Version
as at 10 July 2026

Summit Road (Canterbury) Protection Act 2001

Local Act	2001 No 3
Date of assent	8 October 2001
Commencement	see section 2

Contents

		Page
1	Title	2
2	Commencement	2
3	Purpose	2
4	Interpretation	3
5	Obligations of persons exercising functions and powers under this Act	6
6	Act to bind the Crown	6
7	Summit Road Protection Authority	7
8	Authority deemed to be affected local authority	7
9	Advisory Committee	7
10	Amendment to protected land	8
11	Application for removal of land from protected land	9
12	Actions on protected land requiring approval	10
13	Applications to be made to Authority	11
14	Procedures for hearing of submissions	12
15	Joint hearings with consent authorities under Resource Management Act 1991	13
16	Copy of public notice to be deposited	13
17	Applications not requiring notification	13

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

18 Declaration by Environment Court 14
19 Acquisition of land 14
20 Disposal of land 14
21 Compensation 15
22 Withdrawal of restrictions 15
23 Registration of compensation certificate 16
24 Rights of appeal 16
25 Expenses and funding of Authority 17
26 Estimates and reports 17
27 Service of notices 18
28 Restoration of land or structure 18
29 Enforcement orders 18
30 Offences 19
31 Proof of intention and defences 19
32 Time for filing charging document 20
33 Penalty for offences 20
34 Proceedings in respect of offences 20
35 Relationship with other enactments 21
36 Repeals 21

Schedule 1 22
Contributory local bodies

Schedule 2 23
Protected land

Schedule 3 29
Plans of areas described in Schedule 2

Schedule 4 37
Districts of contributory local bodies subject to levy

Schedule 5 38
Enactment repealed

1 Title

This Act is the Summit Road (Canterbury) Protection Act 2001.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purpose

The purposes of this Act are as follows:

(a) to provide for the preservation and protection of the scenic amenity associated with the Summit Road and other roads, walkways, paths, and public open spaces within the protected land:

(b) to provide for the preservation and protection of natural amenities associated with land within the protected area:

(c) to provide for the improvement of facilities for the public enjoyment of the scenic amenity and the natural amenities.

4 Interpretation

(1) In this Act, unless the context otherwise requires,—

Authority means the Summit Road Protection Authority continued under section 7

contributory local bodies means the councils named in Schedule 1

Environment Court means the Environment Court referred to in section 247 of the Resource Management Act 1991

natural means—

(a) uncluttered by structures; or

(b) uncluttered by obvious human influences; or

(c) both

natural amenities means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes

path means a walking track or cycle track shown on a management plan approved by the Authority

person includes the Crown and a corporation sole; and includes a body of persons, whether corporate or unincorporate

protected land—

(a) means—

(i) the land described in Schedule 2 and shown on the plans set out in Schedule 3, and roads adjoining that land; and

(ii) the land declared to be protected land in accordance with section 10; but

(b) does not include land that ceases to be protected land in accordance with section 11

public open space—

(a) means any land that is—

(i) privately or publicly owned, occupied, controlled, or administered or vested in the Crown, any local body, unincorporated or incorporated society, charitable trust, or trust; and

(ii) open to, and being used by, the public (with or without payment of a charge); and

(b) includes any public reserve within the meaning of section 2 of the Reserves Act 1977 to which the public generally has access

quarrying—

(a) means the excavation and extraction from the ground of any minerals, metals, coal, clay, gravel, sand, limestone, soil, or valuable materials existing on or below the surface of the land; and

(b) includes the digging, removal, putting aside, or piling up of any such things and any over-burden or waste material preparatory to or to facilitate any such excavation or extraction; but

(c) if the surface of the area affected is restored as nearly as practicable to the state it was in before the excavation was made, does not include—

(i) excavation of the ground to a depth of not more than 500 mm; or

(ii) excavation carried out in the course of, and for the purpose of constructing or maintaining, a road, or a path or walkway, or an access way for domestic or farming purposes, or a firebreak; or

(iii) excavation carried out in the course of, and for the purposes of, laying, testing, maintaining, or otherwise dealing with fuel, water, sewage, or effluent pipes or for telephone or power cables or supply lines for domestic or farming purposes; or

(iv) excavation carried out during the course of installation or construction of any fence, gate, stile, driveway, track, or cattle stop for the control of movement of stock, produce, or farm machinery; or

(v) excavation carried out for any traffic sign or any other sign necessary for the administration of a public open space

Registrar-General means the Registrar-General of Land

road includes an unformed road; but does not include an access way for domestic or farming purposes

scenic amenity means the extensive views from the Summit Road and other roads, walkways, paths, and public open spaces within the protected land to the prominent land forms of the Port Hills and of Christchurch (Ōtautahi), the Canterbury Plains, the mountains, the sea, and Lyttelton Harbour (Te Whakaraupo) basin

structure—

(a) includes—

(i) any building or other structure (including a tank or reservoir), for which a building or resource consent is required from a City

Council or District Council for the erection, placement, alteration, reconstruction, repair, or extension of that structure; and

(ii) any hoarding or other structure used for the display of an advertisement; and

(iii) any road; and

(iv) any pole or mast; but

(b) does not include—

(i) any line or pipe for the supply of fuel or water or for the disposal of sewage or effluent, or any telephone or power cable or supply line, for domestic or farming purposes within the protected area; or

(ii) any fence, gate, stile, driveway, track, or cattle stop for the control or movement of stock, produce, or farm machinery; or

(iii) any traffic sign or any other sign necessary for the administration of a public open space

subdivision has the same meaning as in section 218 of the Resource Management Act 1991

territorial authority has the same meaning as in section 2(1) of the Local Government Act 1974

walkway has the same meaning as in section 4 of the Outdoor Access Act 2008

working day means any day except—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day:

(ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(b) a day commencing with 20 December in any year and ending with 15 January in the following year.

(2) If this Act requires anything to be publicly notified, or refers to public notification or public notice,—

(a) the subject matter must be published twice, with an interval of not less than 6 clear days, in a newspaper circulating throughout the area affected by the subject matter; and

(b) if the public notice refers to a proposal under section 10 or section 11, the notice must also be published in the *Gazette*; and

(c) a public notice, in large bold lettering capable of being read at a distance of 5 metres, must also be affixed in a conspicuous place on, or adjacent

to, the site to which the proposal or application relates, unless it is impractical or unreasonable to do so.

(3) If time is to be measured from anything being publicly notified or from any public notification or public notice, it must be measured from the date of the last newspaper publication.

(4) If there is any inconsistency between the description of land contained in Schedule 2 and the plans showing that land held in the office of Land Information New Zealand at Christchurch, reduced copies of which are set out in Schedule 3, the description in those plans prevails.

Section 4(1) **Environment Court**: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 4(1) **subdivision**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 4(1) **walkway**: substituted, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

Section 4(1) **walkway**: amended, on 10 July 2026, by section 364 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 4(1) **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 4(1) **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

5 Obligations of persons exercising functions and powers under this Act

(1) A person or committee making a recommendation or decision on an application made under section 10 or section 11 or section 13 (whether initially or on appeal or otherwise) must give effect to the purposes of this Act, but must also have particular regard to—

(a) the effect of the application on the maintenance and enhancement of the Summit Road, other roads, walkways, and paths; and

(b) the effect of the application on the use of the roads for the public enjoyment of the scenic amenity and the natural amenities, and on the safety of road users; and

(c) the effect of the application (if any) on farming operations; and

(d) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.

(2) This section is subject to section 11(5).

6 Act to bind the Crown

This Act binds the Crown.

7 Summit Road Protection Authority

(1) There continues to be a Summit Road Protection Authority consisting of—

(a) 1 member appointed by the Christchurch City Council; and

(b) 1 member appointed by the Banks Peninsula District Council; and

(c) 1 member appointed by the Selwyn District Council.

(2) The Authority is a joint committee of the councils named in Schedule 1, and must be treated, for the purposes of any enactment or rule of law, as if it were a joint committee appointed by those councils under section 114S of the Local Government Act 1974.

8 Authority deemed to be affected local authority

(1) In relation to the protected land, the Authority is deemed to be—

(a) an affected local authority under clause 3 of Part 1 of Schedule 1 of the Resource Management Act 1991; and

(b) an adjacent local authority under clause 5(4)(d) and a constituent territorial authority under clause 5(4)(e) of Part 1 of Schedule 1 of the Resource Management Act 1991.

(2) For the purposes of the Resource Management Act 1991, the Authority must be consulted and notified and may make submissions in respect of any proposal to prepare, change, or review any policy statement or plan referred to in that Act that affects or may affect the protected land.

