Farmers of NZ Inc	1381	Bay Milk Products Ltd
1227	Paul Berry		Waikato Dairy Co-op Ltd
1228	New Zealand Maori Council		Morrinsville-Thames Valley Co-op Dairy
1229	Port of Wellington Ltd		NZ Dairy Research Institute
1230	Heritage Mining NL	1382	Progressive Enterprises Ltd
1231	Institution of Professional Engineers NZ	1383	Peter Mason
1232	Royal Forest & Bird Protection Society	1384	NZ Pulp & Paper Industry Assn Inc
1233	NZ Railways Corporation	1386	P F Olsen & Co Ltd
1234	Shell NZ Holding Co Ltd	1412	Southland Acclimatisation Society
1235	Welgas Holdings Ltd	1416	Gas Assn of NZ
1238	Pacific Institute for Resource Management Inc	1417	K R Hay
1239	Whanganui River Maori Trust Board	1418	Adrian Goldstone
1240	L H Shand	1419	Chief District Court Judge Cartwright & Chief Planning Judge Shepherd
1241	Omakau & Area Irrigation & Falls Dam Co	1420	Planning Judge Skelton
1242	City of Invercargill		
1243	Greenpeace NZ Inc		
1244	Legislation Advisory Committee		
1245	New Zealand Steel Ltd		
1246	Cyprus Gold NZ Ltd		
1247	NZ Refining Company Ltd		

THE TOTAL NUMBER OF SUBMISSIONS HEARD BY THE COMMITTEE WAS 329.

WRITTEN SUBMISSIONS RECEIVED BY THE COMMITTEE

No.	Witness	No.	Witness
1W	C G R Chavasse	62W	J Nuttal
2W	Karavan Adventure Treks	63W	Pamela Wolfe
3W	L M Kolff	64W	J Robinson
4W	Pauline D Hoskyn	65W	J W Bird
5W	Fraser, McDonald, Martin & Co Barristers & Solicitors	66W	J Jessop
6W	Ian Andrews	67W	Dr G W Yeates
8W	K M & B A Matthews & A C & R F McEwan	68W	D Bramley
9W	Ron Vine	69W	Friends of the Earth (Rainforest Division)
11W	J M Garnham	70W	D Dijkman
12W	Te Runanga A Iwi O Ngapuhi	71W	P Cruickshank
13W	Linda Miles	72W	M L Ottaway
14W	A F Opie	73W	Dr D & A Gallagher
15W	A G Pickard	74W	T M Agnew
16W	Evelyn Entwistle	75W	R Agnew
17W	P J S Buckland	76W	B W Currie
18W	Ann Graeme	77W	P Travers
19W	W Hutcheson	78W	A Wilson
20W	Peter & Queenie Ballance	79W	W Brown
21W	NZ Community Newspapers Assn	80W	A Sutton & J Benseman
22W	Mary L Kemp	81W	J & R Hepple
23W	Rev H R Miles	82W	C Christensen
24W	Kimberley Robinson	83W	M Neverman
25W	R S Craig	84W	A Kiddle
26W	Victor Surendonk	85W	P & C Bruell
27W	Joan Leckie	86W	A Cooper
30W	Ida A Gee	87W	Auckland University Environment Group
31W	M M O'Sullivan	88W	S P Agnew
32W	Beryl Lambert	89W	P Patel
33W	R W H Kirton	90W	M J & L D Winch
34W	G E Hawkins	91W	J F Merrylees
35W	Mercury Bay Society for the Environment	92W	E Hill & C Boyd
36W	Marjory R Dando	93W	D M Austring
37W	Hawkes Bay Regional Council	94W	J Stephen & L Grice
38W	Ann P Lewis	95W	M L Harkness
39W	Rosemary Garrick	96W	S Brines
40W	Robert Cox	97W	B Aranga
41W	Shaun Barry	98W	P D Staite
42W	Earl Bennett	99W	Landcorp Ltd
44W	East Taupo Lands Trust	100W	D Hughes
45W	L & J Kenyon	101W	Federated Farmers (Southland Provincial District)
46W	G K Bold	102W	Whakatane District Council
47W	K Redmond	103W	R N Palmer
48W	Richard Davies	104W	A Adams-Smith
49W	Michael J Symmons	107W	L Taylor
50W	Greta J Woodward	109W	Yuasa JRA Batteries Ltd
54W	A B Cowan	116W	NZ Fertiliser Manufacturers Assn (Technical-Sub Committee)
55W	Noeline Gannaway	117W	G M Henderson
56W	Jeanette Smart	118W	Dr Joan Chapple
57W	M M Tindall	119W	G J Hall
58W	Dr Anne Fyfe	120W	Prof J T Salmon
59W	P G Laery	121W	Michael Pearsall
60W	J K & W Smith	122W	T Crippen
61W	L Harris		

