

RESOURCE MANAGEMENT ACT 1991

Section 91 Deferral pending application for additional consents

- (1) A consent authority may determine not to proceed with the notification or hearing of an application for a resource consent if it considers on reasonable grounds that—
 - (a) Other resource consents under this Act will also be required in respect of the proposal to which the application relates; and
 - (b) It is appropriate, for the purpose of better understanding the nature of the proposal, that applications for any one or more of those other resource consents be made before proceeding further.
- (2) Where a consent authority makes a determination under subsection (1), it shall forthwith notify the applicant of the determination.
- (3) The applicant may apply to the [Environment Court] for an order directing that any determination under this section be revoked

Section 92 [[Further information, or agreement, may be requested]]

- (1) A consent authority may, at any reasonable time before the hearing of an application for a resource consent or before the decision to grant or refuse the application (if there is no hearing), by written notice, [[request]] the applicant for the consent to provide further information relating to the application.
- [[(2) At any reasonable time before a hearing or, if no hearing is to be held, before the decision is made, a consent authority may commission any person to prepare a report on any matter relating to an application, including information provided by the applicant in the application or under this section, if all the following apply:
 - (a) the activity for which the resource consent is sought may, in the authority's opinion, have a significant adverse environmental effect; and
 - (b) the applicant is notified before the authority commissions the report; and
 - (c) the applicant does not refuse, under section 92B(1), to agree to the commissioning of the report.]]
 - [[(3) The consent authority must notify the applicant, in writing, of its reasons for—
 - (a) requesting further information under subsection (1); or
 - (b) wanting to commission a report under subsection (2).]]
 - [[(3A) The information or report must be available at the office of the consent authority no later than 10 working days before the hearing of an application. This subsection does not apply if—
 - (a) the applicant refuses, under section 92A, to provide the further information; or
 - (b) the applicant refuses, under section 92B, to agree to the commissioning of the report.]]
 - (4) This section does not apply to reports prepared under section 42A.
 - (5) Sections 357A(1) AND 357C to 358 apply to subsections (1) and (2).

Section 37A Requirements for waivers and extensions

- (1) A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has taken into account—
 - (a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and
 - (b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and
 - (c) its duty under section 21 to avoid unreasonable delay.
- (2) A time period may be extended under section 37 for—
 - (a) a time not exceeding twice the maximum time period specified in this Act; or

- (b) a time exceeding twice the maximum time period specified in this Act if the applicant or requiring authority requests or agrees.
- [[3] Instead of subsections (1) and (2), subsections (4) and (5) apply to an extension of a time limit imposed on a consent authority in respect of—
- (a) an application for a resource consent; or
 - (b) an application to change or cancel a condition of a resource consent; or
 - (c) a review of a resource consent.]]
- [[4] A consent authority may extend a time period under section 37 only if—
- (a) the time period as extended does not exceed twice the maximum time period specified in this Act; and
 - (b) either—
 - (i) special circumstances apply (including special circumstances existing by reason of the scale or complexity of the matter); or
 - (ii) the applicant agrees to the extension; and
 - (c) the authority has taken into account the matters specified in subsection (1).]]
- [[5] A consent authority may extend a time period under section 37 so that the extended period exceeds twice the maximum time period specified in the Act only if—
- (a) the applicant agrees to the extension; and
 - (b) the authority has taken into account the matters specified in subsection (1).]]
- [[6] A consent authority or a local authority must ensure that every person who, in its opinion, is directly affected by the extension of a time limit or the waiver of compliance with a time limit, a method of service, or the service of a document is notified of the extension or waiver.]]]

Section 88C Description of excluded periods

- (1) Subsection (2) applies when—
 - (a) a consent authority has requested an applicant, under section 92(1), to provide further information; and
 - (b) the applicant provides further information under section 92A(1)(a) or section 92A(1)(b) and (2).
- (2) The period that must be excluded from the provisions listed in section 88B is the period—
 - (a) starting with the date of the request under section 92(1); and
 - (b) ending with the date on which the applicant provides the information.
- (3) Subsection (4) applies when—
 - (a) a consent authority has requested an applicant, under section 92(1), to provide further information; and
 - (b) 1 of the following applies:
 - (i) the applicant does not respond within the time limit specified in section 92A(1); or
 - (ii) the applicant responds under section 92A(1)(b) but does not comply with the time limit set under section 92A(2); or
 - (iii) the applicant responds under section 92A(1)(c).
- (4) The period that must be excluded from the provisions listed in section 88B is the period—
 - (a) starting with the date of the request under section 92(1); and

