

New Zealand

Country: [Nueva Zelanda](#) [1]

EIA Law: Resource Management Act, 1991

Law Link: [Link](#) [2]

EIA Guidelines or Other Guidance: Resource Management Act Series (published by Ministry of the Environment)

Guidance Link: [Link](#) [3]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: No

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: Classes of activities that require resource consent are described in section 87A of the Resource Management Act.

Criteria for Screening: List or appendix of project or activity types

Criteria for Screening Detail: Activities that need a resource consent are classified as controlled, restricted discretionary, discretionary and non-complying. A council has to grant a resource consent for a controlled activity (with a few exceptions), but can refuse to grant a resource consent for a restricted discretionary, discretionary or non-complying activity. RM Act, sec. 87A

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: An application for resource consent must include " an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment." RM Act, sec. 88(2)(b)

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: This is not clearly mentioned in the law, but is presumed from context.

EIA Contractor Qualifications: No

EIA Contractor Qualification Detail: EIA contractor qualifications are not addressed in the Resource Management Act.

Conflict of Interest: No

Conflict of Interest Detail: Conflicts of interest are not addressed in the Resource Management Act.

Terms of Reference: No

Days for Decision Maker Review: Variable

Automatic Approval: No

Automatic Approval Detail: Local resource councils have authority to discount administrative fees if a resource consent application is not decided in a timely manner. See RM Act, sec. 36AA (Local authority policy on discounting administrative charges)

Written Decision: Yes

Written Decision Detail: RM Act, sec. 113

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: "Except as expressly provided in this section and subject to any regulations, a resource consent may be granted on any condition that the consent authority considers appropriate." RM Act sec. 108(1)

Expiry of Decision: Variable

Expiry of Decision Detail: Resource consents are valid for variable periods of time, depending on the type of activity that has been permitted. More detail is provided in sections 123 and 125 of the Resource Management Act.

Financial Assurances or Bond: Sometimes

Financial Assurances Detail: Discretionary. "A bond required under section 108(2)(b) may be given for the performance of any one or more conditions the consent authority considers appropriate and may continue after the expiry of the resource consent to secure the ongoing performance of conditions relating to long-term effects." RM Act, sec. 108A(1)

Interdisciplinary Team: No

Range of Alternatives: Yes

Range of Alternatives Detail: "[W]here it is likely that an activity will result in any significant adverse effect on the environment, [an AEE must contain] a description of any possible alternative locations or methods for undertaking the activity[.]" RM Act, Schedule 4, Section 1

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Cultural impacts

Economic impacts

Other

Mitigation: Yes

Mitigation Detail: "[A]n assessment of effects on the environment . . . should include...a description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect." RM Act, Schedule 4, sec. 1(g)

Monitoring Plans: Sometimes

Monitoring Plans Detail: "[A]n assessment of effects on the environment . . . should include. . .where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom." RM Act, Schedule 4, sec. 1(i)

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: If an activity will have or is likely to have adverse effects on the environment that are more than minor, the consent authority must notify the public of the consent application (which contains the AEE/EIA). RM Act, sec. 95A. In other circumstances (minor adverse effects), the consent authority has discretion whether to notify the public.

Final EIA Available: Yes

Final EIA Available Detail: Public access to information is governed by the Official Information Act.

Final EIA Locations: Local government office

Availability of Reference Studies: No

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: RM Act, sec. 114

Public Scoping: No

Public Participation Opportunities: Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Sometimes

Public Meetings Detail: Public hearings are not required under the Resource Management Act - the consent authority may decide to hold a hearing or members of the public who have commented on a proposal may request that a hearing be held. RM Act, sec. 100. There is also a mediation procedure described in section 99.

Public Input at Meeting: Yes

Criteria to Hold Public Meeting: Members of the public must request a meeting and/or hearing
Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

Days for Public to Review Final EIA: 20 days

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: If an application for a resource consent is publicly notified, any person (other than certain trade competitors) may make a submission about it to the consent authority. RM Act, sec. 96

Response to Public Comments: No

Facilitation of Public Participation: Yes

Facilitation of Public Participation Detail: "In determining an appropriate procedure for the purposes of [public hearings], the authority shall. . . recognise tikanga Maori where appropriate, and receive evidence written or spoken in Maori..." RM Act, sec. 39(2)(b)

Citizen Administrative Review: No

Citizen Administrative Review Detail: Appeals are lodged with the Environment Court.

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: An appeal against any decision issued by a consent authority may be lodged with the Environment Court by any person "who made a submission on the application or review of consent conditions." RM Act, sec. 120

Project Monitoring: Yes

Project Monitoring Detail: Resource councils have a general duty to monitor the exercise of resource consents. RM Act, sec. 35. The council's administrative fees may include charges for carrying out monitoring duties. RM Act, sec. 36.

Enforceability of EIA: No

Enforceability of Permit: Yes

Enforceability of Permit Detail: Any person may at any time apply to the Environment Court for an enforcement order in order to "ensure compliance by or on behalf of that person with [the Resource Management Act], any regulations . . . , or a resource consent; or (ii) avoid, remedy, or mitigate any actual or likely adverse effect on the environment caused by or on behalf of that person[.]" RM Act, secs. 314, 316.

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Links

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[2] <http://www.legislation.govt.nz/act/public/1991/0069/latest/whole.html>

[3] <http://www.mfe.govt.nz/publications/rma/everyday/index.html>