



Hon Chris Bishop
Minister for RMA Reform
Parliament Buildings
Wellington

13 October 2025

By email: C.Bishop@ministers.govt.nz;

CC: P.Simmonds@ministers.govt.nz; M.Patterson@ministers.govt.nz;

Simon.Court@parliament.govt.nz; A.Hoggard@ministers.govt.nz;

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RE: The Case for Retention of Water Conservation Orders (WCO)

Dear The Honourable Minister Bishop,

We are writing to you to advocate for the retention of Water Conservation Orders (WCO). We understand that you have received calls from other sectors to remove Water Conservation Orders from the RM reform and we would like to discuss this issue further with you and the Expert Advisory Group (EAG).

Fish and Game (F&G) do not agree that WCOs are outdated. Water Conservation Orders provide a tool which recognises outstanding waterbodies akin to our "National Parks". From a F&G perspective as the organisation that has established 12 out of the 16 Water Conservation Orders, they reflect the outstanding values of these water bodies for our game bird hunters and anglers, and these values have not changed.

WCOs are secondary legislation and therefore regional plans and national direction should be consistent with them. As they have been identified as the most outstanding water bodies in the country it is therefore reasonable that subservient policy does not undermine their preservation status.

F&G support the purpose of water conservation orders as set out in Part 9 of the RMA and recommend that the whole of part 9 incorporated into RM Reform Phase 3. The purpose of WCOs is included for your reference below:

Section 199 Purpose of water conservation orders

(1) *Notwithstanding anything to the contrary in [Part 2](#), the purpose of a water conservation order is to recognise and sustain—*

(a) outstanding amenity or intrinsic values which are afforded by waters in their natural state:

(b) where waters are no longer in their natural state, the amenity or intrinsic values of those waters which in themselves warrant protection because they are considered outstanding.

(2) A water conservation order may provide for any of the following:

(a) the preservation as far as possible in its natural state of any water body that is considered to be outstanding:

(b) the protection of characteristics which any water body has or contributes to, and which are considered to be outstanding,—

(i) as a habitat for terrestrial or aquatic organisms:

(ii) as a fishery:

(iii) for its wild, scenic, or other natural characteristics:

(iv) for scientific and ecological values:

(v) for recreational, historical, spiritual, or cultural purposes:

(c) the protection of characteristics which any water body has or contributes to, and which are considered to be of outstanding significance in accordance with tikanga Maori.

It is worth noting that many water conservation orders allow for deviation from “natural state”, as long as the values associated with the water body are maintained. The tool therefore does not require ‘pristine’, but supports the recognition and protection of freshwater in a healthy state where the values which underpin the outstanding nature of the waterbody are protected.

Section 216 (1) (b) of the RMA provides for amending a WCO 2 years after the date a water conservation order is made. The standards in the TWS WCO provide parameters that illustrate health of the water body. How this is achieved is not dictated in the WCO and therefore science and technology advancements will not be hindered by the WCO.

Review and changes to regional plans is not a simple process either unless National Policy Documents provide new standards and even those involve a Schedule 1 process which also takes time.

Section 216 (1) (a) of the RMA provides for revocation or variation of a WCO after 2 years after the date a WCO is made. However, considering the robust process that has been followed, we don’t think that it would be advisable for any group to pursue this avenue as the values under which it was established would not have changed.

Whether or not a WCO is problematic or not is subjective, and the suggestion they should be removed undermines the robust process followed when they were established. F&G do not think that there are any problematic WCOs. F&G would like to suggest some amendments to WCO to strengthen their protections. We provide some suggestions in attachment 2 of this letter.

F&G ask the Government to retain existing Water Conservation Orders and make several small amendments to strengthen the existing WCOs that we have.

F&G notes that regional plan processes are also very expensive and similar in cost to WCO processes.

This process would be made a lot cheaper if all parties provided experts or just accepted the evidence provided by council and NGOs.

Request Meeting with Minister Bishop

We are able and willing to work with you and the advisory panel to ensure that the new legislation also provides for the preservation and enhancement of New Zealand's outstanding water bodies, many of which are essential habitat for sports fishing. We would like to meet with you to discuss these issues further and or answer any questions that you have.

In addition to the specific points raised in Federated Farmers letter, we have included a document outlining:

- balanced case for and against Water Conservation Orders included in attachment 1.
- legal advice and recommended specific amendments to Part 9 of the RMA for your consideration. These recommended amendments are included in attachment 2. These amendments allow for better decision making and suggests changing the roles and responsibilities for monitoring and enforcement to regional councils following the Rakaia Water Conservation Order decisions.

We have provided a copy of this letter to the office of the Minister for Hunting and Fishing.

Contact Details

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A handwritten signature in blue ink, appearing to read 'Helen Brosnan', is centered at the bottom of the page.

on behalf of
Corina Jordan, Chief Executive Officer
New Zealand Fish and Game Council

Attachments

Attachment 1 About Water Conservation Orders

Attachment 2 – Recommended minor amendments to Resource Management Act

Attachment 3 – About Fish and Game

Attachment 4 – Map Showing Location of Existing Water Conservation Orders

Water Conservation Orders (WCO)

Based on Fish & Game's experience and observations there are no other strong provisions for the protection of water bodies within the RMA, other than WCO and that any future resource management legislation should retain Part 9 of the RMA. In fact, whilst there are land zonings and overlays under the RMA and land classifications under the Conservation Act providing levels of protection for land (for landscape, biodiversity and other values that are rated as regionally or national significant), there is very little water body protections by comparison. Importantly, there is no actual protection of the physical water in the waterbody and that is subject to individual consent applications and regional plan rules.

WCO do not protect all the most significant water bodies in New Zealand. They protect a small subset of the many outstanding water bodies that we take for granted. Values they protect include outstanding wildlife habitat and outstanding recreational fishery / angling amenity, outstanding recreation and scenic characteristics¹. Many were set up at a time when hydroelectric dams and irrigation proposals were planned and there were concerns about irreversible loss of instream values.

Purpose and Significance of WCO

WCO represent the highest form of legal protection under New Zealand's environmental framework, intended to preserve outstanding natural, recreational, ecological, cultural, spiritual and amenity values of rivers, lakes, wetlands, aquifers, and geothermal waters, and their importance in accordance with tikanga māori. These Orders are unique in their capacity to protect the intrinsic and amenity values of water bodies by establishing legal thresholds for water quantity, quality, and flow, while upholding cultural, recreational, and ecological significance. They are secondary legislation issued under the Resource Management Act 1991 (RMA) and play a critical role in ensuring that certain water bodies remain safeguarded in perpetuity and are often referred to as the "national parks of waterways".

Seven WCO predate the RMA and nine have been established since the RMA . The Ngāruroro Water Conservation order recommendation from the Minister for the Environment to the Governor General is still to be made. The most recent WCO is the Te Waikoropupū Springs in 2023². Preservation of outstanding water bodies is still therefore very relevant to resource management reform.

Legislative Evolution

The concept of protecting rivers for their wild and scenic values first emerged in 1981 with the Water and Soil Conservation Amendment Act, which introduced "National

¹ 2011 The New Zealand Conservation Authority, Protecting New Zealand's Rivers, page 60-65.

² [Waikoropupū Springs water conservation order 2023 | Ministry for the Environment](#)

Water Conservation Orders” to the pre-RMA framework. When the RMA was enacted in 1991, these protections were formally integrated into Part 9 (sections 199–217), creating a streamlined system under which existing National Orders continued, and new WCO could be granted following an application, hearing, and approval process.

Why WCO Should Be Retained

The enduring importance of WCO lies in the establishment of national level “bottom lines” that regional planning instruments and consenting processes cannot override. As legally binding instruments, WCO ensure that outstanding characteristics of designated water bodies are not compromised by competing interests such as intensive land or water use or hydroelectricity. Recent examples – such as the Te Waikoropupū Springs WCO granted in 2023, which protects both the springs and the connected Wharepapa Arthur Marble Aquifer demonstrate their continued relevance in modern resource management. By defining and defending the outstanding values of waterways, WCO provide certainty and clarity for all stakeholders including councils, communities, iwi, industry users and future generations.

Application Process and Legal Framework

Under the RMA’s Part 9, any individual or organisation may apply for a WCO, setting in motion a multi-step process that includes notification, a Special Tribunal hearing, reporting, and ministers’ and judicial recommendations before the Order is ultimately made by the Governor-General. Once in force, a WCO imposes legally binding constraints on regional and district plans and resource consents.

Fish & Game’s Role and Ongoing Advocacy

Fish & Game New Zealand has been a central advocate for WCO, having played a pivotal role in securing 12 of the 16 WCO in force across New Zealand. This involvement underscores the organisation’s dedication not just to recreational values, but to enduring environmental protection of instream habitat.

On the Rakaia River, declaratory judgment from the Environment Court was sought regarding who is responsible for monitoring and enforcing the WCO’s protections. Fish & Game maintains that, without monitoring and enforcement, WCO risk becoming ineffective. Future monitoring and enforcement are needed to restore this river to ecological health. We have suggested some changes to the relevant sections in the RMA in attachment 3 to provide for regional councils to be responsible for monitoring and enforcement of WCO.

Map Showing Location of WCOs in New Zealand

Attachment 4 shows the locations and a brief description of all the Water Conservation Orders in New Zealand.

Our Recommendations

In summary, WCO are a cornerstone of New Zealand's freshwater protection strategy and help to provide enduring, nationally recognized safeguards for the nation's most extraordinary water bodies. It is noted that there are many other outstanding water bodies that are not thus protected. Through its role in securing and advocating for WCO, Fish & Game has significantly shaped this landscape. Part 9 of the RMA should remain in future RMA amendments.

Resource management decisions relating to water use often involves winners and losers. To be sustainable, the framework for making decisions needs to first provide for the needs of the water body i.e. provide for the ecological health of the water body. WCO provide a higher level of protection than that provided in the RMA and the National Policy Statement for Freshwater Management as the secondary legislation specifies what is to be protected. This legislation can detail the following (and others):

- outstanding values / characteristics and features,
- the retention of natural waters in a natural state,
- Any partial retention of natural waters
- Minimum flows
- Resource consent to dam not to be granted
- Restrictions on granting consents
- Restrictions on permitted activities
- Restrictions relating to water quality
- Restrictions relating to flow allocation
- Any exemption (e.g. existing schemes that are consented)

The Argument For and Against Water Conservation Orders

1. Safeguarding New Zealand's most outstanding waters

WCO are the only legal mechanism that recognises and protects water bodies with *nationally outstanding* values – whether ecological, recreational, cultural, or landscape. They ensure these special waters are not compromised by allocation or development pressures. Without WCO, there would be no equivalent safeguard.

2. Long-term protection beyond political cycles

RMA planning instruments and regional rules can change with shifting political or local priorities. WCO, however, provide enduring protection that cannot easily be weakened. Retaining WCO ensures New Zealand's outstanding water bodies are safeguarded for future generations.

3. Recognition of cultural and recreational values

WCO protect values such as Māori customary uses, habitat for trout and salmon, and recreation (kayaking, swimming, angling). These are often overlooked in regional planning processes dominated by economic development drivers. WCO guarantee these values are formally recognised in law.

4. Consistency and national standard

Regional councils manage water differently across the country. WCO set a *nationally consistent benchmark* by recognising that some rivers and lakes are of such importance that their protection transcends regional boundaries. This prevents a “race to the bottom” in water management.

5. Balance to development pressures

Hydroelectricity, irrigation and land-use intensification place ongoing pressure on freshwater. While the RMA generally seeks to “avoid, remedy or mitigate” adverse effects, WCO uniquely require *avoidance* of impacts on outstanding values. Retaining WCO ensures there is a backstop against over-allocation and degradation of these waterbodies. Spatial planning for both development and protection needs to feature in resource management reform.

6. Strong public and historical mandate

WCO were introduced in 1981 after major public concern that development was degrading iconic rivers. They were carried into the RMA in 1991 with broad support. Removing or weakening WCO in reforms would risk undermining decades of public trust in freshwater protection.

7. Perceived duplication with regional planning

Critics argue that WCO duplicate protections that could be delivered through regional plans under the RMA (or its replacement legislation). They see WCO as an extra, unnecessary layer of regulation on top of existing freshwater management frameworks.

There is uncertainty about how Local Government reform will deliver good environmental outcomes and therefore national protections will be even more important than ever.

Fish & Game do not agree that there is duplication, in fact we assert that there is very little actual protection of the actual water in the water body and this is up for grabs with every resource consent application especially now that National Policy Statement for Freshwater Management (2020) has not been given effect to.

8. Flexibility and adaptive management

Opponents claim that WCO are “rigid” because they lock in strong protections that are difficult to amend or revoke.

