



Overview

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This is one of a series of fact sheets developed to provide an overview of the Resource Management Amendment Act 2013, the Local Government (Auckland Transitional Provisions) Amendment Act 2013, and the Local Government Official Information and Meetings Amendment Act 2013.

This fact sheet provides an overview of these amendments and outlines the other fact sheets in the series, which set out the main changes in detail.

Background

The purpose of the amendments is to help create a resource management system that delivers communities' planning needs, enables growth, and provides strong environmental outcomes in a timely and cost-effective way.

It does this through:

- » improving the resource consent regime
- » streamlining the delivery of Auckland's first unitary plan
- » improving the information basis for local decision-making
- » improving the workability of the Resource Management Act (RMA) through minor and technical amendments.

The key components of the Resource Management Amendment Act 2013 (RMAA 2013) are:

- » new and clearer information requirements for all resource consent applications
- » a new six-month timeframe for decision-making on resource consent applications that are notified and limited notified (130 and 100 working days respectively)

- » changes to improve the accessibility of the direct referral process and to introduce an investment threshold for projects
- » changes to section 32 of the RMA to improve the evaluation of effects of objectives, policies and rules
- » changes to provisions relating to the blanket protection rules for trees
- » changes to section 360 of the RMA to allow regulations to be made requiring local authorities to monitor environmental data to inform better decision-making
- » minor and technical changes to improve the workability of the RMA.

The Local Government (Auckland Transitional Provisions) Amendment Act 2013 (LGATPAA) introduces new legislation to assist with the timely delivery of Auckland's first unitary plan.

The Local Government Official Information and Meetings Amendment Act 2013 introduces minor and technical changes to improve the workability of certain provisions of the Local Government Official Information and Meetings Act 1987 which relate to resource management matters.

These reforms were collectively known as the Resource Management Reform Bill 2012 (the Bill). The Bill had its first reading on 11 December 2012. It was referred to the Environment and Local Government Select Committee. Submissions closed on 28 February 2013 and 278 written submissions were received. The Bill was reported back to the House of Representatives on 11 June 2013. A Supplementary Order Paper split the Bill into three Bills. The Bills passed into law in September 2013.

The fact sheets

This series of fact sheets has been produced to summarise the main changes made by the Resource Management Amendment Act 2013, the Local Government (Auckland Transitional Provisions) Amendment Act 2013, and the Local Government Official Information and Meetings Amendment Act 2013.

The fact sheets cover:

- » changes to the resource consent process
- » six-month processing of notified consent applications
- » Auckland Unitary Plan process
- » direct referral
- » section 32 of the RMA
- » minor and technical amendments.

Fact Sheet 2: Changes to the resource consent process

This fact sheet explains changes to the resource consent process that affect all applications.

The main changes covered in the fact sheet are:

- » new and clearer direction on the information applications need to contain
- » clearer criteria for accepting complete applications
- » an increased time limit for deciding whether to accept an application
- » improvements to the description of processing timeframes
- » that more information from the application can be adopted in a council officer's report.

Fact Sheet 3: Six-month processing of notified consent applications

This fact sheet explains the 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.

The main changes covered in the fact sheet are:

- » only one 'clock stop' for further information requests under section 92(1) of the RMA (reduced from two), which must occur before notification
- » no clock stops between notification and the decision (giving a fixed timeframe for decisions to be made), unless the applicant requests processing be suspended

- » more time to decide whether to notify applications and to serve notice (20 working days, up from 10 working days)
- » inclusion of the time for a hearing within the total processing timeframe
- » mandatory pre-provision of evidence before a hearing
- » a new provision for applicants to request their application be put on hold for up to 130 working days (six months).

Fact Sheet 4: Auckland Unitary Plan

This fact sheet explains the new streamlined process for preparing Auckland Council's first unitary plan.

The main changes covered in the fact sheet are:

- » amendments to the existing RMA plan-making process through a one-time-only streamlined process within the Local Government (Auckland Transitional Provisions) Act 2010
- » new procedures designed to ensure the Hearings Panel can fairly and efficiently manage proceedings, including the ability to permit cross-examination of witnesses
- » requirements the Hearings Panel must follow in making recommendations to the Auckland Council and the requirements the Auckland Council must follow in making its final decisions on the Auckland Unitary Plan
- » limitations placed on merit appeals to the Environment Court.

Fact Sheet 5: Direct referral

This fact sheet explains the changes to the direct referral process.

The main changes covered in the fact sheet are:

- » requiring a council to grant direct referral requests for projects that meet a certain investment threshold, which will be set by regulations
- » clarification of the mandatory content of a council's planning report and the role of a council at the Environment Court hearing, including a council's cost recovery
- » an increased time limit for applicants to lodge their application with the Environment Court
- » clarification of how submitters who want to be heard notify the Environment Court
- » application of the anti-trade competition provisions to direct referral.

Fact Sheet 6: Section 32 of the RMA

This fact sheet explains the changes to section 32 of the RMA (consideration of alternatives, benefits and costs).

The main changes covered in the fact sheet are:

- » identifying and assessing the costs and benefits of the environmental, economic, social and cultural effects, and if practicable to quantify these
- » requiring an assessment of the opportunities for providing or reducing economic growth and employment
- » clarifying that the evaluation report must correspond to the scale and significance of the anticipated effects of the proposal.

Fact Sheet 7: Minor and technical amendments

This fact sheet explains other amendments to the RMA and LGOIMA that are minor and technical in nature. Most of the amendments clarify existing practice or original policy intent.

The main changes covered in the fact sheet are:

- » clarifying the policy intent of district rules about trees
- » changes to section 360 of the RMA that 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
- » minor changes and clarifications to the proposals of national significance board of inquiry process under the RMA and LGOIMA
- » amendments to section 269 of the RMA 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
- » clarifying that minor corrections can be made to a national policy statement without a public process
- » extending the timeframe for correcting minor mistakes in a resource consent.

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