

TOMPKINS|WAKE

A car's side-view mirror is the central focus, reflecting a serene sunset scene. The reflection shows a long bridge spanning a body of water, with the sun setting directly behind it, creating a bright orange glow. The sky transitions from a deep orange near the horizon to a clear, deep blue at the top. The car's mirror frame is dark and slightly out of focus, framing the reflection. In the background, outside the mirror, the dark interior of the car and a blurred view of the road ahead are visible.

# 2023 in Retrospect

DECEMBER 2023

This year has seen a raft of impending change in the way local government operates. From reform legislation in the major areas of environmental regulation and water services to the Local Government Review. The local government sector has been in a state of turmoil, working frantically to prepare for new legislation that looks largely to be reversed by the new Government. Throughout the year the team at Tompkins Wake has been doing its best to keep you informed through our Legal Brief Express series.

In case you would like to refer back and to make it easy for you to find your favourite articles, we have produced this 2023 compendium.



## Resource Management Reform

### **Show me the Act!** | 18 August

Following Wednesday night's Third Reading of both the Natural and Built Environment Bill and the Spatial Planning Bill, we now eagerly await the publication and commencement of the two new Acts. Putting to one side the National Party's statement that it will repeal both Acts before Christmas if it is elected to form our next Government, many of us will have to familiarise ourselves in the interim with at least those parts of both Acts that will commence on the day after Royal Assent.

[Read more](#)

### **What a difference a week makes** | 25 August

The repeal and replacement of the Resource Management Act 1991 is now real! The Governor General has given Royal Assent to the new Natural and Built Environment Act (NBA) and the Spatial Planning Act. Certain parts of both Acts have now commenced. We now await the publication of both Acts onto Government's [legislation.govt.nz](https://legislation.govt.nz) website.

[Read more](#)

### **Significant Financial Penalties Ahead** | 5 September

For anyone party to RMA compliance and enforcement proceedings already underway (including abatement notices, enforcement orders and infringement notices) the short version of the consequence of the commencement of the Natural and Built Environment Act 2023 (NBA) is that nothing changes.

[Read more](#)

## JMAs and Mana Whakahono ā Rohe – Business as usual | 3 October

For any joint management agreements and Mana Whakahono ā Rohe arrangements made under the RMA and in existence immediately before 23 August 2023, it is business as usual.

[Read more](#)



## What will happen to water reforms now? | 6 November

Is it too soon to write about this? Well no, it is not. Legislation hastily passed before the election is in place and, in part, has commenced. The special votes have been counted and although the coalition talks have yet to conclude at the time of writing, we know there will be a National led government.

[Read more](#)



## Big changes for Local Government: have your say! | 24 January

Last year was hugely challenging for the Local Government sector as it faced a constant stream of changes across all areas. Unfortunately, this year looks to be equally as challenging, with Bills relating to RMA, water, and governance all in progress. As Parliament gets underway in the new year, Select Committees are too.

[Read more](#)

## Just another year in Local Government | 20 November

As might have been expected in the year of a general election, there has been a pretty much deafening silence in response to the once much anticipated final report on the Review into the Future for Local Government / He piki tūranga, he piki kotutuku.

[Read more](#)

## New Week, New Government | 27 November

Twenty-one days after confirmation of the official Election results, and we now have a new Government, which seems to have hit the ground running. The lineup of portfolios released on Friday afternoon contains some noticeable changes from the previous Government.

[Read more](#)



## Councils challenge to transfer of water services rejected in High Court

24 January

While the Government contemplates the future of Three Waters reform, a legal challenge by Timaru, Whangarei and Waimakariri District Councils seeking declarations affecting the transfer of local governance and ownership of water services infrastructure assets to water services entities has been decided by the High Court.

[Read more](#)

## What Makes up 'Capital Value' - Court of Appeal | 24 July

Rates are set under the Local Government Act 2002 (LGRA) based on the capital value or the land value of the rating unit. Annual value rating is also available under the LGRA but no longer used, whereas capital value rating has gained in popularity over land value rating in recent years. The Rating Valuations Act 1998 defines both 'capital value' and 'land value', but it was the definition of capital value that was of interest in the recent Court of Appeal case of *Bushmere Trust v Gisborne District Council*.

[Read more](#)

## Supreme Court clarifies conflicting NZCPS policies | 28 August

Last Thursday's release of the Supreme Court's decision in *Port Otago Ltd v Environmental Defence Society Inc* reverses the earlier decision of the Court of Appeal and has now confirmed that the New Zealand Coastal Policy's (NZCPS) ports policy is not subordinate to its avoidance policies.

[Read more](#)



## Severe Weather Emergency Legislation Act 2023 | 23 March

The start of the year has been a rough one for regions such as Auckland, Northland, Hawkes Bay, Bay of Plenty and Waikato which have experienced repeated severe weather events and local states of emergency since 1 January 2023.

[Read more](#)

## Severe Weather Emergency Legislation Act 2023: Part 2 | 27 March

Part two of the Severe Weather Emergency Legislation Act 2023 examines the amendments to the Civil Defence Emergency Management Act 2002 and the Local Government Act 2002. Our experts explain how these updates aim to enhance recovery and resilience in response to severe weather events and influence long-term planning for water services.

[Read more](#)

## Severe Weather Emergency Recovery Legislation Act 2023 | 12 April

The recently enacted Severe Weather Emergency Legislation Act 2023 addressed changes relating to the declaration of local and national emergencies in the Civil Defence Emergency Management Act 2002 and the emergency works provisions in the Resource Management Act 1991.

[Read more](#)

## No such thing as a simple Land Information Memoranda | 2 August

In December last year we reported on proposed changes to the provisions for Land Information Memoranda in the Local Government Official Information and Meetings Act 1987. Now the Local Government Official Information and Meetings Amendment Act 2023 has passed into law; amending section 44A LGOIMA, inserting new sections 44B to 44D defining the information about natural hazards to be included in a LIM ....

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## Reports

### **Review into the Future for Local Government - Final Report** | 21 June

There is much to unpick and consider in the recommendations contained in He piki tūranga, he piki kōtuku - The future for local government, and even more in the supporting information and discussion. The Panel has consulted widely, drawn its conclusions, and made recommendations.

[Read more](#)

### **What the Ombudsman expects of council meetings and workshops**

11 December

Have councils been making decisions in their workshops and informal meetings? The Ombudsman initiated an investigation to answer just that. He investigated eight councils to see whether they were following the right processes in their meetings and in their workshops.

[Read more](#)

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