- (b) ending with—
 - (i) the date on which the 15 working days end, for an applicant who does not respond within the time limit specified in section 92A(1);
 - (ii) the date on which the time limit set under section 92A(2) ends, for an applicant who responds under section 92A(1)(b);
 - (iii) the date on which the applicant responds under section 92A(1)(c), for an applicant who responds under section 92A(1)(c).
- (5) Subsection (6) applies when—
 - (a) a consent authority has notified an applicant, under section 92(2)(b), of its wish to commission a report; and
 - (b) the applicant agrees, under section 92B(1), to the commissioning of the report.
- (6) The period that must be excluded from the provisions listed in section 88B is the period—
 - (a) starting with the date of the notification under section 92(2)(b); and
 - (b) ending with the date on which the authority receives the report.
- (7) Subsection (8) applies when—
 - (a) a consent authority has notified an applicant, under section 92(2)(b), of its wish to commission a report; and
 - (b) the applicant does not agree, under section 92B(1), to the commissioning of the report.
- (8) The period that must be excluded from the provisions listed in section 88B is the period—
 - (a) starting with the date of the notification under section 92(2)(b); and
 - (b) ending with the earlier of the following:
 - (i) the date on which the 15 working days end; and
 - (ii) the date on which the authority receives the applicant's refusal, under section 92B(1), to agree to the commissioning of the report.
- (9) Subsection (10) applies when an applicant tries, for the purposes of section 94, to obtain the approval of persons who may be adversely affected.
- (10) The period that must be excluded from the provisions listed in section 88B is the time taken by the applicant in trying to obtain the approvals, whether or not they are obtained.
- (11) Subsection (12) applies when a consent authority refers persons to mediation under section 99A.
- (12) The period that must be excluded from the provisions listed in section 88B is the period—
 - (a) starting with the date of the reference; and
 - (b) ending with the earlier of the following:
 - (i) the date on which 1 of the persons referred to mediation gives the other persons referred and the mediator a written notice withdrawing the person's consent to the mediation; and
 - (ii) the date on which the mediator reports the outcome of the mediation to the authority.]

**Section 41C Directions and requests before or at hearings
9 August 2007 to 30 September 2009**

- (1) Before or at the hearing, the authority may—
 - (a) direct the order of business at the hearing, including the order in which evidence and submissions are presented; or
 - (b) direct that evidence and submissions be—
 - (i) recorded; or
 - (ii) taken as read; or

- (iii) limited to matters in dispute; or
- (c) direct the applicant, when presenting evidence or a submission, to present it within a time limit; or
- (d) direct a person who has made a submission, when presenting evidence or a submission, to present it within a time limit.
- (2) Before or at the hearing, the authority may request a person who has made a submission to provide further information.
- (3) At the hearing, the authority may request the applicant to provide further information.
- (4) At the hearing, the authority may commission a consultant or any other person employed for the purpose to prepare a report on any matter on which the authority requires further information, if all the following apply:
 - (a) the activity that is the subject of the hearing may, in the authority's opinion, have a significant adverse environmental effect; and
 - (b) the applicant is notified before the authority commissions the report; and
 - (c) the applicant does not refuse to agree to the commissioning of the report.
- (5) The authority must provide copies of the report to the applicant or any person who made a submission,
- (6) At the hearing, the authority may direct a person presenting a submission not to present—
 - (a) the whole submission, if all of it is irrelevant or not in dispute; or
 - (b) any part of it that is irrelevant or not in dispute.
- [[(7) Before or at the hearing, the authority may direct that the whole, or a part, of a submission be struck out if the authority considers—
 - (a) that the whole submission, or the part, is frivolous or vexatious; or
 - (b) that the whole submission, or the part, discloses no reasonable or relevant case; or
 - (c) that it would otherwise be an abuse of the hearing process to allow the whole submission, or the part, to be taken further.]]
 - [[(8) If the authority gives a direction under subsection (7), it must record its reasons for the direction.]]
 - [[(9) A person whose submission, or part of whose submission, is struck out has a right of objection under section 357.]]]

Section 21 Avoiding unreasonable delay

Every person who exercises or carries out functions, powers, or duties, or is required to do anything, under this Act for which no time limits are prescribed shall do so as promptly as is reasonable in the circumstances.

Section 102 Joint hearings by 2 or more consent authorities

- (1) Where applications for resource consents in relation to the same proposal have been made to 2 or more consent authorities, and those consent authorities have decided to hear the applications, the consent authorities shall jointly hear and consider those applications unless—
 - (a) All the consent authorities agree that the applications are sufficiently unrelated that a joint hearing is unnecessary; and
 - (b) The applicant agrees that a joint hearing need not be held.
- (2) When a joint hearing is to be held, the regional council for the area concerned shall be responsible for notifying the hearing, setting the procedure, and providing administrative services, unless the consent authorities involved in the hearing agree that another authority should be so responsible.
- (3) Where 2 or more consent authorities jointly hear applications for resource consents, they shall jointly decide those applications unless—
 - (a) Any application is for a restricted coastal activity; or
 - (b) Any of the consent authorities consider on reasonable grounds that it is not appropriate to do so.

