



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

## Resource Management Amendment Act 2020

# Consenting-related changes in the Resource Management Amendment Act 2020

This factsheet outlines changes to improve resource management processes for resource consents. It covers the following amendments:

- enabling applicants to have processing of their non-notified resource consent applications suspended
- enabling consent authorities to suspend resource consent applications until fixed administrative charges are paid
- extending the time period to lodge retrospective resource consent applications for emergency works
- enabling the review of the conditions of multiple resource consents concurrently
- repealing public notification and appeal preclusions for resource consents for subdivision and residential activities
- repealing the restriction on appeals by submitters on resource consents.

The specific changes come into effect at various times, as detailed in this factsheet.

## Applicants can suspend the process of their non-notified resource consent application

**Previously**, applicants could only place their applications on hold (for up to 130 working days) between notification and the close of a hearing for publicly and limited notified resource consents.

**The RMA has been amended** to enable applicants to suspend processing of non-notified applications for up to 20 working days.

This can be exercised:

- before a notification decision is made
- until the hearing is completed (if any) or the consent decision is issued.

**The intent of this change** is to give applicants some flexibility in the process without increasing uncertainty or creating significant delays to resource consent timeframes and processes.

**This change takes effect on** 30 September 2020.

## Consent authorities can suspend resource consent applications until fixed administrative charges are paid

Section 36 of the RMA allows councils to fix administrative charges to recover the actual and reasonable costs associated with some of their RMA functions. Councils usually recover costs either by setting specific amounts for particular types of consents or by fixing an initial lodgement fee/deposit and then invoicing applicants during or at the end of the process for the additional actual costs incurred.

**Previously**, if an administrative charge was not paid, section 36AAB(2) gave councils the power to not perform the action to which the charge applied, however the RMA did not allow the resource consent processing clock to be stopped for this purpose.

**The RMA has been amended** to allow consent authorities to suspend the statutory clock for the processing of a resource consent while waiting to receive payment of any fixed administrative charge, either at lodgement or when a decision has been made to notify an application. These are the stages within the resource consent process where most councils fix administrative charges. Stopping the resource consent clock at these stages encourages the applicant to pay the required charge so their application can proceed.

**The intent of this change** is to improve the workability of payment of administrative charges.

**This change takes effect on** 30 September 2020.

## The time period to lodge retrospective resource consent applications for emergency works has been extended

In section 330B, after a state of emergency has been declared (or a transition period notified) under the Civil Defence Emergency Management Act 2002, the RMA provides for people with emergency powers to undertake emergency works and notify the council about those works within seven days. If the adverse effects of the activity are ongoing, and a resource consent is required, the person responsible must apply for a resource consent.

**Previously**, there was a timeframe of 20 working days for lodging these resource consent applications, from the time the person told advising the consent authority about the emergency works.

**Section 330B of the RMA has been amended** to extend the timeframe to apply for any necessary resource consent to 60 workings days.

**The intent of this change** is to ensure applicants have a fair time period after a state of emergency or transition period. It will also give consent authorities more time to focus on recovery and response.

**This change takes effect on** 1 July 2020.

## Review of multiple resource consents' conditions can occur concurrently

A council can review conditions of existing consents in certain circumstances as set out in section 128 of the RMA.

**Previously**, section 128 was unclear about when a review of conditions could start and whether councils could review multiple consents at the same time to manage cumulative effects.

**The RMA has been amended** to enable a consent authority to review a coastal, water or discharge permit, or a land-use consent granted by a regional council, if:

- a regional plan contains a rule that relates to maximum or minimum levels or rates of water use, or minimum standards of water quality or air quality, or ranges of temperature or pressure of geothermal water, and
- the rule, the plan or the part of the plan that contains the rule has been made operative, and the regional council considers it appropriate to review the conditions of the permit or consent to enable the levels, flows, rates or standards set by the rule to be met.

Section 128 has been amended to enable a consent authority to review the conditions of resource consents concurrently if those consents are affected by a rule referred to in new section 128(1)(b).

Additionally, section 129 has been amended to require a consent authority to advise a consent holder that it intends to review the conditions of the resource consent alongside the other resource consent(s) affected by a rule referred to in section 128(1)(b).

**The intent of this change** is to enable consent authorities to review conditions of multiple resource consents concurrently.

**This change takes effect** on 1 July 2020.

## Preclusions on public notification and appeals for resource consents for subdivision and residential activity removed

When a consent authority receives a resource consent application it must decide whether to notify the application (either publicly or to affected parties) or consider it on a non-notified basis.

**Previously**, there was a preclusion so all resource consent applications for residential activities (defined in the RMA) and subdivisions (other than those with “non-complying” activity status) could not be publicly notified or appealed.

**The RMA has been amended** to remove the public notification and appeal preclusions, and remove the definition of “residential activity”.

**The intent of this change** is to increase public participation.

**This change takes effect** on 30 September 2020.

## Restriction on appeals by submitters on resource consents repealed

**Previously**, there was a restriction in the RMA that a submitter could only appeal a consent decision on matters that were raised in their submission.

**The RMA has been amended** to repeal the restriction on the scope of appeals by submitters on notified resource consent applications, or changes to, or reviews of, consent conditions.

**The intent of this change** is to provide for broader appeal rights and allow submitters to appeal any part of decisions, particularly when those decisions are based on new information or evidence that was not apparent when submissions were first lodged. This will also help improve the quality of decision-making.

**This change takes effect** on 1 July 2020.

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