

Guidelines for Applying for a

RESOURCE CONSENT



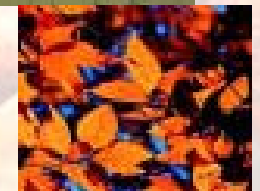
A resource consent is the approval of a local authority - in this case, the Marlborough District Council - to undertake an activity that is not a permitted activity and may not occur 'as of right' under the Resource Management Act 1991 (RMA) or the various formal plans governing the use of natural and physical resources in Marlborough and its coastal areas. This brochure explains the Council's obligations under the RMA for the issuing of resource consents, how to apply for them and the Council process for considering them. It is not intended as a substitute for the RMA or Marlborough's resource management plans. For specific information, reference should be made to those documents.

POLICIES AND CONTROLS

The primary aim of the RMA is to promote the sustainable management of natural and physical resources while safeguarding air, water, soil and ecosystems, sustaining the resources for future generations and dealing with any adverse effects from activities on the environment.

1 This aim is the basis of the Marlborough Regional Policy Statement from which Marlborough's resource management plans - principally, the Marlborough Sounds Resource Management Plan and the Wairau/Atawere Resource Management Plan - are prepared and administered, in accordance with the RMA. These plans allow people to use resources in ways that limit harmful effects on the environment.

Activities are classified as permitted, controlled, restricted discretionary, discretionary or prohibited. If they do not fit any of these categories they are termed non-complying. A resource consent is required for all activities other than a permitted or prohibited activity. The Council is unable to accept an application for a prohibited activity.



CONSENT TYPES

There are five types of consent:

- land use consents
- subdivision consents
- water permits
- discharge permits
- coastal permits

Each of these consent types is the subject of a separate brochure, available on request from the Council.

Some activities may require more than one consent. For example, sinking a well for irrigation purposes requires both a land use consent and a water permit.

The Council's role is to assess each application and to approve, conditionally approve or decline the application.



INFORMATION REQUIREMENTS

As an applicant for a resource consent, you need to give the Council sufficient information to enable a proper assessment of your application. If sufficient information is not received, the Council can decline to receive the application.

Council staff are available to discuss your proposal and guide you about the type of consent(s) you may require, the

information you need to provide, and who the affected (or *potentially* affected) persons may be. (The Case Officer dealing with the application will confirm who the affected persons are, once a complete application has been received.) It is advisable to consult with these affected persons.

Talking to the Council and other interested and/or affected parties will help avoid the unnecessary delays and costs that can arise through lack of information provided in the application.

Professionals such as surveyors, resource management consultants, civil engineers, architects and lawyers can help you prepare your application, especially if it is complicated or will have significant adverse effects on the environment. Council staff cannot give you this help, because they have to remain impartial in the resource consent process.

PROCESSING OF APPLICATIONS

The Council processes applications in accordance with procedures defined in the RMA.

Applications can be processed in one of three ways –

- **public notification** (advertised in the local newspaper and served on affected and other statutory parties) or;
- **limited notification** (served only on affected parties) or;
- **non-notified** (not advertised).

Non-notified applications

If the Council is satisfied your activity will have only minor adverse effects on the environment, and if all persons the Council considers may be affected by your proposal have approved it in writing, your application may not need to be notified.

The Council staff dealing with your application will assess your proposal, usually visiting its location. They will then write a report and recommendation for the Council, which will decide if the consent should be granted.

A written decision on a non-notified application is issued within 20 working days of the application being received.

Limited Notification Applications

Limited notification applies where it is determined that the proposal will have no more than a minor adverse effect on the environment but the written consent of all affected parties has not been received. Council is required to serve notice, a copy of the application, on all the affected parties.

The period for lodging a submission is 20 working (statutory) days. A hearing shall be required if a submitter requests to be heard and follows the same procedure as that for a publicly notified application hearing.

Publicly notified applications

The Council has 10 working days from the date the application was received to notify it. If your application is to be publicly notified, the details of it will be advertised in the local newspaper(s) to give members of the public the

opportunity to make submissions on your proposal.