Section 8: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

9 Advisory Committee

(1) The Authority must, for the better administration of the provisions of this Act, appoint an Advisory Committee consisting of—

(a) 3 members, each of whom must be appointed on the nomination of a different contributory local body; and

(b) 2 members appointed on the nomination of persons (other than contributory local bodies, Ministers of the Crown, or groups represented on the Advisory Committee) who own protected land and who are not otherwise represented on the Committee; and

(c) 1 member appointed on the nomination of the Minister of Conservation; and

(d) 1 member appointed on the nomination of the Summit Road Society Incorporated; and

(e) 1 member appointed on the nomination of either—

(i) te Papatipu Rūnanga o Rapaki; or

(ii) te Rūnanga o Ngāi Tahu; and

(f) 1 member who has a knowledge of open space management and park management and who is appointed on the nomination of the contributory local bodies; and

(g) 1 member appointed on the nomination of the Canterbury Regional Council (Environment Canterbury).

(2) The Advisory Committee may operate with 5 or more members if those members include at least 1 representative of 4 of the persons, groups of persons, or bodies entitled to nominate members under subsection (1).

(3) The Authority may delegate to the Advisory Committee the Authority's powers and duties to hear and decide applications made to the Authority under this Act (other than applications under section 11).

(4) If the Advisory Committee is discharged, or if any member ceases to hold office or is removed from office, before the Advisory Committee has fully performed its functions under subsection (3) in respect of an application under this Act,—

(a) the Authority may alter or reconstitute the membership of the Advisory Committee, or may reappoint the Advisory Committee; and

(b) the Advisory Committee, whether or not it is so altered or reconstituted or reappointed, may continue and complete its hearing of the application and make its decision.

(5) Despite subsection (4), a member of the Advisory Committee who has not had the opportunity of reading or hearing the representations made in respect of an application under this Act, may not take part in making the decision of the Advisory Committee.

10 Amendment to protected land

(1) The Authority may give public notice of its intention to declare any land described in the notice to be protected land.

(2) The Authority must not give public notice under subsection (1) without the prior written consent of the owner of the land.

(3) A public notice under subsection (1) must provide sufficient information to adequately describe the land or site affected by the proposal and must invite any person to make submissions to the authority on the proposal.

(4) In addition to publicly notifying the proposal, the Authority must serve a copy of the public notice on—

(a) the owner or occupier of the land; and

(b) every territorial authority within whose district any part of the land lies; and

(c) any person that the Authority considers has a greater interest in the proposal than the public generally.

(5) The closing date for receiving submissions on the application is 20 working days after the date of public notification.

(6) If the Authority decides, after hearing all submissions, to add all or part of the land described in the notice given under subsection (1) to the protected land, it may, by public notice after the time for lodging appeals has expired or all appeals have been disposed of, declare all or part of that land to be protected land.

11 Application for removal of land from protected land

(1) The owner of any protected land may apply to the Authority to have the whole or any part of the land removed from the protected land.

(2) An application under this section must be made to the Authority in writing and the Authority may require the applicant to supply such detail or plans as, in the Authority's opinion, are necessary for a reasonable understanding of the application by any person who may wish to make a submission.

(3) The Authority must publicly notify all applications for removal of land from the protected land and must serve copies of the application on the following parties:

(a) any territorial authority within whose district the land or part of the land lies:

(b) any person whom the Authority considers has a greater interest in the application than the public generally.

(4) The closing date for receiving submissions on the application is 20 working days after the date of public notification.

(5) The Authority may not remove the land described in the application under subsection (1) from the protected land unless the Authority is satisfied that the removal would not—

(a) be inconsistent with the purposes of the Act; or

(b) adversely affect—

(i) the use of the Summit Road or other roads in the Port Hills for the enjoyment of the scenic amenity or the natural amenities; or

(ii) the safety of road users; or

(c) adversely affect the maintenance and enhancement of walkways.

(6) If the Authority decides, after considering all submissions, to remove the land described in the application under subsection (1) from the protected land, it may, by public notice after the time for lodging appeals has expired or after all appeals have been disposed of,—

(a) declare the land to be removed from Schedule 2; or

(b) declare the land to be removed from the protected land (if it is land that has been added under section 10).

(7) A copy of the public notice must be deposited with the Registrar-General in accordance with section 16.

12 Actions on protected land requiring approval

(1) A person may not carry out any action to which this section applies on protected land unless that person has the written consent of the Authority.

(2) This section applies to the following activities:

(a) the subdivision of land, except a subdivision that alters the boundary between adjacent allotments but does not increase the number of allotments or the area of any allotment by more than 50%:

(b) the erection, placement, alteration, reconstruction, repair, or extension of any structure, except—

(i) the repair and maintenance of a public work (as defined in section 2 of the Public Works Act 1981); or

(ii) the erection, placement, alteration, reconstruction, repair, or extension of a structure that is carried out under a designation prepared and approved in accordance with the Resource Management Act 1991, and that is also approved by the Authority:

(c) quarrying:

(d) moving, removing, or heaping up more than 10 cubic metres of spoil:

(e) the planting of—

(i) any tree that is likely to grow to a height greater than 7 metres; or

(ii) a hedge, forest, or shelter belt.

(3) Subsection (2)(b) and (d) does not apply if the action referred to in those provisions is carried out for the purpose of—

(a) normal repairs and maintenance to a road (including resealing) that does not involve any realignment of the road, or any extension to the area of the formed surface of the road; or

(b) repairs to, or reconstruction of, a road to make it usable after a slip, subsidence, or other damage resulting from natural causes.

(4) Subsection (2)(e) does not apply if the planting complies with a management plan for a public open space, prepared and approved in accordance with the Reserves Act 1977, or developed by the body or organisation responsible for the public open space after consultation with the Authority.

(5) A structure that existed at the date of commencement of this Act or that was lawfully constructed after that date may be reconstructed, repaired, added to, or altered, without the consent of the Authority, if the effects of the structure on the scenic amenity or natural amenities after reconstruction, repair, addition, or

alteration do not differ substantially from the effects before the reconstruction, repair, addition, or alteration.

(6) A tree, hedge, or shelter belt that existed at the date of commencement of this Act, or that was lawfully planted after that date, may be replaced by replanting, without the consent of the Authority, if the effects of the replanting of the tree, hedge, or shelter belt on the scenic amenity and the natural amenities, when fully grown, will not differ substantially from the effects before the tree, hedge, or shelter belt was removed.

Section 12(2)(b)(ii): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

13 Applications to be made to Authority

(1) Any person may apply to the Authority, in writing, for consent to carry out any activity specified in section 12(2).

(2) Applications made to the Authority under this section must state—

(a) the full name of the applicant, the owner, and the occupier of the land involved; and

(b) the legal description of the land involved, and the nature of the work or activity for which approval is sought, including any plans necessary for proper understanding of the proposal; and

(c) include an assessment of the effects of the proposal on the scenic amenity and the natural amenities; and

(d) give an address for service; and

(e) be signed by or on behalf of the applicant.

(3) The Authority may require the applicant to supply such further details or plans as, in the Authority's opinion, are necessary for a reasonable understanding of the application.

(4) If the Authority is satisfied that it has received adequate information, the likely effects of the application are more than minor, and the application has not been publicly notified separately by a territorial authority, it must give public notice of the application and ensure that notice of the application is served on the following persons:

(a) the owner or occupier of any land to which the application relates:

(b) the territorial authority within whose district any part of the land lies:

(c) any person that the Authority considers has a greater interest in the application than the public generally.

(5) The public notice must—

(a) provide sufficient information to enable persons interested in the application to understand the general nature of the application; and

(b) be given within 10 working days after the date on which the Authority is satisfied, under subsection (4), that it has received adequate information; and

(c) invite submissions on the application to be made within 20 working days after the date of the public notice.

14 Procedures for hearing of submissions

(1) Submissions made in respect of any proposal under section 10 or section 11, or any application under section 13, must be served on the Authority and state—

(a) the name and address of the submitter; and

(b) whether the submission is in support of, or in opposition to, the proposal or application; and

(c) the reason for making the submission; and

(d) whether or not the person making the submission wishes to be heard in respect of that submission.

(2) As soon as practicable after lodging a submission with the Authority, the submitter must serve a copy of the submission on the applicant.

(3) The Authority may require the applicant to pay to the Authority a sum not exceeding the actual cost of public notification and may require payment of a deposit against the cost of the hearing before dealing with the application.

(4) The Authority must consider all submissions received and, if a submitter has given notice that he or she wishes to be heard,—

(a) must convene hearings, whether public or otherwise; and

(b) must establish a procedure that is fair and appropriate in the circumstances; and

(c) may summons witnesses and hear evidence on oath.

(5) If a hearing is convened by the Authority under subsection 4(a), the date set for the commencement of the hearing must not be later than 25 working days after the closing date for submissions referred to in section 13(5)(c) unless the Authority is satisfied that it is impracticable to commence the hearing within that period or unless a later date of commencement is required for the purposes of section 15.

(6) Not less than 10 working days' notice of the hearing must be given to the landowner, every territorial authority within whose district any part of the land lies, and each submitter who has given an address for service.

