

95A Public notification of consent application at consent authority's discretion

(1) A consent authority may, in its discretion, decide whether to publicly notify an application for a resource consent for an activity.

(2) Despite subsection (1), a consent authority must publicly notify the application if--

- (a) it decides (under section 95D) that the activity will have or is likely to have adverse effects on the environment that are more than minor; or
- (b) the applicant requests public notification of the application; or
- (c) a rule or national environmental standard requires public notification of the application.

(3) Despite subsections (1) and (2)(a), a consent authority must not publicly notify the application if--

- (a) a rule or national environmental standard precludes public notification of the application; and
- (b) subsection (2)(b) does not apply.

(4) Despite subsection (3), a consent authority may publicly notify an application if it decides that special circumstances exist in relation to the application.

Compendium (cases and commentary)

Editorial Note

For prescribed form re public notice of application concerning resource consent, water permit, or esplanade strip see form 12 in SR 2003/153.

For prescribed form re submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority see form 13 in SR 2003/153.

History

ss 95-95F & cross-heading: Substituted for repealed ss 93-95 on 1 October 2009 by 2009 No 31, s 76.

95B [Limited notification of consent application]

(1) If a consent authority does not publicly notify an application for a resource consent for an activity, it must decide (under sections 95E and 95F) if there are any affected persons [an affected protected customary rights group or affected customary marine title group] in relation to the activity.

(2) The consent authority must give limited notification of the application to any affected person unless a rule or national environmental standard precludes limited notification of the application.

(3) The consent authority must give limited notification of the application to [an affected protected customary rights group or affected customary title group] even if a rule or national environmental standard precludes public or limited notification of the application.

(4) [In subsections (1) and (3), the requirements relating to an affected customary marine title group apply only in the case of applications for accommodated activities.]

Compendium (cases and commentary)

Editorial Note

For prescribed form re submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority see form 13 in SR 2003/153.

History

s 95B(1): "an affected protected customary rights group or affected customary marine title group" substituted for omitted "or affected order holders" on 1 April 2011 by 2011 No 3, s 128.

s 95B(3): "an affected protected customary rights group or affected customary title group" substituted for omitted "any affected order holder" on 1 April 2011 by 2011 No 3, s 128.

s 95B(4): Added on 1 April 2011 by 2011 No 3, s 128.

s 95-s 95F & cross-heading: Substituted for repealed s 93-s 95 on 1 October 2009 by 2009 No 31, s 76.

95C Public notification of consent application after request for further information or report

(1) Despite section 95A(1), a consent authority must publicly notify an application for a resource consent if--

- (a) it has not already decided whether to give public or limited notification of the application; and
- (b) subsection (2) or (3) applies.

(2) This subsection applies if the consent authority requests further information on the application under section 92(1), but the applicant--

- (a) does not provide the information before the deadline concerned; or
- (b) refuses to provide the information.

(3) This subsection applies if the consent authority notifies the applicant under section 92(2)(b) that it wants to commission a report, but the applicant--

- (a) does not respond before the deadline concerned; or
- (b) refuses to agree to the commissioning of the report.

(4) This section applies despite any rule or national environmental standard that precludes public or limited notification of the application.

Compendium (cases and commentary)

Editorial Note

For prescribed form re public notice of application concerning resource consent, water permit, or esplanade strip see form 12 in SR 2003/153.

For prescribed form re submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority see form 13 in SR 2003/153.

History

ss 95-95F & cross-heading: Substituted for repealed ss 93-95 on 1 October 2009 by 2009 No 31, s 76.

95D Consent authority decides if adverse effects likely to be more than minor

A consent authority that is deciding, for the purpose of section 95A(2)(a), whether an activity will have or is likely to have adverse effects on the environment that are more than minor--

- (a) must disregard any effects on persons who own or occupy--
 - (i) the land in, on, or over which the activity will occur; or
 - (ii) any land adjacent to that land; and
 - (b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and
 - (c) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and
 - (d) must disregard trade competition and the effects of trade competition; and
 - (e) must disregard any effect on a person who has given written approval to the relevant application.
-

Compendium (cases and commentary)

History

ss 95-95F & cross-heading: Substituted for repealed ss 93-95 on 1 October 2009 by 2009 No 31, s 765.

95E Consent authority decides if person is affected person

(1) A consent authority must decide that a person is an affected person, in relation to an activity, if the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

(2) The consent authority, in making its decision,--

- (a) may disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect; and
- (b) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity on the person that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and
- (c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

(3) Despite anything else in this section, the consent authority must decide that a person is not an affected person if--

- (a) the person has given written approval to the activity and has not withdrawn the approval in a written notice received by the authority before the authority has decided whether there are any affected persons; or
 - (b) it is unreasonable in the circumstances to seek the person's written approval.
-

Compendium (cases and commentary)

History

ss 95-95F & cross-heading: Substituted for repealed ss 93-95 on 1 October 2009 by 2009 No 31, s 76.

95F [Status of protected customary rights group

A consent authority must decide that a protected customary rights group is an affected protected customary rights group, in relation to an activity in the protected customary rights area relevant to that group, if--