



## Resource Management Amendment Act 2020

# Overview of changes introduced by the Resource Management Amendment Act 2020

This factsheet provides an overview of the changes introduced by the Resource Management Amendment Act 2020.

## Consenting – changes come into force at various times

- Applicants can suspend the processing of their non-notified resource consent applications – in force from 30 September 2020.
- Consent authorities can suspend the processing of resource consent applications until fixed administrative charges are paid (for lodgement and notification) – in force from 30 September 2020.
- The time period to lodge retrospective resource consent applications for emergency works (under section 330B) is extended to 60 working days – in force from 1 July 2020.
- Public notification and appeal preclusions for resource consents for subdivision and residential activities are removed – in force from 30 September 2020.
- The restriction on submitters to only appeal matters that were raised in their original submission is removed – in force from 1 July 2020.
- Subdivision activity reverts to the original presumption of being “restricted” – in force from 1 July 2020.

## Compliance, monitoring and enforcement – changes come into force from 1 July 2020

- Enabling the maximum possible infringement fee (set in regulations) to increase to \$2,000 for natural persons and \$4,000 for other entities with legal personhood (such as corporate entities).
- The statutory limitation period to file charges for prosecutions increases to 12 months.
- The EPA is empowered to:
  - initiate its own RMA investigations if a council is not already involved in an active investigation
  - help councils with RMA investigations in progress at the request of the council
  - intervene in RMA cases and become the controlling lead agency of an investigation and subsequent enforcement action.

## Freshwater – changes come into force from 1 July 2020

- The new freshwater planning process comes into force.
- Consent authorities can review conditions of multiple resource consents concurrently.
- The collaborative planning process is removed.
- Regulation-making powers for freshwater farm plans are in place.
- Regulations may be made to require fertiliser companies to report on the sales of fertiliser.
- Changes to regional policy statements may be called in by the Minister and directed to a Board of Inquiry or the Environment Court for a decision.
- Regulations may restrict stock access to waterbody margins.

## Climate change – changes come into force at various times

- Councils must have regard to emissions reduction plans and national adaptation plans under the Climate Change Response Act 2002 (as amended by the Climate Change Response (Zero Carbon) Amendment Act) when making and amending regional policy statements, regional plans and district plans – in force from 31 December 2021 (unless extended by an Order in Council).
- Councils may consider discharges to air of greenhouse gas emissions, as the sections prohibiting councils from considering discharges are repealed (that is, sections 70A, 70B, 104E and 104F) – in force from 31 December 2021 (unless extended by an Order in Council).
- A Board of Inquiry or the Environment Court must take into account climate change when a matter is called in as a matter of national significance on the basis of its greenhouse gas emissions – in force from 1 July 2020.

## Environment Court – changes come into force from 1 July 2020

- Special advisors to the Environment Court are protected from legal proceedings when acting in good faith.
- References to Principal Environment Judge are replaced with “Chief Environment Court Judge”.
- Changes relating to the appointment of alternate Environment Judges take effect.

## Other – changes come into force from 1 July 2020

- Changes enacted by the COVID-19 (Further Management Measures) Legislation Act 2020 relating to the use of remote access facilities in RMA hearings, and allowing certain documents to be made available on the internet have been made permanent.
- The Resource Legislation Amendment Act 2017 is amended by repealing those parts that:
  - remove the ability to impose financial contributions as conditions of a resource consent
  - require financial contribution provisions in Resource Management Act plans to be removed.
- Financial contributions may not be recommended or imposed on notices of requirement lodged by the Minister of Education or the Minister of Defence as a requiring authority.
- The following regulation-making powers are removed:

- Section 360D – regulations that prohibit or overturn rules in council plans which duplicate, overlap or deal with subject matter included in other legislation
- Section 360G – regulations that prescribe activities as fast track
- Section 360H – regulations that enable preclusion of notification for particular activities.
- The process for making national environmental standards is clarified.

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