

IMPLICATIONS OF RESOURCE MANAGEMENT ACT AMENDMENTS IN TRANSPORTATION AREA

Amanda Douglas

IPENZ Transportation Conference 2010



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RMA Amendments

WHEN DO THEY APPLY?

Matters including:-

- Resource consent applications lodged
- Proposed plan notified
- Enforcement proceedings

Commenced after 1 October 2009



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RESOURCE CONSENTS – THE FIRST 10 WORKING DAYS

Is the Application Complete?

- Council may reject an application within the first 5 working days if the AEE is inadequate – s88(3)

Notification

- Council must decide whether to notify the application within 10 working days - and notify it.



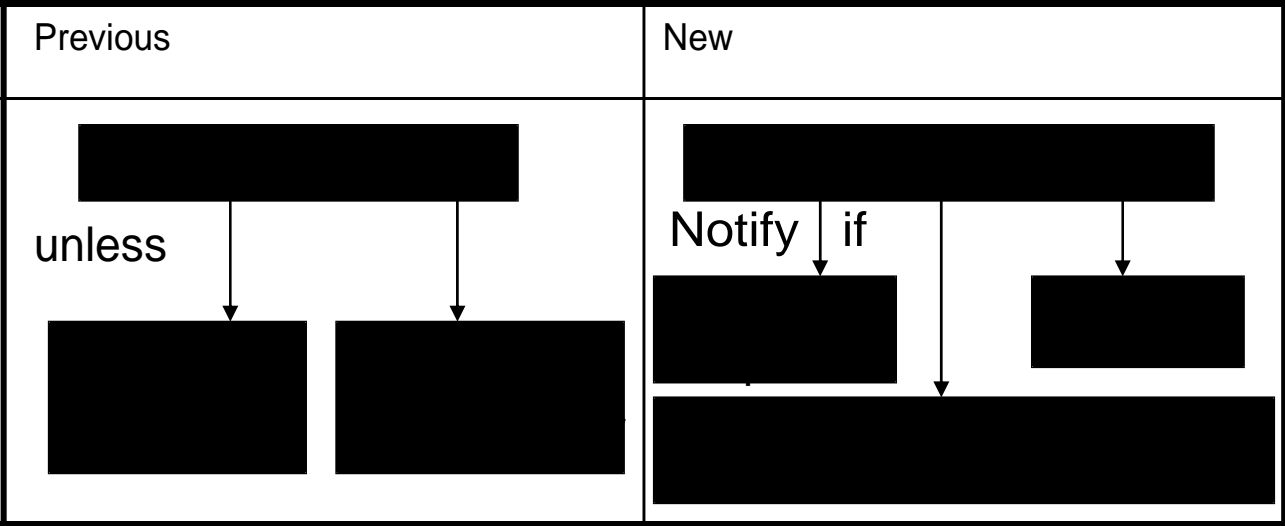
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RESOURCE CONSENTS - NOTIFICATION

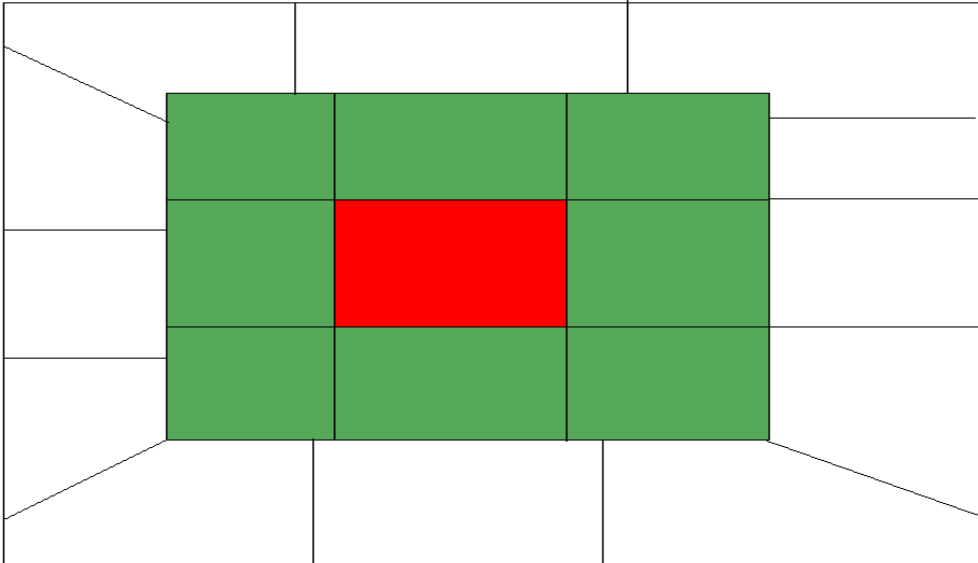
DIFFERENT PRESUMPTION



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RESOURCE CONSENTS - NOTIFICATION