(7) After considering the proposal or application and any submissions received, the Authority—

(a) must either—

(i) allow the proposal or application, with or without conditions; or

(ii) disallow the proposal or application in whole or in part; and

(b) must, within 15 working days of the hearing, notify its decision and the reasons for its decision to every proposer or applicant, the landowners, all those persons who made written submissions and who supplied an address for service, and every territorial authority in whose district the property is situated.

(8) The proposer or applicant, the landowner, the territorial authority within whose district the land is situated, and any person who made a submission may appeal to the Environment Court against that decision in the manner specified in section 24.

15 Joint hearings with consent authorities under Resource Management Act 1991

Any hearing under section 14 relating to a proposal in respect of which a resource consent is also sought under the Resource Management Act 1991 may be held jointly with a hearing held by 1 or more consent authorities under that Act to consider the application for a resource consent.

Section 15 heading: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

16 Copy of public notice to be deposited

(1) A copy of the public notice of every declaration made by the Authority under section 10(6) or section 11(6), certified as containing a correct copy of the declaration, must be sent by the Authority to the Registrar-General.

(2) On receiving a copy of any such notice, the Registrar-General must, without fee,—

(a) deposit it in his or her office; and

(b) register against the title to all land affected by it a memorial that—

(i) the land is subject to restrictions imposed by a declaration (identified by the deposited number, if any) issued under this Act; or

(ii) the restrictions no longer apply.

17 Applications not requiring notification

(1) If the effects of an application under section 13 on the amenities are minor, the Authority may decide that the application does not require notification or approval by the Authority.

(2) A decision under subsection (1) that an application does not require notification or approval by the Authority may be made only—

(a) with the unanimous agreement of the members of the Authority; or

(b) in a case where the decision is delegated to the Advisory Committee, with the unanimous agreement of the members of the Advisory Committee.

18 Declaration by Environment Court

(1) On an originating application made by the Authority, or by any territorial authority, or by the owner or occupier of land affected by this Act, or on an application made in the course of proceedings under this Act, the Environment Court may declare that any actual or proposed action does or does not require consent under section 13.

(2) An originating application must be served on the Authority, the owner or occupier of the land (in cases where the owner or occupier is not the applicant), and the territorial authority within whose district any part of the land lies.

(3) An application made in the course of proceedings must be served on all other parties to those proceedings.

19 Acquisition of land

(1) If the Authority considers that any private land or any interest in or over private land or any interest in a Crown lease should be acquired for the purposes of this Act, the Authority may recommend that such interest in the land be acquired by the contributory local bodies.

(2) All land or interests in land acquired on the recommendation of the Authority by way of purchase or gift may be held jointly by the contributory local bodies for the purposes of this Act.

(3) All interests in land acquired by way of lease under this section may be held jointly by the contributory local bodies and, during the term of the lease, are subject to this Act.

(4) Despite the requirements of section 12(2)(a), the owner of any allotment which lies partly within the protected land may subdivide that allotment for the purpose of transferring to the contributory local bodies that part of the allotment which lies within the protected land.

(5) This section does not confer on the Authority a power to take land compulsorily.

(6) Land acquired for the purposes of this Act by the contributory local bodies is not a reserve for the purposes of the Reserves Act 1977.

20 Disposal of land

(1) If any land or interest in land held by a contributory local body for the purposes of this Act is no longer required for the purposes of this Act, the contributory local body may, subject to the provisions of any other enactment affecting the disposal of the land or interest, sell or otherwise dispose of the land or interest.

(2) No land or interest referred to in subsection (1) may be sold or disposed of without the prior written approval of the Authority.

21 Compensation

(1) Every person having any estate or interest in any land, building, or other improvements detrimentally affected by any decision of the Authority given under section 14 may, subject to the provisions of this section, make a claim for compensation from the Authority for loss sustained by that person.

(2) A claim for compensation under this section must be made and determined in accordance with the provisions of the Public Works Act 1981.

(3) In determining any claim for compensation under this section, the Authority or, on application under section 79 of the Public Works Act 1981, the Land Valuation Tribunal must have regard to—

(a) section 3; and

(b) whether or not, and the extent to which, any decision by the Authority renders any land incapable of reasonable use, and places an unfair and unreasonable burden on any person having an interest in the land.

(4) In subsection (3), **reasonable use**, in relation to any land, includes the use or potential use of the land for any activity if the actual or potential effects of that activity in terms of section 3 would not be significant.

(5) If a person is entitled to claim compensation in respect of any matter or thing under this Act and also under any other enactment, that person is not entitled to receive—

(a) compensation under this Act if compensation has been awarded under that other enactment; or

(b) greater compensation under this Act than that person would be entitled to under that other enactment.

22 Withdrawal of restrictions

(1) The Authority may, at any time within 1 month after the date of an award of compensation under this Act, give notice to the claimant of its intention to withdraw or modify all or any of the provisions of the decision or conditions that gave rise to the claim for compensation.

(2) If notice is given under subsection (1), the Authority must, within 3 months from the date of the notice, withdraw or modify the decision or conditions and, on payment by the Authority of the claimant's costs awarded by the Land Valuation Tribunal, the award is discharged.

(3) A discharge under subsection (2) does not preclude the claimant from making a further claim for compensation under this Act in respect of the decision or conditions as modified.

(4) If notice has been given under subsection (1), no award of compensation under this Act is enforceable until after—

(a) the expiration of 3 months from the giving of the notice; or

(b) the time for objection or appeal has expired and all objections and appeals have been determined (in any case where the Authority has publicly notified a proposal to make a declaration excluding from protected land any part of the land in respect of which compensation has been awarded).

23 Registration of compensation certificate

(1) If, under this Act or any other enactment, the Authority has entered into an agreement for the payment of compensation for damaging or detrimentally affecting any interest in land, or for the temporary occupation of any land, or for any condition or restriction to be applied in respect of the land, the Authority may lodge with the Registrar-General a certificate to that effect.

(2) The Registrar-General must, without fee, deposit a certificate under subsection (1) in his or her office and must register against the title to the land affected a memorial referring to the certificate.

24 Rights of appeal

(1) Any person who is directly affected by any decision, condition, or review of any decision made or imposed by the Authority under any of sections 10, 12, 13, 14, and 22 may appeal against that decision, condition, or review to the Environment Court.

(2) A notice of appeal must—

(a) state the reasons for the appeal and the relief sought; and

(b) state any matters that regulations made under the Resource Management Act 1991 require to be stated in the case of an appeal under section 120 of that Act; and

(c) be lodged with the Environment Court within 15 working days of notification of any decision of the Authority (including any condition or review of any decision made or imposed by the Authority) to which subsection (1) relates.

(3) For the purposes of subsection (2)(c), a decision is notified on the date on which written notification would have been delivered in the ordinary course of post.

(4) The appellant must ensure that a copy of the notice of appeal is served on the applicant or owner concerned (if that person is not the appellant) within 5 working days after the notice has been lodged with the Environment Court.

(5) Without limiting the powers of the Environment Court under the Resource Management Act 1991, in considering an appeal under this section, the Envir-

onment Court may confirm or reverse a decision appealed against or modify a decision in such manner as the court thinks fit.

(6) Subject to subsections (2) to (4), every appeal must be made, heard, and determined by the Environment Court in the manner prescribed by the Resource Management Act 1991 and regulations made under that Act.

Section 24(2)(b): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 24(5): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 24(6): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

25 Expenses and funding of Authority

(1) All expenses and liabilities, including compensation awards incurred by the Authority under this Act but excluding payments received by the Authority under section 14(3), must be apportioned between the contributory local bodies.

(2) The apportionment required by subsection (1) must be undertaken in accordance with the adjusted rateable capital values, as ascertained under the provisions of the Rating Powers Act 1988, of so much of the district of each contributory local body as is specified in Schedule 4.

(3) The amount to be paid at any time by a contributory local body in accordance with the apportionment is recoverable as a debt due to the Authority.

(4) A contributory local body is not required, in any one year, to contribute to the expenditure of the Authority relating to the operation of this Act, a sum exceeding the amount of 1/4000 of a cent for every dollar of capital value of all rateable property within that part of its district specified in Schedule 4.

(5) Despite subsection (4), a contributory local body may be required to contribute to the expenditure of the Authority a sum exceeding the maximum amount due under subsection (4), if the contributory local body gives prior consent to the Authority in that year to the provision of a greater contribution.

26 Estimates and reports

As soon as practicable after this Act comes into force and not later than 31 March in each subsequent year, the Authority must, in respect of the administration of the provisions of this Act,—

(a) prepare and send to each of the contributory local bodies estimates of expenditure for the period of 12 months from 1 July in each year to 30 June in each succeeding year; and

(b) prepare a report on the Authority's activities for the preceding year and send that report to the contributory local bodies.

