

Report 13.1033
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Committee Council
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Resource Management Amendment Act 2013

1. Purpose

To advise the Council of recent amendments to the Resource Management Act 1991 (RMA).

2. Summary of amendments

On 3 September, the Resource Management Amendment Act 2013 (the Amendment Act) was passed into law.

The Amendment Act implements a range of changes intended to speed up and streamline existing process under the RMA. The changes include:

2.1 All resource consent applications

The changes to the resource consent process will affect all applications. The main changes include:

- new and clearer direction on the information applications need to contain (not just the Assessment of Environmental Effects)
- clearer criteria for accepting complete applications
- an increased time limit for deciding whether to accept an application (from 5 to 10 working days)
- improvements to the description of processing timeframes
- more information from the application can be adopted in a council officer's report.

2.2 Notified and limited notified resource consent applications

Consent authorities now have more time to decide whether to notify applications and to serve notice (20 working days, up from 10 working days).

There is a new six-month timeframe for processing notified consent applications. The six month timeframe comprises 130 working days for notified applications and 100 working days for limited notified applications.

There are also restrictions on the ability of a council to ‘stop the clock’ when requesting further information. The clock can only be stopped once before notification and not at all after notification (unless the applicant requests processing be suspended).

The total processing timeframes include the time for a hearing. In addition there is now a mandatory pre-provision of evidence before a hearing by the applicant, consent authority and submitters.

2.3 Direct referral process

Currently councils have the discretion to determine whether or not a matter should be directly referred to the Environment Court or remain with the council. The Amendment Act requires consent authorities to grant direct referral requests for projects that meet a certain investment threshold (unless exceptional circumstances exist), which will be set by regulations in 2014.

2.4 Section 32

Section 32 of the RMA sets out the evaluation that is required by a consent authority when considering the merits of a plan or policy statement; it requires consideration of alternatives, benefits and costs.

The Amendment Act gives more specific guidance about what must be considered when identifying and assessing the costs and benefits of the environmental, economic, social and cultural effects of the proposal. An assessment of the opportunities for providing or reducing economic growth and employment is required. In addition, these assessments are to be quantified, if practicable.

2.5 Minor and technical amendments

There are a number of amendments that are minor or technical in nature; these amendments include:

- changes to section 360 of the RMA to allow regulations to be made requiring local authorities to monitor the environment according to specified methodologies, and to require information to be provided within specified time limits
- extending the emergency provisions of the RMA to all lifeline utilities
- amendments to require the Environment Court to manage proceedings in a way which promotes timeliness and cost effectiveness
- clarifying the timeframes for parties to proceedings to notify the other parties that they have joined
- requiring that any person served with an enforcement order, who wants to be heard by the Environment Court, must let the Environment Court know within 15 working days of receipt of the application
- extending the timeframe for correcting minor mistakes in a resource consent.

3. When do these provisions take effect?

The changes in the Amendment Act will come into force in three stages. The *first* amendments came into force on 4 September 2013, the day after the Royal Assent, the *second* three months after the date of Royal Assent (3 December

2013) and the third will be by an Order in Council at a later date but is expected to be by March 2015. The timing of the third set of amendments is to align with other changes proposed through the 'Phase 3' RMA reforms process.

The stages that amendments will come into force are set out below.

3.1 All resource consent applications (including notified and limited notified)

The changes to the resource consent process do not come into effect immediately following Royal Assent.

They will come into effect by an Order in Council at a later date that aligns with other changes proposed through the ongoing resource management reform process.

3.2 Direct referral process

The changes to direct referral come into effect at different times. An overview of the timing of the amendments is:

- subject to regulations for investment threshold and exceptional circumstances
- subject to an Order in Council in respect of the time for lodging a notice of motion with the Environment Court
- the day after Royal Assent for remaining provisions relating to the direct referral process.

3.3 Section 32

The changes to section 32 came into effect three months after Royal Assent, being 3 December 2013.

3.4 Minor and technical amendments

The minor and technical amendments come into effect at different times. An overview of the timing of the amendments is:

- subject to regulations for environmental monitoring data changes
- the day after Royal Assent for other remaining provisions.

4. Impact on delegations

Officers have reviewed the powers retained by Council and the delegations made to Te Upoko Taiao – Natural Resource Management Committee; these amendments do not require any amendment to the delegations to the Committee or powers retained by Council.

There is some impact on the powers exercised by the Chief Executive and appropriate amendments will be made to officer delegations.

5. **Communication**

A report will be prepared for Te Upoko Taiao – Natural Resource Management Committee providing further detail on the implications of the Amendment Act.

6. **The decision-making process and significance**

No decision is being sought in this report.

7. **Recommendations**

That the Council:

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Notes that officer delegations will be updated to reflect the amendments set out in this report.***

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