



## ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Interpretation</p> <p>3. Application of Act to works</p> <p>4. Reference of application to Planning Tribunal</p> <p>5. Environmental impact report and audit</p> <p>6. Statutory authorities to report to Tribunal</p> <p>7. Inquiry by Planning Tribunal</p> <p>8. Persons entitled to be heard</p> <p>9. Matters to be taken into account</p> <p>10. Tribunal to report to Minister, etc.</p> <p>11. Work may be declared to be of national importance and consents granted</p>	<p>12. Orders in Council to be laid before Parliament, etc.</p> <p>13. Effect of granting consents</p> <p>14. Application for further consents</p> <p>15. Application for variation or cancellation of conditions or imposition of new conditions</p> <p>16. Variation or cancellation of conditions and imposition of new conditions</p> <p>17. Review of proceedings before Tribunal, etc.</p> <p>18. Certain Acts to be read subject to this Act, etc.</p> <p>19. Amendments to Town and Country Planning Act 1977 Schedule</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

---

 1979, No. 147

**An Act to provide for the prompt consideration of proposed works of national importance by the direct referral of the proposals to the Planning Tribunal for an inquiry and report and by providing for such works to receive the necessary consents** *[14 December 1979]*

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the National Development Act 1979.

**2. Interpretation**—(1) In this Act, unless the context otherwise requires,—

“Applicant” means—

(a) In respect of a Government work, the Minister of Works and Development:

(b) In respect of a private work, the person proposing to construct, undertake, or operate the work or cause the work to be constructed, undertaken, or operated:

“Commissioner for the Environment” means the person for the time being holding that office under the State Services Act 1962:

“Consent” means an authorisation, permission, a licence, a permit, a right, and any other approval of any type whatsoever capable of being granted under any statutory provision:

“District”, in relation to a local authority, means the district or region of that local authority:

“Government work” means a work constructed or intended to be constructed by or on behalf of Her Majesty the Queen or the Government of New Zealand or any Minister of the Crown; and includes the construction, undertaking, and operation of the work:

“Land” includes water; and also includes—

(a) The foreshore, being the area between the high-water mark of the sea at ordinary spring tides and its low-water mark at ordinary spring tides:

(b) The seabed between the low-water mark at ordinary spring tides and the seaward limits of the territorial sea of New Zealand as defined in the Territorial Sea and Exclusive Economic Zone Act 1977:

(c) The continental shelf as defined in the Continental Shelf Act 1964:

“Local authority” has the same meaning as is ascribed to that term by section 2 of the Town and Country Planning Act 1977:

“Minister” means the Minister of National Development:

“Private work” means a work constructed or intended to be constructed by or on behalf of any person or body other than Her Majesty the Queen or the Government of New Zealand or any Minister of the Crown; and includes the construction, undertaking, and operation of the work:

“Public notice” means a notice published—

(a) Once in the *Gazette*;

(b) Twice in a newspaper circulating in the area in which it is proposed that the work which is the subject-matter of the notice will be situated, with an interval of not less than 5 nor more than 10 days between each notification;

(c) Once in a daily newspaper published in each of the Cities of Auckland, Wellington, Christchurch, and Dunedin; and

(d) Once in such other newspapers (if any) as the person required to give the notice thinks desirable:

“Statutory provision” means any Act, regulation, rule, Order in Council, Proclamation, notice, or bylaw or any part or section thereof; and includes any regional planning scheme, district scheme, or maritime planning scheme in force under the Town and Country Planning Act 1977:

“Tribunal” means the Planning Tribunal established under section 128 of the Town and Country Planning Act 1977.

(2) In the exercise and performance of his powers, functions, and duties under this Act, the Commissioner for the Environment shall act independently and shall not be subject to the directions of the Minister for the Environment or any other Minister.

(3) The date of any public notice required to be given under this Act shall be the date on which the requirements as to public notice have been complied with.

(4) In computing any period of time for the purposes of this Act, no account shall be taken of the period or any part of the period commencing on the 20th day of December in any year and ending with the 20th day of January next following.

