

# Resource Management Act Reforms Underway

## Coastal News



The Resource Management (Simplify and Streamline) Amendment Bill 2009 (Bill) has been introduced to Parliament, following its own streamlined development process. The Bill will now undergo Select Committee review. The deadline for submissions to the Select Committee was 3 April 2009.

The Bill is phase one of a two phase reform of the Resource Management Act 1991 (RMA). Phase one of the reforms aims to streamline consenting for major projects and speed up the processing of resource consents generally. It also seeks to change how councils set their planning rules and how they change existing plans.

The Bill as drafted has some significant changes that will impact those undertaking development in the coastal marine area.

### Major projects

The reforms will allow fast-tracking of resource consent applications for major infrastructure projects. They create an option for resource consent applications to be considered by a new Environmental Protection Authority (EPA). An applicant will be able to lodge a matter with the proposed EPA if the applicant considers that the matter "is, or is part of, a proposal of national significance."

A "matter" includes an application for a resource consent, a notice of requirement for a designation, a notice of requirement for a heritage protection order and a request for a private plan change. The Minister of Conservation alone will be responsible for dealing with matters relating wholly to the coastal marine area. Previously the Minister for the Environment also had a role in considering those matters.

The EPA can recommend that the relevant Minister call in the matter or direct that the matter be referred to the relevant local authority. If a matter is called in, the Minister will direct that the matter be referred either to a Board of Inquiry or straight to the Environment Court.

The Bill also contains the ability for resource consent applicants to by-pass a local authority hearing by requesting direct referral to the Environment Court. The relevant council must approve the referral. The aim is to reduce time and costs for all involved where matters will inevitably be appealed.

### Consent for restricted coastal activities

The Bill proposes to remove the requirement for the Minister of Conservation to give consent for restricted coastal activities. As proposed, the

regional council would make the decision. However, the regional council must delegate its powers to hear and decide the application for a restricted coastal activity to one or more employees or commissioners, appointed by the local authority. The delegates must include one person nominated by the Minister of Conservation.

The Council must serve a notice of that decision on the Minister of Conservation. The Minister of Conservation will be able to appeal the regional council's decision in whole or in part.

Significantly, in respect of coastal permits for restricted coastal activities the Minister of Conservation will be added as a person who can oppose the whole or part of any decision of a consent authority, or an application for a coastal permit, change of permit conditions or review of permit conditions.

These changes, plus those flagged in phase two of the reforms suggest that the role of the Minister of Conservation and processing of restricted coastal consents may be in flux for some time to come.

### Improving council planning processes

The Bill strengthens the role that national policy statements and national environmental standards have in directing regional and district planning. Coastal planning is likely to benefit from greater direction and clarity from these central government instruments.

Rights to appeal to the Environment Court against a council decision on a plan change will be limited to questions of law. However, an applicant will be able to apply to the Environment Court on a case-by-case basis to request that the Court hear other matters. The ability to challenge an entire plan change will also be restricted.

The requirement for territorial authorities to review their policy statements and plans not later than 10 years after the plan became operative is removed under the Bill. It is replaced with a mandatory requirement for territorial authorities to commence a full review of its district plan if its plan no longer assists the authority to carry out its functions. The Minister may direct a territorial authority to review all or part of its district plan.

#### Missed an article in *Coastal News*?

Back issues of *Coastal News* (from Issue 6, April 1996 on) are available as pdf downloads from [www.coastalsociety.org.nz](http://www.coastalsociety.org.nz) – follow the Publications link on the front page. You do not need to be a Society member to access back issues.

The requirement for regional councils to review policy statements and plans remain. The Minister for the Environment may also direct a regional council to review all or part of its regional plan. In respect of regional coastal plans, the Minister of Conservation can direct the regional council to undertake a review.

### Improving resource consent processing

The Bill proposes a number of new categories for assessing notification. Applications will be fully notified if the proposed activity would generate adverse effects beyond the “immediate environment”. Limited notification will be restricted to directly affected persons who have not provided written approval for the application. Notification will be prohibited for all applications generating minor adverse effects on the environment.

Councils will also be able to make specific rules in their plans about if or when notification will occur. Such rules will be able to override the notification regime in the RMA itself.

Other changes designed to speed up consent processing include limiting the ability for local

authorities to “stop the processing clock” when requests are made for further information from applicants.

### Future Steps in the Reform Process

The Select Committee is to report back to parliament in June. The Bill will then undergo further parliamentary debate.

The Government’s aspiration is for the Bill to be passed into law by September 2009. In the meantime, the Government will be making preparations for phase two of the reforms.

Phase two of the reforms relate to aquaculture, freshwater management, urban design, infrastructure development and the Public Works Act. Phase two will also further cover the establishment of the Environmental Protection Agency. Persons interested or affected by part two proposals should consider now what reforms they would like made to these areas.

*Rachel Devine, Partner and Linley Black, Solicitor  
Minter Ellison Rudd Watts  
rachel.devine@minterellison.co.nz,  
linley.black@minterellison.co.nz*

## Coastal



### NZCS Management Committee

<b>Chairperson:</b>	David Phizacklea (david.phizacklea@envbop.govt.nz)
<b>Deputy Chairperson:</b>	Kath Coombes (kath.coombes@arc.govt.nz)
<b>Secretary/Treasurer:</b>	Eric Verstappen (eric.verstappen@tdc.govt.nz)
<b>Membership Coordinator:</b>	Kath Coombes (kath.coombes@arc.govt.nz)
<b>Regional Coordinator:</b>	Rick Liefing (rliefing@tonkin.co.nz)
<b>Coastal News Coordinator:</b>	Cushla Loomb (cushla.loomb@beca.com)
<b>Website Coordinator:</b>	Deidre Hart (deidre.hart@canterbury.ac.nz)
<b>Committee Members:</b>	Jenni Paul (jenni.paul@ew.govt.nz) Rosalind Wilton (rosalind.wilton@dia.govt.nz) Andrew Swales (a.swales@niwa.co.nz)
<b>Administrator:</b>	Hannah Hopkins (hannah.hopkins@ew.govt.nz)
<b>Website Manager:</b>	Charles Hendtlass (c.hendtlass@cae.canterbury.ac.nz)

For any enquiries regarding Coastal News articles or advertising please contact  
NZCS Editor Alex Eagles (penguins@clear.net.nz).

### NZCS Mission Statement

The New Zealand Coastal Society was inaugurated in 1992 “to promote and advance sustainable management of the coastal environment”.

The Society provides a forum for those with a genuine interest in the coastal zone to communicate amongst themselves and with the public. The Society currently incorporates over 300 members.

Members include representatives from a wide range of coastal science, engineering and planning disciplines, and are employed in the engineering industry, local, regional and central government, research centres and universities.

Applications for membership should be sent to NZCS Administrator  
Hannah Hopkins (e-mail: hannah.hopkins@ew.govt.nz)