

MARCH 2024

Welcome to our Autumn Edition Newsletter

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This Resource Consent Team Newsletter provides information to assist those in the industry and their clients with respect to resource consent matters. It is not an exhaustive explanation of the matters that may be covered but a starting point for better understanding. If you seek specific information or advice you should consult a professional for bespoke guidance for your situation, or feel free to contact Council via the Duty Planning service on Council's website.

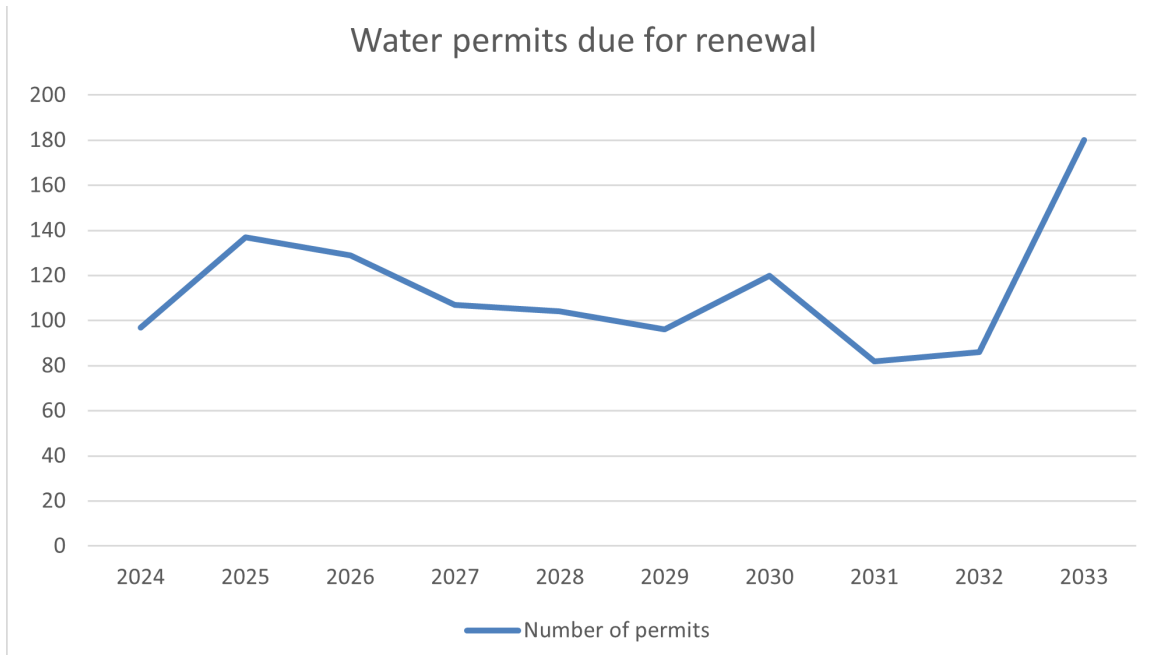


Photography credit: Photography by
Peanut Butter Vibes.
(2022 Saint Clair Marathon.)

Council office opening hours

Just a reminder that the Blenheim Council offices opening hours are 8.30am - 4.30pm, Monday, Tuesday, Thursday, and Friday and 8.30am – 12.30pm and 1.30pm – 4.30pm Wednesday but Council staff take phone calls and manage the MDC email inboxes from 8.00am to 5.00pm, Monday – Friday.

Water permits due for renewal over the next ten years



Over the next 10 years commencing from 1 January 2024 there will be 1,138 water permits coming up for renewal. We can predict that most of these permits will be renewed and therefore this enables us to ensure we maintain adequate staffing levels to manage these applications. Being aware of this data also helps our science and policy teams to reconcile volumes of water issued with plan limits. The pMEP requires all new water permits and renewals to go through an efficiency test (IRRICALC test) which may result in a reduction in annual allocation compared to historical consents issued under the operative Plans.