A WCO is easier to amend than a regional plan, if the amendment is *of a minor or technical nature which would enable the order the better achieve any purpose for which it was made*. Under s 216 of the RMA the Minister can vary a WCO without holding an inquiry, if the technical change (to for example adapt water management to new technologies) better achieves the purpose of the WCO. There is no similar pathway to amend a regional water plan – any change must go through the full process in the Act involving submissions, hearings and appeals.

Fish & Game note with dismay the number of water bodies generally that have degraded, particularly in the last 20 years. WCO represent only a small number of the water bodies worthy of this protection, but this is still considered better than nothing.

Fish & Game assert that new technology can be part of the solution. WCO need protections now more than ever with the extra stresses placed on water bodies by climate change. Regional development priorities have failed in many regions to ensure that waterbodies have not degraded and therefore regional planning mechanisms alone has been shown to be deficient in protecting ecological health of water bodies.

9. Constraint on economic development

Hydro generation, irrigation, and land-use intensification are sometimes restricted by WCO. Those in favour of removal argue that WCO can block projects of “national significance” such as renewable energy schemes or large irrigation networks, which they see as vital for economic growth.

Fish & Game note that the existing water using schemes that we have are protected, but we urge you to consider the loss of recreation to future generations if new hydroelectric, irrigation and dairy intensification is carried out. This will also negatively impact on our tourism industry that relies on natural values that these water bodies possess.

10. Democratic and regional decision-making

Some argue that decisions about water use should be made locally by regional councils and communities, rather than being “locked up” through a national instrument like a WCO. From this perspective, WCO override local democratic processes and reduce councils’ discretion to balance competing needs.

Fish & Game have been involved in WCO processes that are widely consulted on, and councils and communities fully participate in the WCO process. We don’t agree that local communities and councils do not get the opportunity to be fully involved in these processes.

11. Complexity and cost

Applying for or challenging a WCO can be lengthy and expensive. Opponents argue this process adds delays, legal disputes, and compliance costs, which could be avoided if outstanding values were recognised through faster regional planning processes or national direction.

We agree that a simpler process would be wonderful. In Fish & Game's experience a WCO application process is as expensive and complex as regional planning processes and often more so. The assessment and information required by an applicant at the outset is similar. The notification and submissions process is similar. The two-stage hearing process (Special Tribunal then Environment Court) is similar to council hearing and environment court process. Process wise there are some improvements and refinements that could be provided, but fundamentally the process is similar in expense and complexity to comparative processes under the RMA.

12. Changing context since 1980s

WCO were introduced before the National Policy Statement for Freshwater Management, and before Te Mana o te Wai. Some argue that these newer frameworks already require protection of values like ecosystem health and Māori interests, making WCO “obsolete.”

We don't agree that WCO are obsolete. The above protections have merely raised the bar for non WCO water bodies, which is great. However, WCO should still be retained for the water bodies that they currently apply to. There should also be opportunity for application to add new WCO.

What are Outstanding Waterbodies?

The concept of “outstanding waterbodies” was introduced through the National Policy Statement for Freshwater Management, rather than the original provisions of the RMA. Their purpose was to ensure that regional councils identified rivers, lakes, and wetlands with exceptional values on a regional comparative basis —whether ecological, cultural, recreational, natural character, or landscape—and provided for their protection through regional planning frameworks. This approach meant that recognition and safeguarding of such waterbodies would not rely solely on case-by-case resource consent decisions but instead be embedded in planning documents that guide wider land and water use.

Outstanding waterbodies were not designed to replace WCO. Instead, they were intended to complement them by adding a regional planning layer of protection. WCO are national-level instruments established under Sections 199–217 of the RMA, and they protect waterbodies with outstanding amenity or intrinsic values. Unlike regional

planning tools, WCO carry strong, nationally significant protections and can override regional plans and consents unless specifically exempted.

The key distinction lies in the strength and scope of each tool. A WCO is often described as the equivalent of a “national park” for a river or lake: it provides enduring protection at a national level and is difficult to alter. In contrast, outstanding freshwater body provisions in the National Policy Statement for Freshwater are implemented by regional councils in a regional context and, while they require protection to be recognised, they do not automatically provide the same level of statutory safeguard as a WCO.

In this way, the two mechanisms were designed to work together. WCO provide strong national-level protection for New Zealand’s most significant waterbodies, while the outstanding waterbody provisions of the National Policy Statement for Freshwater ensure that councils also recognise and manage exceptional freshwater values within their regions.

Conclusions

Fish & Game hope that the above overview of issues surrounding WCO give you a balanced view of arguments both for and against retention of them in RM Reform Phase 3. We recommend that WCO are not obsolete and that the existing WCO should be retained as is. We also recommend some minor amendments to RMA provisions better enable WCO to be considered, detailed below in attachment 2. These amendments will provide for better decision making and suggests that amendments could be made to make it regional councils responsibility to monitor and enforce Water Conservation Orders.

Memorandum

Date 18 September 2025
Matter no. 126167-0491
To Fish and Game
Copy

From Maree Baker-Galloway
Subject Redrafting RMA provisions associated with Water Conservation Orders

24 Functions of Minister for the Environment

The Minister for the Environment shall have the following functions under this Act:

- (a) the recommendation of the issue of national policy statements under section 52:
- (b) the recommendation of the making of national environmental standards:
- (ba) the approval of a national planning standard under section 58E:
- (c) to decide whether to intervene in a matter, or to make a direction for a matter that is or is part of a proposal of national significance, under Part 6AA:
- (d) the recommendation of the approval of an applicant as a requiring authority under section 167 or a heritage protection authority under section 188:
- (e) the recommendation of the issue of water conservation orders under section 214:
- (f) the monitoring of the effect and implementation of this Act (including any regulations in force under it), national policy statements, national planning standards, and water conservation orders:
- (g) the monitoring of the relationship between the functions, powers, and duties of central government and local government under this Part:
- (ga) the monitoring and investigation, in such manner as the Minister thinks fit, of any matter of environmental significance:
- (h) the monitoring and investigation, in such manner as the Minister thinks fit, of any matter of environmental significance:
- (i) the consideration and investigation of the use of economic instruments (including charges, levies, other fiscal measures, and incentives) to achieve the purpose of this Act:
- (j) any other functions specified in this Act.

24A Power of Minister for the Environment to investigate and make recommendations

The Minister for the Environment may—

- (a) investigate the exercise or performance by a local authority of any of its functions, powers, or duties under this Act or regulations under this Act; and

Memorandum

- (b) make recommendations to the local authority on its exercise or performance of those functions, powers, or duties; and
- (c) investigate the failure or omission by a local authority to exercise or perform any of its functions, powers, or duties under this Act or regulations under this Act; and
- (d) make recommendations to the local authority on its failure or omission to exercise or perform those functions, powers, or duties.
- (e) *[Repealed]*

Memorandum

25 Residual powers of Minister for the Environment

- 1 Where any local authority is not exercising or performing any of its functions, powers, or duties under this Act to the extent that the Minister for the Environment considers necessary to achieve the purpose of this Act, the Minister may appoint, on such terms and conditions as the Minister thinks fit, 1 or more persons (including any officer of the public service) to exercise or perform all or any of those functions, powers, or duties in place of the local authority.
- 2 The Minister shall not make an appointment under subsection (1) until—
 - (aaa) the Minister has investigated the local authority under section 24A(a) or (c); and
 - (aab) the Minister has made recommendations to the local authority under section 24A(b) or (d); and
 - (a) the local authority has been given written notice specifying the reasons why the Minister proposes to make the appointment; and
 - (b) the local authority has a reasonable opportunity to satisfy the Minister that it has not failed to exercise or perform any of its functions, powers, or duties to the extent necessary to achieve the purpose of this Act, and having not succeeded in so satisfying the Minister, has failed to take proper steps within a time specified in the notice (being not less than 20 working days after the date of the notice) to remedy the defaults complained of.
- 3 Any person appointed under subsection (1) to exercise or perform the functions, powers, or duties of a local authority under this Act may do so as if the person were the local authority, and the provisions of this Act shall apply accordingly.
- 4 All costs, charges, and expenses incurred by the Minister for the purposes of this section, or by a person appointed by the Minister under this section in exercising or performing functions, powers, or duties of a local authority, shall be recoverable from the local authority as a debt due to the Crown or may be deducted from any money payable to the local authority by the Crown.

25A Minister may direct preparation of plan, document, change, or variation

- 1 The Minister for the Environment—
 - (a) may direct a regional council—
 - (i) to prepare a regional plan that addresses a resource management issue relating to a function in section 30; or
 - (ii) to prepare a change to its regional plan that addresses the issue; or
 - (iii) to prepare a variation to its proposed regional plan that addresses the issue; and
 - (b) may direct the council, in preparing the plan, change, or variation, to deal with the whole or a specified part of the council's region; and
 - (c) must, in giving a direction, specify a reasonable period within which the plan, change, or variation must be notified.
- 2 The Minister—

Memorandum

- (a) may direct a territorial authority—
 - (i) to prepare a change to its district plan that addresses a resource management issue relating to a function in section 31; or
 - (ii) to prepare a variation to its proposed district plan that addresses the issue; and
 - (b) must, in giving a direction, specify a reasonable period within which the change or variation must be notified.
- 3 However, the Minister must not issue a direction under subsection (1) or (2) unless—
- (a) the Minister has investigated the local authority under section 24A(a) or (c) in relation to the resource management issue; and
 - (b) the Minister has made recommendations to the local authority under section 24A(b) or (d) in relation to the resource management issue.
- 4 If a national policy statement requires a local authority to prepare a document other than a plan or policy statement and the authority has not prepared the document as required, the Minister—
- (a) may direct the authority to—
 - (i) prepare the document; or
 - (ii) amend the document to meet the requirements of the national policy statement; and
 - (b) must, in giving a direction, specify a reasonable period within which the document must be prepared or amended.
- 5 The Minister—
- (a) may direct a local authority to—
 - (i) prepare a plan change or variation to address any non-compliance with a national policy statement; and
 - (ii) use a planning process under this Act to prepare the plan change or variation; and
 - (b) must, in giving a direction, specify a reasonable period within which the plan change or variation must be notified.
- 6 However, the Minister must not make a direction under subsection (4) or (5) unless—
- (a) the Minister has investigated the local authority under section 24A(c) in relation to the non-compliance with the national policy statement; and
 - (b) the Minister has made recommendations to the local authority under section 24A(d) in relation to that non-compliance.

Memorandum

25B Ministers may direct commencement of review

- 1 The Minister may direct a regional council to commence a review of the whole or any part of its regional plan (except its regional coastal plan) and, if he or she does so, must specify a reasonable period within which the review must commence.
- 2 The Minister of Conservation may direct a regional council to commence a review of the whole or any part of its regional coastal plan and, if he or she does so, must specify a reasonable period within which the review must commence.
- 3 The Minister may direct a territorial authority to commence a review of the whole or any part of its district plan and, if he or she does so, must specify a reasonable period within which the review must commence.
- 4 For the purposes of subsections (1) to (3), section 79(5) to (9) apply to the review with any necessary modification.

26 Minister may make grants and loans

- 1 The Minister for the Environment may make grants and loans on such conditions as he or she thinks fit to any person to assist in achieving the purpose of this Act.
- 2 All money spent or advanced by the Minister under this section shall be paid out of money appropriated by Parliament for the purpose.
- 3 All money received by the Minister under this Act shall be paid into a Crown Bank Account or such other account as may be approved by the Minister of Finance.

27 Minister may require local authorities to supply information

- 1 The Minister for the Environment may require the bodies described in subsection (2) to supply the information described in subsection (3).
- 2 The bodies are—
 - (a) a local authority; and
 - (b) a network utility operator approved as a requiring authority; and
 - (c) a body corporate approved as a heritage protection authority.
- 3 The information is information to which all the following apply:
 - (a) it is about the body's exercise of any of its functions, powers, or duties under this Act; and
 - (b) it is held by the body; and
 - (c) it may reasonably be required by the Minister.
- 4 The Minister must require the information in a notice that—
 - (a) is in writing; and

Memorandum

(b) is dated.

5 The body—

(a) must supply the Minister with the information within—

(i) 20 working days of the date of the notice; or

(ii) a longer time set by the Minister; and

(b) must not charge the Minister for the supply.