No. Witness
 123W Y Steinemann
 124W F Tully
 125W Z E Charlton
 126W Save the Rivers Campaign (Mid Canterbury Group)
 127W Paul Broady
 128W A Crowe & Others
 129W H Kivell
 130W P Knightbridge
 131W L Williams
 132W W Briggs
 133W B G & L G Blokland
 134W A A Greville
 135W B G Adams
 136W M Shankland
 137W M H Scott
 138W Friends of the Earth
 139W P Greer
 140W G J Lawrence
 141W Nelson Area Health Board
 142W R & A Crooke
 143W J M E Smith
 144W M E Hill, C Boyd, M & G Wilson
 145W G Beavis
 146W E Blake
 147W D & R H Campbell
 148W S E Young
 149W Dr R Treadwell
 150W C Hill
 151W F Muter
 152W A Thorpe
 153W K & R Piper
 154W L De Jong
 155W Te Aroha Mining Information Group
 156W J A Gorter
 157W R Worthington
 158W S Christophers
 159W S C Beach
 160W T A Penman
 161W K Brookes & K Handley
 162W M Jones
 163W Mary Scott
 164W D Kebal
 165W M S McGill
 166W A Boer
 167W S & M Carrington
 168W R A Carr
 169W P Kilcour
 170W B Fuhrmann
 171W R N O'Reilly
 172W Monica Haar
 173W Riley Family
 174W K Stanton
 175W Mr & Mrs Clarke & Others
 176W K Wating
 177W I D M & A McLean
 178W B O'Neill
 179W J Bennett

No. Witness
 180W A McMillan
 181W B Bates
 182W Frances George
 183W C Norman
 185W D & P Blowers
 186W A Marshall
 187W Dr C Stewart
 188W A H & E R Scotney
 189W J R Attree
 190W D Ashby
 191W M Dalglish
 192W L van Essen
 193W Women for the Environment (Thames Coast)
 194W G Rosenberg
 195W Te Whanau O Rongomaiwahine Trust
 196W Institute of Professional Engineers NZ (Committee on Engineering & Environment)
 197W E Taylor
 198W W T & E J Finch
 199W O D Price
 207W M Ferner
 217W James W Cottier
 218W Maria & Franz Iseke
 219W Janet R Holm
 220W Te Rohe Potae O Rereahu-Maniapoto Inc
 226W NZ Fruitgrowers Federation
 227W B A E MacClement
 228W Kaipara District Council
 230W Hokianga Green Coalition
 231W Karuna Falls Cooperative Society Ltd
 232W Robert McGregor
 233W D M & S C Jones
 234W Westland District Council
 235W K & N Spencer
 236W P H Barnett
 237W P A Catchpole
 238W C S Withers
 239W Maruia Society (Kaimai Branch)
 240W NZ Society of Soil Science
 241W WEL Waikato (Inc)
 242W Rona Wark
 243W Whangarei District Council
 244W Donna Scelly
 245W Oliver Hoffmam
 246W Otago Central Electric Power Board
 247W B M Harris
 248W The Royal Society of NZ (Wellington Branch)
 249W Napier Environment Centre & Napier Royal Forest & Bird Protection Society Inc
 250W T M Wells
 251W Jo Ewing

No. Witness
 252W Heather Lomas
 253W Marlene Burnett
 254W M Lowrie
 255W J L Curtis
 256W Vicki J Lowrie
 257W Kerry Titchener
 258W T & D Camden
 259W Scott Diehl
 260W P Harper
 261W Y Kinnell
 262W J Waddell
 263W Dean Mercer
 264W R Kalma
 265W Dr M J S Floate
 266W I K Meister
 267W Waikato Federated Farmers (Rotongaro Branch)
 268W Assn of Presbyterian Women (Parish & Community Department)
 269W B O'Halloram
 270W Conservation Development Services
 271W Yvonne M Noakes & Others
 272W C & P Holland
 273W Peter Buddle
 274W Jane McAllister
 275W May
 276W C J Froriep
 278W Nga Kaiwhakahaere O Ngaruahine (Conservation & Water Rights Committee)
 285W Allan Associates Consultancy
 290W Rodney Davies
 291W Franklin Electrical Power Board
 293W Nelson Environment Centre
 295W Nelson-Marlborough Regional Council
 304W J F Crandle
 307W Rex Verity
 309W ICOMOS New Zealand
 311W Beca Carter Hollings & Ferner Ltd
 320W Michael G Bolt
 333W James Clement
 334W Maori Women's Welfare League (Rata Branch)
 337W Paul F Hardy
 358W NZ Manufacturers' Assn
 364W Downer Development Ltd
 365W Brierley Cromwell Property Development
 367W Wellesley Resources Ltd
 368W Renouf Properties Ltd
 376W Tauranga Moana Statistics & Research
 383W Interim America's Cup Office
 384W Catherine Delahunty
 387W Andrew Yuill