- (4) Where 2 or more consent authorities jointly decide applications for a resource consent in accordance with subsection (3), they shall identify in their decision on those applications—
 - (a) Their respective responsibilities for the administration of any consents granted, including monitoring and enforcement; and
 - (b) The manner in which administrative charges will be allocated between the consent authorities,—
 - and any consent shall be issued by the relevant consent authority accordingly.
- [(4A) Where 2 or more consent authorities separately decide applications, and all the consent authorities have agreed to grant a resource consent, they shall ensure any conditions to be imposed are not inconsistent with each other.]
- (5) In any appeal under section 120 against a joint decision under subsection (4), the respondent shall be the consent authority whose consent is the subject of the appeal.
- [(6) This section shall also apply to any other matter the consent authorities are empowered to decide or recommend on under this Act in relation to the same proposal.]

Section 103 Combined hearings in respect of 2 or more applications

- (1) Where 2 or more applications for resource consents in relation to the same proposal have been made to a consent authority, and that consent authority has decided to hear the applications, the consent authority shall hear and decide those applications together unless—
 - (a) The consent authority is of the opinion that the applications are sufficiently unrelated so that it is unnecessary to hear and decide the applications together; and
 - (b) The applicant agrees that a combined hearing need not be held.
- [(2) This section shall also apply to any other matter the consent authority is empowered to decide or recommend on under this Act in relation to the same proposal.]

SCHEDULE 4

9 August 2007 to 30 September 2009

1. Matters that should be included in an assessment of effects on the environment

Subject to the provisions of any policy statement or plan, an assessment of effects on the environment for the purposes of section [88] should include—

- (a) A description of the **proposal**:
- (b) Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:
- (c) *Repealed.*
- (d) An assessment of the actual or potential effect on the environment of the proposed activity:
- (e) Where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use:
- (f) Where the activity includes the discharge of any contaminant, a description of—
 - (i) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and

- (ii) Any possible alternative methods of discharge, including discharge into any other receiving environment:
- (g) A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:
- [(h) Identification of the persons affected by the **proposal**, the consultation undertaken, if any, and any response to the views of any person consulted:]
- (i) Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.

Emphasis added

RESOURCE MANAGEMENT (FORMS, FEES, AND PROCEDURE) REGULATIONS
2003

Schedule 1 Form 9

Application for resource consent

Section 88, Resource Management Act 1991

To *[name of local authority]*

I, *[full name]*, apply for the following type(s) of resource consent:

[for any activity in the coastal marine area, state coastal permit. Otherwise state 1 or more of the following: land use consent, subdivision consent, water permit, or discharge permit. Describe the activity to which the application relates].

*The names and addresses of the owner and occupier (other than the applicant) of land to which the application relates are as follows:

[give names and addresses].

*Delete if not applicable.

The location of the proposed activity is as follows:

[describe the location as it is commonly known and in a way that will enable it to be easily identified (eg, the street address, the legal description, the name of any relevant stream, river, or other water body to which the application relates, proximity to any well-known landmark, the grid reference (if known))].

No additional resource consents are needed for the proposed activity (or The following additional resource consents are needed for the proposed activity and have (or have not) been applied for: *[give details]*).

I attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

I attach any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act.

[List all documents that you are attaching.]

*As this is an application for a subdivision consent, I attach information that is sufficient to adequately define—

(a) the position of all new boundaries; and

(b) the areas of all new allotments; and

(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and

(d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips; and

(e) the locations and areas of land below mean high water springs of the sea, or of any part of the bed of a river or lake, to be vested in the Crown or local authority under section 237A of the Resource Management Act 1991; and

(f) the locations and areas of land to be set aside as new roads.

*Delete if this is not an application for a subdivision consent.

†Delete if the subdivision involves a cross-lease, company lease, or unit plan.

*As this is an application for a resource consent for reclamation, I attach information to show the area proposed to be reclaimed, including its location, the position of all new boundaries, and the portion of that area (if any) to be set apart as an esplanade reserve or esplanade strip.

*Delete if this is not an application for a resource consent for reclamation.

.....
Signature of applicant (or person authorised to sign on behalf of applicant)

.....
Date

Address for service of applicant:

Telephone:

Fax/email:

Contact person: *[name and designation, if applicable]*

Note to applicant

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991 (if any). If the application is for a coastal permit for a restricted coastal activity, you must also pay the application fee stated in Schedule 2 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.



History

Note - Regulations of New Zealand

Form 9 was amended, as from 1 June 2006, by reg 10(5) Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99) by omitting the words "(or regional council, in the case of a coastal permit)".