**3. Application of Act to works—**(1) Any person may apply for the provisions of this Act to be applied to any Government work or private work, as the case may be, by submitting 20 copies of an application to the Minister.

(2) Every such application shall—

(a) Specify the reasons why the applicant considers the work meets or will meet the criteria set out in subsection (3) of this section:

- (b) Describe the land on which it is proposed to construct the work, and the reasons why the site is preferred to other practicable sites:
  - (c) Give such particulars as would be required if an application for the consent were made in the normal way:
  - (d) Be accompanied by such plans as will generally describe the proposed work and by a plan of its proposed location on the site:
  - (e) Specify every consent that he wishes to have granted to him under this Act, the specific statutory provision under which the consent would normally be granted (being a statutory provision in an Act, or in force under an Act, specified in the Schedule to this Act), and the statutory authority which would normally grant it:
  - (f) Be accompanied by a statement of the economic, social, and environmental effects of the proposed work:
  - (g) Be supplemented by such other reports, plans, statements, or information (including amplification of any of the matters referred to in paragraphs (a) to (f) of this subsection) as the Minister notifies the applicant he considers necessary.
- (3) After an application has been made under subsection (1) of this section, the Governor-General in Council may, if the Governor-General in Council considers that the Government work or private work is a major work that is likely to be in the national interest, and considers—
- (a) That the work is essential for the purposes of—
    - (i) The orderly production, development, or utilisation of New Zealand's resources; or
    - (ii) The development of New Zealand's self-sufficiency in energy (other than atomic energy as defined in section 2 of the Atomic Energy Act 1945); or
    - (iii) The major expansion of exports or of import substitution; or
    - (iv) The development of significant opportunities for employment; and
  - (b) That it is essential a decision be made promptly as to whether or not the consents sought should be granted—
- apply the provisions of this Act to the work or any part of it.

(4) Before the Governor-General in Council applies the provisions of this Act to any work or part of any work, the Minister shall consult the united or regional council within whose district it is proposed that the work be situated and such other statutory authorities as he considers appropriate.

#### **4. Reference of application to Planning Tribunal—**

(1) When the provisions of this Act are applied to any Government work or private work under section 3 of this Act, the Minister shall forthwith refer the application received under that section, together with all documents and plans which accompanied it, to the Tribunal for an inquiry, report, and recommendation.

(2) Before the application is so referred, the Minister may delete any consent specified in the application under section 3 (2) (e) of this Act if he considers that it should be applied for in the normal way, or add any consent not so specified. If any consent is so deleted or added, the Minister shall forthwith advise the applicant who may if he wishes withdraw the application.

(3) At the same time as the Minister refers the application to the Tribunal, he shall cause public notice to be given of the fact that he has so referred the application, and forward a copy of the application, together with all documents and plans which accompanied it, to—

(a) The united or regional council, the territorial authority within the meaning of the Local Government Act 1974, and the Regional Water Board, within whose district it is proposed that the work be situated;

(b) The National Water and Soil Conservation Authority;

(c) The Commissioner for the Environment;

(d) Every statutory authority which would normally grant the consents set out in the application referred to the Tribunal; and

(e) The Minister of Works and Development, if the proposed work is a private work.

(4) On application by any person and on the payment of such reasonable fee as may be fixed by the Registrar of the Tribunal, the Registrar shall supply to that person a copy of the application which has been referred to the Tribunal, and of all documents and plans which accompanied it.

(5) If a consent under the Town and Country Planning Act 1977 is specified in the application, the territorial authority

shall as soon as practicable serve notice of the application on every person who would be required to be served if application for that consent had been made in the normal way.

(6) The applicant shall, as soon as practicable after the application has been referred to the Tribunal, cause notice of the application or a copy of the application, as the case may be, to be served on every person who would be required to be so served if application for the consents set out in the application referred to the Tribunal had been made in the normal way.

**5. Environmental impact report and audit—**(1) The applicant shall, as soon as practicable after making an application under section 3 of this Act, forward to the Commissioner for the Environment an environmental impact report on the proposed work.

