

RESOURCE MANAGEMENT

Resource Consents

Introduction

Under the Resource Management Act (RMA) most activities affecting 'public' resources - coasts, air, water, rivers and lakes - are restricted. This means that a resource consent must be obtained before these activities can be undertaken unless there are rules in the plan permitting them.

Activities requiring a resource consent include:

- Taking, using, damming or diverting water
- Discharging contaminants into or onto land, air, or water
- Activities affecting river and lake beds
- Activities in the coastal marine area.

In contrast land use activities are not restricted under the RMA unless there are rules regulating them, as most land is a 'private' resource. Land use activities remain largely unregulated in the Hawke's Bay Regional Resource Management Plan but district plans have requirements for land use and development, such as subdivisions.

What is a Resource Consent?

A resource consent is written permission from a council allowing an activity that might affect the environment or the use of a resource in some way. The RMA sets down a legal process for obtaining resource consents which includes consent processing timeframes.

There are five types of resource consents: land use consents, subdivision consents, water permits, discharge permits and coastal permits.

Making an application

Discuss your proposed activity with the Regional Council well before it is due to start and get your application in early. Some activities may require resource consents from the city or district council as well. If you need a resource consent:

- Get the correct application form from the relevant council. Staff will advise you on what information is needed.
- Complete your application thoroughly and accurately to avoid any delays or complications. Applications with insufficient information will be returned.

Information

Applicants must supply sufficient information so that Council can fully assess the application, and other interested parties can understand its implications for them. The degree of detail required depends on the scale and nature of the proposal, but all applications should include:

- Location (a good site plan is important)
- A description of the proposed activity
- A record of consultation already carried out.
- An assessment of likely positive and negative environmental effects. This might include effects on land, air, water and people and a description of how adverse effects will be minimised. The Assessment of Environmental Effects (AEE) for major discharges or activities in sensitive areas should be comprehensive.

Consultation

The RMA requires all applicants to make an effort to consult with affected parties. Consultation involves discussing the activity requiring a consent with anyone who may be affected or may have a general interest in the environment. This is likely to involve neighbours, other users of the resource and maybe tangata whenua, Department of Conservation or Fish and Game Council.

Adequate consultation may minimise the processing time and therefore the costs of the application. Consultation ensures that people know of activities that may affect them and for the applicant to address any concerns they have.

Notified and non-notified consents

Some consents need public notification to give the community a chance to consider the consent application and to make submissions. Consents are Notified if the environmental effects are large or if neighbours don't agree with the activity.

- **Notified consents** are advertised in newspapers and copies of the application are sent to all affected parties. Any person or organisation can make a submission
- **Non-notified** consents are not advertised, but the written approval of all parties who may be affected (e.g. neighbours) is usually required and likely environmental effects must be minor. Most consents are non-notified.

Pre-hearing meetings

A pre-hearing meeting is usually organised if submissions are received on a notified consent. The purpose is to discuss issues arising from the proposed activity, to discuss points of disagreement or misunderstanding, and gain a better appreciation of each other's point of view. The aim is for the applicant and submitters to reach agreement, which may mean a more formal hearing is then not required. This meeting is generally not open to the public.

Hearings

A hearing is a forum that gives the applicant and all submitters the opportunity to formally present their cases to a committee of Councillors and/or an expert commissioner. The committee then makes a decision on whether to grant the consent and under what conditions the activity may proceed. A hearing is only required if:

- The consent applicant or a submitter requests a hearing; or
- The Council considers it necessary.

Decision making

The Council makes decisions on consent applications and, if granting a consent, will usually attach conditions designed to protect the environment. Once a decision has been made, the consent applicant and any submitters have the right to lodge an appeal with the Environment Court within 15 working days. The Environment Court will make a decision unless agreement can be found prior to the Environment Court hearing.

Monitoring

A resource consent is only the beginning of a formal contractual relationship between the consent holder and the council. A resource consent allows the holder to undertake a specified activity within defined limits. These are set out in conditions of the consent. The council may monitor the activity to check that these conditions are being complied with. Many consents also require the consent holder to undertake some monitoring, and to regularly provide information to the council.

Costs

Consent fees are renewed each year in the Council's Annual Plan. The fees include the cost of consent processing and consent monitoring. The actual cost will depend on the nature and scale of the activity and the amount of monitoring required.

Other Useful Publications

- Resource Consents - a guide for Hawke's Bay applicants & submitters.
 - Annual charges for Resource Consents, Hawke's Bay Regional Council
- Both are available from the Regional Council.

For further information

For further information or advice on any resource management topics ask for other titles in the series or contact Environmental Regulation staff at the Regional Council on:

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