Persons that the Council considers may be affected by your proposal are advised of it by mail, together with a copy of your application. A sign may be placed on the property identifying it as the site of the application. Submissions close 20 working days after the advertisement appears in the newspapers.

If your proposal is generally in accordance with RMA and plan requirements, and no submissions are received that require a formal hearing, then the application may proceed as for a non-notified application.

If your proposal is not generally in accordance with RMA and plan requirements and/or submissions are received that require a formal hearing, the application will be considered at a hearing of the Resource Hearings Committee (usually comprising three Councillors). In some cases an independent Commissioner will hear the application.

This hearing is usually scheduled within 25 working days of the closing date for submissions. For further information on the hearing's process refer to the Council's brochure.

Guidelines for Attendance at Resource Consent Hearings.



A written decision is required to be given to the applicant and submitters within 15 working days of the end of the hearing. The hearing concludes when a decision is formally reached.

(NOTE: Either the applicant or submitters can appeal the decision to the Environment Court, within 15 working days of receipt of the decision.)

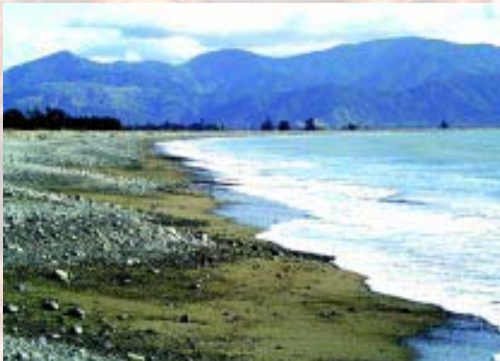
Having issued a resource consent, the Council is responsible for monitoring conditions of consent, as required.

COMPLETING THE APPLICATION FORM

Applicant details: Provide your contact details. If you are employing an agent to act on your behalf, provide the agent's contact details as well.

Type of consent(s): Tick the box relevant to the consent(s) you are seeking. Some applications will require more than one type of consent. Tick all the relevant boxes.

Description: Fully describe the proposal for which consent(s) is being sought. Continue this description on a separate sheet if required. Fill this out accurately and completely, because the Council



cannot grant a consent for any activity for which you have not applied. [It is also recommended that you complete the assessment of environmental effects (as outlined below) before finalising the description, because you may wish to reconsider the details of your proposal based on this assessment.]

Location: Describe the location of the proposal site in a way that will allow it to be easily identified - for example, house number and street address, the name of any relevant stream, river or other water body to which the application may relate, and the proximity of the proposal to any well-known landmark.

Provide the legal description (usually described as Lot and DP number), the valuation number and the property number of the location. This information can be found on the rates invoice for the property. Include the certificate of title reference (or a copy of the title) if you have it available.

If you are renting or leasing the property, if it is in joint or multiple ownership, or is owned by a company or family trust, provide the full name(s) and address of the registered owner(s).

Provide a site plan of the location and the areas where activities are intended to take place, identifying features such as buildings, roads, property boundaries, watercourses etc. Drawings should be to scale, preferably 1:200 for a site plan, and 1:100 for plans and elevations of buildings. You may also wish to provide photographs. For rural applications include a 1:50,000 scale map identifying the site location.

Assessment of environmental effects: The Council cannot process an application that does not include this

assessment as required by Schedule 4 of the RMA. The amount of information you provide should correspond to the scale and significance of the effects of your proposal. If you are in any doubt about the effects or if you are submitting a complicated or high impact proposal, it is recommended that you seek professional assistance with this assessment. Council staff can advise on the type of assistance you may need. A copy of the Fourth Schedule of the Resource Management Act 1991 (Assessment of Effects on the Environment) is available from the Council on request.

The RMA defines "environment" very widely. It is not solely the air, land and water but also ecosystems, as well as people and communities. An "environmental effect" is any change to the environment caused by an activity.

