

Timeframe extensions vs. suspensions

Council can extend the time period within which it processes resource consent applications, provided it does so in accordance with sections 37 and 37A of the RMA. Consent applicants can also request that the Council suspend the processing of applications pursuant to sections 91A to 91F of the RMA. There is a difference between the two approaches, with one adding time to the process and the other suspending processing.

Section 37 – timeframe extensions

Section 37 of the RMA affords consent authorities and local authorities the power to waive and extend time limits. When exercising that power, section 37A(1) of the RMA provides that a consent authority or local authority must take into account:

- a) the interests of any person who, in its opinion, may be directly
- b) affected by the extension or waiver; and
- c) the interests of the community in achieving adequate assessment of
- d) the effects of a proposal, policy statement, or plan; and
- e) its duty under section 21 to avoid unreasonable delay.

Specifically, in the context of an application for resource consent, a consent authority may extend a time period under section 37 of the RMA if the time period as extended does not exceed twice the maximum time period specified in the RMA and either special circumstances apply, or the applicant agrees to the extension. However, a consent authority may extend a time period beyond the limit of twice the maximum time period specified in the RMA if the applicant agrees to the extension. In both instances, the consent authority must also take into account the matters in section 37A(1) of the RMA, listed above. If the Council does extend the time period in this way, it must ensure that every person who, in its opinion, is directly affected by the extension of a time limit is notified of the extension.

Section 91A-91F

Sections 91A to 91F of the RMA also provide for applicants to have the processing of notified and non-notified applications for resource consent suspended, in certain circumstances. For notified applications, a consent applicant may request the consent authority to suspend processing the application at any time between when the application was notified, to either a hearing being completed (if a hearing is held) or the consent authority giving notice of its decision (if a hearing is not held). However, a request must not be made if, relevantly, a total of 130 or more working days have been excluded from time limits under section 88B of the RMA in relation to the application (which, under section 88E(8), includes time during which the application has been suspended).

For non-notified applications, a consent applicant may request the consent authority to suspend processing the application at any time between when the application was first lodged with the consent authority, to either a hearing being completed (if a hearing is held) or the consent authority giving notice of its decision (if a hearing is not held), or the application is notified. However, a request must not be made if, relevantly, a total of 20 working days have been excluded from time limits under section 88B of the RMA in relation to the application (which, under section 88E(8), includes time during which the application has been suspended). When an application is suspended all work on it must stop.