27 Service of notices

A notice must be served in accordance with sections 352 and 353 of the Resource Management Act 1991 as if it were a notice under that Act.

Section 27: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

28 Restoration of land or structure

(1) The Authority may serve on any person who has carried out, or is carrying out, any action contrary to section 12, or on the owner or occupier of the land, a notice requiring the person served, within such reasonable time as is specified in the notice, to restore the land or the structure affected by the action as nearly as may be to its previous condition.

(2) Every notice served under subsection (1) must 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, ceased, or not undertaken; and

(d) the period within which the action must be taken or ceased, which must not be less than 7 days from the day on which the notice is served; and

(e) the consequences of not complying with the notice or lodging a notice of appeal; and

(f) the rights of appeal under section 24 and the last day on which a notice of appeal can be lodged; and

(g) the rights of the Authority 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 Authority.

(3) Subject to the rights of appeal in section 24, a person on whom a notice has been served must—

(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.

29 Enforcement orders

(1) If the person served with a notice under section 28(1) fails to comply with the notice within the time specified, then the Authority, in addition to any other action taken, may at any time after the expiry of the time specified in the notice—

(a) apply to the Environment Court for an enforcement order under section 314 of the Resource Management Act 1991, as if the notice under subsection (1) were an abatement notice within the meaning of section 322 of the Resource Management Act 1991; and

(b) take action as it sees fit to restore the land or structure.

(2) The provisions of section 315 of the Resource Management Act 1991 apply in respect of any enforcement order made on an application under subsection (1).

(3) If a person continues to act in breach of section 12 or commits a continuing offence against this Act, then, despite any other enactment, the Environment Court may, on application by the Authority, grant an enforcement order under section 314 of the Resource Management Act 1991, as if that continuing breach or continuing offence contravenes, or is likely to contravene, the Resource Management Act 1991.

(4) An enforcement order may be granted under subsection (2) or subsection (3) whether or not the person against whom the enforcement order is sought has been charged with or convicted of an offence against this Act.

Section 29(1)(a): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 29(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 29(3): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

30 Offences

(1) Every person commits an offence against this Act who fails to comply with a notice served under section 28(1) within the time specified in the notice.

(2) Every person who fails to restore the land or structure as required after expiry of the time specified in a notice served under section 28(1) commits a continuing offence against this Act.

(3) The continued existence of any work or thing in a state, or the intermittent repetition of any action, contrary to any provision of this Act, is a continuing offence for the purposes of this section.

31 Proof of intention and defences

(1) In any prosecution for an offence against this Act it is not necessary to prove that the defendant intended to commit the offence.

(2) It is a defence to a prosecution under this Act 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 prevented 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 14 days of the date on which the hearing of the proceedings commences, or within any further time that the court may allow, the defendant delivers to the Authority 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).

32 Time for filing charging document

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act ends on the date that is 6 months after the date on which the offence first came to the notice of the Authority.

Section 32: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

33 Penalty for offences

Every person who commits an offence under this Act is liable to a fine not exceeding $20,000 and, if the offence is a continuing one, to a further fine not exceeding $1,000 for every day or part of a day during which the offence continues.

34 Proceedings in respect of offences

(1) A charging document for an offence against this Act may be filed in the name of—

(a) the principal administrative officer of the Authority; or

(b) a person appointed in writing by the Authority.

(2) An appointment under subsection (1) may be for the purpose of filing a charging document in respect of a particular offence or may be a general appointment authorising the person to file charging documents in respect of all offences against this Act.

(3) An officer or servant of the Authority may appear and conduct the prosecution in all proceedings for offences against this Act.

Section 34(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 34(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 34(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

35 Relationship with other enactments

Nothing in this Act affects the Building Act 2004, Te Runanga o Ngai Tahu Act 1996, the Ngai Tahu Claims Settlement Act 1998, Te Ture Whenua Maori Act 1993, or any regulations made under those Acts.

Section 35: amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

36 Repeals

The enactments specified in Schedule 5 are repealed.

Schedule 1
Contributory local bodies

s 4(1)

Christchurch City Council

Banks Peninsula District Council

Selwyn District Council

Schedule 2
Protected land

s 4(1)

Schedule of areas

Shown	Description	Title reference	Area
The following parcels of land shown on SO Plan 20055 in the Canterbury Land District:			
AA	Part Lot 8 DP6355	38D/1048	17.9450 ha
AB	Part Lot 8 DP6355	38D/1048	13.8540 ha
AC	Part Rural Section 12764	373/25 limited as to parcels	12.7620 ha
	Part Rural Section 12501		
	Part Rural Section 10164		
	Part Rural Section 12500		
	Part Rural Section 5788		
	Part Rural Section 4194		
AD	Closed Road	*Gazette* 1931 p 2209	5185 m^2
AE	Part Lot 8 DP6355	38D/1048	4.5810 ha
AF	Part Lot 3 DP78999	45B/873	12.8450 ha
AI	Part Lot 7 DP6355	45B/873	28.0400 ha
AO	Part Lot 3 DP3320	A1/558	3.8300 ha
AP	Part Lot 3 DP3320	A1/558	5.1900 ha
AQ	Reserve 5005	290/270	6.7784 ha
AR	Part Rural Section 1182	440/136	7710 m^2
AT	Reserve 5004	290/270	4.1986 ha
The following parcels of land shown on SO Plan 20056 in the Canterbury Land District:			
BB	Part Lot 5 DP70453	40D/1032	8.2700 ha
BC	Reserve 3920	659/44	14.8721 ha
BD	Part Rural Section 21719	32B/808	1.6960 ha
	Part Rural Section 34958		
BF	Reserve 3950	*Gazette* 1914 p 2847	1.2039 ha
BG	Lot 8 DP3125	535/56	10.9341 ha
BH	Part Rural Section 22306	32A/848	8850 m^2
	Part Rural Section 20961		
BI	Part Rural Section 35510	23B/333	1.5380 ha

Shown	Description	Title reference	Area
BJ	Part Lot 1 DP70111	40A/637	10.3250 ha
BK	Part Rural Section 34229	32A/848	210 m^2
BL	Part Lot 1 DP8199	387/255	1.1930 ha
BM	Part Rural Section 35510	23B/333	3.4850 ha
	Parts Rural Section 35511		
BN	Part Lot 4 DP3125	535/56	4.0240 ha
BO	Part Rural Section 35511	23B/333	1.2800 ha
BP	Reserve 3921	*Gazette* 1914 p 3235	2.8125 ha
BQ	Reserve 3922	*Gazette* 1951 p 934	4755 m^2
BR	Part Lot 1 DP70111	40A/637	3.2930 ha
BS	Part Rural Section 35511	33A/521	1070 m^2
BT	Part Lot 5 DP79401	45C/527	1.0300 ha
BU	Part Reserve 3923	*Gazette* 1941 p 3193	3.2580 ha
BV	Part Rural Section 565	23B/331	1.9270 ha
The following parcels of land shown on SO plan 20057 in the Canterbury Land District:			
CA	Part Reserve 4773	*Gazette* 1954 p 1956	1.0500 ha
CB	Reserve 4774	*Gazette* 1954 p 1957	1285 m^2
CC	Part Reserve 3735A	*Gazette* 1954 p 733	3.9050 ha
CD	Reserve 4775	*Gazette* 1954 p 1957	8645 m^2
CE	Part Lot 5 DP53086	45A/643	1560 m^2
CF	Part Reserve 3735A	*Gazette* 1908 p 733	3.9800 ha
CG	Part Reserve 3735	*Gazette* 1906 p 2504	1.6100 ha
CH	Part Reserve 3735A	*Gazette* 1908 p 733	1.8050 ha
CI	Part Reserve 3735	*Gazette* 1906 p 2504	1070 m^2
CJ	Part Reserve 3735A	*Gazette* 1908 p 733	1760 m^2
CK	Part Reserve 4069	*Gazette* 1941 p 3193	1.9830 ha
CL	Crown Land	*Gazette* 1989 p 3100	880 m^2
CM	Part Reserve 4069	*Gazette* 1941 p 3193	2.5350 ha
CN	Reserve 3956	288/137	11.6068 ha
CO	Part Lot 2 DP2905	24B/988	1.0260 ha
CP	Part Lot 2 DP2905	24B/988	22.1870 ha
CQ	Rural Section 42340	*Gazette* 1912 p 3352	1.6600 ha
CR	Part Lot 4 DP53086	45A/643	1.6100 ha

