



8 July 2025

OIAD-1628

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your email of 9 June 2025 requesting the following information under the Official Information Act 1982 (the Act) from the Ministry for the Environment (the Ministry):

1. *Does the RMA explicitly allow individuals or companies who do not hold legal title to a property to submit resource consent applications affecting that property?*
2. *Is there any legal requirement within the RMA or its regulations for councils to notify, consult, or obtain written approval from the legal landowner before processing such applications?*
3. *If no such requirement exists, what is the policy rationale for permitting resource consent applications to be submitted and processed without the landowner's knowledge or consent?*
4. *Has the Ministry provided any guidance to local councils on how to verify the applicant's authority or ownership in relation to resource consent applications? If so, please provide that guidance.*
5. *Has the Ministry identified or received any complaints or reports of misuse, conflict, or legal disputes arising from this provision in the RMA?*
6. *Is the Ministry aware of any data, audits, or case studies that track the frequency or impact of resource consent applications submitted by non-owners without owner knowledge?*
7. *Has the Ministry considered reforming this aspect of the RMA or tightening procedural safeguards to prevent potential abuse or waste of council and ratepayer resources?*
8. *Does the Ministry consider it a sound governance practice to allow councils to exercise discretion not to notify legal landowners of potentially impactful applications on their property?*

Please see below for the Ministry's responses to your questions.

**1. Does the RMA explicitly allow individuals or companies who do not hold legal title to a property to submit resource consent applications affecting that property?**

Yes. Under section 88 of the RMA, any person may apply to the relevant consent authority for a resource consent. The Act does not require the applicant to hold legal title to the property in question.

**2. Is there any legal requirement within the RMA or its regulations for councils to notify, consult, or obtain written approval from the legal landowner before processing such applications?**

No. The RMA does not require councils to notify, consult, or obtain written approval from the legal landowner before processing a resource consent application. Notification decisions are made based on specific criteria outlined in sections 95A to 95F of the RMA, and consultation is not a mandatory requirement.

**3. If no such requirement exists, what is the policy rationale for permitting resource consent applications to be submitted and processed without the landowner's knowledge or consent?**

The RMA is designed to manage the use, development, and protection of land and natural resources in a way that promotes sustainable management. It does not require the applicant for a resource consent to be the legal owner of the land.

This reflects the RMA's focus on environmental effects and planning considerations, rather than property ownership. Matters relating to land ownership and associated rights are governed by other legislation, and individuals with concerns about property rights may wish to seek independent legal advice.

**4. Has the Ministry provided any guidance to local councils on how to verify the applicant's authority or ownership in relation to resource consent applications? If so, please provide that guidance.**

As noted above, the RMA does not require the applicant to be the landowner, and ownership matters fall outside the scope of the RMA. Councils may offer general guidance on preparing applications, but verifying ownership is not a statutory requirement under the Act.

Therefore, the Ministry is refusing this point of your request under section 18(g) of the Act, as the requested information does not exist.

**5. Has the Ministry identified or received any complaints or reports of misuse, conflict, or legal disputes arising from this provision in the RMA?**

The Ministry is not aware of any complaints or reports specifically relating to misuse, conflict, or legal disputes arising from this provision in the RMA.

We note, however, that conducting a thorough search of all potentially relevant records would require substantial collation and research. Therefore, the Ministry is refusing this point of your request under section 18(f) of the Act, due to the substantial amount of work that would be required to research and collate the information in-scope of this point of your request.

**6. Is the Ministry aware of any data, audits, or case studies that track the frequency or impact of resource consent applications submitted by non-owners without owner knowledge?**

The Ministry is not aware of any targeted data, audits, or case studies that track the frequency or impact of resource consent applications submitted by non-owners without owner knowledge.

**7. Has the Ministry considered reforming this aspect of the RMA or tightening procedural safeguards to prevent potential abuse or waste of council and ratepayer resources?**

As noted earlier, the RMA does not require applicants to be landowners, and this is not considered a procedural deficiency within the current framework. Individuals with concerns about specific applications or local processes are encouraged to raise these with the relevant council or seek independent legal advice.

**8. Does the Ministry consider it a sound governance practice to allow councils to exercise discretion not to notify legal landowners of potentially impactful applications on their property?**

The RMA provides councils with discretion regarding notification decisions, based on the potential environmental effects of a proposed activity and other statutory criteria. This framework is intended to balance administrative efficiency with the need for public participation and transparency.

While the Ministry does not provide specific commentary on individual governance practices, it supports councils in applying the RMA in a manner that is consistent with legislative requirements and good decision-making principles. Broader concerns about notification practices may be best addressed through engagement with the relevant council or through formal consultation processes.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decisions relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work, the Ministry publishes responses to requests for official information shortly after the response has been sent on our website at: <https://environment.govt.nz/about-us/official-information-act-requests/>. If you have any queries about this, please feel free to contact our Ministerial Services team at: [ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz).

Nāku noa, nā

*Electronically approved by Macaela Flanagan*

**Macaela Flanagan**

Manager – System Oversight

Ministry for the Environment | Manatū Mō Te Taiao