

Resource Management Reform Passed

The Resource Management Reform Bill has now been enacted (27 August 2013) and most of it will come into effect the day after Royal assent. We expect this to be in the next week. The Bill has been divided into 3 acts. The acts are almost identical to the Bill as reported back by the Select Committee. For a summary of the Bill see our earlier articles [here](#).

The largest of the 3 new acts is the Resource Management Amendment Act 2013 that makes the following key amendments to the RMA:

- The Minister's regulation making power has been expanded to include parameters around state of the environment monitoring by councils;
- Rules that are able to be made regarding tree protection in district plans are further restricted and clarified;
- Councils will not have a discretion to disagree to direct referral to the Environment Court in circumstances specified by regulation (thresholds for 'medium sized' applications will be prescribed);
- When an application is directly referred to the Environment Court the council must provide assistance to the Environment Court and there is a presumption that costs will be ordered from the applicant to the council for its assistance;
- There are a number of tidy-ups relating to the foreshore and seabed legislation, trade competition; return of seized property related to noise; and call-ins;
- Timeframes for processing resource consents are altered and a 6 month timeframe for processing medium sized consents is included;
- There is a new requirement for the Environment Court to regulate its proceedings in "a manner that best promotes their timely and cost-effective resolution";
- Emergency works that can be done without consent are expanded to include work undertaken by a lifeline utility¹;
- Evaluation reports under section 32 will have to include reference to opportunities for economic growth (this change does not commence until 3 months from Royal assent); and
- The requirements in schedule 4 for what an application for resource consent should include are expanded.

The Local Government (Auckland Transitional Provisions) Amendment Act (No 2) is to streamline the delivery of Auckland's first unitary plan. In particular, the regulation making powers of the Minister for the Environment have been clarified and a Hearing Panel has been created to hear submissions on the unitary plan.

The third new Act is the Local Government Official Information and Meetings Amendment Act 2013 that makes minor changes to clarify how boards of inquiries are treated under the main Act.

¹ See Civil Defence Emergency Management Act 2002 Schedule 1 that establishes what these lifeline utilities are, they include communication networks, airport and port companies, water supply etc.

These changes should not be confused with the more fundamental changes to the Resource Management Act proposed by the Minister (see our previous article on these changes [here](#)). These have not yet been made public as a Bill, but are expected to be introduced to Parliament later this year and will likely be law before the 2014 General Election.

For further information please contact our Resource Management Team.