Shown	Description	Title reference	Area
CS	Part Lot 3 DP2905	*Gazette* 1982 p 2156	1.3911 ha
CT	Part Lot 3 DP2905	*Gazette* 1982 p 2156	1720 m^2
CU	Rural Section 42339	*Gazette* 1912 p 3352	15.0720 ha
CV	Part Lot 4 DP18411	9K/528	3757 m^2
CW	Part Lot 3 DP18411	9K/527	3762 m^2
CX	Part Lot 2 DP18411	9K/526	2345 m^2
CY	Part Lot 1 DP18411	9K/525	3974 m^2
CZ	Part Lot 1 DP12886	493/86	2239 m^2
DA	Part Lot 3 DP34290	31A/689	6.3320 ha
DB	Part Lot 1 DP16075	13A/691	15.0370 ha
DC	Lot 1 DP11163	453/41	655 m^2
DD	Part Lot 2 DP34290	14F/403	3.1200 ha
DE	Reserve 3900	*Gazette* 1990 p 3358	3.4170 ha
DF	Part Lot 4 DP34291	14F/405	650 m^2
The following parcels of land shown on SO plan 20058 in the Canterbury Land District:			
EA	Part Lot 1 DP11796	592/31	2.4187 ha
EB	Lot 2 DP11796	592/31	7.0137 ha
EC	Part Lot 1 DP11796	33A/1045	8898 m^2
ED	Part Lot 1 DP11796	592/31	5.0786 ha
EE	Rural Section 37957	*Gazette* 1952 p 1734	8400 m^2
EF	Part Lot 1 DP26504	8F/544	1.4610 ha
EG	Part Lot 2 DP26504	8F/545	7520 m^2
EH	Part Lot 3 DP26504	8F/546	6675 m^2
EI	Part Lot 2 DP42834	21K/1266	7595 m^2
EJ	Part Lot 5 DP26504	8F/548	9640 m^2
EK	Part Lot 6 DP26504	8F/549	1.2580 ha
EL	Part Lot 7 DP26504	8F/550	1.0890 ha
EM	Part Lot 3 DP42834	25A/152	2.1417 ha
EN	Part Rural Section 41112	*Gazette* 1982 p 3397	15.4900 ha
EO	Rural Section 41115	*Gazette* 1982 p 3397	3956 m^2
EP	Rural Section 41114	*Gazette* 1982 p 3397	5.0053 ha
EQ	Rural Section 41113	*Gazette* 1982 p 3397	11.1782 ha
ER	Part Rural Section 11170	*Gazette* 1984 p 14	1.6820 ha

Shown	Description	Title reference	Area
ES	Part Reserve 4259	*Gazette* 1930 p 3128	7.1629 ha
ET	Part Reserve 4259	*Gazette* 1930 p 3128	4.6412 ha
EU	Part Lot 3 DP42834	25A/152	1050 m^2
EV	Reserve 4170	*Gazette* 1927 p 2	2.8151 ha
EW	Part Lot 3 DP42834	25A/152	7.2420 ha
EX	Part Reserve 4259, Part Reserve 4170	*Gazette* 1990 p 2079	24.8800 ha
EY	Part Rapaki Maori Reserve 875 1B1	45B/793	1850 m^2
EZ	Lot 1 DP78960	45B/793	3210 m^2
FA	Part Rapaki Maori Reserve 875 1C	405/114	950 m^2
FB	Reserve 4478	*Gazette* 1990 p 2078	4.8360 ha
FC	Part Lot 1 DP28705	*Gazette* 1989 p 2926	13.0350 ha
FD	Part Rapaki Maori Reserve 875 1C	405/114	9980 m^2
FE	Part Rapaki Maori Reserve 875 1A2B	544/102	4.7850 ha
FF	Reserve 4477	*Gazette* 1990 p 2078	2.9491 ha
FG	Part Lot 2 DP28705	*Gazette* 1989 p 2926	2.9410 ha
FH	Part Lot 1 DP2855	30F/894	20.0500 ha
FI	Part Lot 1 DP2907	30F/894	27.4900 ha
FJ	Part Rapaki Maori Reserve 875 1A2B	544/102	3.6250 ha
The following parcels of land shown on SO plan 20059 in the Canterbury Land District:			
GA	Reserve 3814	37C/1206	5.3848 ha
GB	Part Lot 1 DP2983	18A/1439	3300 m^2
GC	Part Lot 2 DP2907	40A/601	13.0960 ha
GD	Part Lot 1 DP2983 Part Lot 2 DP2983	18A/1439	8.5000 ha
GE	Part Lot 1 DP68647	40A/601	3.4810 ha
GF	Reserve 3815	37C/1206	5.3544 ha
GG	Part Lot 3 DP2907	*Gazette* 1997 p 947	10.7300 ha
GH	Part Lot 2 DP2983	18A/1439	1.1170 ha
GI	Part Lot 3 DP2983	24A/40	3.9000 ha

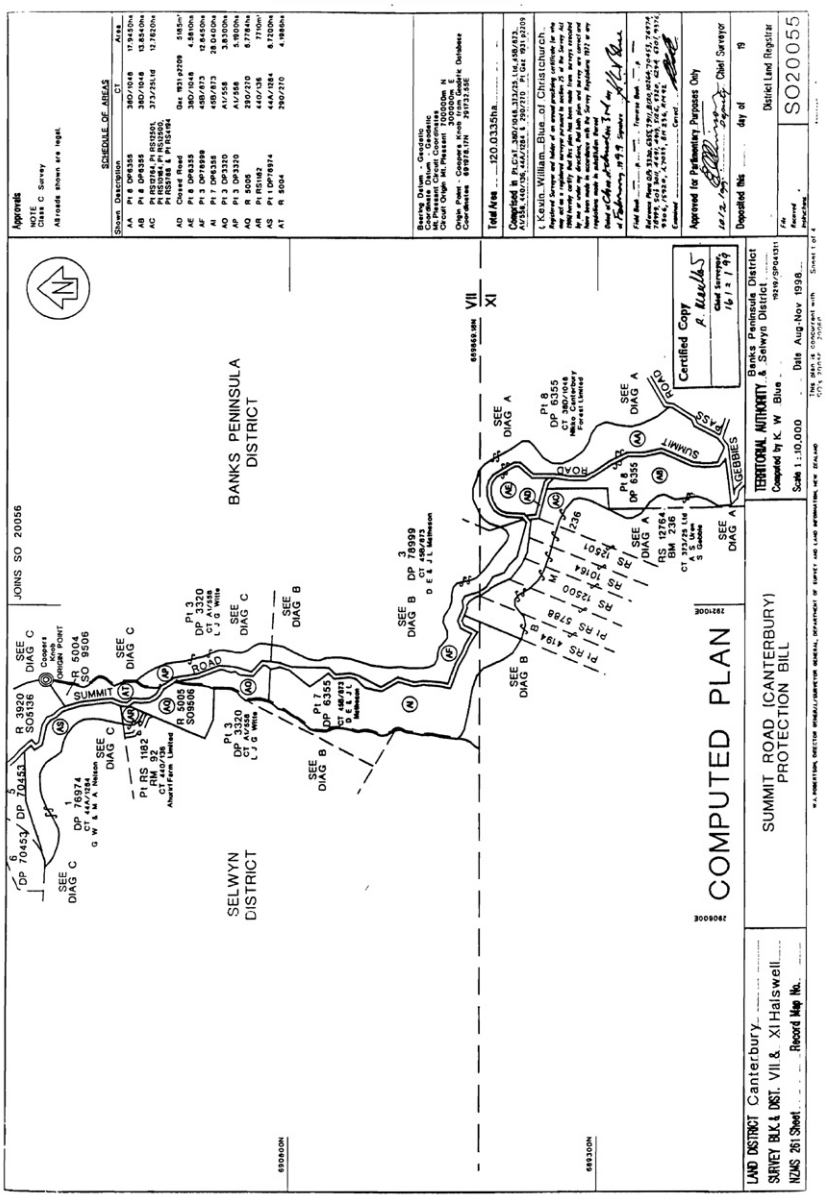
Shown	Description	Title reference	Area
GJ	Part Rural Section 23561	106/138	33 m²
GK	Reserve 4476	*Gazette* 1980 p 2566	172 m²
GL	Part Lot 2 DP72702	44C/1181	1420 m²
GM	Part Lot 2 DP82547	47D/58	2.0380 ha
GN	Part Lot 2 DP57455	35C/1196	2.3100 ha
GO	Part Lot 2 DP62065	38D/627	1125 m²
GP	Tunnel Reserve	-	2500 m²
GQ	Part Lot 2 DP82547	47D/58	5.4800 ha
GR	Part Lot 2 DP57455	35C/1196	3.1000 ha
GS	Lot 3 DP61966	37C/1205	7.3802 ha
GT	Lot 1 DP61966	37C/1204	1177 m²
GU	Part Reserve 101	*Gazette* 1986 p 2401	1295 m²
GV	Part Reserve 101	*Gazette* 1986 p 2401	1.1800 ha
The following parcels of land shown on SO plan 20060 in the Canterbury Land District:			
HA	Part Reserve 101	*Gazette* 1986 p 2401	1900 m²
HB	Part Lot 1 DP11832	481/101	9.2217 ha
HC	Part Lot 1 DP11832	*Gazette* 1945 p 1555	3166 m²
HD	Part Reserve 3817	*Gazette* 1984 p 5671	5.2660 ha
HE	Part Lot 3 DP62292	43B/35	10.5600 ha
HF	Lot 4 DP11832	481/101	2364 m²
HG	Lot 2 DP6336	452/71	2342 m²
HH	Lot 3 DP6336	403/201	2180 m²
HI	Lot 4 DP6336	365/6	2638 m²
HJ	Lot 1 DP4434	28A/1132	5232 m²
	Lot 2 DP4434		
HK	Lot 3 DP4434	28A/1109	3826 m²
HL	Lot 4 DP4434	28A/1133	2663 m²
HM	Lot 1 DP6312	342/231	7208 m²
	Lot 2 DP6312		
	Lot 3 DP6312		
HN	Part Lot 1 DP6898	355/180	885 m²
HO	Part Lot 2 DP11832	478/137	4.5977 ha
HP	Part Lot 2 DP11832	*Gazette* 1964 p 1117	8.3859 ha