(2) On receipt of the environmental impact report, the Commissioner for the Environment shall, if the provisions of this Act have been applied to the proposed work, forthwith—

- (a) Make it available for inspection by the public and give public notice of the fact that it is so available and of the places where it may be inspected:
- (b) Call for submissions to be made to him in respect of it within 6 weeks after the date on which such public notice is given:
- (c) On application by any person and on the payment of such reasonable fee as may be fixed by the Commissioner, make a copy of it available to that person.

(3) After considering any submissions received within the time allowed, the Commissioner for the Environment shall give his opinion on the environmental implications of the work in the form of an audit and forward a certificate that the audit has been completed to the Tribunal within 3 months after the date on which public notice was given under subsection (2) of this section.

(4) At the same time as the Commissioner for the Environment forwards the certificate of completion of the audit to the Tribunal, he shall—

- (a) Forward a copy of the audit to the applicant:
- (b) Make it available for inspection by the public and give public notice of the fact that the audit is so available and of the places where it may be inspected:

- (c) On application by any person and on the payment of such reasonable fee as may be fixed by the Commissioner, make a copy of the audit available to that person.

**6. Statutory authorities to report to Tribunal—**(1) Every statutory authority which would normally grant any consent set out in the application referred to the Tribunal shall, as soon as practicable after receiving a copy of the application under section 4 (3) (d) of this Act but not later than 14 days before the date on which the inquiry will commence under section 7 of this Act or such later date as the Chairman of a Division of the Tribunal allows in exceptional circumstances, carry out such investigations as it thinks appropriate and forward to the Tribunal a recommendation as to whether or not the consent should be granted, together with a recommendation as to the term or period of time for which it should be granted (if there would normally be a discretion exercisable in that respect), and the conditions, restrictions, and prohibitions which should be imposed in respect of the consent if it is granted.

(2) At the same time as the statutory authority forwards the recommendation to the Tribunal, it shall serve a copy of it on the applicant.

(3) The Tribunal may direct the statutory authority to serve a copy of the recommendation on such other parties to the inquiry as the Tribunal considers appropriate.

(4) A recommendation forwarded to the Tribunal under this section shall not be regarded as evidence.

**7. Inquiry by Planning Tribunal—**(1) The Tribunal, whenever any application has been referred to it under section 4 of this Act, shall have jurisdiction to conduct and shall conduct an inquiry into the matters relevant to the consents set out in that application.

(2) Subject to the provisions of this Act, for the purposes of conducting an inquiry under this section, the Tribunal shall have all the powers, privileges, and immunities conferred on it by Part VIII of the Town and Country Planning Act 1977.

(3) As soon as practicable after receiving the certificate of completion of the audit, the Registrar of the Tribunal shall advise the applicant and the statutory authorities referred to in section 6 of this Act of, and give public notice of, the

place at which and the date on which the inquiry will commence, being a date not less than 6 weeks nor more than 8 weeks after the date of the public notice or such later date as the Chairman of a Division of the Tribunal specifies at the request of the applicant.

(4) Notwithstanding the provisions of section 2 of this Act, for the purposes of this section—

(a) The term “public notice” means a notice published—

(i) In a newspaper circulating in the area in which it is proposed that the work that is the subject-matter of the inquiry be situated; and

(ii) In a daily newspaper published in each of the Cities of Auckland, Wellington, Christchurch, and Dunedin:

(b) The date of public notice shall be the date on which it is published in accordance with paragraph (a) (i) of this subsection.

(5) Not later than 3 weeks before the date on which the inquiry will commence or within such longer period as the Chairman of a Division of the Tribunal may allow in exceptional circumstances, the applicant shall—

(a) File with the Tribunal such particulars as will fully and fairly inform the other parties to the inquiry of the nature and substance of the applicant’s case; and

(b) Serve a copy of those particulars on every body which and person who has advised the Tribunal under section 8 (4) of this Act of its or his intention to be present at the inquiry.

(6) Every such inquiry shall be held in public.

(7) The holding of the inquiry, and the making of a report and recommendation, shall have priority over every other matter before the Tribunal (except any other application before it under this Act).