No. Witness
 388W Taranaki Acclimatisation Society
 389W Rosamond Terry & Others
 390W Golden Bay Cement
 391W Scott Nicol
 392W A Houghton-Brown
 393W Tangimoana Community Council
 394W Environmental Management Pty Ltd
 395W University of Otago
 396W Gunda Tente & Thomas Grasnack
 397W Blackhill Minerals Ltd
 398W Len Gillman
 399W IHC National Office
 400W NZ Institute of Valuers
 401W Gabites Porter Consulting Planners, Engineers and Architects
 402W Wakamarina Goldminers' & Prospectors' Assn
 403W Northland Cooperative Dairy Co Ltd
 404W Matamata-Piako District Council
 405W New Plymouth District Council
 406W University of Otago (Department of Microbiology)
 407W Tairua Environmental Society
 409W F Grierson
 410W Waitaha Management Group Inc
 411W A Chivers
 412W R & H Thorpe
 413W L J Rogers
 414W Drew Brownson
 415W Upokoronaka Te Runaka o Katiwaewae
 416W H G Dakin
 417W A B Macrae
 418W S C Hall
 419W Federated Farmers (Coromandel/Colville Branch)
 420W R D J Barnes
 421W Nelson City Council
 422W G Maiden
 423W B Calvert
 424W Victoria University (Department of Maori Studies)
 425W Richmond Ltd
 426W Te Whanau-A-Haunui
 427W Richmond Pacific
 428W Richmond Stortford
 429W Richmond Takapau
 430W Retail & Wholesale Merchants Assn
 431W Masterton District Council
 432W Shirley Smith
 433W Alan Wells
 519W Jean Jackson
 521W Philip Pielak-Jones
 523W L P and B D Cooper

Released under the Official Information Act 1982

No. Witness
 532W K D Russell
 534W Community Housing Working Group
 544W Ngati Whakauae Ki Ohinemutu
 546W Basil Graeme
 548W NZ Water Supply & Disposal Assn
 562W Horowhenua District Council
 567W R W & M A Mosley
 573W Garry Venus
 574W Religious Society of Friends
 585W Raymond Hooker
 586W Richard Frizzell
 588W Jim McLeod & F Edwards
 589W G S Hodson
 600W West Coast Regional Development Council
 601W Helen Williamson
 602W Hauraki District Council
 603W Frances Edmond & Stephen McCurdy
 604W Mary Hickey
 605W Te Rawhiti Maori Committee
 606W Margaret Mortimer
 607W Alyn Ware
 608W K A Wilson
 609W A M Davies
 610W Christine Grove
 611W Frank Smith
 612W NZ Society of Local Government Managers
 613W Courtville Apartments Ltd
 614W N J Thomas
 615W Ann Dallas
 616W Simon Baxter
 617W New Labour Party
 618W Jeffrey Plowman
 619W Sally Dallas
 620W D Davaux
 621W Tamaki Estuary Protection Society
 622W B S Hooper
 623W Heina Petzold
 624W Tamaki Estuary Protection Society (Pakuranga Branch)
 625W South Wairarapa District Council
 626W Mr & Mrs McKenzie
 627W Dr N D Barlow
 628W Dr J Trewick
 629W Cathy Mountier
 630W R E Lyon
 631W Luke Newham
 632W John Fowler
 633W Sue Farley
 634W Elinor Jones
 635W Jenny Walton
 636W E B Mathers
 637W M C Mathers
 638W Sandy White

No. Witness
 639W A Stone
 640W Friends of Nelson Haven & Tasman Bay
 641W Abby Forbes
 642W M J Dare
 643W Virginia Bourne
 644W Pam Brieve
 645W NZ Assn for Environmental Education
 646W D Flamank
 647W J & F Thetford
 648W Zonta Club of Mana Area
 649W Colin Fussell
 650W Jenny Campbell
 651W J P Morrin
 652W Norma & Graham Bush
 653W Professor R L Earle
 654W Karen Ann Campbell
 655W Tauranga Moana District Maori Council
 656W Elizabeth McCracken
 657W H Buchanan
 658W Graham Halstead
 659W John Archer & Chrisie Wells
 660W Janis Russell
 661W Alison Salmons
 662W Tessa Williams
 663W W G Sinnock
 664W Dorothy Whetter
 665W Taranaki Area Health Board (Community Health Services)
 666W P J Gillespie
 667W Megan Williams
 668W Jean M Hatch
 669W J Bennett
 670W Sharron Carre
 671W NZ Marine Farming Assn Inc
 672W R G Ade
 673W Southland Area Health Board
 675W Colleen Pilcher
 676W Friends of the Shoreline
 677W Jill Hamel
 678W P F Montgomery
 679W Carol Nanning
 680W Veronica Oliver
 681W Kapiti Coast District Council
 682W Waikato Area Health Board
 683W M Stewart & J Stewart
 684W Hilary Steff
 685W M H M Jordan & Others
 686W Steven Bright
 687W Alex O Parton
 688W Pamela Smith
 689W Adrian Shields
 690W J K S Ellis
 691W Zena Rombouts
 692W Self Help Limited
 693W District Council of Papakura