Shown	Description	Title reference	Area
	Part Lot 1 DP4018		
	Part Rural Section 500		
	Part Rural Section 34917		
HQ	Part Lot 1 DP11832	*Gazette* 1964 p 1117	5205 m^2
HR	Part Reserve 3817	*Gazette* 1984 p 5671	2175 m^2
HS	Part Lot 3 DP11832	478/137	3.4100 ha
HT	Part Lot 1 DP4018	6B/860	27.7400 ha
HU	Part Lot 1 DP4018	6B/860	77.5000 ha
HV	Reserve 3818	37C/1206	1.1002 ha
HW	Part Lot 1 DP10532	507/256	6.9430 ha
HX	Part Rural Section 500	*Gazette* 1994 p 2481	4.4700 ha
	Part Rural Section 500X		
HY	Part Lot 1 DP4462	23K/704	2.1500 ha
HZ	Part Lot 1 DP4462	23K/704	18.9600 ha
IA	Part Reserve 276	*Gazette* 1979 p 3843	1.9400 ha
The following parcels of land shown on SO Plan 20209 in the Canterbury Land District:			
A	Part Lot 7 DP81401	47A/1278	11.6700 ha
B	Part Lot 8 DP81401	47A/1279	5.1800 ha
The following parcels of land shown on SO Plan 20210 in the Canterbury Land District:			
C	Part Lot 3 DP81448	46C/452	11.0860 ha
	Part Lot 1 DP76974		

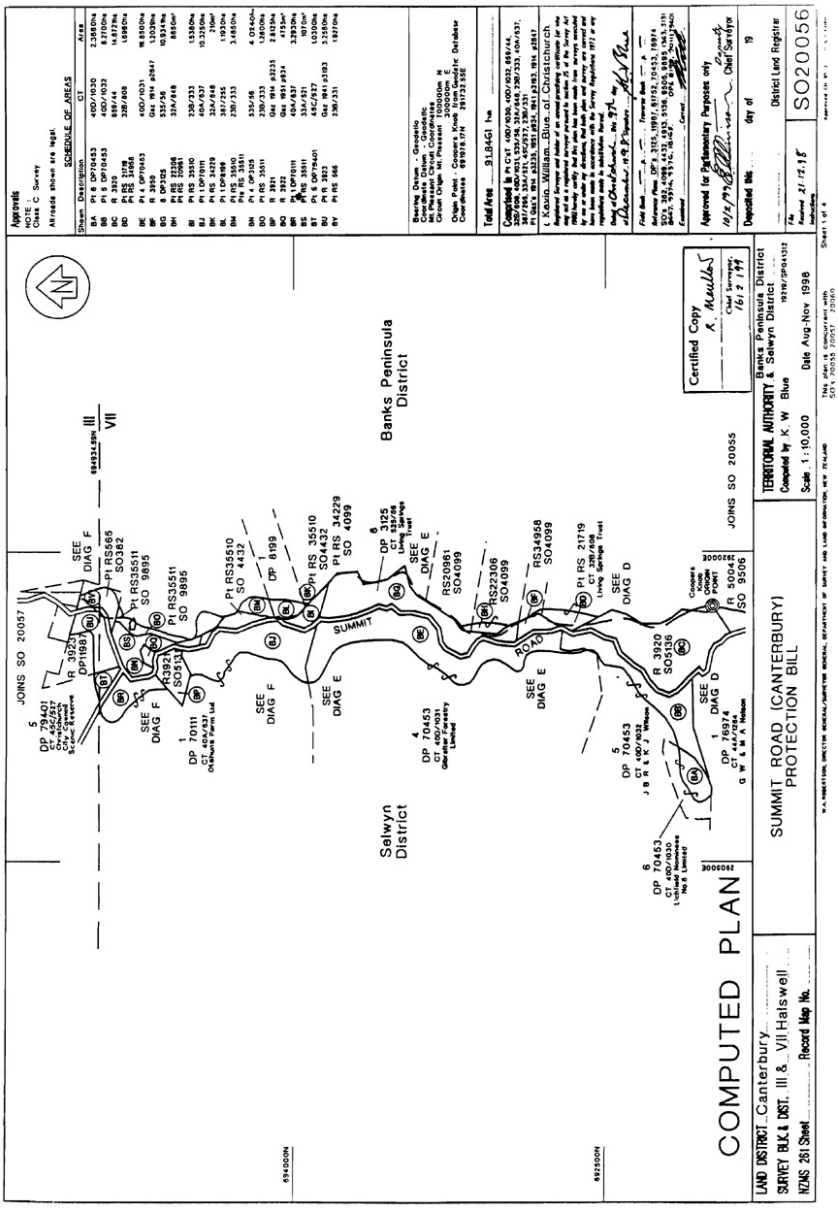
Schedule 3
Plans of areas described in Schedule 2

s 4(1)

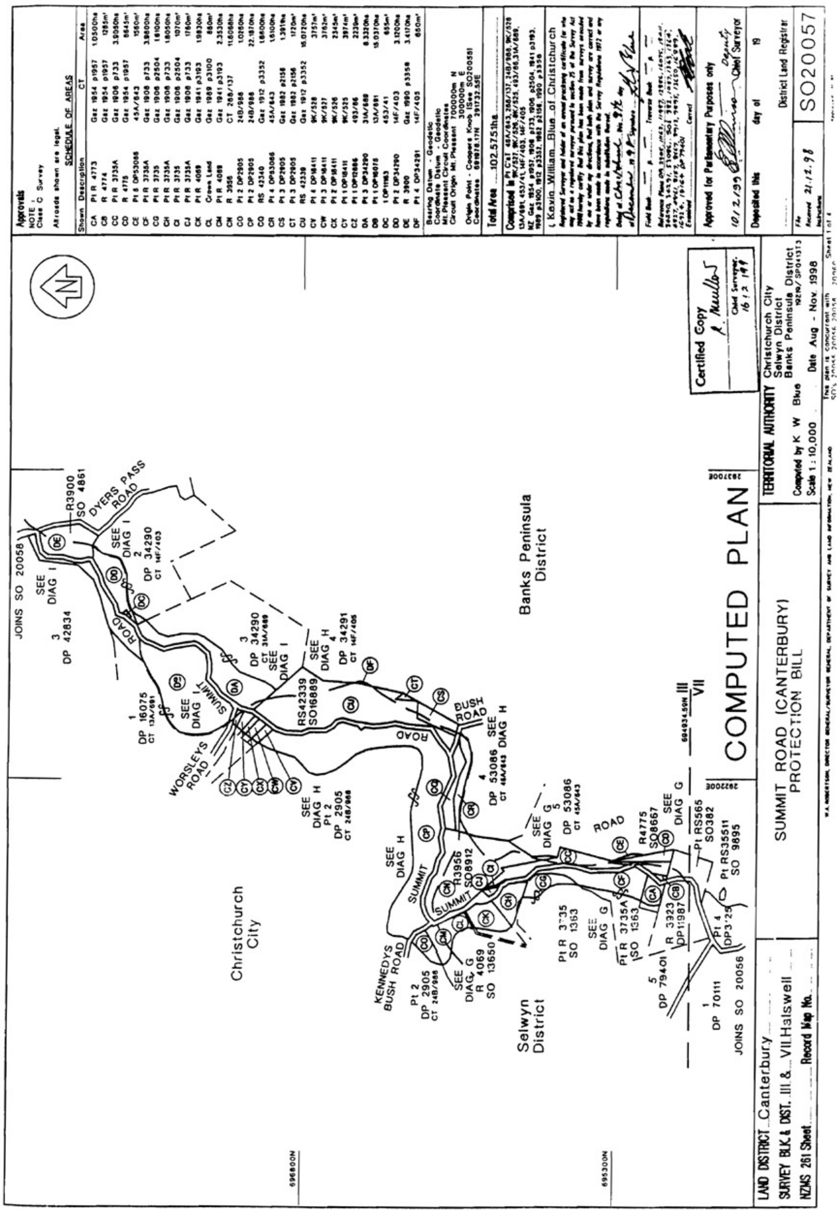
Plan 1 (SO 20055)



