

## RMA reforms commencing October 2017 – Are you reformed and ready?

**The Resource Legislation Amendment Act 2017 (RLAA) was passed into law in April 2017, with wide-ranging reform across not only the Resource Management Act 1991 (RMA), but also the Conservation Act 1986, Reserves Act 1977, Public Works Act 1981, and the Exclusive Economic Zone and Continental Shelf Act 2013.**

Anderson Lloyd provided comprehensive summaries on the RLAA and its key contents in earlier articles:

- [Resource Management Amendments on the move again](#)
- [Resource Legislation Amendments passed into law](#)

The RLAA introduces over 40 amendments. Some of these changes took immediate effect in April 2017<sup>1</sup>, however the majority of amendments had a six month transition period and will come into effect on **18 October 2017**. Councils, regulatory bodies, developers and other landowners should be aware of the timing of these changes from an enforcement perspective as well as to take strategic advantage of the current law or new amendments.

The Ministry for the Environment (the **Ministry**) has provided an overview of the RLAA amendments and timeframes for Council compliance here: [Overview of changes](#). The Ministry does not provide explanatory

guidance as to how the law will be applied and interpreted.

**Some of the critical amendments coming into force in October 2017 include:**

- Controlled activity resource consents which do not require notification will need to be 'fast tracked' and processed within 10 working days instead of 20<sup>2</sup>.
- Some "boundary" activities may no longer require resource consent and instead become deemed as permitted activities. Such activities include minor breaches of setbacks, recession planes and fence rules relating to boundaries and where neighbour approval is given.<sup>3</sup>
- New notification requirements exist for all resource consent processing, including a new presumption that controlled activities will not be publicly or limited notified.<sup>4</sup>
- New requirements for Councils to have regard to positive effects offered by an applicant in a resource consent application,<sup>5</sup> new legal tests for what lawful resource consent conditions are, including conditions must be 'directly connected to' an adverse environmental effect, a rule, administrative matters, or offered by the applicant.<sup>6</sup>
- New term "residential" activity introduced which has a broad definition as an activity requiring consent "that is associated with the construction, alteration, or use of 1 or more dwelling houses on land that, under a district plan, is intended to be used solely or principally for residential purposes". When something meets this definition

<sup>1</sup> Amendments with immediate effect included; natural hazards (s6), animal drinking water (s14), procedural principles (s18A), development capacity (s30-31), hazardous substances (s30-31), section 32 reports (s32), hearing panels (s34A0, monitoring (s35), Mana whakahono a rohe/iwi participation arrangement (s35A), combined plans (s80), iwi input to draft plans (Schedule 1), land acquisition (Public Works Act).

<sup>2</sup> Section 87AAC RMA

<sup>3</sup> Sections 87AAB, section 87BA RMA

<sup>4</sup> Sections 95, 95A-95B

<sup>5</sup> Section 104

<sup>6</sup> Section 108

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then restrictions on notification and appeal apply.

- Limited Environment Court appeal rights in respect of resource consent decisions in relation to subdivisions, "residential" activities, and "boundary" activities which are not non-complying.<sup>7</sup>

### Want to know more?

The above is not an exhaustive list of October 2017 amendments. We recommend seeking advice if you want to know more detail about your regulatory requirements in respect of the RLAA changes, or for strategic advice on any planning or development projects being considered.

If you have any questions about these changes, please contact our specialist [Environment, Planning, and Natural Resources Team](#).

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<sup>7</sup> Section 120