No. Witness
 694W Otago National Parks & Reserves Board
 695W Victoria University Tramping Club (Secretary)
 696W Port of Timaru Ltd
 697W L M & B J Burrell
 698W Manukau Harbour Protection Society Inc
 699W Angela Monk
 700W John Gutherie
 701W A S Norman
 702W Yama Hoors
 703W Jackie Fanning
 704W Michael Mac William Merrylees
 705W Jane Eames
 706W Heike Adrian & Olaf Grienaldf
 707W Royal Forest & Bird Protection Society
 708W Mary D Woodward
 709W Rachel M Griffins
 710W Big Glory Seafoods Ltd
 711W G M Seuter-Brown
 713W Auckland Local Authorities Regulatory Managers
 714W Judy Cox
 715W S E Carson
 716W C Regnier
 717W Elizabeth Kershaw
 718W P Williams
 719W J P & B J Southall
 720W National Spiritual Assembly of Baha'is
 721W E A Gardner
 722W R G Storey
 723W Betty E Terzaghi
 724W Dr Rochelle Wilson
 725W Anita M Thompson
 726W Chris Thomas & Jill de Joux
 727W Emery C Jones
 728W M Cook
 729W Susan A Shottan
 730W Fiona Cruickshank
 731W M B Weeber
 732W Bridget Thrussell
 733W Josephine Fullery
 734W Charlotte Smith
 735W Carole Bone
 737W Elizabeth Moje
 738W W E Redwood
 739W Sheeley Carr
 741W T J Roberts
 742W H Janssen
 743W Office of the Race Relations Conciliator
 744W Kathleen Bolwell
 745W Trees & Shrubs Unlimited
 746W K W Bolwell
 748W Environmental Protection Agency (Waikato)

No. Witness
 749W Mark Bailey & Vanya Shaw
 750W Tony Fraser
 751W David Innes
 752W Whakatane Assn for Racial Understanding
 753W Mr & Mrs Kipperberger
 754W Robyn & Brian Guy
 755W Hastings District Council
 756W Donald Kerr
 757W F A Martin
 758W NZ Democratic Party (Inc)
 759W NZ Contractors' Federation (Inc)
 760W Port Otago Limited
 761W Rankine & Hill Ltd
 762W Laurie Ross
 763W Mary A Barry
 764W R G Lindeman
 765W Mike Camden
 766W Neville Williams & Karen Messiter
 767W Auckland Area Health Board
 768W Tararua District Council
 769W Tararua Tramping Club Inc
 770W Brierley Cromwell Property Ltd
 771W Dr Graeme Ramsay
 772W L H & S M Beedell
 773W Denis E Weston
 774W Peter Binns, June Gregg & Judy Smith
 775W Shirley Smith
 776W E K Cameron
 778W Carol McLean
 779W V M Eyers
 780W John Gee
 781W Lusk Family
 782W W Van Gorkom
 783W W E Geddes
 784W Janet Davidson
 785W H Buchanan
 786W Blackstone Irrigation Company Ltd
 787W R L Edwards
 788W West Coast National Parks & Reserves Board
 789W Otago Area Health Board
 791W Otago Miners Association
 792W Owen & Helen Prior
 793W Amanda Baird
 794W Marlborough Perna
 796W Gavin Smith
 797W Metallum Research Ltd
 798W Mei Hurrell
 799W Te Runanga O Turanganui A Kiwa
 800W Otago Tramping & Mountaineering Club
 801W Terence Fitzgibbon
 802W Ann Williams
 803W P A Smith



No.	Witness	No.	Witness
804W	NZ Institute of Agricultural Science (Division of Land & Soil Sciences)	858W	Tai Tokerau District Maori Council
805W	Tina & Evan Ireland	859W	Tim Mallett
806W	NZ Salmon Farmers Assn	860W	Members Riverside Community & others
807W	NZ Salmon Company Ltd	861W	A R Gray
808W	Geoffrey Davidson	862W	Bay of Plenty Electric Power Board
810W	Donald Harley	863W	John S Hickman
811W	David & Glenys Mather	864W	Richmond (Oringi)
812W	Dennis Schwarz	865W	Richmond Tanners and Exporters
813W	Maori Women's Welfare League (Inc)	866W	Richmond (Shannon)
814W	Abattoirs Assn of New Zealand	867W	Anne Fenn
815W	Carterton District Council	868W	Dr Richard K Morgan
816W	South Taranaki District Council	869W	Patricia Puharich
817W	Waipa District Council	870W	Maureen Pierre
818W	Waitaki District Council	871W	Ramarama Residents & Ratepayers Assn
819W	Otorohanga District Council	872W	J Wilson
820W	Ashburton District Council	873W	B Jurgenson
821W	Stratford District Council	874W	Jane Ashby
822W	Northern Local Government Officers Union	875W	NZ Veterinary Assn
823W	Gisborne District Council	876W	David MacClement
824W	Manawatu District Council	877W	NZFP Pulp & Paper Limited (Project Engineering)
825W	Central Hawkes Bay District Council	878W	Brian A Lilley
830W	Waitomo District Council	880W	I B Brickell
831W	Rotorua District Council	881W	Dr G M Rogers
832W	Western Bay of Plenty District Council	882W	K M Mulligan
833W	South Waikato District Council	883W	Kath Walker
834W	South Canterbury By-Products Co Ltd	884W	Susan Grimsdell
835W	Marlborough Environment Centre	885W	Wendy Walker & others
836W	Barry Chalmers	886W	J Myers
837W	Jean Espie	887W	Otago Canoe & Kayak Club Inc
838W	C F Llewellyn	888W	C E Henderson
839W	Graeme Macrae	889W	P P K Babbage
840W	Industrial Gas Users' Group	890W	R F D Aldridge
841W	Auckland Bulk Gas Users' Group	891W	R A Patrick & D E Jellicoe
842W	S F Jenkins	892W	Ngati Tahu Tribal Trust
843W	Shirley Jones	893W	Maree Rohrlach
844W	West Coast Commercial Gold Miners' Associate	894W	Graeme Gillespie
845W	Catherine Lochore	895W	Pouto Forest Farm Ltd
846W	Port of Tauranga Ltd	896W	M J & S L Spencer
847W	Daniel J Barry	897W	Volco Trust
848W	Health Boards New Zealand (Inc)	898W	R P Suggate
849W	Clare R Haig	899W	Kuaotunu Mining Action Group
850W	Te Runanga O Te Rarawa	900W	R M Greenwood
852W	Mr Overmars	901W	T W Curham
853W	NZ Pork Industry Board	902W	Raymond Zander
854W	Bugyong Hill	903W	D G Taylor
855W	Celia & Willie Butler	904W	Waitaki International Limited
856W	Gregory White/Ngati-Tama	905W	Janet Sommerville
857W	Ula Christian	906W	Robin Arthur
		907W	J E Simpson
		908W	Canterbury Frozen Meat Company Limited
		909W	Cliff Mason
		910W	Kim Coughy