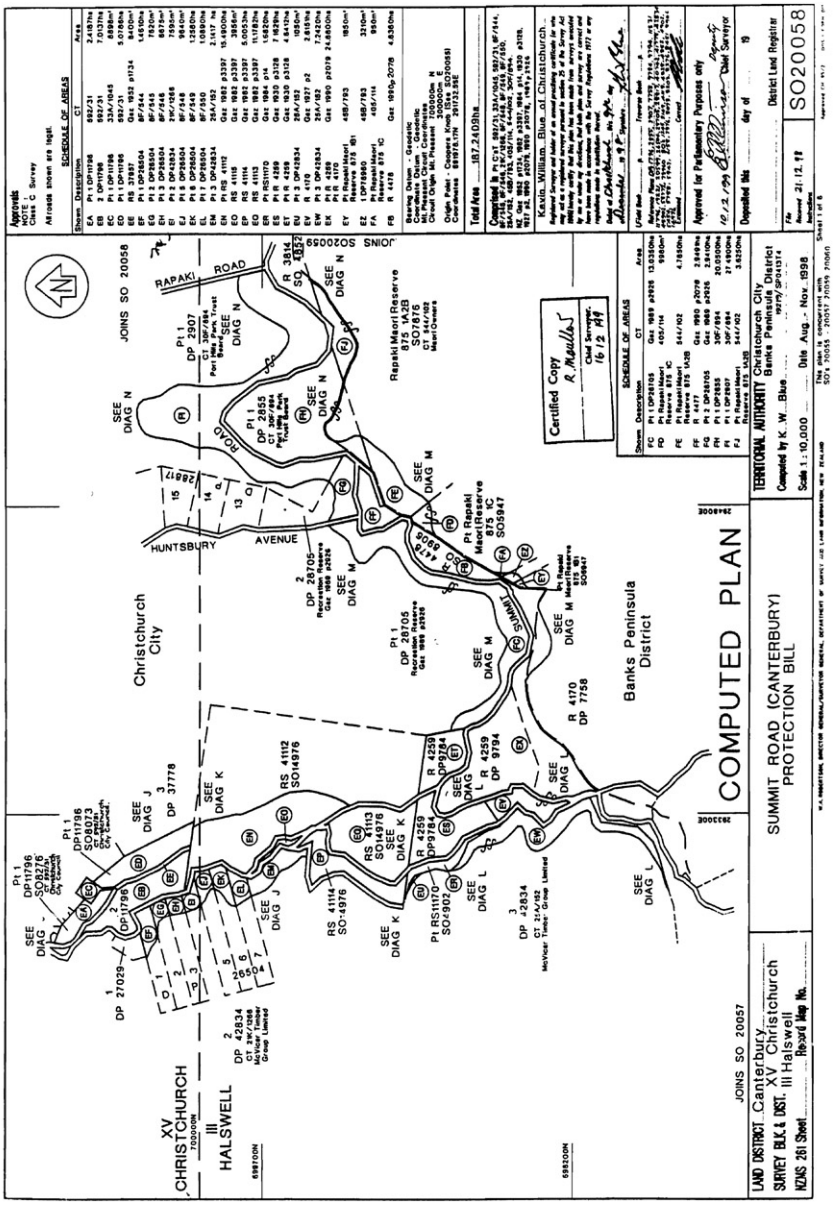
Plan 2 (SO 20056)



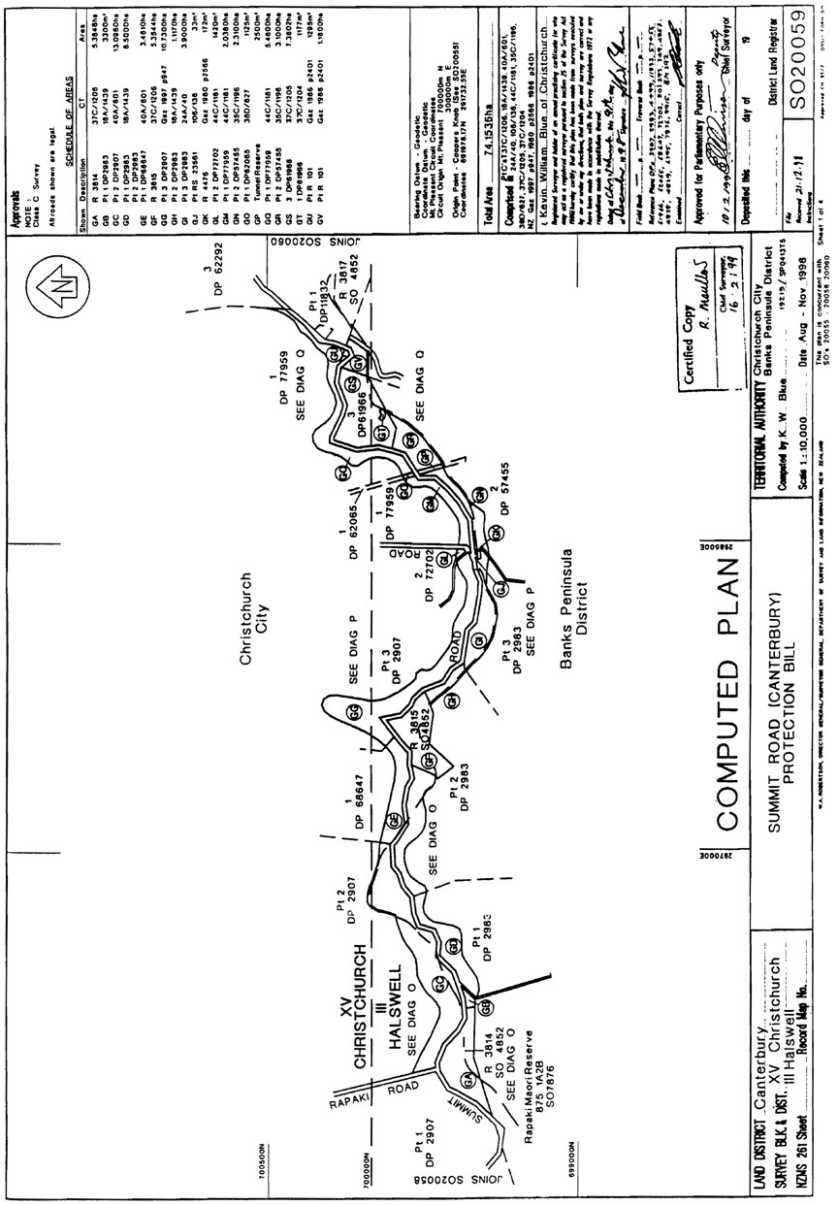
Plan 3 (SO 20057)



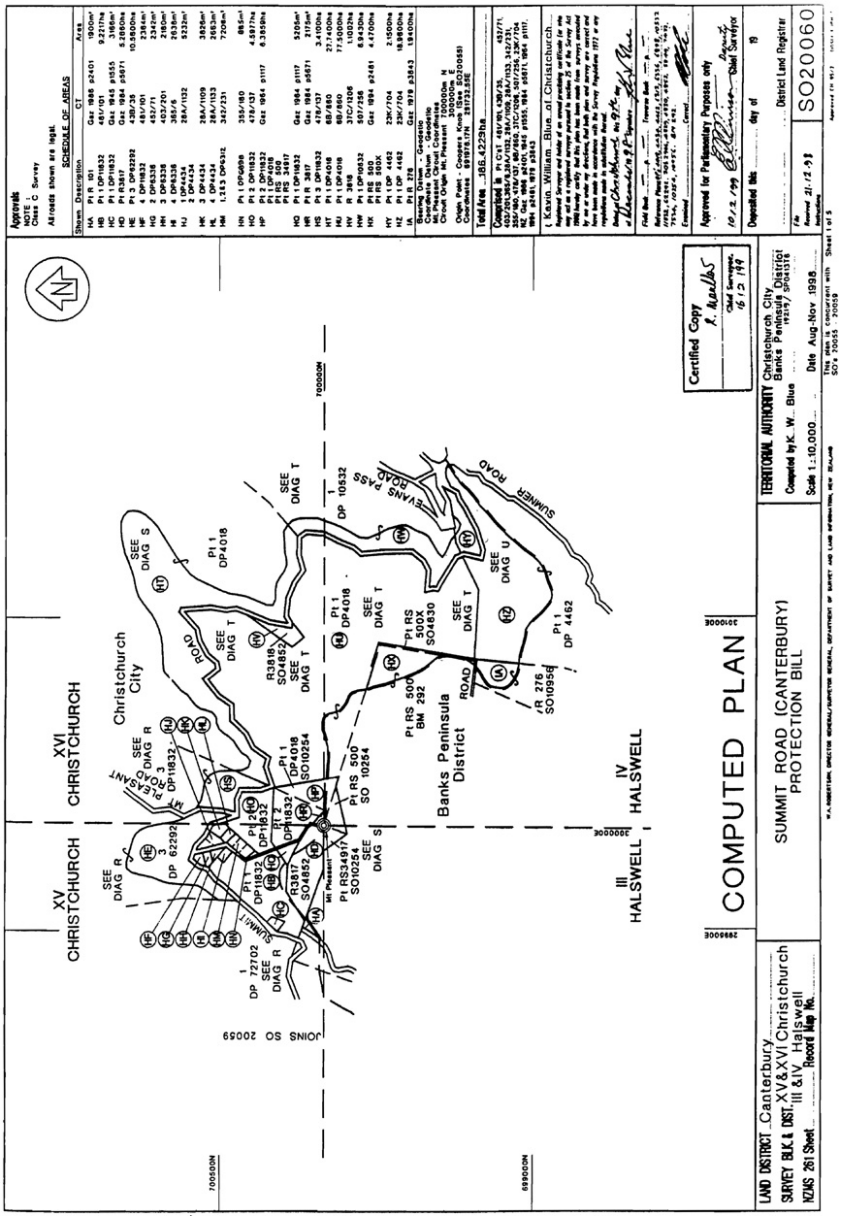
Plan 4 (SO 20058)



