



Resource Management (Discount on Administrative Charges) Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 21st day of June 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 360(1)(hj) of the Resource Management Act 1991, His Excellency the Governor-General, acting on the advice of the Minister for the Environment, given after consultation with local authorities, and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Resource Management (Discount on Administrative Charges) Regulations 2010.

2 Commencement

These regulations come into force on 31 July 2010.

3 Interpretation

(1) In these regulations, **Act** means the Resource Management Act 1991 and references to sections and Parts are references to sections and Parts in the Act.

(2) In these regulations,—

administrative charge means a charge under section 36

application means—

- (a) an application for a resource consent; or
- (b) an application to change or cancel conditions under section 127

discount means a discount under these regulations

excluded days means, for an application,—

- (a) the working days on which a local authority does not perform an action on the application because the authority has not received the full amount of an administrative charge for the action, which section 36(7) permits the authority to do;
- (b) the working days in an extension to a time period applicable to the application, as provided for in section 37(1);
- (c) the working days in a time period listed in section 88B(3) excluded from a time limit listed in section 88B(2) applicable to the application:

- (d) the working days in a time period during which a local authority does not process the application —
 - (i) for any other reason in the Act; or
 - (ii) for a reason in any other enactment; or
 - (iii) for a reason based on any rule of law:
- (e) if there is a hearing on the application, the working days from and including the day on which the hearing starts to and including the day on which the hearing concludes:
- (f) if anything in the Act or under any rule of law requires the application to be renotified, the working days starting on the day on which the application is first notified and ending on the last working day before the application is renotified.

4 Regulations apply prospectively

These regulations apply to applications lodged on or after the date on which the regulations come into force.

5 Scheme of regulations

- (1) Regulations 6 to 9 apply in the circumstances described in regulation 6(1), 7(1), 8(1), or 9(1).
- (2) If local authorities hold a joint hearing on an application, regulation 10 also applies.

6 Applications on which direct referral request made

- (1) This regulation applies when—
 - (a) an applicant makes a request under section 87D; and
 - (b) the applicant does not withdraw the application that is the subject of the request; and
 - (c) the application is not processed in the time limit applicable to it.
- (2) The application is not processed in the time limit applicable to it if the number of working days described in subclause (3) is smaller than the number of working days calculated under subclause (4).
- (3) The number of working days is the number of working days in the applicable one of the following:

- (a) if the applicant files a notice of motion in the Environment Court, the timeframe starting on the day after the day on which the application is lodged and ending on the last day of the period described in section 87F(3):
 - (b) if the applicant does not file a notice of motion in the Environment Court and the local authority determines the application, the timeframe starting on the day after the day on which the application is lodged and ending on the day on which the local authority complies with section 114(1) within the time limits in section 115.
- (4) The number of working days is calculated by totalling the number of working days (excluding the excluded days) actually taken to process the application in the applicable timeframe.
 - (5) If, after the application is lodged, the circumstances change in such a way as to reduce the number of working days in which the application must be processed, as described in subclause (3)(a) or (b), the local authority must ignore the change in circumstances when determining for the purposes of this regulation the number of working days in which the application must be processed.
 - (6) The local authority must give the applicant a discount.
 - (7) The discount is payable on the total of the administrative charges the local authority imposes on the applicant for the application.
 - (8) The discount is 1% of the total for every working day on which the application remains unprocessed beyond the time limit, up to a maximum of 50 working days.

7 Applications for new consent when section 124 applies

- (1) This regulation applies when—
 - (a) an application is made for a new consent in the circumstances described in section 124(1) or (2); and
 - (b) the applicant does not withdraw the application; and
 - (c) the local authority would have complied with section 114(1) before the expiry of the existing consent if it had complied with the applicable time limits in the Act (excluding the excluded days); and

- (d) the local authority complies with section 114(1) after the expiry of the existing consent.
- (2) If, after the application is lodged, the circumstances change in such a way as to reduce the number of working days in which the application must be processed, the local authority must ignore the change in circumstances when determining for the purposes of this regulation the number of working days in which the application must be processed.
- (3) The local authority must give the applicant a discount.
- (4) The discount is payable on the total of the administrative charges the local authority imposes on the applicant for the application.
- (5) The discount is 1% of the total for every working day in the period starting on the day on which the existing consent expires and ending on the day on which the local authority notifies the applicant of its decision on the application, up to a maximum of 50 working days.

8 Applications called in by Minister under section 142

- (1) This regulation applies when—
 - (a) a local authority does not process an application under section 95 in the time limit in that section (excluding the excluded days); and
 - (b) the applicant does not withdraw the application; and
 - (c) the Minister calls the application in under section 142.
- (2) The local authority must give the applicant a discount.
- (3) The discount is payable on the total of the administrative charges the local authority imposes on the applicant for the application up to the point at which the authority processes the application under section 95.
- (4) The discount is 1% of the total for every working day in the period starting on the working day after the day on which the time limit in section 95 expires and ending on the day on which the Minister calls the application in, up to a maximum of 50 working days.

9 Other applications

- (1) This regulation applies when—

- (a) a local authority has an application to which none of regulation 6, 7, or 8 applies; and
 - (b) the applicant does not withdraw the application; and
 - (c) the application is not processed in the time limit applicable to it.
- (2) An application is not processed in the time limit applicable to it if the number of working days selected under subclause (3) is smaller than the number of working days calculated under subclause (4).
- (3) The selection of a number of working days must be done by selecting the number of working days applicable to the application from the Schedule.
- (4) The number of working days is calculated by totalling the number of working days (excluding the excluded days) actually taken to process the application in the applicable time-frame starting on the day after the day on which the application is lodged and ending on the day on which the local authority complies with section 114(1) within the time limits in section 115.
- (5) If, after the application is lodged, the circumstances change in such a way as to reduce the number of working days in which the application must be processed, the local authority must ignore the change in circumstances when determining for the purposes of this regulation the number of working days in which the application must be processed.
- (6) The local authority must give the applicant a discount.
- (7) The discount is payable on the total of the administrative charges the local authority imposes on the applicant for the application.
- (8) The discount is 1% of the total for every working day on which the application remains unprocessed beyond the time limit, up to a maximum of 50 working days.

10 Effect of section 102

- (1) This regulation applies when local authorities hold a joint hearing under section 102 on an application.

- (2) The local authorities may agree on the manner in which a discount that these regulations require to be given is to be allocated among them.
- (3) None of the local authorities is required by these regulations to give a discount if all the local authorities agree to apply, for the purposes of the joint hearing, a policy to which section 36AA(5) applies that one of the authorities has adopted.

Schedule Other applications

r 9(3)

<i>Application</i>	<i>Working days</i>
<i>Not notified</i>	
No hearing	20
With hearing	40
<i>Notified</i>	
No hearing	50
With hearing and no direction under section 41B	70
With hearing and direction under section 41B	85

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide for discounts on administrative charges imposed under the Resource Management Act 1991 when local authorities are responsible for applications for a resource consent or applications to change or cancel conditions under section 127 not being processed within the time limits in the Act.

The regulations come into force on 31 July 2010.

**Resource Management (Discount on
Administrative Charges) Regulations 2010**

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These regulations are administered by the Ministry for the Environment.
