

Resource Management Amendment Bill Released

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The Government has introduced to Parliament the [Resource Management Amendment Bill](#) which has "the overarching objectives...to reduce complexity, increase certainty, restore public participation opportunities, and improve Resource Management Act 1991 (RMA) processes. The Bill also supports the urgent need to improve freshwater management and outcomes in New Zealand".

The Bill seeks to achieve this by:

- Making substantial changes relating to freshwater management, by:
 - requiring all regional plans to be changed to implement the proposed NPS-FM (this process is underway with a consultation period open), and that the changes be notified by 31 December 2023 with final decisions by 31 December 2025. To facilitate this a new role of the Chief Freshwater Commissioner is created. That person convenes a hearings panel of newly appointed freshwater hearings commissioners (chaired by a retired or current Environment Court Judge) to hear submissions (through a Court-like process). Like the Auckland Unitary Plan process, councils can then either reject recommendations from the specialist panel (in which case there is a merits appeals process to the Environment Court) or accept them (in which case there is a points of law appeal only to the High Court)
 - repealing the collaborative planning process.
- Removing a number of the 2017 RMA Amendments, being:
 - the powers of the Minister to prohibit or overturn local plan rules
 - the restrictions on subdivision and residential activity resource consents (and scope of appeals on such matters)
 - the ability to fast-track additional activities by regulation
 - the presumption enabling subdivision, subdivision will return to being presumed restricted unless explicitly permitted by a district plan rule
 - the phasing out of financial contributions; consent authorities will again be able to charge financial contributions from April 2022 (except for notices of requirement lodged by the Minister of Education or Minister of Defence).
- Making the following changes to resource management processes and enforcement regimes:
 - enabling applicants to have processing of non-notified resource consent applications suspended for up to 20 days
 - enabling consent authorities to suspend processing consents until fixed administrative charges are paid
 - extending the time period to lodge retrospective resource consent applications for emergency works
 - enabling the review of multiple consents by a regional council at the same time
 - increasing the maximum infringement fees
 - extending the limitation period to file charges for prosecutions from 6 to 12 months
 - enabling the Environmental Protection Authority to take enforcement action under the RMA, including assisting councils and intervening and taking over enforcement functions in specific cases
 - protecting special advisors to the Environment Court, changing the title of the Principal Environment Judge, and clarifying and enabling alternate Environment Judge appointments
 - clarifying that an NES may be subject to a single board of inquiry process, like an NPS.

This forms part of Stage 1 of the Government's two-part review of the Resource Management Act 1991 which aims "to support a more productive, sustainable and inclusive economy [and] be easier for New Zealanders to understand and engage with", as [explained by the Ministry for the Environment](#).

As part of the legislative process, the public will have the opportunity to submit when the bill is referred to select committee.

Please feel free to contact a member of our [national environment and resource management team](#) if you wish to discuss the implications of this.

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