



Resource Management Amendment Act 2005 – Overview

This is one in a series of information sheets giving an overview of the amendments to improve the Resource Management Act (RMA).

BACKGROUND

The Resource Management Amendment Act 2005 and associated package of improvements represent the biggest 'tune-up' of the RMA since 1991.

The Resource Management Amendment Act 2005 was passed in August, concluding the Government's review of the Resource Management Act.

In 2004, the Government announced a review of the RMA, focussing on ways to improve the quality of decisions and processes whilst not compromising good environmental outcomes or public participation.

The changes to the RMA are the result of dialogue with local government, industry, environmental organisations and the wider community over an 18 month period. The review of the RMA was a Ministerial-led process that worked across government to ensure all views were represented, and key figures from local government were involved throughout the process.

The introduction of an amendment bill in December was followed by a select committee process.

The amendments to the RMA are part of a wider package of changes designed to meet the goals of the review.

The RMA review has been concerned with:

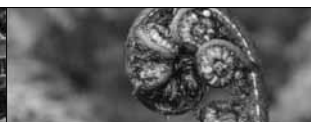
- getting better and faster decisions on resource consents
- providing a means of working with councils when decisions are too big for local decision making
- more national leadership, especially through national policy statements and standards.

GETTING BETTER DECISIONS ON RESOURCE CONSENTS FASTER

- The Environment Court, which has reduced its backlog by 50% since 2000, currently mediates the majority of cases, and will now hear new cases within six months (down from 18 months). To complement this, the amendments explicitly require the Court to take council decisions into account. All this reduces delays and people's opportunity to abuse the system.
- Five hundred and forty-six commissioners and councillors have attended the *Making Good Decisions* course. They will form the basis of accredited hearings committees in the next two years.
- A council staff training programme has been developed to support good decision making.
- Councils now have extra powers for hearings. They can require, or invite, people to attend pre-hearings and strike out vexatious and frivolous submitters.
- Monitoring and review of council performance is being improved and one-on-one assistance is available for selected councils.
- Applicants can decline further information requests, avoiding information 'standoffs'.
- The amendments recognise existing investment as a factor in deciding whether to allow the replacement of existing consents – this provides more certainty for business and the community.

WORKING WITH COUNCILS WHERE DECISIONS ARE TOO BIG FOR LOCAL DECISION MAKING

- Provisions developed by Local Government New Zealand have been adopted. These provisions acknowledge that some decisions need to be dealt with at a national level or with assistance from central government.
- More tools are now available – including the ability to make Crown submissions, appoint a member of the hearings panel, and direct councils to consider matters jointly. These options are decided in consultation with the relevant councils.



- The Minister, if calling in an application (including designations), can send it to a specialist board of inquiry or to the Environment Court. Only appeals on points of law will go to the High Court.
- Special legislation (such as Waitaki) can be avoided in matters of national interest.

MORE LEADERSHIP THROUGH NATIONAL POLICY STATEMENTS AND STANDARDS

- The amendments provide for more central government leadership, including standards and policy statements.
- Fourteen standards for air quality have been developed and put in place with councils and industry.
- Standards (eg, contaminated land, raw drinking water, telecommunications, biosolids, land transport noise) and policy statements (eg, biodiversity, electricity transmission, electricity generation) are either being scoped or are in preparation.
- The amendments provide for absolute standards to be set where appropriate, ensuring consistency when this is required.
- The Minister can direct that plans are to be prepared and investigate councils' performance.

OTHER RMA INFORMATION SHEETS

Other information sheets in this series include:

- Summary
- Improving national leadership
- Improving decision making
- Improving local policy and plan making
- Improving certainty for consultation and iwi resource planning
- Improving natural resource allocation.