

Practice Note: s92 of the RMA: Requests for further information and commissioning reports

The following advice note outlines when and why Council uses section 92(2) and s92(1) of the Resource Management Act 1991 (RMA). It also outlines the use of technical auditors to support the assessment of applications.

Requesting further information

S92(1) of the RMA allows Councils to request further information about the application. A s92 RMA request is made when Council's planner doesn't have adequate information to make a decision on the proposal; in essence they need further information to fully understand what's proposed and how this fits with planning rules, objectives and policies. Generally, this information is needed to better understand any potential adverse effects on the environment from the activity.

Commissioning a report

S92(2) of the RMA allows Councils to commission a report on any matter relating to an application, but only if the activity for which the resource consent is sought may have a significant adverse environmental effect. Note, the applicant must be notified and agree to the report being commissioned.

The commissioned report gives the Council planner new information to consider in addition to the information already provided in the application. Generally, reports are commissioned for larger-scale or complex projects where specific expertise is required.

Where a proposal may have a significant effect on Māori cultural values, such as those covered in RMA Part 2 matters, it may be appropriate to commission a cultural impact assessment (CIA).

Use of technical experts

Once a Council planner has reviewed the application, they may seek technical input, also known as a technical audit. This is not the same as commissioning a report under s92(2) of the RMA. A technical audit allows the Council to confirm understanding of the technical aspects of the application. An audit is only completed once a risk assessment of the application is undertaken and with the approval of a Team Leader. An applicant is advised of the intent to get the application audited; what will be looked at; what questions will be asked and will be provided with a copy of the audit report. Where possible, internal staff will be used, but external assistance may be required. The applicant will be advised of this and the cost.

When the Council has an application audited by an expert it is to make use of the expertise of the technical person to analyse the information provided in the application. The expert does not complete any new work and if there is information missing then the applicant will be asked to provide this. The auditor may recommend the Council request further information from the applicant to fully assess the application.