No.	Witness	No.	Witness
911W	Waikato Environment Centre	991W	Margaret Jeune
912W	Natural Gas Corporation NZ Ltd	992W	Thames-Coromandel District Council
913W	R J Sutherland	993W	Royal Forest & Bird Protection Society (Waitaki Branch)
914W	Jacoba Puharich	994W	NZ National Parks & Reserves Authority
915W	Tracy Abbot	995W	R J Knight
916W	Barbara Kingsbury	996W	Port of Napier Ltd
917W	M Neulove	997W	Dean H du Vernet
918W	Scott Stocker	998W	Roger Anderson
919W	Helen Phipps	999W	Sue McRee
920W	Jennifer Grace	1000W	Sheryl Flay
921W	Federated Farmers (South Island High Country Committee)	1001W	A Symister
922W	John McGann	1002W	Geoff Lovegrove
924W	Hamish Kebbell	1003W	Troy Dixon
925W	David Haskell	1004W	G W Henderson
926W	S R Combes	1005W	A J Morrison
932W	Yvonne Weeber	1006W	Corey Grace
946W	Ngati Korora	1007W	James Brailsford
951W	Tauranga District Council	1008W	Rowan Glass
953W	Geological Society of New Zealand	1009W	Daniel Ward-Allen
954W	P D Stanley	1010W	Mark Van Dijk
955W	Bay of Plenty Regional Council	1011W	Michael Fudakowski
956W	Harry Hancock	1012W	Raymond Pegler
957W	Porirua City Social Justice Unit	1013W	David Wisewood
958W	Social Impact Working Group	1014W	Joshua Horwood
959W	Wellington National Parks & Reserves Board	1015W	Julian Morrell
960W	S G Heppelthwaite	1016W	Craig Taylor
961W	Thames Valley Coromandel Regional Development Council	1017W	Daniel Draper
962W	Alison Gardyne	1018W	Jean Holden
963W	Ngatiwai Trust Board	1019W	D Sier
964W	John Chapple	1020W	T Jockney
965W	Auckland Heritage Trust	1021W	Stephen Keown
966W	Royal Forest & Bird Protection Society (North Taranaki Branch)	1022W	Donna Sims
967W	Royal Forest & Bird Protection Society (Eastern Bay of Plenty Branch)	1023W	Rebecca Hill
968W	Royal Forest & Bird Protection Society (Marlborough Branch)	1024W	Joanne Fong
969W	Royal Forest & Bird Protection Society (South Waikato Branch)	1025W	Catherine Halliman
970W	Royal Forest & Bird Protection Society (West Coast Branch)	1026W	Esther Hansen
971W	Max Skerrett	1027W	Kirsten Musgrave
972W	Action for Environment Inc	1028W	J McMillan
982W	Maria Deutsch	1029W	Chris Dobson
983W	Simon McArlay	1030W	L Sawyer & K E Smith
984W	W Lawson	1031W	E P Olsen
986W	Otago Underwater Club Inc	1032W	A F Dunkley
987W	H P James	1033W	S Home-Isett
989W	Levin Gas	1034W	J A James
990W	Mel Nicholls	1035W	Idiana Day
		1036W	G Magnussen
		1037W	Brett Davis
		1038W	T McFerl
		1039W	J A McIlveen
		1040W	Kevin Farley
		1041W	J Ward
		1042W	R G Clifton
		1043W	Y Trowell
		1044W	S Luse
		1045W	T Booth
		1046W	S Strong

