

RESOURCE CONSENTS

CONSENT HOLDERS GUIDE



INTRODUCTION

When you hold a resource consent issued by Hawke's Bay Regional Council, you have been allowed access to, or use of, a shared, natural resource such as water, air, land, or the coast.

The consent process considers the environmental impact of access to these resources, and ensures that any known effects can be addressed. It also ensures that those planning new developments consider the potential effects on the environment, and on other resource users, and take precautions to ensure that resources are not damaged or overused.

WHO CAN APPLY OR HOLD A CONSENT?

Consents do not have to be held by the landowner. Any person can apply for consent for an activity, on any property. Gaining resource consent does not guarantee land access. It is common for lessees to hold consents on properties they do not own - for example, for irrigation water takes on leased properties.

If you are unsure who should hold your consent, please discuss the options with Council's consents advisor.

WHAT DOES THE COUNCIL DO?

The Regional Council is responsible for managing and allocating the use of natural resources in the Hawke's Bay region.

As part of this responsibility, the Council must comply with regulations and standards imposed by central government, as well as regional planning rules that everyone must abide by.

The regional rules (which consents are assessed against) are contained in the Regional Resource Management Plan (RRMP) and Regional Coastal Environment Plan (RCEP) which have been developed with public consultation. The Resource Management Act (RMA) also applies when assessing consents.

Where a regional rule states that a consent is required to perform an activity (such as taking water for irrigation, building a structure on the coast, or discharging contaminants to land), you must apply to Council for one. If a consent is not required, there may still be some conditions surrounding your activity.

When you apply for a consent, Council must assess your application against the RRMP, RCEP and the RMA. Some consents are reasonably straightforward; others will require agreement from various people or groups, such as the Department of Conservation, Fish and Game, tangata whenua or members of the public.

As a consent holder, you will have ongoing contact with the Regional Council, even after your consent is granted. The Council has a responsibility to monitor your consented activities to ensure that there are no adverse environmental effects, and check that you are complying with the conditions of the consent.

Council staff will be available to discuss your individual circumstances, and advise you of your ongoing consent requirements.

WHAT ARE THE IMPORTANT DATES?

If you are granted consent, you are issued with a legal consent document. It contains the following key dates:

Issue or commencement date

The date your consent is granted. It is usually shown on the front page of the consent document. From this date through to your expiry date, you are authorised to carry out your activity in accordance with the conditions.

Expiry date

The date that your consent ends. It is usually shown on the front page of the consent document under the heading 'Consent Duration'. When your consent expires, if you have not applied to replace it (applications have to be received by Council six months prior to expiry), it no longer exists and the activity cannot legally continue.

Lapse date

If you have not used the consent by this date, it will end. Think of it as a 'use it or lose it' date. It is typically shown on the front page of your consent document under the heading 'Lapsing Of Consent'. Where no date is specified, the consent will lapse five years after the date of issue. The purpose of this date is to ensure that access to resources is not allocated to those who do not use it. If you think you will not use your consent before it lapses, you can apply for an extension of the lapse date.

Review dates

These are the dates when Council can review the conditions of your consent, for any of the reasons specified. They are shown in the body of the consent document, typically under the heading 'Review of Consent Conditions by Council' and are usually a month of the year, e.g. 'May of any year'.

Please keep your legal document in a secure place and regularly check that you are fully aware of the conditions.

WHAT ARE MY RESPONSIBILITIES?

1. To comply with all conditions. Once you are granted a consent, you become a legal consent holder. You must meet any conditions Council imposes on your activity. It is your legal responsibility to read your consent document and ensure you comply with these conditions.

2. Pay all relevant charges. As the consent holder, you are responsible for paying the annual consent charges. You will also be invoiced for the costs of consent processing and compliance officer visits. Annual charges are detailed in the 'Consent Charges Guide' which is available online, or from Council's consents advisor.

3. Keep the Council informed. You are responsible for the 'upkeep' of the consent. If the consented activity changes - for example, if you want to change maximum volumes, crop type, irrigated area or discharge area- you must notify Council using the appropriate form. You must also advise us (in writing) if your address or company name changes. Forms are available from our website, or a Council consents advisor can assist you in selecting the correct form.