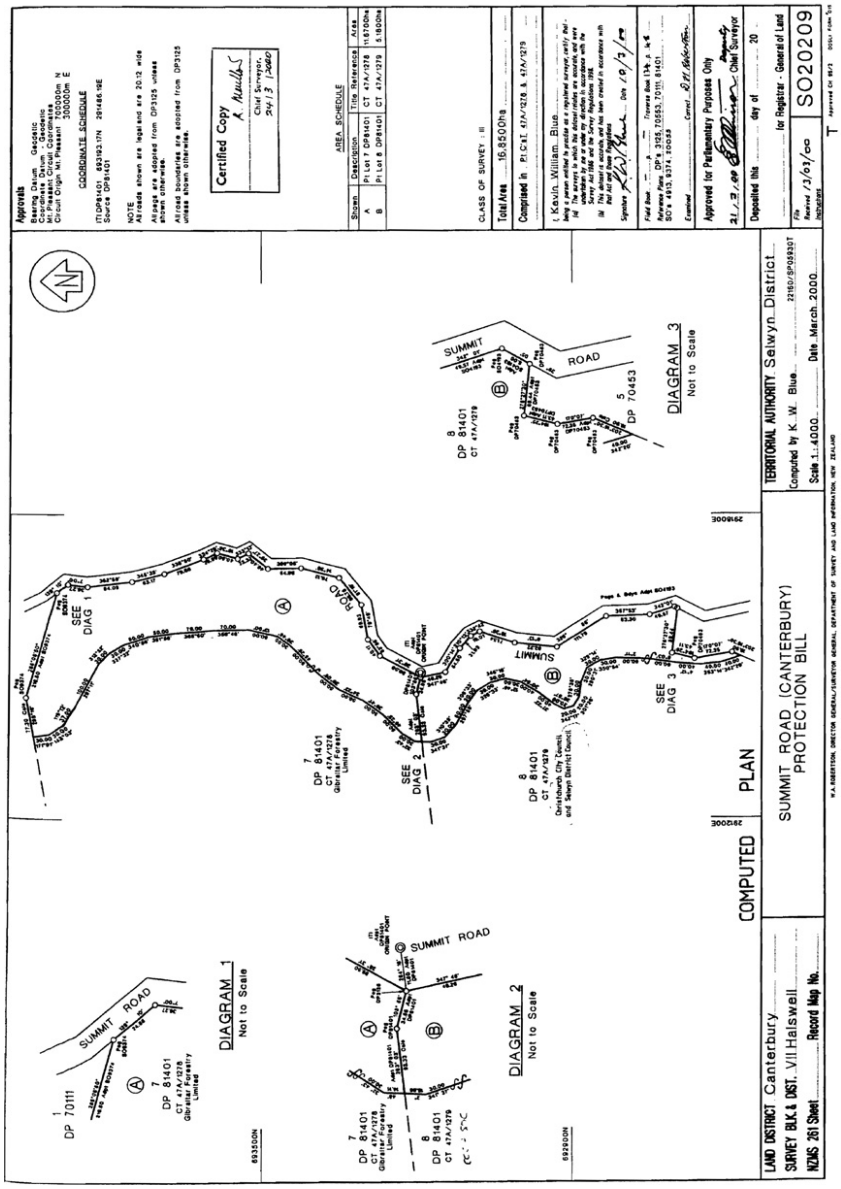
Plan 5 (SO 20059)



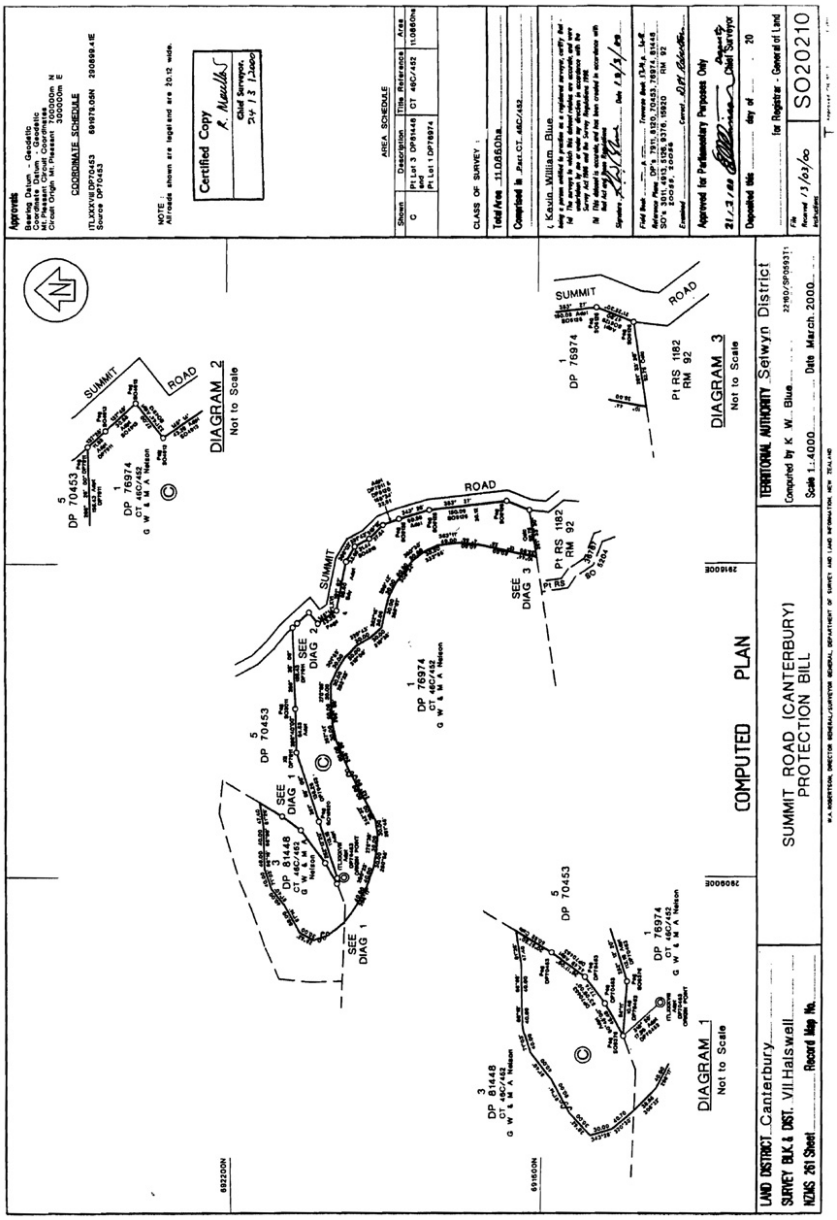
Plan 6 (SO 20060)



Plan 7 (SO 20209)



Plan 8 (SO 20210)



Schedule 4
Districts of contributory local bodies subject to levy

s 25

The whole of the City of Christchurch

The whole of the District of Banks Peninsula

The whole of the District of Selwyn

Schedule 5
Enactment repealed

s 36

Summit Road (Canterbury) Protection Act 1963 (1963 No 16)

Notes

1 General

This is a consolidation of the Summit Road (Canterbury) Protection Act 2001 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41): section 364

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Criminal Procedure Act 2011 (2011 No 81): section 413

Walking Access Act 2008 (2008 No 101): section 82

Building Act 2004 (2004 No 72): section 414

Wellington, New Zealand:
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