

Resource Legislation Amendments 2017

Overview of changes introduced by the Resource Legislation Amendment Act 2017

This fact sheet provides an overview of the changes introduced by the Resource Legislation Amendment Act 2017 and links to fact sheets providing more detail about the changes.

National Direction - in force at various times

Changes introduced by the Resource Legislation Amendment Act 2017	Find out more in the fact sheet
"The management of significant risks from natural hazards" is a new matter of national importance in section 6 of the Resource Management Act 1991 (RMA).	Revised functions for RMA decision makers
Decision-makers are subject to new procedural principles under the RMA.	
Councils have new functions to ensure that there is sufficient residential and business development capacity to meet expected demand.	
The explicit function for councils to control hazardous substances is removed from the RMA.	New options for national direction
A variety of changes are made to the scope and process for developing National Environmental Standards (NES) and National Policy Statements (NPS).	
Regulations may prohibit or remove rules that duplicate or overlap with other legislation.	
New National Planning Standards must be in place within 2 years of Royal Assent, to improve consistency of RMA plans and policy statements.	
Subdivision of land is permitted unless it contravenes a rule in a NES or district plan.	Revised functions for RMA decision makers

Plan-making - in force from the day after Royal Assent

Changes introduced by the Resource Legislation Amendment Act 2017	Find out more in the fact sheet
Councils may request approval from the Minister for the Environment to use a streamlined planning process.	A new optional streamlined planning process
Councils may use a collaborative planning process.	A new optional collaborative planning process
Changes enhance Māori participation in resource management processes, including new Mana Whakahono a Rohe: Iwi participation arrangements.	Changes to Maori participation in the RMA
Councils may use limited notification for plan changes, if all directly affected parties can be identified.	Changes to the standard planning track
Councils must request approval from the Minister for the Environment, if an extension to the two year time limit for making decisions on a proposed plan or plan change is needed.	
Proposed regional policy statement provisions may be given effect to by regional or district plan provisions, if the provisions are part of a combined plan.	
Existing designations may be included in partial district plan reviews (not just full district plan reviews).	

Consenting - in force from 6 months after Royal Assent

Changes introduced by the Resource Legislation Amendment Act 2017	Find out more in the fact sheet
Councils must deem "boundary activities" (defined in section 87AAB) to be permitted if criteria are met, including that the affected neighbour's written approval is provided.	New consent exemption and fast-track processes
Councils may exempt activities from needing a resource consent for 'marginal or temporary' rule breaches, if criteria in section 87BB are met.	
Councils have 10 days to process resource consent applications for district land-use activities that have 'controlled' status, as well as any other types of activities that may be set in regulations.	
A new step-by-step process is set to determine whether to notify resource consent applications.	Changes to resource consent notification
Resource consent applications for certain activities cannot be notified.	
Regulations may preclude notification of certain activities, or limit who may be considered 'affected'.	New options for national direction
Decision makers on resource consents or notices of requirement must have regard to any measures proposed to achieve positive effects on the environment, to offset or compensate for any adverse effects.	New matters to consider for resource consents and designations
Regulations may require councils to fix charges for certain consent decisions, commissioners and hearings.	New options for national direction
Certain types of objections must be heard by an independent commissioner if requested by an applicant.	Changes to objections and Environment

Changes introduced by the Resource Legislation Amendment Act 2017	Find out more in the fact sheet
	Court processes
A submission may now also be struck out if it: <ul style="list-style-type: none"> contains offensive language; or is supported only by evidence that purports to be independent expert evidence, but has been prepared by a person who is not. 	Changes to public notices, electronic servicing and submission strike out
Appeals to the Environment Court are precluded for certain activities.	Changes to objections and Environment Court processes

Courts - in force from the day after Royal Assent

Changes introduced by the Resource Legislation Amendment Act 2017	Find out more in the fact sheet
Changes to Environment Court processes:	
<ul style="list-style-type: none"> The Environment Court may delegate more of its functions to commissioners or judges sitting alone. 	Changes to objections and Environment Court processes
<ul style="list-style-type: none"> The Environment Court may require people with authority to make decisions to attend judicial conferences and mediation. 	
<ul style="list-style-type: none"> Regulations may set criteria for the Environment Court registrar to waive, reduce or postpone fees. 	New options for national direction
The Environment Court may direct councils to acquire land under section 85 of the RMA if the land owner and council agree.	Changes to objections and Environment Court processes

Process changes - in force at various times

Changes introduced by the Resource Legislation Amendment Act 2017	Find out more in the fact sheet
Electronic public notification requirements and electronic servicing of documents: <ul style="list-style-type: none"> Greater servicing of documents to parties via online platforms RMA public notices must be clear and concise, and available on publicly accessible websites. 	Changes to public notices, electronic servicing and submission strike out
Councils must monitor efficiency and effectiveness of their processes.	Revised functions for RMA decision makers
Various changes are made to board of inquiry processes to reduce cost and complexity.	
The Environmental Protection Authority may provide secretarial and support services to decision-makers appointed under any Act that amends or overrides RMA processes (where major hearings are held).	Changes to the board of inquiry process
Councils will not be able to charge financial contributions under the RMA (from 5 years after Royal Assent).	Changes to the standard planning track

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<p>Changes to Heritage Protection Orders (HPOs):</p> <ul style="list-style-type: none"> Heritage Protection Authorities (HPAs) that are body corporates may not give notice for a HPO over private land. The Minister for the Environment may transfer responsibility for a HPO to another HPA. 	Changes to heritage protection under the RMA

Minor/technical changes- in force from the day after Royal Assent

Changes introduced by the Resource Legislation Amendment Act 2017	Find out more in the fact sheet
Regulations may exclude stock from water bodies.	New options for national direction
Amendments ensure stock water takes are treated equally for natural persons, trusts or a company.	Revised functions for RMA decision makers
Regional councils may use a simplified process to search for an owner, and remove, abandoned coastal structures in certain circumstances, rather than a formal inquiry under the Marine and Coastal Area (Takutai Moana) Act 2011.	
Regulations may prescribe the form and content of water permits and discharge permits.	New options for national direction
Classes in Schedule 3 of the RMA no longer apply to fresh water.	Revised functions for RMA decision makers

Changes to other legislation - in force at various times

Changes introduced by the Resource Legislation Amendment Act 2017	Find out more in the fact sheet
Concession and access arrangement application processes in the Conservation Act 1987 are aligned with resource consents under RMA.	Alignment of Conservation Act and Reserves Act processes with the RMA
A joint process may be used if a proposal involves a publicly notified plan change or resource consent application under the RMA alongside a recreation reserve exchange under the Reserves Act 1977.	
Changes to land acquisition processes under the Public Works Act 1981.	Changes to land acquisition under the Public Works Act
Changes to the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) come into force on 1 June 2017 and include alignment of the process for decision making on certain marine consent applications under the EEZ Act with that for Boards of Inquiry for Nationally Significant Proposals under the RMA.	Changes to the board of inquiry process
Other changes to the EEZ Act include new requirements regarding decommissioning offshore petroleum production facilities; providing a new tool for national direction; and a number of amendments to existing provisions, including transitional and enforcement provisions.	For further information about the EEZ Act regime go to mfe.govt.nz/marine

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Published in April 2017 by the
Ministry for the Environment
Publication number: INFO 784a



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