4. Apply for changes in writing. The Regional Council cannot make changes to your legal consent document without an application from you, even if you have previously discussed the change with our staff. To make a change, you have to submit a written application.

1. Consent is held by you as the land owner

If you hold the consent, you retain all responsibility for it. You will receive all correspondence and invoices relating to your consent. It is also your responsibility to ensure your lessee complies with the conditions of your consent (so make sure they have a copy). The advantage of this option is that, if your lessee moves on, they cannot take the water with them by transferring it away from your property, or by surrendering the consent.

You are responsible for all charges relating to your consent. If you want to make a private agreement with your lessee requiring them to pay consent charges, we suggest you incorporate this in your lease agreement. Council does not get involved with private agreements between land owners and lessees, and we will not send copies of correspondence or invoices directly to lessees on your behalf.

2. Consent is held by the lessee

Where a lessee holds consent, all correspondence and invoices are sent to them directly as the legal consent holder. This means that they are responsible for paying any consent invoices, and for compliance with the consent conditions. The disadvantage of this option for property owners is that the lessee can apply to transfer the water off your property or surrender the consent, which could leave the property without consent. You are welcome to discuss all the options with a Council consents advisor if you are unsure who should hold your consent.

WHAT IF I DON'T USE THE CONSENT?

If your consented activity ceases, you may surrender the consent by filling in a consent surrender form. **It's important to note** that once a consent is surrendered, if you then wish to 'get it back', you must make a new consent application which may or may not be granted. Applications may not be granted, for example, in fully-allocated water catchments, or where known environmental effects of an activity exist.

Annual charges still apply to unused consents. Council must undertake work related to your consent, even if you are not using it.

If you have not used your consent before the lapse date, your consent will expire, unless you apply for an extension. You can discuss this with your compliance officer or a consents advisor.

WHAT WILL A RESOURCE CONSENT COST?

There are various application costs, annual costs and monitoring costs involved with applying for, and then holding a resource consent. It is important that you understand these charges so that they do not come as a surprise when invoice(s) arrive.

All new applicants are sent a guide to charges, which is also available online at www.hbrc.govt.nz, or from a consents advisor. If you wish to comment on these charges, you can do so by making a submission to the annual plan each year. However, once charges are fixed in the annual plan, they cannot be changed outside of the annual plan process.

You are welcome to make general consent enquiries with the Consents Advisor on **0800 108 838**. If you hold a consent you can also ask to talk with your compliance officer.

WHAT IF COUNCIL HAS THE WRONG DETAILS?

Council only holds the details which are provided with an application. If we have the wrong details, this is likely from your original application, which has not been updated.

We cannot make a change to your consent without a written application, so it is important to advise us of any changes - if you don't tell us, we won't know. Contact a consents advisor to find out how to update any of your consent or contact details.

WHAT IF I WANT TO SELL MY PROPERTY?

Resource consents are not tied to a property, they are legal documents owned by an individual or entity. If you sell or subdivide, the consent does not automatically change hands. If you have sold, and do not want to retain ownership of the consent, you need to transfer it, either at time of sale, or as soon as possible afterwards. Transfer forms are available online, or from Council offices.

WHAT IF I LEASE MY LAND FOR IRRIGATION?

There are two options for consent ownership in this case. Both have their advantages and disadvantages. It's up to you to decide which one best suits your needs:

WHO WILL I BE TALKING TO AT COUNCIL?

We have a number of staff who work with consent holders throughout the consent cycle:

Consents advisors / consents officers

When you apply for a consent you may meet with a consents advisor to discuss your requirements and complete application forms.

Once you submit an application, it will be managed by a consent officer, who will work with you throughout the consent application process.

Compliance officers

Once you have been granted resource consent, you may be contacted by a member of the Council's compliance team. They are responsible for checking consent conditions are adhered to. Your consent will be assigned a specific compliance officer; you can contact them to discuss any issue. It's best to discuss a problem early, before it escalates.

Water Information Services (WIS)

Water take consent holders may speak with the WIS team to discuss metering requirements, approved meter installers, and the best methods to return your water use data to Council. The Water Initiatives Group can also advise you on other water user groups in your area, as well as better ways to increase your irrigation efficiency.