



Resource Management Law Association
of New Zealand Inc.

Implementing the latest changes to the RMA

RMLA Waikato Breakfast

17 March 2015

This morning's speakers

Debra Stan-Barton

Hamilton City Council

Suzanne O'Rourke

Waipa District Council

Ana Maria D'Aubert and Michelle Carmine

Waikato District Council

Joan Forret *Facilitator*

Harkness Henry

Background

- Changes to the RMA designed to improve consenting regime and local decision-making.
- Changes took effect on 3 March 2015.
- Two significant changes for consenting:
 - Content of applications; and
 - New 6-month timeframe for notified applications.
- Further information available from MfE website: www.mfe.govt.nz/rma

Content of applications

- Both section 88 and Schedule 4 amended.
- Section 88:
 - New s 88 requires applications be made in the *prescribed form and manner* and include an *assessment of the activity's effects on the environment as required by Schedule 4*.
 - No longer uses the language *...in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment*.

- Schedule 4:
 - Schedule 4 now the single source for all information requirements.
 - Bridges the gap between the information that had to be provided with an application and the information needed to reach a decision.
 - For example, applications now need to address matters in s 104 (objectives and policies, assessment criteria, assessment against Part 2, etc).
 - Additional information is also required for some applications (if part of the activity is permitted, a description demonstrating it is compliant)

More time to reject applications

- Consent authorities (“CAs”) now have up to 10 working days to accept or reject applications (previously 5 working days).
- Formerly, CAs could reject incomplete applications – they now must reject them: (s 88(3A)).
- However, s 88(3): *A consent authority may...determine that an application is incomplete*
 - Possible for CA to determine application is complete even if some information hasn't been provided?

Six-month processing timeframe

- Applies to both limited notified and fully notified applications.
 - Limited notified application (with hearing) – decision within 100 working days.
 - Full notified (with hearing) – 130 working days.
 - Limited or full (no hearing) – 60 working days.
- Focus on counting elapsed time (instead of working days).

Six-month processing timeframe

- Once an application is received, CA has:
 - 20 working days to make its notification determination;
 - 20 working days to receive submissions;
 - 75 working days to complete a fully notified hearing; or
 - 45 working days to complete a limited notified hearing.
 - 15 working days for commissioners to prepare decisions

Unless...

- Further information is requested (s 92):
 - CA may 'stop the clock' once and only before notification.
- Processing timeframe is extended (s 37).
- Applicant decides to suspend processing (ss 91A, 91B and 91C)

Applicant suspends processing

- Now explicitly provided for in RMA.
- Applicants can put their application on hold for up to 130 working days between notification and close of hearing.
- However, after 130 working days, CA must decide whether to continue processing or return application – cannot sit indefinitely.

Pre-provision of evidence

- Section 42A reports now due 15 working days before hearing.
- Applicant's evidence due 10 working days before hearing.
- Submitter/s expert evidence due 5 working days before hearing.

Discussion points

- Do the changes provide much-needed clarity or introduce new complexities?
- Will the quality of applications and decisions improve?
- Other points?