



# Discharge consent changes

Update following the Resource Management (Freshwater and Other Matters) Amendment Act 2024 that came into force on 25 October 2024

The Government has enabled councils to grant discharge consents provided consent conditions contribute to a reduction in adverse effects over time.

## Context

Section 107<sup>1</sup> of the Resource Management Act 1991 prevents a council from granting a discharge or coastal consent if the discharge would result in (among other things) significant adverse effects on aquatic life.

A recent High Court decision<sup>2</sup> found that, in applying section 107, a council must be satisfied that significant adverse effects on aquatic life will not occur, or will cease, *at the time the discharge is consented* (as opposed to, over the life of the consent).

## Consent can be granted in certain circumstances

The Resource Management (Freshwater and Other Matters) Amendment Act 2024 (the Amendment Act) amended section 107.

The section now enables a council to grant a discharge or coastal consent where the discharge may give rise to significant adverse effects on aquatic life after reasonable mixing, if both the following conditions are met.

- At the time of granting, there are already significant adverse effects on aquatic life in the receiving waters.
- The consent authority imposes conditions on the consent that will contribute to a reduction of effects over the duration of the consent.

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<sup>1</sup> Restriction on grant of certain discharge consents.

<sup>2</sup> *Environmental Law Initiative v Canterbury Regional Council* [2024] NZHC 612 [20 March 2024].

# What consent authorities need to do

Consent authorities must apply section 107 as amended by the Amendment Act when deciding resource consent applications. This change applies to:

- resource consent applications lodged with a consent authority from 25 October 2024
- resource consent applications lodged with a consent authority before 25 October 2024, provided the consent authority has not advised the applicant of the decision on the application.

## Resources

For more information, including background information, on the Amendment Act, see Ministry for the Environment: [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

To view the Amendment Act, see New Zealand Legislation: [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

