



# Changes to the resource consent process

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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 outlines changes that apply to all applications for resource consent under the Resource Management Act 1991 (RMA).

See fact sheet 3 for additional changes to the resource consent process for applications that are notified or limited notified.

All section references are to the RMA unless stated otherwise.

## When these provisions take effect

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.

## Why were changes needed?

The amendments address concerns about:

- » ambiguity about information that needs to be included with an application for resource consent
- » confusion concerning what constitutes a complete and adequate application
- » the difference between the information needed when an application is lodged and the information needed at the decision-making stage
- » ambiguity in the way consent processing timeframes are expressed in the RMA
- » inefficiency caused by a council officer's report being restricted to the information contained in the assessment of environmental effects.

## How has the RMA been amended?

### **Clearer information on what an application needs to contain**

The amendments revise the two parts of the RMA that set out the necessary content of resource consent applications when they are lodged with councils. These are section 88 and Schedule 4.

To provide clarity on information requirements for applications, a new Schedule 4 has been included which sets out all the information needed in applications for resource consents when they are lodged (now called *Information required in application for resource consent*). The new Schedule 4 brings together requirements that were previously included in section 88, the old Schedule 4, and regulations. Key features of the new Schedule 4 are discussed below.

- » It now sets out all the information requirements for applications as a whole, rather than just the requirements for assessments of environmental effects. Information requirements including contact details and descriptions of the site, the activities needing consent, and the proposal as a whole, are now listed together in one place.
- » It fills a gap that previously existed between the information in applications when received and the information needed to reach a decision. Schedule 4 now requires applications to take into consideration provisions of the RMA and other planning documents that are relevant at the decision-making stages of the consent process. This includes consideration of Part 2 of the RMA and any relevant documents listed in section 104(1)(b), including the district or regional plan and any relevant national environmental standards.

- » It requires information on related permitted activities to be included in applications for consent. This might be particularly important where an applicant needs to consider documents other than the relevant plan – for example, a national environmental standard.
- » It requires information to be provided in sufficient detail to satisfy the purpose for which it is needed.

### Clearer criteria for accepting complete applications

In combination with the new Schedule 4, the amendments change section 88 to now simply state that applications must meet certain requirements to be accepted for processing. The requirements themselves are all contained in Schedule 4. This change reduces ambiguity and helps avoid disagreement between applicants and councils over the information that needs to be included with a consent application.

These changes to section 88 and Schedule 4 will help ensure applications contain all the necessary information when they are first lodged, and avoid delays that can occur later if councils do not have the information they need.

### More time to decide whether to accept an application

Section 88 now allows councils up to 10 working days (increased from 5 working days) to decide whether to accept an application. This extension recognises that more time might be needed for this check to be completed because of other changes to the resource consent process (particularly the new Schedule 4 requirements).

### Improvements to descriptions of processing timeframes

The new section 88B contains a table listing the provisions which have time limits and time exclusions elsewhere in the RMA. The table lists parts of the consent process that have time limits (such as the time limit for notifying an application), and for each part lists the possible exclusions from those time limits (for example, excluded time relating to a request for further information).

The timeframe provisions have also been updated to reflect wider changes to timeframes, especially in the area of notified and limited notified applications (see fact sheet 3).

### More information can be adopted in a council officer's report

Section 42A now allows a report prepared by a council officer to adopt any information included in an application. It no longer restricts the adoption of such material to the information contained in the assessment of environmental effects only. This will reduce duplication between the application and a council officer's report.

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