(8) The Tribunal shall conduct the hearing at the nearest place to the proposed location of the work which the Tribunal considers convenient.

(9) For the purposes of conducting the inquiry and making a report and recommendation, the Chairman of a Division of the Tribunal may in his discretion appoint as assessors not more than 2 persons who, in his opinion, have the ability to assist the Tribunal by virtue of their skills or qualifications or of their knowledge of the area in which it is proposed to construct the work.



(10) An assessor appointed under subsection (9) of this section shall not be a member of the Tribunal but may sit with the Tribunal and assist it in the preparation of the report and recommendation.

(11) There shall be paid, out of money appropriated by Parliament for the purpose, to every assessor appointed under subsection (9) of this section remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951; and the provisions of that Act shall apply accordingly as if the assessor was a member of a statutory Board.

(12) Notwithstanding the provisions of subsections (6) and (7) of this section, if it is intended that any land be taken under the Public Works Act 1928 for a public work to which the provisions of this Act have been applied and any person has objected to the taking under section 22 of that Act, the inquiry by the Tribunal under section 22A of that Act may be conducted at the same time as or in conjunction with the inquiry under this section.

**8. Persons entitled to be heard—**(1) The following bodies and persons shall have the right to be present and be heard at every inquiry conducted by the Tribunal under this Act:

- (a) The applicant:
- (b) The Minister of Works and Development, where the subject-matter of the inquiry is a private work:
- (c) Any local authority within whose district it is proposed to construct the work or whose district will be directly affected by the proposed work:
- (d) The Commissioner for the Environment:
- (e) Any body or person affected by the proposed work:
- (f) Any body or person representing some relevant aspect of the public interest.

(2) Every statutory authority which would normally grant the consents set out in the application referred to the Tribunal shall be represented at the inquiry and be available for cross-examination, and may call evidence based on but not restricted to the recommendation given to the Tribunal under section 6 of this Act.

(3) The Minister of Works and Development and the Commissioner for the Environment shall be represented at the inquiry and be available for cross-examination.

(4) Every body and person intending to be present or represented at the inquiry shall notify the Tribunal and the applicant in writing of that intention not later than 5 weeks

before the date on which the inquiry will commence or such later date as the Chairman of a Division of the Tribunal allows in exceptional circumstances.

(5) If at any time during the inquiry the Tribunal considers that 2 or more parties entitled to appear under either paragraph (e) or paragraph (f) of subsection (1) of this section are presenting a similar case, the Tribunal may order that a single cross-examination be conducted on behalf of those parties.

(6) Any body or person entitled or required to be present at the inquiry may be represented by counsel or by any duly authorised representative.

**9. Matters to be taken into account—**(1) The matters to be taken into account, recognised, and provided for by the Tribunal in conducting the inquiry and making the report and recommendation to the Minister shall be those matters that would have been taken into account, recognised, and provided for if the applicant had applied in the normal way for the consents set out in the application referred to the Tribunal.

(2) The Tribunal shall not be concerned to inquire into the criteria set out in section 3 (3) of this Act.

**10. Tribunal to report to Minister, etc.—**(1) On completion of the inquiry, the Tribunal shall prepare and submit to the Minister a written report and recommendation on the application referred to it, which shall include the reasons for the recommendation.

(2) When the report and recommendation have been submitted to the Minister, the Registrar of the Tribunal shall forthwith—

- (a) Forward a copy of the report and recommendation to every body which or person who entered an appearance at the inquiry;
- (b) Make the report and recommendation available for publication; and
- (c) Give public notice of the fact that he has made the report and recommendation available for publication.

(3) Every such recommendation shall—

- (a) Specify the term or period of time for which the Tribunal considers each consent set out in the application referred to the Tribunal should be granted

if the work proceeds, if there would normally be a discretion exercisable in that respect; and

- (b) Specify the conditions, restrictions, and prohibitions (if any) which the Tribunal considers should be imposed in respect of each such consent granted, if the work proceeds—

being in each case a term or period of time, and conditions, restrictions, and prohibitions, that could have been granted or imposed if the consent had been granted in the normal way.