No.	Witness	No.	Witness
1047W	Paul Austin	1106W	Brian Adamson
1048W	Nicola Legat	1107W	B & J Austin
1049W	G A Jeffs	1108W	W H McArthur
1051W	NZ Native Forests Restoration Trust	1109W	Helen Cook
1052W	Keren Spong	1110W	W Thompson
1053W	Zenia Dunkley	1111W	Manawatu-Wanganui Area Health Board
1054W	Philip B Anderson	1112W	Tony Wakreski
1055W	S D Whitehouse	1113W	D E Martin
1056W	J M Elmers	1114W	V C Walker
1057W	Julie Sargisson	1115W	Connie & Sonja Winslow
1058W	Christine Rogalsky-Tao	1116W	Winifred Chapple
1059W	J Smiley	1117W	Peter J Beaver
1060W	Betty Daniels	1118W	T G Goodwin
1061W	Craig Peters	1119W	Gillian Ward
1062W	Beverley Rigg	1120W	W J Geary
1063W	John & Shirley McLean	1121W	Joycelyn Dye
1064W	The Resident	1122W	John Littlefield
1065W	The Resident	1123W	Opoutere Park Beach Resort Ltd
1066W	A T Murray	1124W	D M Johnston
1067W	S K Warren	1125W	A J Beckingsale
1068W	Maria Cash	1126W	Gwyneth Verkerk
1069W	Elizabeth Bull	1127W	Bronwyn Hewelny
1070W	Margaret Feringa	1128W	Stephanie Cooke
1071W	John Rhodes	1129W	Ian Alach
1072W	Janet Dennison	1130W	Verena Gruner
1073W	Johanna Warren	1131W	J Crippen
1074W	Rachel & Trevor Burke	1132W	Te Runanga o Wharekauri Rekohu
1075W	H Trent	1133W	Odine Leeks
1076W	R Beale	1134W	Trevor James
1077W	Phillipa King	1135W	Malcolm F Gray
1078W	L P Cottle	1136W	E Zylstra
1079W	A Southey	1137W	Russell Tregonning
1080W	Helen Southey	1138W	Rosemary Baragwanath
1081W	Margaret Beale	1139W	A M A Pharazyn
1082W	The Resident	1140W	Noelene Lane
1083W	G D Price	1142W	Kirsty Hamilton
1084W	R Price	1143W	Fletcher Challenge Ltd
1085W	The Resident	1144W	Anglican Church of NZ (Social Responsibility Commission)
1086W	The Resident	1145W	Willi Bost
1087W	The Resident	1146W	Grant Vincent
1088W	David Manson	1147W	Beth Newton
1089W	P W Griffiths	1148W	Dr M B Austin
1090W	Burnett H Bull	1149W	Wanganui Gas
1091W	J D Pickering	1150W	Federated Farmers (Taranaki Provincial District)
1092W	Ian Graham	1151W	Canterbury Area Health Board (Primary Health Division)
1093W	Martin O'Connor	1152W	S Bathgate-Hunt
1094W	Heather Busch	1153W	MacKenzie District Council
1095W	J M Brown	1154W	NZ Yachting Federation Inc
1096W	R E Farham	1155W	David Famularo
1097W	E McKay	1156W	Muriaroha NZ Lodge
1098W	Marguerite Hook	1157W	Geyserland Resort Hotel
1099W	D E Leach	1158W	Fiordland Travel Ltd
1100W	Beverley Rigg	1159W	Macraes Mining Co. Ltd
1101W	Joanna Gould		
1102W	B P Lown		
1103W	P J C Evans		
1104W	Dorothy Leveridge		
1105W	Norman W Grenfell		

No.	Witness	No.	Witness
1160W	Angela Walls	1265W	Nigel Fitzpatrick
1161W	Gary Renwick	1266W	K H Purnell
1162W	B M Rigg	1267W	Tarata Burge
1163W	M A MacDonald	1268W	Reweti Marae Trust Board
1164W	R Seager	1269W	Ruahine Forest Park Advisory Committee
1165W	Easdale & Partners	1270W	Peter Garlick
1166W	Mr & Mrs Edward Minot	1271W	NZ Historic Places Trust (Taranaki Regional Committee)
1167W	Margaret A Ritchie	1272W	David Prosser
1168W	Josephine A Fillerly	1273W	Barbara Langford
1169W	Faith Read	1274W	Mary Lawrence
1170W	S H Pemberton	1275W	Winifred M S Wallingford
1171W	Joan F Wilson	1276W	Sandra MacHugh
1172W	D M Thomsen & G C Marsh	1277W	K Holloway
1173W	G M Henderson	1278W	C E Gunn
1174W	J P Morrin	1279W	Alison Salter
1175W	Elizabeth Malham	1280W	Margaret Fraser
1176W	The Resident	1281W	D Bowen
1177W	C S Duncan	1282W	A M R Fox
1179W	Liquefied Petroleum Gas Assn of NZ Inc	1283W	Naomi Lawlor
1180W	NZ Industrial Gases Ltd	1284W	Peter Johnson
1181W	The Major Electricity Users' Group	1285W	Bronwyn Hunt
1182W	Vegfed	1286W	Maxine R Fraser
1183W	Electric Power Generation Ltd	1287W	Dr Jim Woolnough
1185W	BP Oil	1288W	J & W Thorburn
1186W	New Zealand Wool Board	1289W	M E Morrin
1189W	Lambton Harbour Management Ltd	1290W	Dorothy Bosson
1191W	Port Marlborough NZ Ltd	1291W	Sally Dallas
1192W	Maruia Society (Tairāwhiti Branch)	1292W	P E Hunnisett
1193W	Lyttelton Port Co. Ltd	1293W	H Christopherson
1194W	Entomological Society of NZ	1294W	Audrey & John Jones
1195W	Port Nelson Ltd	1295W	Patrick McGrath
1196W	P J & R G Pope	1296W	Peter Chinn
1198W	Julie Whittaker	1297W	Heather Lomas
1199W	Valerie Blennerhassett	1298W	Adrian Jull
1211W	Real Estate Institute of NZ Inc	1299W	The Resident
1213W	Prudential Assurance Co of NZ Ltd	1300W	B G & L G Blokland
1218W	Fletcher Challenge Energy & Resources Group	1301W	Nina Lane
1236W	E Kidman	1302W	Lisa Lane
1237W	Coal Corporation of NZ Ltd	1303W	J W P Michael
1249W	Maruia Society (Raukumara Branch)	1304W	The Resident
1252W	Save the Rivers	1305W	J Avery
1255W	S J Hay	1306W	R M Carrick
1256W	Derry Kingston	1307W	Jack G Patterson
1257W	Thomas Clemm & others	1308W	R L Wilton
1258W	Gary Clarkson & others	1309W	C Floyd
1259W	Royal Forest & Bird Protection Society (Northern Branch)	1310W	E Miller
1260W	Michael Fowler	1311W	D Ferguson
1261W	N D McCauley	1312W	Rebecca G Weston
1262W	Peter Beck	1313W	L De Jong
1263W	A R Bray	1314W	Ann Channings
1264W	G C van der Swaaten	1315W	A C Barnett
		1316W	Simon Routledge
		1317W	Judith Lay
		1318W	G D Peek
		1319W	J G Ball
		1320W	G J Lawrence