30 Functions of regional councils under this Act

1 Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:

(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region:

(b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:

(ba) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region:

(c) the control of the use of land for the purpose of—

(i) soil conservation:

(ii) the maintenance and enhancement of the quality of water in water bodies and coastal water:

(iii) the maintenance of the quantity of water in water bodies and coastal water:

(iiia) the maintenance and enhancement of ecosystems in water bodies and coastal water:

(iv) the avoidance or mitigation of natural hazards:

(v) *[Repealed]*

(ca) the investigation of land for the purposes of identifying and monitoring contaminated land:

(d) in respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of—

(i) land and associated natural and physical resources:

Memorandum

- (ii) the occupation of space in, and the extraction of sand, shingle, shell, or other natural material from, the coastal marine area, to the extent that it is within the common marine and coastal area:
- (iii) the taking, use, damming, and diversion of water:
- (iv) discharges of contaminants into or onto land, air, or water and discharges of water into water:
- (iva) the dumping and incineration of waste or other matter and the dumping of ships, aircraft, and offshore installations:
- (v) any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards:
- (vi) the emission of noise and the mitigation of the effects of noise:
- (vii) activities in relation to the surface of water:
- (e) the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including—
 - (i) the setting of any maximum or minimum levels or flows of water:
 - (ii) the control of the range, or rate of change, of levels or flows of water:
 - (iii) the control of the taking or use of geothermal energy:
- (f) the control of discharges of contaminants into or onto land, air, or water and discharges of water into water:
- (fa) if appropriate, the establishment of rules in a regional plan to allocate any of the following:
 - (i) the taking or use of water (other than open coastal water):
 - (ii) the taking or use of heat or energy from water (other than open coastal water):
 - (iii) the taking or use of heat or energy from the material surrounding geothermal water:
 - (iv) the capacity of air or water to assimilate a discharge of a contaminant:
- (fb) if appropriate, and in conjunction with the Minister of Conservation,—
 - (i) the establishment of rules in a regional coastal plan to allocate the taking or use of heat or energy from open coastal water:
 - (ii) the establishment of a rule in a regional coastal plan to allocate space in a coastal marine area under Part 7A:
- (g) in relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of—
 - (i) soil conservation:

Memorandum

- (ii) the maintenance and enhancement of the quality of water in that water body:
 - (iii) the maintenance of the quantity of water in that water body:
 - (iv) the avoidance or mitigation of natural hazards:
 - (ga) the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity:
 - (gx) the establishment, implementation, and review of objectives, policies, and methods to implement and give effect to water conservation orders;
 - (gb) the strategic integration of infrastructure with land use through objectives, policies, and methods:
 - (h) any other functions specified in this Act.
- 2 A regional council and the Minister of Conservation must not perform the functions specified in subsection (1)(d)(i), (ii), and (vii) to control the taking, allocation or enhancement of fisheries resources for the purpose of managing fishing or fisheries resources controlled under the Fisheries Act 1996.
- 3 However, a regional council and the Minister of Conservation may perform the functions specified in subsection (1)(d) to control aquaculture activities for the purpose of avoiding, remedying, or mitigating the effects of aquaculture activities on fishing and fisheries resources.
- 4 A rule to allocate a natural resource established by a regional council in a plan under subsection (1)(fa) or (fb) may allocate the resource in any way, subject to the following:
- (a) the rule may not, during the term of an existing resource consent, allocate the amount of a resource that has already been allocated to the consent; and
 - (b) nothing in paragraph (a) affects section 68(7); and
 - (c) the rule may allocate the resource in anticipation of the expiry of existing consents; and
 - (d) in allocating the resource in anticipation of the expiry of existing consents, the rule may—
 - (i) allocate all of the resource used for an activity to the same type of activity; or
 - (ii) allocate some of the resource used for an activity to the same type of activity and the rest of the resource to any other type of activity or no type of activity; and
 - (e) the rule may allocate the resource among competing types of activities; and
 - (f) the rule may allocate water, or heat or energy from water, as long as the allocation does not affect the activities authorised by section 14(3)(b) to (e).
- 5 In this section and section 31,—
- business land** means land that is zoned for business use in an urban environment, including, for example, land in the following zones:
- (a) business and business parks:

Memorandum

- (b) centres, to the extent that this zone allows business uses:
- (c) commercial:
- (d) industrial:
- (e) mixed use, to the extent that this zone allows business uses:
- (f) retail

development capacity, in relation to housing and business land in urban areas, means the capacity of land for urban development, based on—

- (a) the zoning, objectives, policies, rules, and overlays that apply to the land under the relevant proposed and operative regional policy statements, regional plans, and district plans; and
- (b) the capacity required to meet—
 - (i) the expected short and medium term requirements; and
 - (ii) the long term requirements; and
- (c) the provision of adequate development infrastructure to support the development of the land

development infrastructure means the network infrastructure for—

- (a) water supply, wastewater, and storm water; and
- (b) to the extent that it is controlled by local authorities, land transport as defined in section 5(1) of the Land Transport Management Act 2003.

34 Delegation of functions, etc, by local authorities

- 1 A local authority may delegate to any committee of the local authority established in accordance with the Local Government Act 2002 any of its functions, powers, or duties under this Act.
- 2 A territorial authority may delegate to any community board established in accordance with the Local Government Act 2002 any of its functions, powers, or duties under this Act in respect of any matter of significance to that community, other than the approval of a plan or any change to a plan.
- 3 Subsection (2) does not prevent a local authority delegating to a community board power to do anything before a final decision on the approval of a plan or any change to a plan.
- 3A A unitary authority may delegate to any local board any of its functions, powers, or duties under this Act in respect of any matter of local significance to that board, other than the approval of a plan or any change to a plan.
- 3B Subsection (3A) does not prevent a unitary authority delegating to a local board power to do anything before a final decision on the approval of a plan or any change to a plan.

Memorandum

- 4 *[Repealed]*
- 5 *[Repealed]*
- 6 *[Repealed]*
- 7 Any delegation under this section may be made on such terms and conditions as the local authority thinks fit, and may be revoked at any time by notice to the delegate.
- 8 Except as provided in the instrument of delegation, every person to whom any function, power, or duty has been delegated under this section may, without confirmation by the local authority, exercise or perform the function, power, or duty in like manner and with the same effect as the local authority could itself have exercised or performed it.
- 9 Every person authorised to act under a delegation under this section is presumed to be acting in accordance with its terms in the absence of proof to the contrary.
- 10 A delegation under this section does not affect the performance or exercise of any function, power, or duty by the local authority.
- 11 In subsections (3A) and (3B), **Auckland Council** and **local board** have the meanings given in section 4(1) of the Local Government (Auckland Council) Act 2009.

34A Delegation of powers and functions to employees and other persons

- 1 A local authority may delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), any functions, powers, or duties under this Act except the following:
- (a) the approval of a proposed policy statement or plan under clause 17 of Schedule 1:
 - (b) this power of delegation.
- 1A If a local authority is considering appointing 1 or more hearings commissioners to exercise a delegated power to conduct a hearing under Part 1 or 5 of Schedule 1,—
- (a) the local authority must consult tangata whenua through relevant iwi authorities on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū; and
 - (b) if the local authority considers it appropriate, it must appoint at least 1 commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū, in consultation with relevant iwi authorities.
- 2 A local authority may delegate to any other person any functions, powers, or duties under this Act except the following:
- (a) the powers in subsection (1) (a) and (b):
 - (b) the decision on an application for a resource consent:
 - (c) the making of a recommendation on a requirement for a designation.

Memorandum

3 *[Repealed]*

4 Section 34(7), (8), (9), and (10) applies to a delegation under this section.

5 Subsection (1) or subsection (2) does not prevent a local authority delegating to any person the power to do anything before a final decision on a matter referred to in those subsections.

35 Duty to gather information, monitor, and keep records

1 Every local authority shall gather such information, and undertake or commission such research, as is necessary to carry out effectively its functions under this Act or regulations under this Act.

2 Every local authority shall monitor—

- (a) the state of the whole or any part of the environment of its region or district—
 - (i) to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act; and
 - (ii) in addition, by reference to any indicators or other matters prescribed by regulations made under this Act, and in accordance with the regulations; and
- (b) the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan; and
- (c) the exercise of any functions, powers, or duties delegated or transferred by it; and
- (ca) the efficiency and effectiveness of processes used by the local authority in exercising its powers or performing its functions or duties (including those delegated or transferred by it), including matters such as timeliness, cost, and the overall satisfaction of those persons or bodies in respect of whom the powers, functions, or duties are exercised or performed; and
- (d) the exercise of the resource consents that have effect in its region or district, as the case may be; and
- (e) in the case of a regional council, the exercise of a protected customary right in its region, including any controls imposed on the exercise of that right under Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011—

and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.

2AA Monitoring required by subsection (2) must be undertaken in accordance with any regulations.

2A Every local authority must, at intervals of not more than 5 years, compile and make available to the public a review of the results of its monitoring under subsection (2)(b).

3 Every local authority shall keep reasonably available at its principal office, information which is relevant to the administration of policy statements and plans, the monitoring of resource consents, and current issues relating to the environment of the area, to enable the public—

Memorandum

- (a) to be better informed of their duties and of the functions, powers, and duties of the local authority; and
 - (b) to participate effectively under this Act.
- 4 Every local authority shall keep reasonably available at each of the offices in its region or district such of the information referred to in subsection (3) as relates to that part of the region or district.
- 5 The information to be kept by a local authority under subsection (3) shall include—
- (a) copies of its operative and any proposed policy statements and plans including all requirements for designations and heritage orders, and all operative and proposed changes to those policy statements and plans; and
 - (aa) copies of all material incorporated by reference in any plan or proposed plan under Part 3 of Schedule 1; and
 - (b) all its decisions relating to submissions on any proposed policy statements and plans which have not yet become operative; and
 - (c) in the case of a territorial authority, copies of every operative and proposed regional policy statement and regional plan for the region of which its district forms part; and
 - (d) in the case of a regional council, copies of every operative and proposed district plan for every territorial authority in its region; and
 - (e) in the case of a regional council, a copy of every Order in Council served on it under section 154(a); and
 - (f) copies of any national environmental standard or national policy statement or New Zealand coastal policy statement; and
 - (g) records of all applications for resource consents received by it; and
 - (ga) records of all decisions under any of sections 37, 87BA, 87BB, 87E, 95 to 95G, 198C, and 198H; and
 - (gb) records of all resource consents granted within the local authority's region or district; and
 - (gc) records of the transfer of any resource consent; and
 - (h) *[Repealed]*
 - (i) a summary of all written complaints received by it during the preceding 5 years concerning alleged breaches of the Act or a plan, and information on how it dealt with each such complaint; and
 - (j) records of natural hazards to the extent that the local authority considers appropriate for the effective discharge of its functions; and
 - (ja) in the case of a territorial authority, the location and area of all esplanade reserves, esplanade strips, and access strips in the district; and

Memorandum

(jb) in the case of a regional council, records of every protected customary rights order or agreement relating to a part of the common marine and coastal area within its region; and

(k) any other information gathered under subsections (1) and (2).

6 In subsections (2)(e) and (5)(jb), **regional council** includes the Chatham Islands Council.

35A Duty to keep records about iwi and hapu

1 For the purposes of this Act or regulations under this Act, a local authority must keep and maintain, for each iwi and hapu within its region or district, a record of—

(a) the contact details of each iwi authority within the region or district and any groups within the region or district that represent hapu for the purposes of this Act or regulations under this Act; and

(b) the planning documents that are recognised by each iwi authority and lodged with the local authority; and

(c) any area of the region or district over which 1 or more iwi or hapu exercise kaitiakitanga; and

(d) any Mana Whakahono a Rohe entered into under section 58O.

2 For the purposes of subsection (1)(a) and (c)—

(a) the Crown must provide to each local authority information on—

(i) the iwi authorities within the region or district of that local authority and the areas over which 1 or more iwi exercise kaitiakitanga within that region or district; and

(ii) any groups that represent hapu for the purposes of this Act or regulations under this Act within the region or district of that local authority and the areas over which 1 or more hapu exercise kaitiakitanga within that region or district; and

(iii) the matters provided for in subparagraphs (i) and (ii) that the local authority has advised to the Crown; and

(b) the local authority must include in its records all the information provided to it by the Crown under paragraph (a).

3 In addition to any information provided by a local authority under subsection (2)(a)(iii), the local authority may also keep a record of information relevant to its region or district, as the case may be—

(a) on iwi, obtained directly from the relevant iwi authority; and

(b) on hapu, obtained directly from the relevant group representing the hapu for the purposes of this Act or regulations under this Act.

4 In this section, the requirement under subsection (1) to keep and maintain a record does not apply in relation to hapu unless a hapu, through the group that represents it for the purposes of

Memorandum

this Act or regulations under this Act, requests the Crown or the relevant local authority (or both) to include the required information for that hapu in the record.

- 5 If information recorded under subsection (1) conflicts with a provision of another enactment, advice given under the other enactment, or a determination made under the other enactment, as the case may be—
 - (a) the provision of the other enactment prevails; or
 - (b) the advice given under the other enactment prevails; or
 - (c) the determination made under the other enactment prevails.
- 6 Information kept and maintained by a local authority under this section must not be used by the local authority except for the purposes of this Act or regulations under this Act.
- 7 Information required to be provided under this section must be provided in accordance with any prescribed requirements.

