
ANDERSONLLOYD**LAWYERS**

Reform of Resource Consent Application Processes

Presenter

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andersonlloyd.co.nz

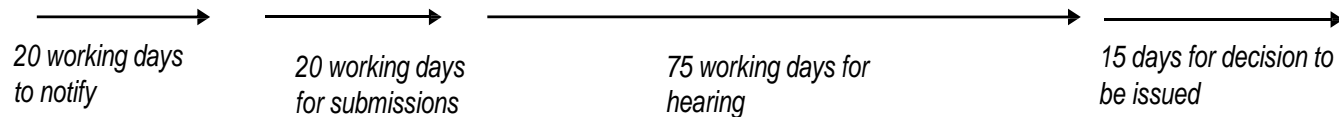
Dunedin, Christchurch, Queenstown

Resource consent applications:

- Council timeframes
 - Notified and limited notified
 - 6 months
- Information requirements
- 3 March 2015
- Resource Management Act 2013

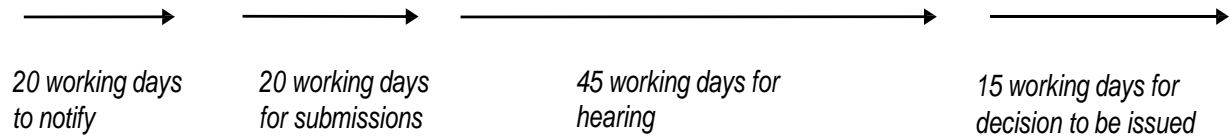
Council timeframes consent processing

Notified application process



130 days

Limited notified application process



100 days

Notified or limited notified application process with no hearing



60 days

Receipt of application

- ❑ 10 working days to consider and accept applications (previously 5).
- ❑ **All** incomplete applications **must** be returned to the applicant immediately, with reasons why it was incomplete (previously there was a discretion to return applications).
- ❑ Councils have 20 working days to decide whether to notify the application (previously 10 working days).

Stopping the clock

- ❑ Councils can only 'clock stop' once for further information, and only before a decision is made on notification (previously the clock could be stopped twice for “RFIs” – once before notification and once after).
- ❑ The council cannot adjourn hearings (previously hearings could be adjourned for a maximum of 10 working days) but **applicant** can put on hold.
- ❑ Applicants may put their application on hold for up to 130 working days anytime between notification and the close of hearing or, if no hearing is held, the final decision.

Pragmatism and Flexibility

- Degree retained through:
 - s37 power to waive and extend
 - s88B timeframe suspended for matters listed in table
 - s88C timeframe suspension in relation to RFIs
 - s88E timeframe suspension for
 - obtaining approval from affected parties;
 - referral to mediation.

Other timing changes

- ❑ Councils may close the submission period early for limited notified applications if all affected persons have submitted, given written approval or notice that they will not be giving a submission.
- ❑ Time limits for the completion of hearings following the notification and submission periods are fixed at 75 working days for fully notified consents, and 45 working days for limited notified consents.

Precirculation of evidence

- All evidence briefs and any s42A report from council must be pre-circulated:
 - Council reports and evidence 15 working days before the hearing;
 - Applicant evidence 10 working days before the hearing;
 - Submitters' expert evidence five working days before the hearing.

Summary – timeframes

- Comprehensive assessment up front.
- Less flexibility.
- Risk and accountability lies with applicant.

New resource consent application requirements

- ❑ Resource consent applications are required to be in the prescribed form and manner and meet all content requirements in the **new schedule 4**
- ❑ Assessment of Environmental Effects (AEEs) are required to be more comprehensive than before.

New requirements

- Part 2
- Assessment against relevant objectives, policies and rules

Other activities – new requirements

- Permitted activity – describe and demonstrate compliance
- Existing resource consent – assess value of investments
- Customary marine title group planning document

Unchanged

Schedule 4, Clause (2)

- Applicant and site
- Describe activity
- Other consents
- Correspond to scale and significance

Unchanged

Schedule 4, Clause (6)

- Assessment of actual or potential effects
- Alternative locations – significant adverse effect likely
- Alternative locations – more than minor effect on exercise of protected customary right
- Hazardous substances and installations – assessment of risks
- Discharge – nature of discharge, sensitivity of environment and alternative methods
- Mitigation measures
- Affected persons, any consultation and responses
- Monitoring, if scale and significance require

Unchanged

Schedule 4, Clause 7

- Effects on neighbourhood, wider community, social, economic, cultural
- Physical
- Ecosystems and habitats
- Aesthetic etc
- Any discharge
- Any risk through natural hazards or hazardous substances and installations

Specific type of activity

- Subdivision
- Reclamation

(From Form 9)

Discussion

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