



Consenting

Changes introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025

These changes, which passed into law on 20 August 2025, belong to a wider programme of resource management reform. Visit the Ministry for the Environment's [webpage about the new Amendment Act](#) for more information.

Context

Concerns have been expressed that processing timeframes for consent applications under the Resource Management Act 1991 (RMA) were long and unpredictable.

Evidence indicates that, since 2014, timeframes to consent major projects have doubled.¹ On average, it takes a council two to three months to consent a typical infrastructure project, but over a year to consent an infrastructure project with complex consenting issues.²

Targeted engagement with local government representatives suggests that the main reasons for the challenges to processing consents in a timely manner are inadequate applications, further information requests, hearings and complex consenting issues (including complicated or uncertain environmental effects).

The Resource Management (Consenting and Other System Changes) Act 2025 (the Amendment Act) amends the processing of resource consent applications under the RMA, to:

- ensure information requirements are proportionate to the proposal
- clarify the ability of councils to request further information, by introducing new considerations for councils
- enable councils to return abandoned applications
- enable applicants to review draft conditions of consent.

¹ Moore D, Loan J, Wyatt S, Woock K, Carrick S, Hartmann Z. 2021. *The cost of consenting infrastructure projects in New Zealand: A report for the New Zealand Infrastructure Commission* (the Sapere Report). Wellington: New Zealand Infrastructure Commission | Te Waihangā. p 16.

² The Sapere Report, above note, p 16.

Information requirements

- Section 28 of the Amendment Act amends section 88 of the RMA.
- Section 71 of the Amendment Act amends Schedule 4 of the RMA.

The Amendment Act amends section 88 of the RMA by requiring the applicant to provide information at a level of detail that is proportionate to the scale and significance of the effects that the activity may have on the environment. This aligns with the existing threshold in clause 2(3)(c) of Schedule 4 of the RMA. An application may be accepted even if it is not fully compliant with the information-providing requirements in section 88(2)(b). However, the same threshold for information applies, that it is proportionate to the scale and significance of the effects that the activity may have on the environment.

This change provides discretion for a council to accept an application that does not meet all the requirements of section 88(2)(b) and the assessment of environmental effects required by Schedule 4, if the council is satisfied that the information provided is proportionate to the scale and significance of the effects that the activity may have on the environment. The change does not preclude consent authorities from requesting further information from the applicant.

The Amendment Act also amends Schedule 4 of the RMA to be subject to the amendments to section 88(2) that are introduced by the Amendment Act.

Further information requests

- Section 30 of the Amendment Act amends section 92 of the RMA.

The Amendment Act amends section 92 of the RMA to require that, before requesting further information from the applicant, the consent authority must consider whether:

- it needs the information to be able to determine the application for the purposes of section 104
- any information requested is proportionate to the nature and significance of the effects that the activity may have on the environment.

Returning abandoned applications

- Section 31 of the Amendment Act amends section 92A(3) of the RMA.
- Section 32 of the Amendment Act adds a new section 92AA to the RMA.
- Section 33 of the Amendment Act amends section 92B(2) of the RMA.

The Amendment Act introduces a new section 92AA(1)(a), which sets out:

- under what circumstances a consent authority can determine an application is incomplete
- what steps must be taken to inform the applicant and to return the application.

The Amendment Act amends section 92A(3) and 92B(2) of the RMA to make it discretionary for the consent authority to consider an application if an applicant is not responsive to requests.

Once the deadline in the new section 92AA(1)(a) expires, the following minimum requirements apply if the consent authority wants to exercise its discretionary power to return the application incomplete under section 92AA.

- The consent authority must give notice of its intention to return the application incomplete.
- The notice of intention must be after the deadline under 92AA(1)(a) expired (ie, after the 15 working days), **but** it can be any time after the expiry of those 15 working days.

The provisions are flexible, and the consent authority can choose a date that suits it any time after the 15 working days to send this notice.

Nothing prevents the consent authority from reminding the applicant of this process and outcome in its initial request (ie, when setting the 15 working days), but the consent authority must provide an additional notice to the applicant of its intent to return the application (ie, after the 15 working-day period expires).

The three-month period does not start from the date the applicant is sent the written notice by the consent authority. It starts three months from the date set under section 92AA(1)(a).

Example letters

Below are example letters from the consent processing officer, which use the example of further information under section 92(1) (which is also referred to under 92AA(1)(a)(i)(A)).

First letter

Dear applicant

I have undertaken a preliminary planning check of the above application. Under section 92(1) of the Resource Management Act 1991 (RMA), I request the following further information to enable an appropriate understanding of the proposal and assessment of its effects:

- Further information 1
- Further information 2
- Further information 3.

You must provide this information within 15 working days (before XX Month 202X). If you are unable to provide the information within 15 working days, then please contact me so that an alternative timeframe can be mutually agreed.

Under section 88C of the RMA, the processing of your application is suspended until the above matters have been addressed or the 15 working-day time limit has expired.

Note: If you require more than 15 working days to provide this further information, the council has an expectation that you will agree to an upfront extension of time under section 37, to enable the council to have time to undertake the necessary review of the information once provided.

Second letter

Dear applicant

In our first letter, we set you a timeframe of 15 working days, which you have not met. That timeframe expired on XX Month 202X.

If you have not provided the above information within 3 months of the above date (by XX Month 202X), the council will consider your application incomplete under section 92AA(1)(b) and return your application.

After your application has been returned as incomplete, any further application will be treated as a new application.

Transitional clause

The Amendment Act also includes a transitional clause that enables consent authorities to notify applicants of their intent to return applications:

- that were lodged before the enactment of the Amendment Act, and
- where the consent authority has been awaiting a response to its request for 12 months or more from the date the Amendment Act was enacted.

Consent authority planners should have a good understanding of their case load and be able to quickly determine which applications have been abandoned, and notify applicants of their intent to return the application and end the processing status.

Allowing councils to recover costs when reviewing conditions directed by national direction

- Section 10 of the Amendment Act amends section 36 of the RMA.

The Amendment Act enables regional councils to cost recover for consent reviews enabled by a national environmental standard or the national planning standards.

This enables cost recovery rather than requiring it, so councils can be flexible in their approach.

Enabling applicants to review draft conditions of consent

- Section 38 of the Amendment Act adds a new section 107G to the RMA.

The Amendment Act introduces a new section 107G into the RMA. The new section allows applicants a single opportunity to request a copy of any draft conditions before the consent authority issues its decisions or a section 42A report.

If the request is made, the consent authority may suspend the processing of the application and must provide a copy of the draft conditions to the applicant and, if the application was notified, to submitters.

The suspension of processing should only be for the purposes of draft condition review and is to 'stop the clock' for the time taken by the applicant and submitters to consider and respond to draft conditions. The suspension should not preclude decision-makers from working on their decisions over this suspension period. The suspension should be a pause in the statutory clock for the purposes of the discount regulations, rather than a total suspension of processing.

Applicants and submitters who receive the draft conditions are required to provide any comments within a reasonable timeframe specified by the consent authority.

The consent authority retains discretion to provide iterations of the draft conditions to applicants and submitters more than once, following the process in new section 107G(1) to (4).

