

**Reprint
as at 3 March 2015**



**Resource Management (Discount
on Administrative Charges)
Regulations 2010**
(SR 2010/171)

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.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for the Environment.

Contents

		Page
1	Title	2
2	Commencement	2
3	Interpretation	2
4	Regulations apply prospectively	3
5	Scheme of regulations	3
6	Applications directly referred to Environment Court	4
7	Applications for new consent when section 124 applies	5
8	Applications called in by Minister under section 142	6
9	Other applications	6
10	Effect of section 102	7
	Schedule	8
	Time limits for processing applications	

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 author-

ity 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 that section 88B requires to be excluded from a time limit 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 the application is not notified and 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.

Regulation 3(2) **excluded days** paragraph (c): replaced, on 3 March 2015, by regulation 4(1) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Regulation 3(2) **excluded days** paragraph (e): amended, on 3 March 2015, by regulation 4(2) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

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 directly referred to Environment Court

- (1) This regulation applies when—
 - (a) an applicant makes a request under section 87D; and
 - (aa) the local authority grants the request; and
 - (b) the applicant refers the application to the Environment Court under section 87G(2); 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 in the time limit described in subclause (3) is smaller than the number of working days actually taken to process the application as determined by subclause (4).
- (3) The time limit is the maximum number of working days (excluding the excluded days) the local authority could have taken to comply with section 87F(3) if it had complied with the applicable time limits in the Act.
- (4) The number of working days actually taken to process the application is the number of working days (excluding the excluded days) in the period starting on the day after the day on which the application is lodged and ending on the day on which the local authority has prepared a report that complies with section 87F(4).
- (5) *[Revoked]*
- (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.

Regulation 6 heading: replaced, on 3 March 2015, by regulation 5(1) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Regulation 6(1)(aa): inserted, on 3 March 2015, by regulation 5(2) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Regulation 6(1)(b): replaced, on 3 March 2015, by regulation 5(2) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Regulation 6(2): amended, on 3 March 2015, by regulation 5(3) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Regulation 6(2): amended, on 3 March 2015, by regulation 5(4) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Regulation 6(3): replaced, on 3 March 2015, by regulation 5(5) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Regulation 6(4): replaced, on 3 March 2015, by regulation 5(5) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Regulation 6(5): revoked, on 3 March 2015, by regulation 5(5) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

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 no-

tifies 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 in the time limit described in subclause (3) is smaller than the number of working days actually taken to process the application as determined by subclause (4).
- (3) The time limit is the number of working days specified by the Schedule that is applicable to the application.
- (4) The number of working days actually taken to process the application is the number of working days (excluding the excluded days) in the period 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).

- (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.

Regulation 9(2): amended, on 3 March 2015, by regulation 6(1) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Regulation 9(2): amended, on 3 March 2015, by regulation 6(2) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Regulation 9(3): replaced, on 3 March 2015, by regulation 6(3) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Regulation 9(4): replaced, on 3 March 2015, by regulation 6(3) of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

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 that one of the authorities has adopted under section 36AA(3) and that is more generous in the circumstances of the particular case than these regulations.

Regulation 10(3): amended, on 3 March 2015, by regulation 7 of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Schedule

r 9(3)

Time limits for processing applications

Schedule: replaced, on 3 March 2015, by regulation 8 of the Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387).

Was the application notified?	Was a hearing held?	Number of working days
Yes—public notification	Yes	130
	No	60
Yes—limited notification	Yes	100
	No	60
No	Yes	50
	No	20

Michael Webster,
for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 24 June 2010.

Reprints notes

1 *General*

This is a reprint of the Resource Management (Discount on Administrative Charges) Regulations 2010 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Resource Management (Discount on Administrative Charges) Amendment Regulations 2014 (LI 2014/387)