43 Regulations prescribing national environmental standards

- 1 The Governor-General may, by Order in Council, make regulations, to be known as national environmental standards, that prescribe any or all of the following technical standards, methods, or requirements:
 - (a) standards for the matters referred to in section 9, section 11, section 12, section 13, section 14, or section 15, including, but not limited to—
 - (i) contaminants:
 - (ii) water quality, level, or flow:
 - (iii) air quality:
 - (iv) soil quality in relation to the discharge of contaminants:
 - (b) standards for noise:
 - (c) standards, methods, or requirements for monitoring.
- 2 The regulations may include:
 - (a) qualitative or quantitative standards:
 - (b) standards for any discharge or the ambient environment:
 - (c) methods for classifying a natural or physical resource:
 - (d) methods, processes, or technology to implement standards:
 - (da) non-technical methods or requirements:
 - (e) exemptions from standards:

Memorandum

- (f) transitional provisions for standards, methods, or requirements.
- 3 Section 360(2) applies to all regulations made under this section.
- 4 Regulations made under this section may apply—
 - (a) generally; or
 - (b) to any specified district or region of any local authority; or
 - (c) to any specified part of New Zealand.
- 5 Regulations under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

43C Relationship between national environmental standards and water conservation orders

- 1 A water conservation order that is more stringent than a national environmental standard applying to water prevails over the standard.
- 2 A national environmental standard applying to water that is more stringent than a water conservation order prevails over the order.

59 Purpose of regional policy statements

- 1 The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.

60 Preparation and change of regional policy statements

- 1 There shall at all times be for each region 1 regional policy statement prepared by the regional council in the manner set out in Schedule 1.
- 2 A regional policy statement may be changed in the manner set out in Schedule 1, at the instigation of a Minister of the Crown, the regional council, or any territorial authority within or partly within the region.

61 Matters to be considered by regional council (policy statements)

- 1 A regional council must prepare and change its regional policy statement in accordance with—
 - (a) its functions under section 30; and
 - (b) the provisions of Part 2; and
 - (c) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
 - (d) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and

Memorandum

- (da) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
 - (e) any regulations.
- 2 In addition to the requirements of section 62(3), when preparing or changing a regional policy statement, the regional council shall have regard to—
- (a) any—
 - (i) management plans and strategies prepared under other Acts; and
 - (ii) *[Repealed]*
 - (iia) relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and
 - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and
 - (iv) *[Repealed]*
- to the extent that their content has a bearing on resource management issues of the region; and
- (b) the extent to which the regional policy statement needs to be consistent with the policy statements and plans of adjacent regional councils; and
 - (c) the extent to which the regional policy statement needs to be consistent with regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012; and
 - (d) any emissions reduction plan made in accordance with section 5ZI of the Climate Change Response Act 2002; and
 - (e) any national adaptation plan made in accordance with section 5ZS of the Climate Change Response Act 2002.
- 2A When a regional council is preparing or changing a regional policy statement, it must deal with the following documents, if they are lodged with the council, in the manner specified, to the extent that their content has a bearing on the resource management issues of the region:
- (a) the council must take into account any relevant planning document recognised by an iwi authority; and
 - (b) in relation to a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, the council must, in accordance with section 93 of that Act—
 - (i) recognise and provide for the matters in that document, to the extent that they relate to the relevant customary marine title area; and

Memorandum

- (ii) take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.
- 3 In preparing or changing any regional policy statement, a regional council must not have regard to trade competition or the effects of trade competition.

62 Contents of regional policy statements

- 1 A regional policy statement must state—
- (a) the significant resource management issues for the region; and
 - (b) the resource management issues of significance to iwi authorities in the region; and
 - (c) the objectives sought to be achieved by the statement; and
 - (d) the policies for those issues and objectives and an explanation of those policies; and
 - (e) the methods (excluding rules) used, or to be used, to implement the policies; and
 - (f) the principal reasons for adopting the objectives, policies, and methods of implementation set out in the statement; and
 - (g) the environmental results anticipated from implementation of those policies and methods; and
 - (h) the processes to be used to deal with issues that cross local authority boundaries, and issues between territorial authorities or between regions; and
 - (i) the local authority responsible in the whole or any part of the region for specifying the objectives, policies, and methods for the control of the use of land—
 - (i) to avoid or mitigate natural hazards or any group of hazards; and
 - (ii) *[Repealed]*
 - (iii) to maintain indigenous biological diversity; and
 - (j) the procedures used to monitor the efficiency and effectiveness of the policies or methods contained in the statement; and
 - (k) any other information required for the purpose of the regional council's functions, powers, and duties under this Act.
- 2 If no responsibilities are specified in the regional policy statement for functions described in subsection (1)(i) (i) or (ii), the regional council retains primary responsibility for the function in subsection (1)(i) (i) and the territorial authorities of the region retain primary responsibility for the function in subsection (1) (i) (ii).
- 3 A regional policy statement ~~must not be inconsistent with any water conservation order and must give effect to a national policy statement, a New Zealand coastal policy statement, or a national planning standard~~ or any water conservation order.

Memorandum

63 Purpose of regional plans

- 1 The purpose of the preparation, implementation, and administration of regional plans is to assist a regional council to carry out any of its functions in order to achieve the purpose of this Act.
- 2 Without limiting subsection (1), the purpose of the preparation, implementation, and administration of regional coastal plans is to assist a regional council, in conjunction with the Minister of Conservation, to achieve the purpose of this Act in relation to the coastal marine area of that region.

66 Matters to be considered by regional council (plans)

- 1 A regional council must prepare and change any regional plan in accordance with—
 - (a) its functions under section 30; and
 - (b) the provisions of Part 2; and
 - (c) a direction given under section 25A(1); and
 - (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
 - (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
 - (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
 - (f) any regulations.
- 2 In addition to the requirements of section 67(3) and (4), when preparing or changing any regional plan, the regional council shall have regard to—
 - (a) any proposed regional policy statement in respect of the region; and
 - (b) the Crown's interests in the coastal marine area; and
 - (c) any—
 - (i) management plans and strategies prepared under other Acts; and
 - (ii) *[Repealed]*
 - (iia) relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and
 - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and
 - (iv) *[Repealed]*

Memorandum

- (v) relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies,—

to the extent that their content has a bearing on resource management issues of the region; and

- (d) the extent to which the regional plan needs to be consistent with the regional policy statements and plans, or proposed regional policy statements and proposed plans, of adjacent regional councils; and
- (e) to the extent to which the regional plan needs to be consistent with regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012; and
- (f) any emissions reduction plan made in accordance with section 5ZI of the Climate Change Response Act 2002; and
- (g) any national adaptation plan made in accordance with section 5ZS of the Climate Change Response Act 2002.

2A When a regional council is preparing or changing a regional plan, it must deal with the following documents, if they are lodged with the council, in the manner specified, to the extent that their content has a bearing on the resource management issues of the region:

- (a) the council must take into account any relevant planning document recognised by an iwi authority; and
- (b) in relation to a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, the council must, in accordance with section 93 of that Act—
 - (i) recognise and provide for the matters in that document, to the extent that they relate to the relevant customary marine title area; and
 - (ii) take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.

3 In preparing or changing any regional plan, a regional council must not have regard to trade competition or the effects of trade competition.

Memorandum

67 Contents of regional plans

- 1 A regional plan must state—
 - (a) the objectives for the region; and
 - (b) the policies to implement the objectives; and
 - (c) the rules (if any) to implement the policies.

- 2 A regional plan may state—
 - (a) the issues that the plan seeks to address; and
 - (b) the methods, other than rules, for implementing the policies for the region; and
 - (c) the principal reasons for adopting the policies and methods; and
 - (d) the environmental results expected from the policies and methods; and
 - (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and
 - (f) the processes for dealing with issues—
 - (i) that cross local authority boundaries; or
 - (ii) that arise between territorial authorities; or
 - (iii) that arise between regions; and
 - (g) the information to be included with an application for a resource consent; and
 - (h) any other information required for the purpose of the regional council's functions, powers, and duties under this Act.

- 3 A regional plan must give effect to—
 - (a) any national policy statement; and
 - (b) any New Zealand coastal policy statement; and
 - (ba) a national planning standard; and
 - ~~(c)~~ any regional policy statement; and
 - ~~(e)(d)~~ any water conservation order.

- 4 A regional plan must not be inconsistent with—
 - ~~(a)~~ a water conservation order; or
 - ~~(b)(a)~~ any other regional plan for the region; or
 - ~~(e)(b)~~ [Repealed]

Memorandum

- 5 A regional plan must record how a regional council has allocated a natural resource under section 30(1) (fa) or (fb) and (4), if the council has done so.
- 6 A regional plan may incorporate material by reference under Part 3 of Schedule 1.

68 Regional rules

- 1 A regional council may, for the purpose of—
 - (a) carrying out its functions under this Act (other than those described in paragraphs (a) and (b) of section 30(1)); and
 - (b) achieving the objectives and policies of the plan—include rules in a regional plan.
- 2 Every such rule shall have the force and effect of a regulation in force under this Act but, to the extent that any such rule is inconsistent with any such regulation, the regulation shall prevail.
- 2A Rules may be made under this section for the protection of other property (as defined in section 7 of the Building Act 2004) from the effects of surface water, which require persons undertaking building work to achieve performance criteria additional to, or more restrictive than, those specified in the building code as defined in section 7 of the Building Act 2004.
- 3 In making a rule, the regional council shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.
- 3A *[Repealed]*
- 3B *[Repealed]*
- 4 A rule may specify an activity as a restricted coastal activity only if the rule is in a regional coastal plan and the Minister of Conservation has required the activity to be so specified on the grounds that the activity—
 - (a) has or is likely to have significant or irreversible adverse effects on a coastal marine area; or
 - (b) occurs or is likely to occur in an area having significant conservation value.
- 5 A rule may—
 - (a) apply throughout the region or a part of the region:
 - (b) make different provision for—
 - (i) different parts of the region; or
 - (ii) different classes of effects arising from an activity:
 - (c) apply all the time or for stated periods or seasons:
 - (d) be specific or general in its application:

Memorandum

- (e) require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.
- 6 *[Repealed]*
- 7 Where a regional plan includes a rule relating to maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality or air quality, or ranges of temperature or pressure of geothermal water, the plan may state—
- (a) whether the rule shall affect, under section 130, the exercise of existing resource consents for activities which contravene the rule; and
 - (b) that the holders of resource consents may comply with the terms of the rule, or rules, in stages or over specified periods.
- 8 Where regulations have been made under section 360(1) (ha) deeming rules to be included in a regional coastal plan or proposed regional coastal plan, the relevant regional council shall, as soon as reasonably practicable after the date on which the regulations are made, revoked, or cease to apply to its region—
- (a) give public notice of the fact that such regulations have been made or revoked or have ceased to apply, as the case may be, and in such detail as the council considers appropriate, generally describe the nature of any rules deemed to be included in the plan or proposed plan by those regulations; and
 - (b) ensure that a copy of any regulations deeming rules to be included in the plan or proposed plan is annexed to, and appropriate annotations are made in, every copy of that plan or proposed plan that is under the regional council's control.
- 9 Notwithstanding anything to the contrary in this section, no rule of a regional coastal plan shall authorise as a permitted activity any of the following activities to which section 15A applies:
- (a) the dumping in the coastal marine area of any waste or other matter from any ship, aircraft, or offshore installation:
 - (b) the dumping in the coastal marine area of any ship, aircraft, or offshore installation:
 - (c) the incineration in the coastal marine area of any waste or other matter in any marine incineration facility.
- 10 Subject to subsection (9), sections 69 and 70(2) shall, with all necessary modifications, apply to the inclusion of rules in regional coastal plans about the dumping of waste or other matter as if every reference in those provisions to a discharge of a contaminant included a reference to a dumping of waste or other matter.
- 11 A rule may exempt from its coverage an area or class of contaminated land if the rule—
- (a) provides how the significant adverse effects on the environment that the hazardous substance has are to be remedied or mitigated; or
 - (b) provides how the significant adverse effects on the environment that the hazardous substance is reasonably likely to have are to be avoided; or
 - (c) treats the land as not contaminated for purposes stated in the rule.

Memorandum

69 Rules relating to water quality

- 1 Where a regional council—
 - (a) provides in a plan that certain waters are to be managed for any purpose described in respect of any of the classes specified in Schedule 3; and
 - (b) includes rules in the plan about the quality of water in those waters—

the rules shall require the observance of the standards specified in that schedule in respect of the appropriate class or classes unless, in the council's opinion, those standards are not adequate or appropriate in respect of those waters in which case the rules may state standards that are more stringent or specific.
- 2 Where a regional council provides in a plan that certain waters are to be managed for any purpose for which the classes specified in Schedule 3 are not adequate or appropriate, the council may state in the plan new classes and standards about the quality of water in those waters.
- 3 Subject to the need to allow for reasonable mixing of a discharged contaminant or water, a regional council shall not set standards in a plan which result, or may result, in a reduction of the quality of the water in any waters at the time of the public notification of the proposed plan unless it is consistent with the purpose of this Act to do so.
- 4 On and from the commencement of this subsection, Schedule 3 ceases to be applicable to fresh water.