Environmental effects can be:

- positive or negative
- temporary or permanent
- past, present or future
- cumulative (occur over time or in combination with other effects)
- of high probability
- of low probability but high impact.



It is essential that you fully understand the environmental effects of your proposed activity. Think about your proposal and how it will change the site you intend to use or develop.

Consider the:

- effects on those in the neighbourhood (look at your proposal from your neighbour's point of view)
- physical effects on the location
- effects on ecosystems, plants and animals
- effects on natural and physical resources

Some examples of adverse effects caused by activities are increases in traffic, soil erosion, noise, dust, shading, degradation of historic or cultural sites, loss of vegetation and habitat, decrease in water quality and/or quantity, visual impact, changes to coastal processes, discharge of contaminants into air, land or water.

Information about the requirements for specific consents is available in the Council's brochures on each of the five types of consent provided for.

Approval from affected parties: Talk to everyone who has an interest in, or is likely to be affected by your proposed activity - for example, your neighbours, iwi, the Department of Conservation, environmental groups and the owner of the property if it is not you. Council staff will give you a list of everyone who may be affected. For non-notified applications you may need to obtain written approval of your proposal from these parties, and obtain their signature on a copy of your application. The

COMMONLY ASKED QUESTIONS

Council has a standard form for this purpose. Include copies of any correspondence with these parties.

An affected person may withdraw approval at any time before a decision is made on your application. It is recommended, therefore, that your consultation is open, even-handed and covers all aspects of your proposal.



Consultation with iwi may be necessary. Council staff can provide you with contact details for local iwi. Areas of possible special interest to iwi include:

- water quality and quantity
- fish, seafood and other food sources
- the coastal environment
- sand and shingle in riverbeds
- Maori traditional/ancestral sites, including cemeteries
- Maori land
- cultural resources.

Signing the application form: Read the terms and conditions on the application form before signing it. If your agent signs the form on your behalf, your agent is also bound by these terms and conditions and is responsible for the payment of the fees.



How much does a resource consent cost?

Costs vary. The Council operates a user pays policy in processing resource consent applications, charging all associated costs on an actual and reasonable basis, at set hourly rates. All applications require a lodgement to be paid when lodged with Council. Without it, the application will be returned.

The amount of the lodgement depends on the type of application and the process it goes through. A full schedule of fees is provided on the website.

These costs are payable irrespective of whether an application is granted or declined.

Can I still be involved in the process if I employ an agent?

Yes. You can reach an arrangement with your agent. The agent will prepare and sign your application. To enable efficient processing of your application the Council will refer all dealings regarding the application to the agent. It is, therefore, important to give your agent clear instructions on your requirements.

Can the Council ask me for more information about my application?

Yes. Section 92 of the RMA allows the Council to request further information regarding the application at any reasonable time before the Council makes its decision. The RMA provides you with a right to object to this request.



Can I object to and/or appeal the Council's decision?

Yes. If your application was non-notified you may, within 15 days of receipt of the decision, request that the Council's Resource Hearings Committee reconsider the decision. If the Council's consideration of your objection is unsuccessful you can appeal to the Environment Court.

If your application was notified, both the applicant and any submitters can appeal the Council's decision to the Environment Court.

An appeal must be lodged within 15 working days of receipt of the decision. The Court will reconsider your application. The Environment Court has the status of a court of law. Be aware



that appeals can be expensive and time-consuming and the Court can award costs against one or more parties.

If you are considering an appeal, in either instance, it is strongly recommended that you seek legal advice.

"WORKING DAY"

The words "working day" used in this brochure mean any day except:

- Saturdays, Sundays, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday and Waitangi Day
- a day from 20 December in any year to 10 January the following year (inclusive).

**For further information,
please contact:
Marlborough District Council
PO Box 443
Blenheim 7240
Ph: (03) 520 7400
Fax: (03) 520 7496**

Email

ISO 9001:2008
Document Number:
RIB0001-C11247

September 2011

mdc@marlborough.govt.nz

Website

www.marlborough.govt.nz