Duty planner service January statistics

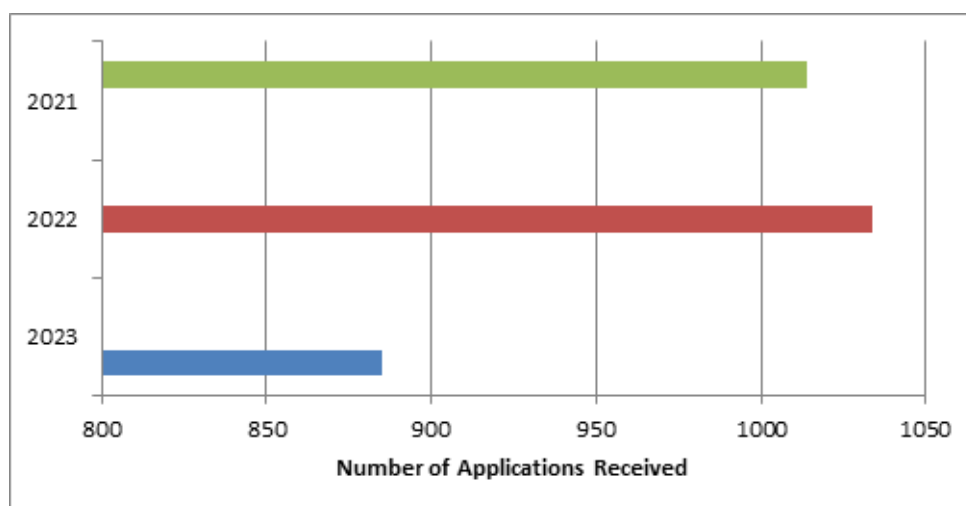
The refreshed duty planner service is now performing at a very high level and fully meeting customer demand.

There were 107 queries lodged in January to the Duty Planner Service.

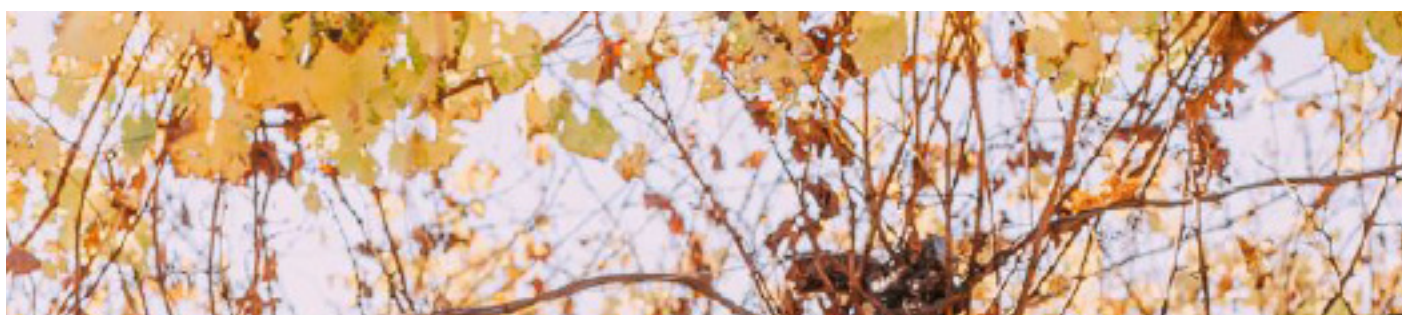
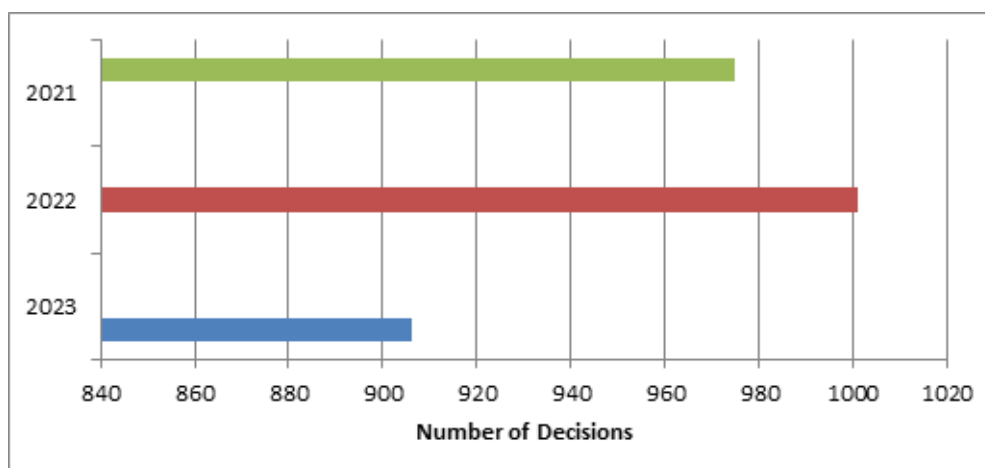
- 73 queries were responded to on the same working day.
- 25 queries recorded a 1-day response.
- 4 queries recorded a 2-day response.
- 4 queries recorded a 3-day response.
- 92% of responses to enquiries were within 1 working day,
- 5% of responses were within two working days and 100% of responses were within three working days.

