



Applying to the EPA for a proposal of national significance

This information sheet explains:

who can apply | when to apply | how to apply

Any person, company, or group of people may lodge an application with the Environmental Protection Authority (EPA), for a matter to be considered as (or as part of) a proposal of national significance.¹

A 'matter' may be one or more of the following:

- an application for a resource consent
- changes or cancellation of consent conditions
- notices of requirement for designation
- a notice of requirement for a heritage order
- a request for a private plan change to a regional or district council plan
- the preparation of a regional plan (other than a regional coastal plan).

When should you apply?

If you are considering lodging an application to be considered as a proposal of national significance you should contact the EPA as soon as possible. The EPA will give you guidance about the process, and what information you need to prepare. You should also tell the local councils that you intend to lodge an application directly with the EPA.

The EPA has 20 working days after you apply to assess your application and make a recommendation to the Minister. The EPA recommends whether your application is (or is part of) a proposal of national significance, and should be referred by the Minister to a board of inquiry, to the Environment Court or to the local council for a decision. The Minister for the Environment refers a land-based proposal. The Minister of Conservation refers a coastal proposal. The Ministers will work together to refer the proposal when it contains both land and coastal matters.

When you engage with the EPA before lodging your application, you will receive help to make sure your application is ready for the streamlined decision-making process.

Application forms are available on the EPA website at www.epa.govt.nz. You will need to apply in both paper and electronic format.

¹ Full information on proposals of national significance can be found in Part 6AA of the Resource Management Act 1991. This information sheet is intended to provide a general picture of the application process and does not provide legal guidance. The EPA strongly suggest you take legal advice if you are uncertain about any aspect of this information.



"Engaging with the EPA before lodging your application assists in ensuring that your application is ready for the streamlined decision-making process."

What happens after you apply?

Once your application is received, the EPA:

- acknowledges its receipt
- makes sure the application meets the requirements of the Resource Management Act 1991 (RMA) for lodgement
- assesses if your proposal is (or is part of) a proposal of national significance
- makes a recommendation to the Minister on whether the EPA considers the proposal to be of national significance, and if so, where to refer it for a decision.

The EPA can ask for more information or commission reports to help determine whether the application meets the requirements of the RMA, and if the proposal is (or is part of) a proposal of national significance. If this happens, the 20 working day timeframe for processing the request is stopped.

The 20 working day timeframe restarts when the information or reports are received, or the deadline for providing these has passed. The EPA must make its recommendation on national significance to the Minister within the 20 working days, whether the information is received or not.

A copy of the EPA's recommendation is given to you and the relevant councils.

The Minister then decides if your proposal is (or is part of) a proposal of national significance, and if the matter will be referred to the local council, the Environment Court or a board of inquiry for a decision. There is no timeframe for the Minister to reach this decision.

Direction to a board of inquiry

A board of inquiry is an independent panel of three to five people selected by the Minister. The Minister selects a board of inquiry based on their combined skills and experience, considering factors such as technical expertise, local knowledge, understanding of the RMA and tikanga Māori. Either a retired High Court Judge, or a current, former or retired Environment Court Judge can chair a board.

If the Minister appoints a board of inquiry to consider your application, the process must be completed within nine months of a public notice appearing in local and national newspapers. This timeframe can only be extended in special circumstances. The board's final decision may only be appealed to the High Court on points of law.

The EPA provides administrative support to the board. This ranges from organising the hearing to commissioning reports to assist them in making their decision.

Direction to the Environment Court

If the Minister directs a proposal to the Environment Court, you will need to file a notice of motion and a supporting affidavit with the Court. The EPA recommends that you consult your legal advisors about the Environment Court process.

The nine-month timeframe for deciding the proposal does not apply to the Environment Court. Like a board of inquiry, the decision made by the Environment Court can only be appealed to the High Court on points of law.

The EPA provides the Environment Court with all relevant information they have received relating to your proposal, including any submissions. The EPA then has no further involvement in the process.

What is a call in?

If the Minister considers that a proposal lodged with a council is best decided by a board of inquiry or the Environment Court, they may call in the proposal.

A call in can be made by:

- the Minister calling in the proposal by their own initiative, or
- the applicant or council asking the Minister to refer the proposal to a board of inquiry or the Environment Court for a decision.

In deciding to call in a proposal, the Minister will consider:

- whether the proposal is of national significance
- the council's capacity to process the matter
- if the council agrees that a call in is appropriate.

Want to know more?

Contact the Environmental Protection Authority
by phoning +64 4 916 2426.

You can also email rminfo@epa.govt.nz or
visit the EPA website at www.epa.govt.nz

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