(4) Every such recommendation shall also state whether the work should proceed as proposed, or proceed in a modified form, or not proceed at all.

**11. Work may be declared to be of national importance and consents granted**—Not earlier than 28 days after the date of the public notice referred to in section 10 (2) (c) of this Act, the Governor-General in Council, after taking into account the report and recommendation of the Tribunal and further considering the criteria set out in section 3 (3) of this Act, may declare the Government work or private work concerned to be a work of national importance, grant such of the consents set out in the application referred to the Tribunal as he thinks fit, and shall—

- (a) Grant each consent for such term or period of time as he thinks fit; and
- (b) Impose such conditions, restrictions, and prohibitions as are normally required and such other conditions, restrictions, and prohibitions as he thinks fit in respect of each such consent—

being in each case a term or period of time, and conditions, restrictions, and prohibitions that must or could have been lawfully granted or imposed if the consent had been granted in the normal way.

**12. Orders in Council to be laid before Parliament, etc.**—

(1) Every Order in Council made under section 11 or section 16 (2) of this Act shall be laid before Parliament within 14 days after the date on which it was made if Parliament is then in session, and, if not, shall be laid before Parliament within 14 days after the date of the commencement of the next ensuing session.

(2) If the provisions of any such Order in Council differ from the recommendation of the Tribunal, the Minister shall lay before Parliament, at the same time as the Order in Council is so laid, a written statement setting out the reasons for the difference.

(3) Every Order in Council made under section 11 or section 16 (2) of this Act shall be deemed to be a regulation for the purposes of the Regulations Act 1936.

**13. Effect of granting consents—**(1) On the coming into force of an Order in Council made under section 11 of this Act, every consent granted by the Order in Council shall have the same force and effect as if it had been granted in the normal way.

(2) Subject to subsection (4) of this section, on the coming into force of such an Order in Council, the provisions of each Act under which each consent granted by the Order in Council would normally have been granted shall, so far as is practicable and with the necessary modifications, apply in respect of that consent as if it had been granted under that Act.

(3) If, under any such Act, it is necessary for a consent to be registered or dealt with in any other way, a copy of the Order in Council printed by the Government Printer shall be deemed for that purpose to be the consent that would normally have been granted.

(4) Except as otherwise provided in this Act, there shall not be any right of review of, objection to, or appeal against the grant of a consent, or the imposition, variation, or cancellation of any condition, restriction, or prohibition, under section 11 or section 16 of this Act.

**14. Application for further consents—**(1) Where any work has been declared to be of national importance under section 11 of this Act and the applicant wishes to obtain a consent not specified in the application originally referred to the Tribunal, he may apply to the Minister for the matter to be referred to the Tribunal.

(2) Subject to subsection (3) of this section, in any such case the provisions of this Act (other than section 3) shall, with the necessary modifications, apply in respect of the application as if it had been made under section 3 of this Act.

(3) The provisions of section 3 (2) (e) of this Act shall apply to every application made under subsection (1) of this section.

**15. Application for variation or cancellation of conditions or imposition of new conditions—**(1) Where a consent has been granted under section 11 of this Act, the applicant and the statutory authority which would normally have granted the consent may apply to the Minister for the variation or cancellation of any condition, restriction, or prohibition imposed in respect of the consent or for the imposition of a new condition, restriction, or prohibition.

(2) On receiving an application under subsection (1) of this section, the Minister shall forthwith refer it to the Tribunal.

(3) On receiving the application the Tribunal shall consider whether or not the variation or cancellation or the new condition, restriction, or prohibition sought is of such significance as to justify conducting a full inquiry.

(4) If the Tribunal considers that a full inquiry should not be conducted, it shall call for written submissions from the applicant and the statutory authority which would normally have granted the consent and, after considering those submissions, prepare and submit to the Minister a recommendation as to whether or not the variation or cancellation sought or the new condition, restriction, or prohibition sought should be granted or imposed.

(5) If the Tribunal considers that a full inquiry should be held, it shall so advise the Minister, and in any such case the provisions of this Act (other than sections 3 and 11) shall, with the necessary modifications, apply in respect of the application as if it had been an application made under section 3 of this Act.