Memorandum

70 Rules about discharges

- 1 Before a regional council includes in a regional plan a rule that allows as a permitted activity—
 - (a) a discharge of a contaminant or water into water; or
 - (b) a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water—

the regional council shall be satisfied that none of the following effects are likely to arise in the receiving waters, after reasonable mixing, as a result of the discharge of the contaminant (either by itself or in combination with the same, similar, or other contaminants):

- (c) the production of conspicuous oil or grease films, or scums or foams:
 - (d) any conspicuous change in the colour or visual clarity:
 - (e) any emission of objectionable odour:
 - (f) the rendering of fresh water unsuitable for consumption by farm animals:
 - (g) any significant adverse effects on aquatic life.
- 2 Before a regional council includes in a regional plan a rule requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant, the regional council shall be satisfied that, having regard to—
 - (a) the nature of the discharge and the receiving environment; and
 - (b) other alternatives, including a rule requiring the observance of minimum standards of quality of the environment—

the inclusion of that rule in the plan is the most efficient and effective means of preventing or minimising those adverse effects on the environment.

- 3 Despite subsection (1), a regional council may include in a regional plan a rule that allows as a permitted activity a discharge described in subsection (1)(a) or (b) that may allow the effects described in subsection (1)(d), (f), or (g) if—
 - (a) the council is satisfied that those effects are already in the receiving waters; and
 - (b) the rule includes standards for the permitted activity; and
 - (c) the council is satisfied that those standards, or those standards in combination with any other provisions in the plan, will contribute to a reduction of those effects over a period of time—
 - (i) no greater than 10 years; and
 - (ii) commencing on the date that the rule becomes operative.

Memorandum

72 Purpose of District Plans

The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

73 Preparation and change of district plans

- 1 There must at all times be 1 district plan for each district, prepared in the manner set out in the relevant Part of Schedule 1.
- 1A A district plan may be changed in the manner set out in the relevant Part of Schedule 1.
- 1B A territorial authority given a direction under section 25A(2) must prepare a change to its district plan in a way that implements the direction.
- 2 Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Part 2 or 5 of Schedule 1.
- 2A A request for a plan change may be made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 if the territorial authority—
 - (a) is also the administering body in which the recreation reserve land is vested; and
 - (b) agrees that the request and application may be made jointly.
- 3 A district plan may be prepared in territorial sections.
- 4 A local authority must amend a proposed district plan or district plan to give effect to a regional policy statement, if—
 - (a) the statement contains a provision to which the plan does not give effect; and
 - (b) one of the following occurs:
 - (i) the statement is reviewed under section 79 and not changed or replaced; or
 - (ii) the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative; or
 - (iii) the statement is changed or varied and becomes operative.
- 5 A local authority must comply with subsection (4)—
 - (a) within the time specified in the statement, if a time is specified; or
 - (b) as soon as reasonably practicable, in any other case.

74 Matters to be considered by territorial authority

- 1 A territorial authority must prepare and change its district plan in accordance with—

Memorandum

- (a) its functions under section 31; and
 - (b) the provisions of Part 2; and
 - (c) a direction given under section 25A(2); and
 - (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
 - (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
 - (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
 - (f) any regulations.
- 2 In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—
- (a) any—
 - (i) proposed regional policy statement; or
 - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
 - (b) any—
 - (i) management plans and strategies prepared under other Acts; and
 - (ii) [Repealed]
 - (iia) relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and
 - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and
 - (iv) relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies,—
- to the extent that their content has a bearing on resource management issues of the district; and
- (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities; and
 - (d) any emissions reduction plan made in accordance with section 5ZI of the Climate Change Response Act 2002; and
 - (e) any national adaptation plan made in accordance with section 5ZS of the Climate Change Response Act 2002.
- 2A A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial

Memorandum

authority, to the extent that its content has a bearing on the resource management issues of the district.

- 3 In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

75 Contents of district plans

- 1 A district plan must state—
 - (a) the objectives for the district; and
 - (b) the policies to implement the objectives; and
 - (c) the rules (if any) to implement the policies.
- 2 A district plan may state—
 - (a) the significant resource management issues for the district; and
 - (b) the methods, other than rules, for implementing the policies for the district; and
 - (c) the principal reasons for adopting the policies and methods; and
 - (d) the environmental results expected from the policies and methods; and
 - (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and
 - (f) the processes for dealing with issues that cross territorial authority boundaries; and
 - (g) the information to be included with an application for a resource consent; and
 - (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.
- 3 A district plan must give effect to—
 - (a) any national policy statement; and
 - (b) any New Zealand coastal policy statement; and
 - (ba) a national planning standard; and
 - (c) any regional policy statement; and
 - (d) any water conservation order.
- 4 A district plan must not be inconsistent with—
 - (a) a water conservation order; or
 - (b)(a) a regional plan for any matter specified in section 30(1).

Memorandum

5 A district plan may incorporate material by reference under Part 3 of Schedule 1.

104 Consideration of applications

- 1 When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to—
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
 - (b) any relevant provisions of—
 - (i) a national environmental standard:
 - (i)(ii) a water conservation order;
 - (ii)(iii) other regulations:
 - (iii)(iv) a national policy statement:
 - (iv)(v) a New Zealand coastal policy statement:
 - (v)(vi) a regional policy statement or proposed regional policy statement:
 - (vi)(vii) a plan or proposed plan; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- 2 When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.
- 2A When considering an application affected by section 124 or 165ZH(1)(c), the consent authority must have regard to the value of the investment of the existing consent holder.
- 2B When considering a resource consent application for an activity in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, a consent authority must have regard to any resource management matters set out in that planning document.
- 2C Subsection (2B) applies until such time as the regional council, in the case of a consent authority that is a regional council, has completed its obligations in relation to its regional planning documents under section 93 of the Marine and Coastal Area (Takutai Moana) Act 2011.
- 2D When considering a resource consent application that relates to a wastewater network, as defined in section 5 of the Water Services Act 2021, a consent authority—

Memorandum

- (a) must not grant the consent contrary to a wastewater environmental performance standard made under section 138 of that Act; and
 - (b) must include, as a condition of granting the consent, requirements that are no less restrictive than is necessary to give effect to the wastewater environmental performance standard.
- 2E When considering a resource consent application that relates to a stormwater network, as defined in section 5 of the Water Services Act 2021, a consent authority—
 - (a) must not grant the consent contrary to a stormwater environmental performance standard made under section 139A of that Act; and
 - (b) must include, as a condition of granting the consent, requirements that are no less restrictive than is necessary to give effect to the stormwater environmental performance standard.
- 2EA When considering a resource consent application, a consent authority may have regard to any previous or current abatement notices, enforcement orders, infringement notices, or convictions under this Act received by the applicant, if the applicant is not a natural person or, if the applicant is a natural person, received by the applicant within the previous 7 years.
- 2F When considering an application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020).
- 2G Subsection (2F) applies despite subsection (1)(b)(iii) and any other provision of this Act.
- 3 A consent authority must not,—
 - (a) when considering an application, have regard to—
 - (i) trade competition or the effects of trade competition; or
 - (ii) any effect on a person who has given written approval to the application:
 - (b) *[Repealed]*
 - (c) grant a resource consent contrary to—
 - (i) section 107, 107A, or 217:
 - (ii) an Order in Council in force under section 152:
 - (iii) any regulations:
 - (iv) wāhi tapu conditions included in a customary marine title order or agreement:
 - (v) section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011:
 - (d) grant a resource consent if the application should have been notified and was not.
- 3A See also section 103(3) of the Urban Development Act 2020 (which relates to resource consents in project areas in transitional periods for specified development projects (as those terms are defined in section 9 of that Act)).

Memorandum

- 4 A consent authority considering an application must ignore subsection (3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.
- 5 A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.
- 6 A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.
- 6A A consent authority may decline an application for a resource consent if the applicant has a record of significant non-compliance with a requirement of this Act—
 - (a) that is ongoing or repeated; and
 - (b) that, if the applicant is not a natural person, has been or is the subject of an enforcement order or a conviction under this Act or, if the applicant is a natural person, has been or is the subject of an enforcement order or a conviction under this Act within the previous 7 years.
- 7 In making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being available.

Memorandum

128 Circumstances when consent conditions can be reviewed

- 1 A consent authority may, in accordance with section 129, serve notice on a consent holder of its intention to review the conditions of a resource consent—
 - (a) at any time or times specified for that purpose in the consent for any of the following purposes:
 - (i) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (ii) to require a holder of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or 15B to adopt the best practicable option to remove or reduce any adverse effect on the environment; or
 - (iii) for any other purpose specified in the consent; or
 - (aa) if the consent authority determines that the holder of the consent has contravened a condition of the consent; or
 - (b) in the case of a coastal, water, or discharge permit, or a land use consent granted by a regional council, if—
 - (i) a regional plan contains a rule that relates to maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality or air quality, or ranges of temperature or pressure of geothermal water; and
 - (ii) the rule has been made operative; and
 - (iii) the regional council considers that it is appropriate to review the conditions of the permit or consent in order to enable the levels, flows, rates, or standards set by the rule to be met; or
 - (ba) in the case of a coastal, water, or discharge permit, or a land use consent granted by a regional council, when relevant national environmental standards or national planning standards have been made; or
 - (bb) in the case of a land use consent, in relation to a relevant regional rule; or
 - (c) if the information made available to the consent authority by the applicant for the consent for the purposes of the application contained inaccuracies which materially influenced the decision made on the application and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions; or
 - (d) if the review is part of a review carried out under subsection (2A).
- 2 A consent authority must, in accordance with section 129, serve notice on a consent holder of its intention to review the conditions of a resource consent if required by an order made under section 339(5)(b).
- 2A If more than 1 resource consent is affected by the rule referred to in subsection (1)(b)(i), the consent authority may review the conditions of those resource consents together for the purpose of managing the effects of the activities carried out under those resource consents.

Memorandum

- 3 A regional council must notify the chief executive of the Ministry of Fisheries as soon as is reasonably practicable if it intends to review a condition of a coastal permit authorising an aquaculture activity to be undertaken in the coastal marine area and the condition has been specified under section 186H(1A) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.
- 4 Section 165ZFHHA applies to any notice of review under subsection (1) of the conditions of a coastal permit that is extended by section 165ZFHC.

Part 9 Water conservation orders

199 Purpose of water conservation orders

- 1 Notwithstanding anything to the contrary in Part 2, the purpose of a water conservation order is to recognise and sustain—
 - (a) outstanding amenity or intrinsic values which are afforded by waters in their natural state:
 - (b) where waters are no longer in their natural state, the amenity or intrinsic values of those waters which in themselves warrant protection because they are considered outstanding.
- 2 A water conservation order may provide for any of the following:
 - (a) the preservation as far as possible in its natural state of any water body that is considered to be outstanding:
 - (b) the protection of characteristics which any water body has or contributes to, and which are considered to be outstanding,—
 - (i) as a habitat for terrestrial or aquatic organisms:
 - (ii) as a fishery:
 - (iii) for its wild, scenic, or other natural characteristics:
 - (iv) for scientific and ecological values:
 - (v) for recreational, historical, spiritual, or cultural purposes:
 - (c) the protection of characteristics which any water body has or contributes to, and which are considered to be of outstanding significance in accordance with tikanga Maori.

200 Meaning of water conservation order

In this Act, the term water conservation order means an order made under section 214 for any of the purposes set out in section 199 and that imposes restrictions or prohibitions on the exercise of regional councils' powers under paragraphs (e) and (f) of section 30(1) (as they relate to water) including, in particular, restrictions or prohibitions relating to—

- (a) the quantity, quality, rate of flow, or level of the water body; and

Memorandum

- (b) the maximum and minimum levels or flow or range of levels or flows, or the rate of change of levels or flows to be sought or permitted for the water body; and
- (c) the maximum allocation for abstraction or maximum contaminant loading consistent with the purposes of the order; and
- (d) the ranges of temperature and pressure in a water body.

201 Application for water conservation order

- 1 Any person may, upon payment of any prescribed fee, apply to the Minister for the making of a water conservation order in respect of any water body.
- 2 An application under subsection (1) shall—
 - (a) identify the water body concerned; and
 - (b) state the reasons for the application with reference, where practicable, to the matters set out in sections 199, 200, and 207; and
 - (c) describe the provisions which, in the applicant's opinion, should be included in a water conservation order and the effect that such provisions would have on the water body.
- 3 The Minister may by notice in writing require the applicant to supply such further information in respect of the application as the Minister considers necessary.