ADVERSE EFFECTS MORE THAN MINOR

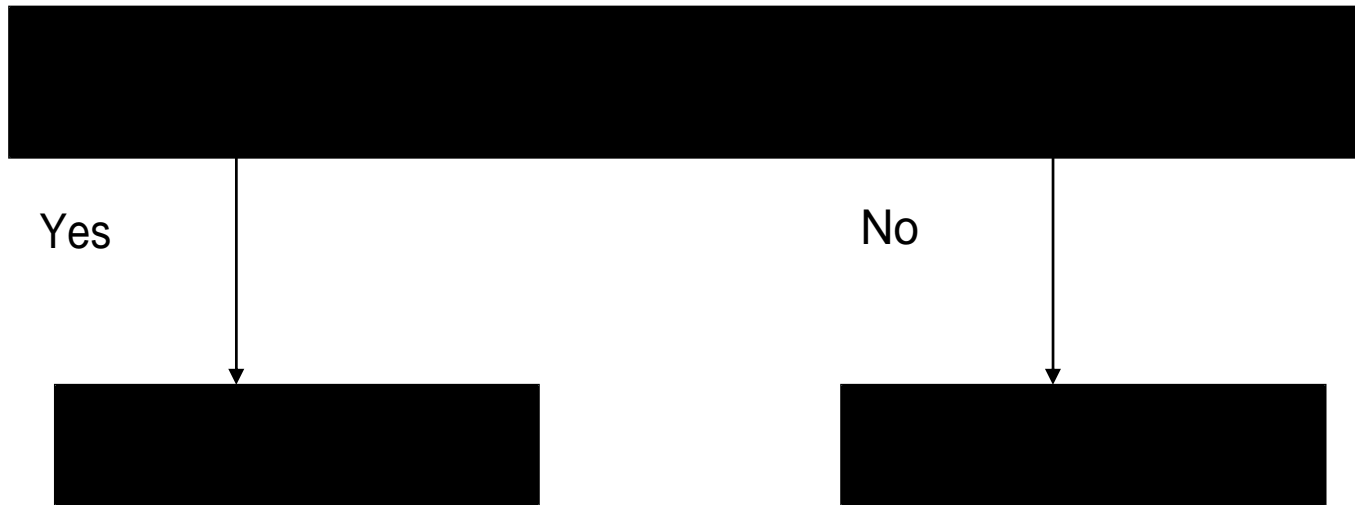


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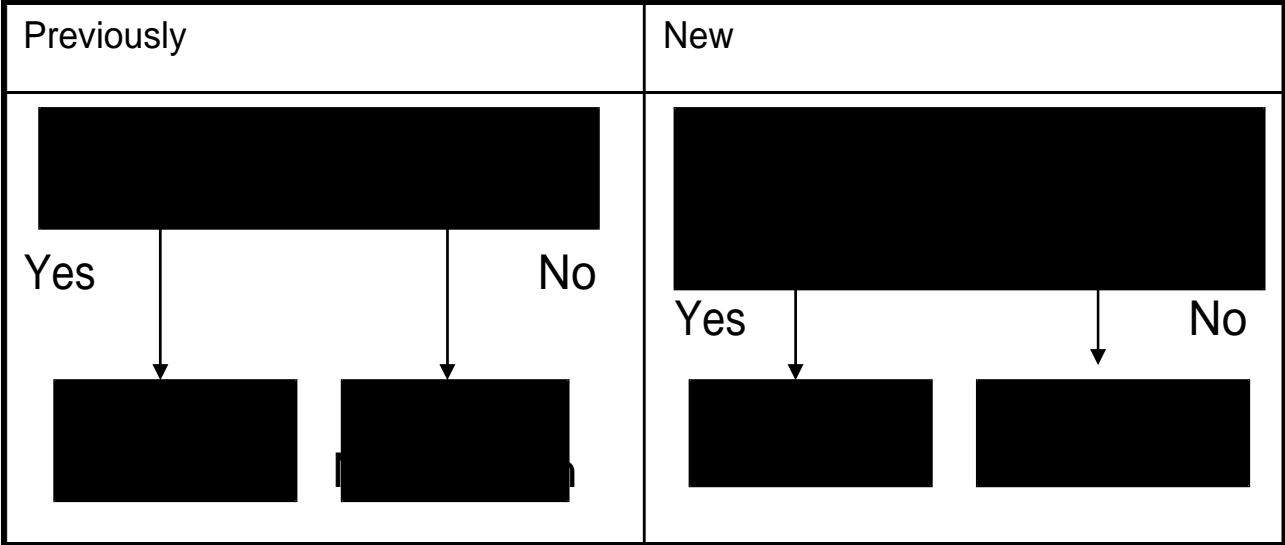
RESOURCE CONSENTS - NOTIFICATION