What happened in 2023

Over the 2023 calendar year the Resource Consent Team received and processed fewer applications than in the previous two years. Overall, the number of applications received was **149** less than in 2022. During the 2023 calendar year Council received **885** applications. Of that total, **801** were new applications for resource consent. Council also received **74** applications for variations to resource consent conditions under section 127, **nine** extensions to lapse date under section 125 and **one** objection to conditions under section 357. In the same period in 2022 Council received **1,034** applications and in 2021 Council received **1,014** applications.



In the 2023 calendar year Council issued **906** decisions. Of that total, **819** were for new applications for resource consent. Council has also issued **77** section 127 decisions (variations to resource consent conditions), **nine** section 125 (extension to lapse date) and **one** objection to conditions under section 357. In the same period in 2022 Council issued **1,001** decisions and in 2021 Council issued **1,140** decisions.



What does the repeal of the NBA mean for resource consent planners and applicants?

As promised by the new Government the Natural and Built Environment Act (NBA) has been repealed and an interim Fast-track Consenting Bill was passed and received Royal Assent at the end of December 2023.

Almost all resource management matters have reverted to being covered by the Resource Management Act 1991 (RMA). Most NBA provisions were not in use prior to the repeal but were intended to apply in stages over a 10-year period. Consequently, from a consenting perspective the repeal is a technical process that focuses on revoking, transitioning, or retaining, the small number of NBA functions that had come into play.

Specifically, the repeal legislation retains the NBA fast-track consenting process. Any fast-track consent issued will be treated like a consent under the RMA.

The NBA introduced a shorter maximum duration for certain freshwater consents and the maximum duration was linked to NBA plan rules. The NBA also precluded public notification of replacement freshwater related consents. Post repeal those freshwater consents applied for since 24 August 2023 that have not been decided will now have their duration determined in accordance with the duration provided for in the RMA. Furthermore, replacement freshwater consents applied for since 24 August 2023 that have not had a notification decision made can now be publicly notified under the RMA. Those resource consents that have been granted in accordance with the shorter duration NBA consent provisions are still valid under the RMA.

The NBA gave council-controlled organisations (CCOs) the same automatic requiring authority status as councils. The repeal has reversed this and now CCOs no longer have automatic status. Any in-progress applications for CCOs to become a requiring authority under the NBA will not be processed and any granted applications will be revoked. Any notices of requirement lodged by requiring authorities granted their status solely under the NBA (that is CCOs), will not be processed and any notices of requirement that have been confirmed will not be able to be exercised. The NBA also broadened the scope and number of 'non-network' entities that could apply to become a requiring authority. Any applications by non-network entities that have been submitted under the NBA will cease to be processed. However, in cases an applicant meets the RMA definition of a network utility operator, they can re-apply under the RMA. Applications that have been approved under the NBA provisions will be revoked, except in cases where the applicant meets the RMA definition of a network utility operator. In those cases, the approval is treated as an approval under the RMA.

The NBA also required information about consent applications to be provided to Post Settlement Governance Entities (PSGEs) with statutory acknowledgements, even where equivalent requirements under Treaty settlements were time bound or had expired. The repeal legislation amends the RMA to retain this provision.

The new Government has signalled that it will be developing new legislation to replace the RMA. They have also announced that is their intention to introduce new fast-track consenting legislation. Until that legislation is passed the interim regime will apply.



Staff profiles



Wendy Torrens

Wendy joined the Marlborough District Council in May 2023 as a Customer Service Officer before moving to an administrative role within the Resource Consent Team in December of the same year which she finds to be a challenging and enjoyable role for her.

Wendy moved to Blenheim in January last year after selling a motel on the West Coast which she and her husband owned and operated for 12 years.

She is thoroughly enjoying living in Blenheim and exploring the many activities that this special area has to offer.



Photography credit: Photography by Peanut Butter Vibes. (2022 Saint Clair Marathon.)

Next Issue out 1 June 2024