

Information on Resource Management Processes

This is part of a series of information sheets that provide an overview of processes under the Resource Management Act 1991 (RMA) for resource consents, deemed permitted boundary activities, and plan-making. These information sheets reflect changes made to the RMA through the Resource Legislation Amendment Act 2017.

Information for applicants and submitters: Notified resource consents

Introduction

Resource consent applications become ‘notified’ when the relevant council notifies the public or affected parties about the application and invites submissions. There are two types of notified resource consents:

1. Publicly notified resource consents – where any person can lodge a submission on a resource consent application.
2. Limited notified resource consents – where any person identified by the council as being adversely affected (affected parties) can lodge a submission. Where affected parties have already provided their written approval, they are not served notice of the application and cannot lodge a submission.

Publicly notified resource consents

The council must publicly notify a resource consent application if:

- the applicant requests they do so
- the applicant refuses to provide further information or to agree to the commissioning of the report
- there is a rule or national environmental standard that requires it be publicly notified
- the proposed activity has adverse effects that are more than minor.

However, an application cannot be publicly notified if:

- a National Environment Standard (NES) states that notification is not required
- the application is for one or more of the following, but no other, activities:
 - controlled activity
 - a restricted-discretionary or discretionary application for:
 - subdivision of land

- a residential activity (as defined in section 87AAB of the Resource Management Act 1991 (RMA))
- a boundary activity (as defined in section 95(6) of the RMA)
- an activity prescribed in regulations.

Councils may still publicly notify the application if they determine that there are 'special circumstances' that warrant public notification of the application.

For more information on boundary activity, please read the information sheet [Deemed permitted boundary activity](#).

How resource consents are publicly notified

Once the council has determined that an application is to be publicly notified, they must notify the application to the general public. This is done by publishing a public notice on their website (along with any relevant information about the application). The public notice must call for written statements (submissions) from the general public. A short summary of the online notice will also be published in at least one newspaper circulated in the whole area affected by the resource consent application. This will include the website address directing readers to the full notice.

The council will inform the applicant of the notification decision in writing, and send copies of the public notice and the application to all people it thinks may be affected by the proposed activity.

Limited notified resource consents

In some cases the council may determine that the application needs to be notified on a limited basis. This means that only certain groups or persons are considered to be adversely affected by the proposal, and therefore only those persons are notified of the application and can make a submission on the application. The council will send details to affected persons/groups about how they can make a submission.

It should be noted that if a group or person has provided their written approval to a proposal, they are no longer considered an 'affected person'. This means that they will not be notified of the application, and are not able to make a submission.

Councils must follow the tests set out in the RMA to determine whether the application can be limited notified, and if so, to who.

In some instances, councils cannot notify the application on a limited notification basis, or are restricted in who they can notify. These situations are:

- controlled district land use consents, which cannot be limited notified
- 'boundary' activities can only be limited notified to owners of allotments with 'infringed boundaries' (see the information sheet [Boundary activities](#) for more information).

Regardless of this, in these two situations, if the council determines that special circumstances exist that warrant limited notification to other persons, then they must serve notice to these persons.

Timeframes for notified resource consents

Table 1: Timeframes for different stages of notified consents

	Publicly notified	Limited notified
Lodgement to notification decision	20 working days	20 working days
Submission period	20 working days	20 working days
Close of submission period to completion of hearing	75 working days	45 working days
Decision to be issued after hearing	15 working days	15 working days
Total working days	130 working days	100 working days

The council can request further information from the applicant (under Section 92 of the RMA) that would extend the timeframe, but the ‘processing clock’ can only stop once before the council makes its decision on whether the application should be notified or not.

See the Ministry for the Environment’s [Resource consent process for notified/limited notified applications – flowchart](#) for more information.

Submissions on notified resource consents

Anyone can make a submission on a publicly notified application. Submissions on limited notified applications can be made only by the persons that the council determines to be ‘affected persons’ and who have been served notice. Submissions can be made in support of or opposition to the application, or they can indicate a neutral position to the application. Whether notification is public or limited, the applicant’s trade competitors are unable to make submissions for trade competition reasons, and can only make submissions that are related to an **environmental** effect of a proposed activity.

People making submissions can suggest conditions for the resource consent.

For additional information, see the information sheet [Preparing a submission on a notified consent](#).

Hearings for notified resource consents and the benefits of pre-hearing meetings

A hearing allows the applicant, and anyone who has made a submission on the application who wishes to be heard, to explain their views about the proposal. The council will usually hold a hearing about a notified application.

Before the hearing, certain information will be circulated within certain timeframes. This includes the following.

Report and other evidence to be circulated before hearing	Circulated to	Working days
Council's report and briefs of any other evidence (local authority's evidence)	Applicant Any submitters	Due 15 working days before the hearing
Applicant's brief of evidence (Applicant's evidence)	Council	Due 10 working days before the hearing
Submitters expert evidence (Submitter's evidence)	Council Applicant	Due 5 working days before the hearing

The council can require or invite people to attend a pre-hearing meeting, which would generally include people who have made submissions on the application. A pre-hearing meeting is not mandatory under the RMA, but it is a useful way to grasp an understanding of the issues involved, and may even help to resolve all or some of the issues raised in the submissions, prior to the hearing. In some instances a hearing may not be required as a result of the issues being resolved during the pre-hearing meeting.

Everyone at the hearing will be sent a copy of a report about what was discussed at the pre-hearing meeting, including the issues that were agreed on and those that are outstanding. The council must consider this report in determining their decision on the application.

Notified consent decisions without a hearing

If a hearing is not required for a notified resource consent, the decision on the application must be issued within 20 working days of the submission period closing.

The reasons why a hearing may not be required may include that there are no submissions, or that the submitter(s) have requested to not be heard.

For other matters relating to resource consents decisions, submissions and appeals, see the information sheets [Resource consents](#), and [Preparing a submission on a notified consent](#).

Material in this series

This is one of a series of information sheets that provide an overview of resource consent, deemed permitted boundary activity, and plan-making processes under the Resource Management Act 1991 (RMA).

Find out more:

- [Resource Consent Process for Limited Notified and Publicly Notified Applications.](#)

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