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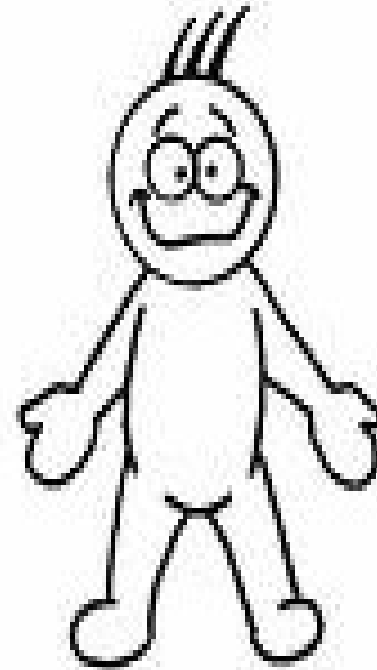
RESOURCE CONSENTS - NOTIFICATION

LIMITED NOTIFICATION – If No Public Notification...



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AFFECTED PERSONS?

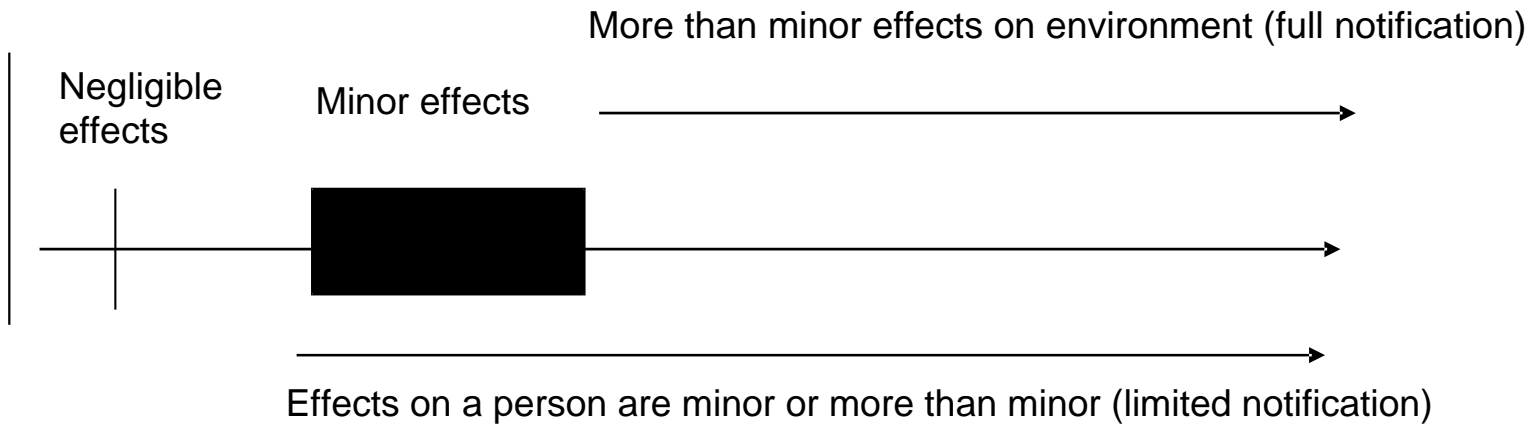


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RESOURCE CONSENTS - NOTIFICATION



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RESOURCE CONSENTS – SPEEDING UP THE PROCESS



“It’s completely gutless. With all the money you save on speeding tickets it’ll practically pay for itself.”



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RESOURCE CONSENTS – STOPPING THE CLOCK

The processing clock can only be stopped twice for further information requests, once before submissions close and once after.

The time period which must be excluded depends on when the information is supplied.



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RESOURCE CONSENTS

FURTHER INFORMATION REQUESTS

A consent authority must make a decision on an application for consent if an applicant:

- Does not respond to a request for further information
- Agrees to provide information but does not do so
- Refuses to provide information requested



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RESOURCE CONSENTS - EXTENSION OF TIME PERIODS

A time period may only be extended:

- up to twice the specified period if:
 - Special circumstances exist or the applicant agrees
- by more than twice the specified period if:
 - the applicant agrees and the consent authority has taken into account the matters listed in s 37A(1).



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RESOURCE CONSENTS - SECTION 42A OFFICERS REPORTS

s 42A reports can now:

- adopt all or part of an assessment of effects provided by the applicant.
- be served electronically.



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RESOURCE CONSENTS - APPOINTMENT OF INDEPENDENT COMMISSIONER(S)

- At request of an applicant or a submitter
- Additional costs paid by the party / parties requesting



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RESOURCE CONSENTS - ADJOURNMENT OF HEARING

A hearing must be closed within 10 working days following the applicants reply – s 103A

The decision must be issued within 15 working days following the close of the hearing – s 115.



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RESOURCE CONSENTS – EMPTY WORDS?

- Incentives for councils – discount policy
- Incentives for applicants – processing without further information



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