**16. Variation or cancellation of conditions and imposition of new conditions—**(1) The Governor-General in Council may, after taking into account the recommendation of the Tribunal made under section 15 (4) of this Act, vary or cancel the condition, restriction, or prohibition, or impose the new condition, restriction, or prohibition.

(2) Not earlier than 28 days after the date of the public notice given under section 10 (2) (c) of this Act (as applied by section 15 (5) of this Act), the Governor-General in

Council, after taking into account the report and recommendation of the Tribunal, may vary or cancel the condition, restriction, or prohibition or impose the new condition, restriction, or prohibition.

(3) The provisions of section 13 of this Act shall, with the necessary modifications, apply in respect of every Order in Council made under this section as if it were an Order in Council made under section 11 of this Act.

**17. Review of proceedings before Tribunal, etc.**—(1) No proceeding before the Tribunal shall be held bad for want of form, or be void or in any way vitiated by reason of any informality or error of form.

(2) If, in relation to any proceeding before the Tribunal under this Act, any person wishes to apply for a review under Part I of the Judicature Amendment Act 1972 or bring proceedings seeking a writ or order of, or in the nature of, mandamus, prohibition, or certiorari, or a declaration or an injunction, the provisions of subsections (5) to (9) of this section shall apply.

(3) If any person wishes to bring proceedings which challenge or call in question the validity of any Order in Council made or purporting to be made under this Act, the provisions of subsections (5) to (9) of this section shall apply.

(4) If, in relation to any decision to—

(a) Grant or refuse to grant a consent; or

(b) Impose or refuse to impose any condition, restriction, or prohibition in respect of a consent; or

(c) Vary or cancel or refuse to vary or cancel any condition, restriction, or prohibition in respect of a consent—

relating to a work of national importance, under any statutory provision whatsoever, any person wishes to apply under Part I of the Judicature Amendment Act 1972 for a review of, or bring proceedings appealing against or objecting to, the decision, or seeking a writ or order of, or in the nature of, mandamus, prohibition, or certiorari, or a declaration or an injunction, relating to the decision, the provisions of subsections (5) to (9) of this section shall apply.

(5) Notwithstanding anything in any other Act or rule of law, every application or proceedings referred to in subsection (2), subsection (3), or subsection (4) of this section shall be made to or brought in the Court of Appeal—

- (a) Not later than 21 days after the date of the public notice given under section 10 (2) (c) of this Act if the application or proceedings relate to any proceedings before the Tribunal under this Act;
- (b) Not later than 21 days after the date on which the Order in Council came into force if the proceedings relate to the validity of an Order in Council made or purporting to be made under this Act; or
- (c) Not later than 21 days after the date of the decision if the application or proceedings relate to a decision given in respect of a work of national importance—  
and the Court shall not entertain any application or proceedings made or brought after that period has elapsed.

(6) Section 10 of the Judicature Amendment Act 1972 (as substituted by section 14 of the Judicature Amendment Act 1977) shall apply to the Court of Appeal, to a Judge thereof, and to any application or proceedings to which subsection (2), subsection (3), or subsection (4) of this section applies, and that section shall be read as requiring the Judge to direct the holding of a conference of parties or interested parties, or their counsel, within 21 days after the commencement of proceedings. At such conference the Judge presiding shall fix a time and place for the hearing, being not later than 28 days after the date of the conference.

(7) Subject to the provisions of subsections (5) and (6) of this section, the Court of Appeal or a Judge thereof may at any time and after hearing such persons, if any, as it or he thinks fit, give such directions prescribing the procedure to be followed in any particular case under this section as it or he deems expedient having regard to the exigencies of the case and the interests of justice.

(8) So far as is practicable the Court of Appeal shall give priority to the hearing of the proceedings and the giving of judgment over every other civil matter before it so that an early decision may be given.

(9) The decision of the Court of Appeal on any such matter shall be final and conclusive, and there shall be no right of review of or appeal against the Court's decision.