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No. Witness
1321W Maurice Kirby
1322W R A Creswell
1324W D W E Godward
1326W Linda Coughlin
1327W G N Brackenbury
1328W P E Thompson
1329W Carey M Smith
1330W Paul G Smith
1331W Johanna Perfect
1332W Tricia Keen
1333W Rangitikei Tramping Club
1334W Dr Brenda Kaye
1335W Peter G Dormon
1336W Gore District Council
1338W W F Sayer
1339W Stan Eaton
1343W Peter Shanahan
1347W Marlborough Harbour Board
1357W Colin Ashby
1358W J R Andrew
1359W J & J Sandiford
1360W Margery Eddy
1361W Helen Fitchett
1362W Phil Harris
1363W Angela Bradley
1364W James Smith
1365W A Jeffries
1366W Malcolm F Gray
1367W Canterbury University Tramping
Club
1368W R H Biss
1369W Environmental Technologies
Institute NZ Ltd

No. Witness
1370W Peter Ireland
1371W Bevan Johnston
1372W Southplan Planning Group
1373W N A & G W A Bush
1374W Taranaki Maori Trust Board
1375W Te Rawhiti 3B2 Investigating
Trust
1376W A McGill & D Cherrie
1377W Gavin Smith
1378W Federated Farmers
(Manawatu/Rangitikei)
1379W L, J & P Bielecki
1380W Bill Hales
1382W R C Ingham
1385W Don Armitage
1388W Ngati Kahu-Patukoraha Hapu
1390W Lesley Look
1391W Iain Maxwell
1400W Alistair McKee
1401W Paul G Couper
1402W Gary Samson
1403W P D White
1404W I D McLeary
1405W L Burgess
1406W Gordon McLean
1407W P D McLatchie
1408W Valwyn Ivey
1409W Abel Francis
1410W R J Mills
1411W G Bate
1413W Palmerston North City Council
1415W R E Washbourn

THE TOTAL NUMBER OF WRITTEN SUBMISSIONS RECEIVED WAS 996

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**THE MINISTRY FOR THE ENVIRONMENT
DEPARTMENTAL REPORT ON
SUPPLEMENTARY ORDER PAPER NO. 22**

Resource Management Bill
June 1991



**RESOURCE
MANAGEMENT
LAW REFORM**
A REVIEW OF THE LAWS FOR MANAGING
AIR, LAND AND WATER USE AND MINING
TE TAHUATŪ O TE TALAO

CONFIDENTIAL

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CLAUSE 6B Treaty of WaitangiCOMMENT

Clause 6B brings the Treaty reference in line with other legislation. This was supported by a number of submissions (WDF 149W, Agcarm 155W, E Stokes 36W). The consistency and resulting certainty was seen as a positive change. The Local Government Association (68) called for a national policy statement to be produced to interpret this obligation. Other submissions felt that this was a weakening of the obligation and urged the Committee to consider strengthening clause 6B. The Treaty clause was seen as subsumed and duty had become vague and token requirement (A Rangiheua 100W, Maori Congress et al 82). Judge Spencer argued that now the Bill (clauses 6B and 356 (a)) conferred upon territorial authorities and the Planning Tribunal the power to make the cultural and spiritual decisions of Maori. Clause 6B was seen as the Crown devolving its Treaty responsibilities to local authorities. By dealing with the principles decision-makers can avoid dealing with the Treaty

itself. The option that some submissions promoted was for the words which appear in the State-Owned Enterprises Act to be used. This has the phrase "shall not be inconsistent with" the Treaty (NZ Planning Institute 73, Wellington Maori Legal Service 152W).