202 Minister's obligations upon receipt of application

- 1 After receipt of an application (and any further information required by the Minister) under section 201 and after making such inquiry in respect of the application as the Minister considers necessary, the Minister shall as soon as practicable either—
 - (a) appoint a special tribunal to hear and report on the application; or
 - (b) reject the application—and notify the applicant of his or her decision, and where the application is rejected, of his or her reasons for the rejection.
- 2 Before appointing a special tribunal under subsection (1)(a), the Minister shall, where appropriate, consult with the Minister for Māori Development and the Minister of Conservation regarding the membership of the tribunal.

203 Special tribunal

- 1 A special tribunal appointed under section 202 shall—
 - (a) comprise no fewer than 3, and no more than 5, members; and
 - (b) have a chairperson appointed either by the Minister or, if the Minister declines to do so, by the members.
- 2 Every special tribunal shall be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951 and there may, if the Minister so directs, be paid to any member of a special tribunal, out of money appropriated by Parliament for the purpose,—

Memorandum

- (a) remuneration by way of fees, salary, or allowances in accordance with that Act; and
- (b) travelling allowances and travelling expenses in accordance with that Act in respect of time spent travelling in the service of the tribunal—

and the provisions of that Act apply accordingly.

- 3 A member of a special tribunal is not liable for anything the member does, or omits to do, in good faith in performing or exercising the functions, duties, and powers of the tribunal.

204 Public notification of application

- 1 As soon as practicable after its appointment, a special tribunal shall ensure that—
- (a) public notice of the application is given; and
 - (ab) a copy of the short summary of the notice referred to in section 2AB(1)(b), along with details of the Internet site where the notice can be accessed, is published in a daily newspaper in each of the cities of Auckland, Wellington, Christchurch, and Dunedin; and
 - (b) such other public notification of the application as the tribunal considers appropriate is given; and
 - (c) notice of the application is served on—
 - (i) the applicant; and
 - (ii) the relevant regional council; and
 - (iii) the relevant territorial authorities; and
 - (iv) the relevant iwi authorities; and
 - (v) such persons as the tribunal considers appropriate.
- 2 Every notice for the purposes of this section shall be in the prescribed form and shall state—
- (a) a description of the application, and where the application and any relevant information held by the special tribunal may be viewed; and
 - (b) that submissions on the application may be made in writing by any person; and
 - (c) the effect of section 205(3); and
 - (d) that the matters to be considered by the tribunal may be wider than the matters raised in the application; and
 - (e) the closing date for the receipt by the tribunal of such submissions; and
 - (f) the address for service of the tribunal and each applicant.
- 3 Section 92 shall, with all necessary modifications, apply in respect of a water conservation order as if—

Memorandum

- (a) every reference therein to a consent authority were a reference to the special tribunal; and
- (b) every reference therein to a consent were a reference to the order.

205 Submissions to special tribunal

- 1 Any person may make submissions to the special tribunal about an application which is notified in accordance with section 204.
- 2 Sections 37, 96(5) and (6), and 98 shall, with all necessary modifications, apply in respect of every submission made under subsection (1) as if—
 - (a) every reference therein to a consent authority were a reference to the tribunal; and
 - (b) every reference therein to a consent were a reference to an order; and
 - (c) the reference in section 96(6)(a) to section 97 were a reference to subsection (7) of this section.
- 3 Any person who supports the making of a water conservation order but who would prefer—
 - (a) that the order instead preserve a different but related water body in the same catchment; or
 - (b) that different features and qualities of the water body be preserved,—shall endeavour, in his or her submission,—
 - (c) to make that preference known to the tribunal; and
 - (d) to specify the reasons for the preference, referring, where practicable, to the matters set out in sections 199, 200, and 207; and
 - (e) to describe the provisions which, in the person's opinion, should be included in the water conservation order and the effect that those provisions would have on the water body.
- 4 Any submission that does not contain all the matters referred to in subsection (3) may nevertheless be considered by the tribunal.
- 5 Any person who makes a submission opposing the making of an order shall specify the reasons why he or she considers the proposed order is not justified in terms of section 199 and section 207.
- 6 The special tribunal may, by notice in writing, require any person making a submission to supply such further information in respect of the submission as the special tribunal considers necessary.
- 7 The closing date for serving submissions on a special tribunal is the 20th working day after notification of the application under section 204 is complete or such later date as is notified under section 37.

Memorandum

206 Conduct of hearing

- 1 The Minister shall, without delay, provide a special tribunal with the application in respect of which it has been appointed and any other relevant information received or held by the Minister.
- 2 *[Repealed]*
- 3 Sections 39, 40 to 42, 99 to 100, and 101 shall, with all necessary modifications, apply in respect of an application to a special tribunal as if—
 - (a) every reference in those sections to a consent authority were a reference to the special tribunal; and
 - (b) every reference in those sections to a resource consent were a reference to a water conservation order.
- 3A However, section 101(2) does not apply to the application, and the date for the commencement of the hearing is as follows:
 - (a) if the special tribunal gives a direction under section 41B, the date must be within 40 working days after the closing date for submissions on the application:
 - (b) if the special tribunal does not give a direction under section 41B, the date must be within 25 working days after the closing date for submissions on the application.
- 4 In addition, any hearing must be held at a place determined by the special tribunal that is near the water body to which the application relates.

207 Matters to be considered

In considering an application for a water conservation order, a special tribunal shall have particular regard to the purpose of a water conservation order and the other matters set out in section 199 and shall also have regard to—

- (a) the application and all submissions; and
- (b) the needs of primary and secondary industry, and of the community; and
- (c) the relevant provisions of every national policy statement, New Zealand coastal policy statement, regional policy statement, regional plan, district plan, and any proposed plan.

208 Special tribunal to report on application

- 1 As soon as reasonably practicable, a special tribunal shall prepare a report on the application for a water conservation order and give notice in accordance with subsection (2).
- 2 A notice for the purposes of subsection (1) shall—
 - (a) either include a draft water conservation order, or state that the tribunal recommends that the application be declined; and
 - (b) state the reasons for the tribunal's conclusion; and

Memorandum

- (c) be sent to the applicant, the Minister, the regional council, the relevant territorial authorities, the relevant iwi authorities, and every person who made a submission on the application.

209 Right to make submissions to Environment Court

- 1 Any of the following persons may make a submission to the Environment Court in accordance with subsection (2) in respect of the whole or any part of a report of a special tribunal under section 208:
 - (a) the applicant for the proposed water conservation order to which the report relates:
 - (b) any person who made a submission to the special tribunal under section 205:
 - (c) any other person to whom the Environment Court grants leave to make a submission on the grounds that the person could not reasonably have been expected to know that the report of the special tribunal would affect the person or an aspect of the public interest which that person represents.
- 2 A submission shall be lodged with the Environment Court within 15 working days of receipt of the notification of the decision in accordance with section 208(2).
- 3 A person who makes a submission shall, within 5 working days of the submission being lodged with the Environment Court, serve a copy of it on the applicant for the proposed water conservation order, the Minister, the regional council, the relevant territorial authorities, the relevant iwi authorities, every person who made a submission on the application, and every other person known by the person making the submission to have made a submission to the Environment Court.

210 Environment Court to hold inquiry

If 1 or more submissions are lodged with the Environment Court in accordance with section 209, the court shall conduct a public inquiry in respect of the report to which the submissions relate.

211 Who may be heard at inquiry

The following persons have the right to be heard in person or be represented by another person at an inquiry conducted by the Environment Court under section 210:

- (a) the applicant for the proposed water conservation order to which the inquiry relates:
- (b) the Minister:
- (c) the regional council or territorial authority whose region or district may be affected by the proposed water conservation order:
- (d) every person who made a submission to the special tribunal under section 205:
- (e) any person who is granted leave to make a submission to the Environment Court under section 209(1)(c).

212 Matters to be considered by Environment Court

In conducting its inquiry, the Environment Court shall have particular regard to the purpose of a water conservation order and the other matters set out in section 199, and shall also have regard to—

Memorandum

- (a) the needs of primary and secondary industry, and of the community; and
- (b) the relevant provisions of every national policy statement, New Zealand coastal policy statement, regional policy statement, regional plan, district plan, and any proposed plan; and
- (c) the report of the special tribunal and any draft water conservation order; and
- (d) the application and all submissions lodged with the Environment Court; and
- (e) such other matters as the Environment Court thinks fit.

213 Court's report

- 1 On completion of its inquiry, the Environment Court shall make a report to the Minister recommending that the special tribunal's report be rejected, or accepted with or without modifications, and, where appropriate,—
 - (a) include a draft water conservation order; or
 - (b) recommend that the application for a water conservation order be declined.
- 2 The Environment Court shall ensure that its report is publicly notified in such manner as the Environment Court thinks fit.

214 Making of water conservation order

- 1 The Governor-General may, by Order in Council made on the recommendation of the Minister, make a water conservation order in respect of any water body.
- 2 The Minister shall not make a recommendation for the purposes of subsection (1) except in accordance with—
 - (a) the report of the special tribunal under section 208, where the Environment Court has not conducted an inquiry; or
 - (b) where the Environment Court has conducted an inquiry, the report of the Environment Court under section 213.
- 3 A water conservation order is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

215 Minister's obligation to state reasons for not accepting recommendation

If a special tribunal reports under section 208, or the Environment Court recommends under section 213, that a water conservation order be made and the Minister decides not to recommend that the Governor-General make the order, then the Minister shall,—

- (a) within 20 sitting days after making his or her decision, lay before the House of Representatives a written statement setting out the reasons for his or her decision; and
- (b) within 20 working days after making his or her decision, serve on the applicant and every person who made a submission to the special tribunal or the Environment Court, such a written statement.

Memorandum

216 Revocation or variation of order

- 1 Until the expiration of 2 years after the date a water conservation order is made under section 214 (or under the corresponding provision of any former enactment),—
 - (a) no application shall be made to the Minister to revoke any such order; and
 - (b) the Minister shall reject any application made under subsection (2) to amend any such order unless, after having regard to the purposes of the order and the restrictions and prohibitions imposed by the order, the Minister is satisfied that the amendment to which the application relates—
 - (i) will have no more than a minor effect; or
 - (ii) is of a technical nature and would enable the order to better achieve any purpose for which it was made; and
 - (c) no recommendation shall be made to the Governor-General—
 - (i) to revoke any such order; or
 - (ii) to amend any such order unless the Minister is satisfied that the amendment is of a minor nature or of a technical nature which would enable the order to better achieve any purpose for which it was made.
- 2 Except as provided in subsection (1), any person may at any time apply to the Minister for the revocation or amendment of any water conservation order, and every such application shall state the reasons for the application.
- 3 Upon receipt of an application made under subsection (2), if—
 - (a) the Minister is of the opinion that the application should not be rejected but that, by reason of the minor effect of the amendment, it is unnecessary to hold an inquiry; and
 - (b) the original applicant for the order (if that person can be located) and the regional council agree to the amendment—

the Minister may recommend that the order be amended, and the Governor-General may, by Order in Council made on the recommendation of the Minister, amend the order accordingly.
- 4 Except as provided in subsection (3), an application made under subsection (2) for the revocation or amendment of a water conservation order shall be dealt with in the same manner as an application for such an order, and sections 201 to 215 shall apply accordingly.
- 5 An order under subsection (3) is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

217 Effect of water conservation order

- 1 No water conservation order shall affect or restrict any resource consent granted or any lawful use established in respect of the water body before the order is made.
- 2 Where a water conservation order is operative, the relevant consent authority—

Memorandum

- (a) shall not grant a water permit, coastal permit, or discharge permit if the grant of that permit would be contrary to any restriction or prohibition or any other provision of the order:
- (b) shall not grant a water permit, a coastal permit, or a discharge permit to discharge water or contaminants into water, unless the grant of any such permit or the combined effect of the grant of any such permit and of existing water permits and discharge permits and existing lawful discharges into the water or taking, use, damming, or diversion of the water is such that the provisions of the water conservation order ~~can remain without change or variation~~ are complied with:
- (c) shall, in granting any water permit, coastal permit, or discharge permit to discharge water or contaminants into water, impose such conditions as are necessary to ensure that the provisions of the water conservation order are ~~maintained~~ complied with.

