

Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill (the Bill)

February 2025

Introduction

The Aggregate and Quarry Association (AQA) is the industry body representing construction material companies which produce an estimated 48 million tonnes of aggregate and quarried materials consumed in New Zealand each year.

Funded by its members, the AQA has a mandate to increase understanding of the need for aggregates to New Zealanders, improve our industry and users' technical knowledge of aggregates, and assist in developing a highly skilled workforce within a safe and sustainable work environment.

Key points of our submission

- We support the objectives of the Bill to make it easier to consent new infrastructure, including for renewable energy, building houses, and enhancing the primary sector, and to simplifying the planning system.
- We support amendments to section 88 and 92, and replacement of section 100 of the Resource Management Act (RMA).
- The ability of the consent authority to refuse land use in certain circumstances is too broad and if applied literally, may lead to no quarries being approved in New Zealand due to their impacts on natural hazards. The proposed clause 37 should be removed.
- We support clause 38 however suggest some wording changes to this clause.

We make the following submission in relation to the Resource Management (Consenting and Other System Changes) Amendment Bill.

Amendments to Part 6 of principal Act

Planning needs to be enabling so that resource consents are quicker to obtain and are less costly. Even where appropriate planning zones and controls exist, the time and cost for obtaining consents for a quarry can be extremely long. Even a favourable decision can take three to five years before a quarry will ever produce their first tonne of aggregate.

We support amendments in this Bill that simplify the process of making a resource consent application. Quarrying is a critical primary production activity as defined in the National Planning Standards, and many quarry sites are small employing three people or less, on a small footprint with low impact on the community and the environment yet providing valuable aggregate and sand for local use.

Clause 28 of the Bill

We support the insertion of clauses 2AA and 2AB into section 88 of the RMA to ensure that the level of detail required, and information provided by the applicant is proportionate to the nature and significance of the activity.

Clause 30 of the Bill

We support amendments to section 92 of the RMA requiring the consent authority to consider whether additional information for the purpose of section 104 is needed and if it can assess the effects of the proposal from the information it already has, before requesting additional information. This change should speed up the processing of applications by the consent authority.

Clause 34 of the Bill

We support the replacement of section 100 of the RMA to require the consent authority not to hold a hearing on an application for a resource consent if it determines that it has sufficient information to decide the application.

The current system is bogged down by hearing processes that take far too long and are extremely costly due to the range of experts and consultants required to give expert evidence. If the consent authority has enough information to consider the application, they should do so.

Consent authority may refuse land use consent in certain circumstances

Quarry materials are not universally available and can only be sourced from where they are located (locationally constrained due to geology). Without a consenting pathway that provides for adequate access to resources at workable locations, there is the real risk of losing access to such proximate resources.

Quarry activities means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and clean filling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry (National Planning Standards 2019).

Clause 37 of the Bill

Clause 37 of the Bill proposes to insert a section 106A into the RMA to require the consenting authority to consider the impact of the application on natural hazards. Natural hazards are defined in the RMA as:

***natural hazard** means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.*

Some current and future quarrying activities (hard rock, alluvial and river extraction) across the country will be negatively impacted by the insertion of this new clause. Clause 37 may give conservative consenting authorities another reason to refuse consideration of quarry resource consent applications on the grounds that they may impact on natural hazards, particularly if the council does not have recent and relevant technical hazard information.

Clause 37 will have severe unintended consequences for the quarrying sector and extractive sectors in general and should be removed.

Clause 38 of the Bill

Clause 38 inserts a new section 107G (Review of draft conditions of consent) which we support as it formalises the sharing of proposed conditions, streamlines the process and reduces the potential for appeals of conditions.

It is unclear however why an applicant may only make one request to review the consent conditions (section 107G(1)(c)) when section 107G(5) allows the consenting authority to provide the conditions for review more than once. For simplicity, we section 107G(1)(c) should be deleted.

The wording used in section 107G(4) is subjective, is likely to lead to conflict and it is not clear what is intended by this subclause. Section 107G(4) should be deleted.

General comments

The Bill should provide for faster and simpler approval of quarries and aggregate extraction activities necessary for the delivery of aggregates (including sand) to nationally and regionally significant projects.

Aggregates are on the Government's Critical Minerals List and form the foundation of every road and building, either directly or as part of materials such as concrete.

Additionally, as catastrophic events in recent years have highlighted, the impacts of climate change, including rising sea levels, will put added pressure on rock supply for sea walls, riverbank protection and restoration, and other climate adaptation solutions.

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