The wording which appears in the SOP should be retained. The consistency offered by this new clause is seen as outweighing the problems raised. The responsibilities to various authorities in the Bill should not be seen as diminishing the Crown's responsibilities to its partners. Local authorities will be obliged to interpret the requirements of the principles which is preferable to the direct interpretation of the Treaty itself. It would be possible to state more directly that "all persons shall have a duty to take into account". However this would not change the nature of the obligation and therefore does not seem necessary.

RECOMMENDATION

No change.

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- the maintenance and enhancement of amenity values;
- the intrinsic values of ecosystems;
- the recognition and protection of the heritage value of sites, buildings places or areas;
- any finite characteristics of natural and physical resources; and
- kaitiakitanga.

Trade competition

14. *New clause 6A* aims to prevent persons exercising functions and powers under the Act taking into account the adverse effects of trade competition. This new clause has two objectives. Firstly, it is intended to signal to resource managers that the legislation is not intended to be used as a means of economic licensing. Secondly, it aims to avoid the resource management process being misused by trade competitors.

The Treaty of Waitangi (Te Tiriti o Waitangi)

15. *New clause 6B* provides that the Treaty clause refers simply to the principles of the Treaty of Waitangi (Te Tiriti O Waitangi), rather than referring to the special relationship between the Crown and te iwi Maori. In addition, *clause 356(a)* allows for the Planning Tribunal to make a declaration as to the nature and extent of the obligations under *clause 6B*. A definition of the phrase "Treaty of Waitangi (Te Tiriti O Waitangi)" is included in *clause 2*.

National environmental standards

16. *New clauses 40B and 40C* allow for regulations, to be called national environmental standards, to be made to prescribe technical standards relating to noise, water, air and soil quality. Such regulations were previously provided for in *clause 390*. *Clause 40C* requires the Minister to give the public adequate time and opportunity to comment, and to publish a report or recommendation before making recommendations for such regulations to be made.

Best practicable option

17. The SOP makes a number of changes concerning best practicable option. This term means in relation to a discharge of a contaminant or an emission of noise, the best method for preventing or minimising the adverse effects on the environment having regard amongst other things to certain conditions. These conditions are the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects, the additional costs to the person discharging the contaminant or emitting the noise weighed against the additional benefits to the environment of that option, when compared to the additional costs and benefits of some other option, and the current state of technical knowledge and the likelihood that the option can be successfully applied.

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- (a) kaitiakitanga;
- (b) the efficient use and development of natural and physical resources;
- (c) an appropriate balance between the public interest in achieving the purpose of this Act and any private interests in the reasonable use of private or public property;
- (d) the maintenance and enhancement of amenity values;
- (e) the intrinsic values of ecosystems;
- (f) the recognition and protection of the heritage values of sites, buildings, places or areas;
- (g) the maintenance and enhancement of the quality of the environment;
- (h) any finite characteristics of natural and physical resources; and
- (i) the protection of the habitat of trout and salmon.

Clause 6A—Adverse effects of trade competition not to be taken into account

60. This clause proved confusing and open to multiple interpretation by submissioners. Opinion was divided amongst the majority of submissioners as to whether it should be deleted because of its unintended consequences or whether it should be left because it would have no effect at all.
61. The committee in making its recommendation took into account that the basic idea behind the clause was that environmental concerns should not be used as an economic licensing system. However, the members remain concerned that the wording is open to misinterpretation. The suggestion of placing the clause as a subclause of clause 89 is not considered to resolve the problem of misinterpretation.

The committee recommends that clause 6A be omitted.

Clause 6B—Treaty of Waitangi

62. The committee discussed the wording of this clause. The opposition members note their concern with the wording of this clause and believe that other wording might be more appropriate.

The majority of the committee recommends that no change be made.

PART III

DUTIES AND RESTRICTIONS UNDER THIS ACT

Clause 10A—Restrictions on certain uses of lake and river beds and other land

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However, the committee recommends that a number of the amendments to Part IX proposed in the SOP require changes to clarify their meaning.

Clause 202—Interpretation

"Constable"

The committee recommends that, because there is no reference to the word "constable" in either Parts IX or XIV, this definition is therefore superfluous, and it should be omitted.

"Mineral"

107. The committee expressed concern that organic minerals could be excluded from the definition by the words "a naturally occurring inorganic substance". However, it was advised that organic minerals were covered by the term fuel minerals.

No change to the definition is recommended.

Clause 202B—Treaty of Waitangi

108. The difference in wording between this clause and clause 6B drew comment.

109. The majority of the committee believes that the role of the Treaty of Waitangi (Te Tiriti O Waitangi) in a market environment is different from the role under a regulatory environment such as that proposed by the Resource Management Bill.

By majority, the committee recommends that no change be made.

Clause 211—Protection of sensitive information

110. The committee agrees with submissioners that it would be more technically correct to replace the words "to avoid the location of waahi tapu" with "to avoid the disclosure of the location of waahi tapu".

The committee recommends that this amendment be made.

Clause 238—Revocation of permit

The committee recommends that clause 238 (7) be re-worded as follows:

"(7) The revocation of a permit or the transfer of a permit to the Minister under this section shall not release the permit holder from any liability in respect of:

(a) A permit, or condition thereof up to the date of revocation or transfer: and

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