Enforcement

314 Scope of enforcement order

- 1 An enforcement order is an order made under section 319 by the Environment Court that may do any 1 or more of the following:
- (a) require a person to cease, or prohibit a person from commencing, anything done or to be done by or on behalf of that person, that, in the opinion of the court,—
 - (i) contravenes or is likely to contravene this Act, any regulations, a rule in a plan, a rule in a proposed plan, a requirement for a designation or for a heritage order, or a resource consent, section 10 (certain existing uses protected), ~~or~~ section 20A (certain existing lawful activities allowed) or any restriction or prohibition in any water conservation order; or
 - (ii) is or is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment:
 - (b) require a person to do something that, in the opinion of the court, is necessary in order to—
 - (i) ensure compliance by or on behalf of that person with this Act, any regulations, a rule in a plan, a rule in a proposed plan, a requirement for a designation or for a heritage order, any restriction or prohibition in any water conservation order or a resource consent; or
 - (ii) avoid, remedy, or mitigate any actual or likely adverse effect on the environment caused by or on behalf of that person:
 - (c) require a person to remedy or mitigate any adverse effect on the environment caused by or on behalf of that person:
 - (d) require a person to pay money to or reimburse any other person for any actual and reasonable costs and expenses which that other person has incurred or is likely to incur in avoiding, remedying, or mitigating any adverse effect on the environment, where the person against whom the order is sought fails to comply with—
 - (i) an order under any other paragraph of this subsection; or

Memorandum

- (ii) an abatement notice; or
 - (iii) a rule in a plan or a proposed plan or a resource consent; or
 - ~~(iii)~~(iv) any restriction or prohibition in any water conservation order or
 - ~~(iv)~~(v) any of that person's other obligations under this Act:
- (da) require a person to do something that, in the opinion of the court, is necessary in order to avoid, remedy, or mitigate any actual or likely adverse effect on the environment relating to any land of which the person is the owner or occupier:
 - (e) change or cancel a resource consent if, in the opinion of the court, the information made available to the consent authority by the applicant contained inaccuracies relevant to the enforcement order sought which materially influenced the decision to grant the consent:
 - (ea) revoke a resource consent (in whole or in part) or suspend a resource consent (in whole or in part for a specified period) if, in the opinion of the court, there has been significant non-compliance with this Act—
 - (i) that is ongoing or repeated; and
 - (ii) that, if the consent holder is not a natural person, has been or is the subject of an enforcement order or a conviction under this Act or, if the consent holder is a natural person, has been or is the subject of an enforcement order or a conviction under this Act within the previous 7 years:
 - (f) where the court determines that any 1 or more of the requirements of Schedule 1 have not been observed in respect of a policy statement or a plan, do any 1 or more of the following:
 - (i) grant a dispensation from the need to comply with those requirements:
 - (ii) direct compliance with any of those requirements:
 - (iii) suspend the whole or any part of the policy statement or plan from a particular date (which may be on or after the date of the order, but no such suspension shall affect any court order made before the date of the suspension order).
- 2 For the purposes of subsection (1)(d), **actual and reasonable costs** include the costs of investigation, supervision, and monitoring of the adverse effect on the environment, and the costs of any actions required to avoid, remedy, or mitigate the adverse effect.
- 3 Except as provided in section 319(2), an enforcement order may be made on such terms and conditions as the Environment Court thinks fit (including the payment of any administrative charge under section 36, the provision of security, or the entry into a bond for performance).
- 4 Without limiting the provisions of subsections (1) to (3), an order may require the restoration of any natural and physical resource to the state it was in before the adverse effect occurred (including the planting or replanting of any tree or other vegetation).
- 4A The court may, having regard to the nature of the non-compliance,—
- (a) revoke the resource consent, and any resource consents associated with that consent that enable the same activity, in whole or in part, with effect on a specified date; or

Memorandum

- (b) suspend the resource consent, and any resource consents associated with that consent that enable the same activity, in whole or in part, for a specified period without conditions or subject to any conditions that the court thinks fit.
- 5 An enforcement order shall, if the court so states, apply to the personal representatives, successors, and assigns of a person to the same extent as it applies to that person.

315 Compliance with enforcement order

- 1 Where an enforcement order is made against a person, and that enforcement order is served on that person, that person shall—
- (a) comply with the order; and
 - (b) unless the order directs otherwise, pay all the costs and expenses of complying with the order.
- 2 If a person against whom an enforcement order is made fails to comply with the order, any person may, with the consent of the Environment Court,—
- (a) comply with the order on behalf of the person who fails to comply with the order, and for this purpose, enter upon any land or enter any structure (with a constable if the structure is a dwellinghouse); and
 - (b) sell or otherwise dispose of any structure or materials salvaged in complying with the order; and
 - (c) after allowing for any moneys received under paragraph (b), if any, recover the costs and expenses of doing so as a debt due from that person.
- 3 Any costs or expenses which remain unpaid under subsection (2)(c) may be registered under subpart 5 of Part 3 of the Land Transfer Act 2017 as a charge on any land in respect of which an enforcement order is made.
- 4 Failure to comply with an enforcement order is an offence under section 338.

316 Application for enforcement order

- 1 Any person may at any time apply to the Environment Court in the prescribed form for an enforcement order of a kind specified in paragraphs (a) to (d) of section 314(1), or in section 314(2).
- 2 An application may at any time be made in the prescribed form to the Environment Court by—
- (a) a local authority, a consent authority, or the EPA for an enforcement order of the kind specified in section 314(1)(da); and
 - (ab) a local authority, a consent authority, or the EPA for an enforcement order under section 314(1)(ea); and
 - (b) a local authority or consent authority for an enforcement order of the kind specified in section 314(1)(e).

Memorandum

- 3 An application for an enforcement order under section 314(1)(f) may be lodged—
 - (a) by a local authority (or the Minister of Conservation in regard to a regional coastal plan) at any time; or
 - (b) by any other person, no later than 3 months after the date on which the policy statement or plan becomes operative.
- 4 Any person who applies for an enforcement order under any provision of this section may request that the enforcement order be made on any terms and conditions permitted by section 314(3) or section 314(4).
- 5 No person (other than the consent authority, the EPA, or the Minister) may apply to the Environment Court for an enforcement order to enforce any condition of a resource consent or a rule in a plan or proposed plan or any restriction or prohibition in any water conservation order that requires the holder to adopt the best practicable option to avoid or minimise any adverse effect of the discharge to which the consent or rule or restriction or prohibition relates.

Memorandum

Abatement notices

322 Scope of abatement notice

- 1 An abatement notice may be served on any person by an enforcement officer—
 - (a) requiring that person to cease, or prohibiting that person from commencing, anything done or to be done by or on behalf of that person that, in the opinion of the enforcement officer,—
 - (i) contravenes or is likely to contravene this Act, any regulations, a rule in a plan, any restriction or prohibition in any water conservation order or a resource consent; or
 - (ii) is or is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment:
 - (b) requiring that person to do something that, in the opinion of the enforcement officer, is necessary—
 - (i) to ensure compliance by or on behalf of that person with this Act, a national environmental standard, a regulation, a rule in a plan or a proposed plan, any restriction or prohibition in any water conservation order or a resource consent; or
 - (ii) to avoid, remedy, or mitigate any actual or likely adverse effect on the environment—
 - (A) caused by or on behalf of the person; or
 - (B) relating to any land of which the person is the owner or occupier:
 - (c) requiring that person, being—
 - (i) an occupier of any land; or
 - (ii) a person carrying out any activity in, on, under, or over a water body or the water within the coastal marine area,—

who is contravening section 16 (which relates to unreasonable noise) to adopt the best practicable option of ensuring that the emission of noise from that land or water does not exceed a reasonable level.
- 2 Where any person is under a duty not to contravene a rule in a proposed plan under sections 9, 12(3), 14(2), or 15(2), an abatement notice may be issued to require a person—
 - (a) to cease, or prohibit that person from commencing, anything done or to be done by or on behalf of that person that, in the opinion of the enforcement officer, contravenes or is likely to contravene a rule in a proposed plan; or
 - (b) to do something that, in the opinion of the enforcement officer, is necessary in order to ensure compliance by or on behalf of that person with a rule in a proposed plan.
- 3 An abatement notice may be made subject to such conditions as the enforcement officer serving it thinks fit.

Memorandum

- 4 An abatement notice shall not be served unless the enforcement officer has reasonable grounds for believing that any of the circumstances in subsection (1) or subsection (2) exist.

323 Compliance with abatement notice

- 1 Subject to the rights of appeal in section 325, a person on whom an abatement notice is served shall—
- (a) comply with the notice within the period specified in the notice; and
 - (b) unless the notice directs otherwise, pay all the costs and expenses of complying with the notice.
- 2 If a person against whom an abatement notice is made under section 322(1)(c) (which relates to the emission of noise), fails to comply with the notice, an enforcement officer may, without further notice, enter the place where the noise source is situated (with a constable if the place is a dwellinghouse), and—
- (a) take all such reasonable steps as he or she considers necessary to cause the noise to be reduced to a reasonable level; and
 - (b) when accompanied by a constable, seize and impound the noise source.

324 Form and content of abatement notice

Every abatement notice shall be in the prescribed form and shall state—

- (a) the name of the person to whom it is addressed; and
- (b) the reasons for the notice; and
- (c) the action required to be taken or ceased or not undertaken; and
- (d) the period within which the action must be taken or cease, having regard to the circumstances giving rise to the abatement notice, being a reasonable period to take the action required or cease the action; but must not be less than 7 days after the date on which the notice is served if the abatement notice is within the scope of section 322(1)(a)(ii) and the person against whom the notice is served is complying with this Act, any regulation, a rule in a plan, or a resource consent; and
- (e) the consequences of not complying with the notice or lodging a notice of appeal; and
- (f) the rights of appeal under section 325; and
- (g) in the case of a notice under section 322(1)(c), the rights of an enforcement officer under section 323(2) on failure of the recipient to comply with the notice within the time specified in the notice; and
- (h) the name and address of the local authority or consent authority whose enforcement officer issued the notice or the address of the EPA, if the notice is issued by an enforcement officer appointed by the EPA.

Memorandum

338 Offences against this Act

- 1 Every person commits an offence against this Act who contravenes, or permits a contravention of, any of the following:
 - (a) sections 9, 11, 12, 13, 14, and 15 (which impose duties and restrictions in relation to land, subdivision, the coastal marine area, the beds of certain rivers and lakes, water, and discharges of contaminants):
 - (b) any enforcement order:
 - (c) any abatement notice, other than a notice under section 322(1)(c):
 - (d) any water shortage direction under section 329:
 - (e) ~~any restriction or prohibition in any water conservation order.~~
- 1A Every person commits an offence against this Act who contravenes or permits a contravention of section 15A or section 15C (which impose restrictions in relation to waste or other matter).
- 1B Where any harmful substance or contaminant or water is discharged in the coastal marine area in breach of section 15B, the following persons each commit an offence:
 - (a) if the discharge is from a ship, the master and the owner of the ship:
 - (b) if the discharge is from an offshore installation, the owner of the installation.
- 2 Every person commits an offence against this Act who contravenes, or permits a contravention of, any of the following:
 - (a) section 22, which relates to failure to provide certain information to an enforcement officer:
 - (b) section 42, which relates to the protection of sensitive information:
 - (c) any excessive noise direction under section 327:
 - (d) any abatement notice for unreasonable noise under section 322(1)(c):
 - (e) any order (other than an enforcement order) made by the Environment Court.
- 3 Every person commits an offence against this Act who—
 - (a) willfully obstructs, hinders, resists, or deceives any person in the execution of any powers conferred on that person by or under this Act:
 - (b) contravenes, or permits a contravention of, any of the following:
 - (i) section 283, which relates to non-attendance or refusal to co-operate with the Environment Court:
 - (ii) any summons or order to give evidence issued or made pursuant to section 41:

Memorandum

- (c) contravenes, or permits a contravention of, any provision (as provided in Schedule 10) specified in an instrument for the creation of an esplanade strip or in an easement for an access strip, or enters a strip which is closed under section 237C.
- 4 Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against subsection (1), (1A), or (1B) ends on the date that is 12 months after the date on which the contravention giving rise to the charge first became known, or should have become known, to the local authority or consent authority.

341 Strict liability and defences

- 1 In any prosecution for an offence of contravening or permitting a contravention of any of sections 9, 11, 12, 13, 14, and 15 or any restriction or prohibition in any water conservation order, it is not necessary to prove that the defendant intended to commit the offence.
- 2 Subject to subsection (3), it is a defence to prosecution of the kind referred to in subsection (1), if the defendant proves—
- (a) that—
 - (i) the action or event to which the prosecution relates was necessary for the purposes of saving or protecting life or health, or preventing serious damage to property or avoiding an actual or likely adverse effect on the environment; and
 - (ii) the conduct of the defendant was reasonable in the circumstances; and
 - (iii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred; or
 - (b) that the action or event to which the prosecution relates was due to an event beyond the control of the defendant, including natural disaster, mechanical failure, or sabotage, and in each case—
 - (i) the action or event could not reasonably have been foreseen or been provided against by the defendant; and
 - (ii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred.
- 3 Except with the leave of the court, subsection (2) does not apply unless, within 7 days after the service of the summons or within such further time as the court may allow, the defendant delivers to the prosecutor a written notice—
- (a) stating that he or she intends to rely on subsection (2); and
 - (b) specifying the facts that support his or her reliance on subsection (2).

