

Attachment B

Extract from Clause 25 Resource Management Act 1991 (RMA)

25 Local authority to consider request

- (1) A local authority shall, within 30 working days of—
- (a) receiving a request under clause 21; or
 - (b) receiving all required information or any report which was commissioned under clause 23; or
 - (c) modifying the request under clause 24—
- whichever is the latest, decide under which of subclauses (2), (3), and (4), or a combination of subclauses (2) and (4), the request shall be dealt with.
- (1A) The local authority must have particular regard to the evaluation report prepared for the proposed plan or change in accordance with clause 22(1)—
- (a) when making a decision under subclause (1); and
 - (b) when dealing with the request under subclause (2), (3), or (4).
- (2) The local authority may either—
- (a) adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so,—
 - (i) the request must be notified in accordance with clause 5 or 5A within 4 months of the local authority adopting the request; and
 - (ii) the provisions of Part 1 or 4 must apply; and
 - (iii) the request has legal effect once publicly notified; or
 - (b) accept the request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26.
- (2AA) However, if a direction is applied for under section 80C, the period between the date of that application and the date when the application is declined under clause 77(1) must not be included in the calculation of the 4-month period specified by subclause (2)(a)(i).
- (2A) Subclause (2)(a)(iii) is subject to section 86B.
- (3) The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 6 shall apply accordingly.

- (4) The local authority may reject the request in whole or in part, but only on the grounds that—
- (a) the request or part of the request is frivolous or vexatious; or
 - (b) within the last 2 years, the substance of the request or part of the request—
 - (i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
 - (ii) has been given effect to by regulations made under section 360A; or
 - (c) the request or part of the request is not in accordance with sound resource management practice; or
 - (d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or
 - (e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.
- (5) The local authority shall notify the person who made the request, within 10 working days, of its decision under this clause, and the reasons for that decision, including the decision on notification.

Schedule 1 clause 25: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 25(1A): inserted, on 3 December 2013, for all purposes, by section 86 of the Resource Management Amendment Act 2013 (2013 No 63).

Schedule 1 clause 25(2): replaced, on 17 December 1997, by section 72 of the Resource Management Amendment Act 1997 (1997 No 104).

Schedule 1 clause 25(2)(a)(i): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 25(2)(a)(ii): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 25(2)(a)(iii): amended, on 1 October 2009, by section 149(16) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 25(2AA): inserted, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 25(2A): inserted, on 1 October 2009, by section 149(17) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 25(4)(b): replaced, on 1 October 2011, by section 60 of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

Schedule 1 clause 25(5): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).