(10) If the Court of Appeal considers that any proceedings to which subsection (4) of this section applies will not materially affect or delay the construction or operation of the work, it may direct that the provisions of this section shall not apply in respect of the proceedings.

(11) If the Tribunal, in any proceedings before it under this Act, wishes to state a case on any point of law that arises in those proceedings, the provisions of section 161 of the Town and Country Planning Act 1977 shall be read as if references to the Supreme Court and to the Administrative Division of the Supreme Court were references to the Court of Appeal, and the provisions of subsections (8) and (9) of this section shall apply in respect of the case.

**18. Certain Acts to be read subject to this Act, etc.—**

(1) Except as otherwise provided in this Act, nothing in this Act shall derogate from or affect the statutory rights, functions, powers, duties, and responsibilities of any body or person in respect of the construction, undertaking, or operation of any work to which the provisions of this Act have been applied.

(2) The specified provisions of the Acts set out in the Schedule to this Act and the provisions of every regulation, rule, Order in Council, Proclamation, notice, or bylaw in force under any of those provisions shall be read subject to the provisions of this Act so far as is necessary to give effect thereto.

**19. Amendments to Town and Country Planning Act 1977—**(1) Section 116 (1) of the Town and Country Planning Act 1977 is hereby amended by omitting the words “Subject to subsection (2) of this section, where”, and substituting the word “Where”.

(2) Section 116 (2) of the Town and Country Planning Act 1977 is hereby repealed.

(3) Section 128 (2) of the Town and Country Planning Act 1977 is hereby amended by omitting the figure “3”, and substituting the figure “4”.

(4) The said section 128 is hereby further amended by repealing subsection (3), and substituting the following subsection:

“(3) The 4 Divisions of the Planning Tribunal shall be known as the Number One Division, the Number Two Division, the Number Three Division, and the Number Four Division, respectively.”

(5) Section 134 (1) of the Town and Country Planning Act 1977 is hereby amended by omitting the figure “3”, and substituting the figure “4”.



(6) Section 136 of the Town and Country Planning Act 1977 is hereby amended—

(a) By omitting from subsection (1) the figure “3”, and substituting the figure “4”;

(b) By omitting from subsection (2) the figure “3”, and substituting the figure “4”.

(7) The Town and Country Planning (Planning Tribunal) Order 1978 is hereby revoked.

---

### SCHEDULE

Sections 3 (2) (e) and 18 (2)

The Clean Air Act 1972: Sections 8, 10, 13, 18, 23 to 26, 28, 29, 31, and 55.

The Coal Mines Act 1979: Part III and section 266.

The Electricity Act 1968: Sections 20, 21, and 55.

The Forests Act 1949: Sections 30 to 33 and 72.

The Geothermal Energy Act 1953: Sections 6 and 9.

The Harbours Act 1950: Parts IV (other than sections 150 and 175 (1)) and VI, and sections 241, 241A, 241B, and 241C.

The Historic Places Act 1954: Sections 9F and 9L.

The Land Act 1948: Sections 60, 77, 80, 89, 93, and 165.

The Local Government Act 1974: Parts XX and XLIII.

The Marine Pollution Act 1974: Sections 22 and 68.

The Mining Act 1971: Part IV and section 233.

The National Parks Act 1952: Sections 32, 33 (2), and 63.

The Petroleum Act 1937: Sections 5, 12, 47M, 50, 55, 70, and 85.

The Reserves Act 1977: Sections 48, 106, 109 (3), and 123.

The Soil Conservation and Rivers Control Act 1941: Sections 149, 150, and 166.

The Soil Conservation and Rivers Control Amendment Act 1959: Section 34.

The Town and Country Planning Act 1977: Parts I to VI, and section 175.

The Tramways Act 1908: Sections 3 (1), 16, and Second Schedule.

The Tramways Amendment Act 1910: Section 5.

The Tramways Amendment Act 1911: Section 6.

The Water and Soil Conservation Act 1967: Sections 21, 23, 24, 24B, 26L, 34A, and 37.

The Water and Soil Conservation Amendment Act 1973: Section 4.

---

This Act is administered in the Ministry of Works and Development.

---