Section 341(2)(b): amended, on 7 July 1993, by section 156 of the Resource Management Amendment Act 1993 (1993 No 65).

Memorandum

341A Liability and defences for dumping and storage of waste or other matter

It is a defence to prosecution for an offence of contravening or permitting a contravention of section 15A if the defendant proves that the act or omission which is alleged to constitute the offence—

- (a) was necessary—
 - (i) to save or prevent danger to human life; or
 - (ii) to avert a serious threat to any ship, aircraft, or offshore installation; or
 - (iii) in the case of force majeure caused by stress of weather, to secure the safety of any ship, aircraft, or offshore installation; and
- (b) was a reasonable step to take in all the circumstances; and
- (c) was likely to result in less damage than would otherwise have occurred; and
- (d) was taken or omitted in such a way that the likelihood of damage to human or marine life was minimised.

Section 341A: inserted, on 20 August 1998, by section 23 of the Resource Management Amendment Act 1994 (1994 No 105).

341B Liability and defences for discharging harmful substances

- 1 In any prosecution for an offence against section 338(1B) (which relates to the discharge of harmful substances, contaminants, or water, in breach of section 15B) it is not necessary to prove that the defendant intended to commit the offence.
- 2 It is a defence to prosecution for an offence against section 338(1B) if the defendant proves that—
 - (a) the harmful substance or contaminant or water was discharged for the purpose of securing the safety of a ship or an offshore installation, or for the purpose of saving life and that the discharge was a reasonable step to effect that purpose; or
 - (b) the harmful substance or contaminant or water escaped as a consequence of damage to a ship or its equipment or to an offshore installation or its equipment; and—
 - (i) such damage occurred without the negligence or deliberate act of the defendant; and
 - (ii) as soon as practicable after that damage occurred, all reasonable steps were taken to prevent the escape of the harmful substance or contaminant or water or, if any such escape could not be prevented, to minimise any escape.

Section 341B: inserted, on 20 August 1998, by section 23 of the Resource Management Amendment Act 1994 (1994 No 105).

About Fish and Game

- 1.1 Fish and Game is the statutory manager for sports fish and game, with functions conveyed under the Conservation Act 1987. The organisation is an affiliation of 12 regional Councils and one national Council. Together, these organisations represent approx. 130,000 anglers and hunters.
- 1.2 The sports fish and game resource managed by Fish and Game are defined and protected under the Conservation Act and the Wildlife Act 1953. The species within include introduced sports fish and a mix of native and introduced waterfowl and upland game¹.
- 1.3 Our vision, purpose and values are illustrated below:

OUR VISION Our vision is a New Zealand where freshwater habitats and species flourish, where hunting and fishing traditions thrive and all Kiwis enjoy access to sustainable wild fish and game resources.	OUR PURPOSE Fish & Game New Zealand maintains and enhances sports fish and game birds, and their habitats, ensuring access for current and future generations of New Zealanders.	OUR VALUES TRUST INCLUSION CONNECTION SERVICE
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- 1.4 Fish and Game is entirely funded by licence holder fees and private contributions, meaning the delegated function of managing the species for the public good is funded entirely by the users. It is a democratic '*user pays, user say*'s organisation. Using this system, Fish and Game funds public good research to ensure fisheries and game populations are managed sustainably; undertakes compliance with the licencing system; and contributes to public planning processes to ensure that hunters and anglers values are recognised and provided for.
- 1.5 In relation to planning, Fish & Game have the statutory function to advocate for hunters and anglers values and ensure that the habitats of gamebirds and sports fish are provided for. At any one time we may have around 150,000 licence holders, and a larger number (approximately 300,000) that are transient licence holders. The habitat we specifically advocate for includes lakes and rivers that contain trout and salmon (and other sports fish) and wetlands where game bird hunting occurs.

¹ Most New Zealanders refer to these species as 'game birds', distinguishing them from other types of large game, such as deer or pigs. The Wildlife Act 1953 defines these birds simply as 'game' and this phrase is used in the context of this submission.

Fish and Game in Resource Management

- 2.1 Fish and Game works to provide for the ongoing enjoyment of hunting and freshwater fishing assets, the maintenance (or enhancement) of public access to rivers, lakes, and wetlands for hunting and fishing, and the protection of the habitat of trout and salmon.
- 2.2 Hunting and angling require legal and physical access both to habitats and the resource itself. Maintenance and enhancement of access is critically important to the pursuits of our licence holders. The maintenance and enhancement of public access to and along lakes and rivers is listed in the RMA 1991 as a matter of national importance.
- 2.3 We see the opportunity for proposals to be required to provide improved access both to their sites and other nearby areas that involve hunting or fishing values as a form of mitigation for any loss of values on site. We seek that Fish and Game are consulted as an expert advisor where gamebird and or sports fishery values could be impacted. We can work with government officials to ensure outcomes that achieve both economic imperatives, along with recognising and providing for hunting and fishing values.
- 2.4 We specifically seek the protection of:
 - i. habitat of trout and salmon.
 - ii. maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers where sports fishing and game bird values exist.
 - iii. preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins where sports fishing and game bird values exist.
 - iv. Recognition and provision for freshwater angling/game bird hunting and amenity values.



What does Fish & Game do?

Who are we? Fish & Game New Zealand manages, maintains and enhances sports fish and game birds and their freshwater habitats in the best long-term interests of anglers, hunters and all New Zealanders.

Our vision

A New Zealand where freshwater habitats and species flourish, where game bird hunting and fishing traditions thrive and all New Zealanders enjoy access to sustainable wild fish and game resources.

What we do

- Manage fishing and hunting regulations
- Conduct research to monitor fish and game bird populations
- Collaborate with communities to protect natural habitats
- Provide educational programmes and resources
- Advocate for valued habitats and species
- Negotiate and maintain access for anglers, hunters and all New Zealanders

Together, let's ensure a thriving future for fishing and game bird hunting!

fishandgame.org.nz
#ReWild



What does Fish & Game do?

Species management: We monitor and survey species populations; set season regulations; and sustainably manage pressure on the resource.

Habitat protection: Advocate and take action to protect and enhance lakes, rivers, streams and wetlands; and secure 'national park' status to important rivers through Water Conservation Orders.



Access and participation: Negotiate and advocate so all New Zealanders can access our natural places; maintain access signage, information and brochures; organise fishing and hunting events and classes.

Public awareness: Maintain public advocacy; schools programmes; website and newsletters; community liaison; promote the right of licensed anglers and game bird hunters to pursue their chosen pastime.



Compliance: Recruit, train, equip and coordinate warranted rangers, to educate and enforce regulations to ensure the fish and game resource is sustained.

Licensing: Provide a nationwide licensing system with a range of licence categories and sales channels that makes it easy to buy a licence. We are solely funded by licence holders.



Council: Hold public meetings of elected licence holders to approve regulations and budgets, set policies and provide governance for the Fish & Game system.

Coordination and planning: Provide research, planning and reporting; financial management and general coordination across Fish & Game New Zealand.



fishandgame.org.nz #ReWild

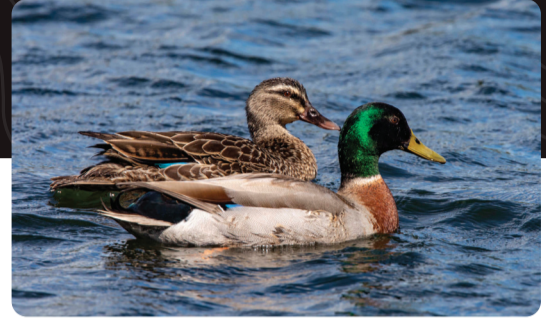
Species we manage



Black Swan Kakianau



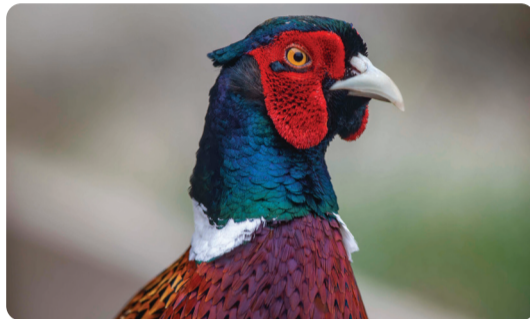
Californiaian Quail Koitareke



Mallard Rakiraki



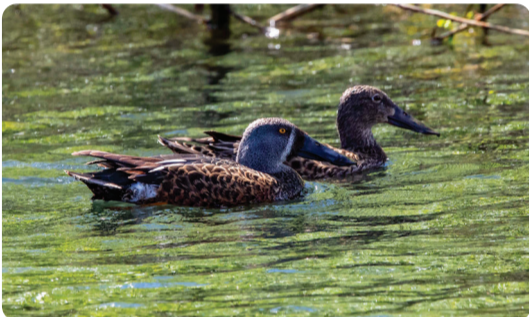
Paradise Shelduck Pūtakitaki



Pheasant Peihana



Pūkeko



Shoveler Kuruwhengi



Chukar



Grey Duck Pārera



Brown Trout



Rainbow Trout



Chinook Salmon



Sockeye Salmon



Brook Trout



Tiger Trout



Perch



Tench

Protecting our wild & scenic waterways

Crafted by nature. Delivered by the clouds. Aged in the mountains.
Protected in perpetuity by a Water Conservation Order (WCO).

A WCO is the highest level of protection that can be afforded to any water body, preserving its outstanding natural values for freshwater fish, wildlife, and outdoor recreation for future generations to enjoy.

Fish & Game is directly responsible for securing 12 of these 16 precious waterways for anglers, game bird hunters, and all New Zealanders.



North Island

1 Motu River

The Motu River was the first New Zealand 'wild and scenic' river to win protection from a Water Conservation Order in 1984. The river is used widely for adventure tourism and is to be preserved in its natural state.

2 Mohaka River

The WCO was granted in 2004 over the Mohaka and its tributaries in recognition of its outstanding trout fishery above the SH5 bridge. The order also covers the river's outstanding scenic characteristics and value for water-based recreation.

3 Manganui o te Ao River

The Manganui o te Ao River catchment is recognised as an outstanding recreational fishery and a key site for endangered blue duck (whio) recovery efforts.

4 Rangitikei River

The WCO passed in 1993 recognises the river's outstanding wild and scenic characteristics, recreational fisheries and wildlife features. The river is internationally regarded as one of the finest trout fisheries in the world.

5 Lake Wairarapa

The lake is the third largest in the North Island, fractionally smaller than Lake Rotorua. The WCO, which passed in 1989, seeks to protect the wildlife and wetland habitat particularly on the eastern lakeshore which is important for waterfowl.



South Island

6 Motueka River

A Motueka River WCO came into force in 2004 in recognition of outstanding recreational, wild and scenic characteristics, along with fisheries and wildlife habitat features. The order included restrictions on damming or altering river flows to protect spawning by brown trout.

7 Te Puna Waiora o Te Waikoropupū Springs

The largest cold-water springs in New Zealand. The springs' clarity is attributed to the filtration that occurs as water moves through the Wharepapa Arthur Marble Aquifer.

8 Buller River

The WCO came into force in 2001, listing the waters of the Buller River and tributaries to be retained in their natural state or protected because of outstanding wild and scenic characteristics, fisheries and habitat features, and scientific values.

9 Grey River

The river was given WCO protection in 1991 for an outstanding natural characteristic in the form of a meandering incised river gorge, along with outstanding scenic features. It is also a high quality trout fishery.

10 Lake Ellesmere

A WCO was granted in 1990 to preserve its wetlands and fish, and recognise it as a habitat for wildlife, and of significance to Maori.

11 Rakaia River

The Rakaia River is a celebrated salmon fishery. The Rakaia is also known for its large wrybill population. Other important bird species known to be found in the riverbed are the black-fronted tern and banded dotterel.

12 Rangitata River

A WCO was passed in 2006 identifying the outstanding characteristics and fishery values of the Rangitata River. The order lays down constraints on damming, alteration of river flow and form and water quality, and maintenance of fish passage.

13 Ahuriri River

The WCO passed in 1990 recognises the river and its tributaries as an area of outstanding wildlife habitat and fisheries, with "outstanding angling features".

14 Kawarau River

A WCO protects the river and wider catchment for its wild and scenic character, natural characteristics, angling, scientific values and recreational use. No damming is allowed and the water must be maintained to a specific standard.

15 Mataura River

The Mataura is internationally-renowned for its brown trout fishery. The WCO was passed in 1997 in recognition of "outstanding fisheries and angling amenity features".

16 Oreti River

The order, passed in 2008, recognises the brown trout habitat and angling amenity of the river and its tributaries, its black-billed gull habitat, along with the tikanga value to Maori.