

Tarras airport - Resource Management Act matters

RMA options:

- Designate the land – Christchurch International Airport Limited (CIAL) is a requiring authority under section 166 of the RMA.
- Plan change to introduce noise contours and height restrictions under flight paths.
- Request for resource consent application to go directly to Environment Court (section 87D RMA), then sections 87E-I apply for processing. It is unlikely to be a resource consent given other RMA options.
- Nationally Significant Project (NSP):
 1. Minister for the Environment may make a direction that it is a NSP on their own initiative and call it in (section 142 RMA)
 2. Council may request that the Minister makes a direction that it is a NSP.
 3. Applicant may lodge the proposal directly with the Environmental Protection Authority, who will then make a recommendation to the Minister whether to make a direction on its NSP status. (section 145 RMA) This applies for a designation, resource consent and/or plan change.

The EPA administers the NSP process.

If the Minister refers a matter to a board of inquiry or the Environment Court, the EPA must commission a report from the relevant local authority. (sections 149J-U RMA) If a matter is referred to a board of inquiry, the Minister for the Environment will appoint an independent board to consider it.

The board runs its own process. It will consider all submissions, hold a hearing, and make a final decision on the matter, independently from the EPA and the Minister. The EPA provide administrative support services to all boards of inquiry. This ranges from organising the logistics of the hearing, to commissioning specialist advice to assist the board.

The Minister must ask the relevant local authorities for suggestions for appointments to a board, but ultimately decides who is appointed to a board of inquiry. The Minister must consider the need for members to have knowledge and skills relating to:

- the local community
- the Resource Management Act
- issues relevant to the matters the board will be considering, and
- tikanga Māori.

A board of inquiry must have between three and five members, with the chair being a current, former or retired Environment Judge or retired High Court Judge.

All decisions by a board of inquiry are required to be made within nine months of the date of public notification of the matter. This means a board must consider an application, hold hearings, consider the matter and make a decision within nine months.