



**APPLICATION FOR SUBDIVISION CONSENT UNDER SECTION 88  
OF THE RESOURCE MANAGEMENT ACT 1991  
FORM 9**

THE NOTES ON PAGE 2 WILL CLARIFY THE INFORMATION REQUIRED

To: Waipa District Council, Private Bag 2402, Te Awamutu 3840  
101 Bank Street, Te Awamutu 23 Wilson Street, Cambridge  
Ph 07 872 0030 Fax 872 0033 Ph 07 823 3800 Fax 07 823 3820  
Email: submissions@waipadc.govt.nz

NOTE 1 **APPLICANT**  
Full Name:.....  
Postal Address:.....  
.....

NOTE 2 **NAME AND ADDRESS FOR SERVICE OF THE APPLICANT**  
Name:.....  
Postal Address:.....  
.....  
Phone (Day):..... Email:.....  
Cellphone:..... Fax:.....

NOTE 3 **OWNER OF PROPERTY**  
Name:.....  
Postal Address:.....  
.....

NOTE 4 **OCCUPIER (if not owner)**  
Name:.....  
Postal Address:.....  
.....

NOTE 5 **LOCATION OF APPLICATION SITE**  
.....  
.....

NOTE 6 **LEGAL DESCRIPTION OF SITE**  
.....  
.....

NOTE 7 **BRIEFLY DESCRIBE WHAT IS PROPOSED (use a separate sheet if required)**  
.....  
.....  
.....



NOTE 8

**OTHER CONSENTS REQUIRED**

<b>Building consent:</b>	Required?	<b>YES / NO</b>	If <b>YES</b> , has it been applied for?	<b>YES / NO</b>
<b>From Environment Waikato:</b>	Required?	<b>YES / NO</b>	If <b>YES</b> , has it been applied for?	<b>YES / NO</b>

NOTE 9

**SIGNATURE**

To be signed by applicant or person authorised to sign on behalf of applicant

Signed.....Dated / /

**PLEASE READ THESE NOTES FIRST**

- NOTE 1 Provide the name and current postal address of the applicant
- NOTE 2 The address for service may be your surveyor or other agent. Provide the contact person's name, address and other particulars so that we may address all verbal or written communications to this person.
- NOTES 3/4 Give the name and address of the owner and occupier (other than the applicant) of any property to which the application relates.
- NOTE 5 Describe the location in a manner which will enable it to be readily identified, e.g. the street or road address, the name of any stream, river or lake to which the application may relate, proximity to any well-known landmark etc.
- NOTE 6 The legal description is the Lot and Deposited Plan number of the land, and the Certificate of Title Number. You can get this information from the rates assessment notice or the Certificate of Title.
- NOTE 7 Briefly describe the proposal. You will also need to supply a separate report (the Assessment of Environmental Effects) and plans giving the relevant information details which are listed in the checklist on the following pages.
- NOTE 8 Specify any other consents required under the Resource Management Act 1991 or any other legislation that may be important in regard to this proposal.
- NOTE 9 The application can be signed by the owner or on behalf of the owner by his/her representative, e.g. a planning consultant. For legal purposes the person signing the application is acting for the owner with his/her knowledge.
- NOTE 10 The written approval of persons who will be affected by your proposal is usually required as part of your application. A "form for written approval" is available for you to fill out and take to your neighbours for their comments. There are also statutory bodies who may need to be contacted (such as Transit NZ or NZ Historic Places Trust). Consultation with iwi may also be required as part of the assessment of your application Please check with Council Planning Staff to see who you should be consulting.

## INFORMATION CHECKLIST

Waipa District Council may refuse to accept an application without the following information.

**PART A** All applications must include the following:

		Applicant <input checked="" type="checkbox"/>	Waipa Comment
1	Copy of Certificate(s) of Title for the site (searched within the last few months)	<input type="checkbox"/>	
2	Locality plan showing the location of the site	<input type="checkbox"/>	
3	Assessment of Environmental Effects	<input type="checkbox"/>	
4	Site Plan (to scale) showing the location of the subdivision in relation to legal site boundaries	<input type="checkbox"/>	
5	Appropriate fees/deposit (see page 10)	<input type="checkbox"/>	

**PART B** Please also provide the following (if relevant):

NOTE 10			Applicant <input checked="" type="checkbox"/>	Waipa Comment
1	Written approval of the parties identified by the Council as being affected by the proposal		<input type="checkbox"/>	
2	Evidence of consultation with the following, as required:			
	•	Department of Conservation	<input type="checkbox"/>	
	•	Historic Places Trust	<input type="checkbox"/>	
	•	Environment Waikato	<input type="checkbox"/>	
	•	Transit New Zealand	<input type="checkbox"/>	
	•	Adjoining local authority, e.g. Waikato, Otorohanga	<input type="checkbox"/>	
3	Details of any previous consents (if known)		<input type="checkbox"/>	
4	Request to cancel previous amalgamations, ROWs, esplanade reserve requirements, requests for proposed amalgamation conditions		<input type="checkbox"/>	

**PART C Provide an Assessment of the Environmental Effects of the subdivision:**

Please note that it is a legal requirement to submit an Assessment of Environmental Effects. There is space to write your Assessment of Environmental Effects on Page 5.

		Applicant <input checked="" type="checkbox"/>	Waipa Comment
1	Infrastructure e.g. water supply, wastewater, stormwater, electricity/gas, telecommunications, recreational facilities, roading, traffic	<input type="checkbox"/>	
2	Natural Hazards	<input type="checkbox"/>	
3	Amenities, e.g. privacy, open space	<input type="checkbox"/>	
4	Archaeological or Heritage Features, or Protected Bush Stands	<input type="checkbox"/>	
5	State if site contains High Quality Soil (a report from a suitably qualified person may be required)	<input type="checkbox"/>	
6	State if there have been any fill or excavations (both authorised and unauthorised). Note: A report from an appropriately qualified geotechnical engineer may be required	<input type="checkbox"/>	
7	Site developments	<input type="checkbox"/>	

**PART D Relevant information to be provided on the scheme plan (s)**

Show the location of the following, both <b>existing &amp; proposed</b> :		Applicant <input checked="" type="checkbox"/>	Waipa Comment
1	Structures/ buildings	<input type="checkbox"/>	
2	Building Platforms and shape factor circles to demonstrate compliance with the relevant District Plan provisions	<input type="checkbox"/>	
3	Significant vegetation/notable trees	<input type="checkbox"/>	
4	Archaeological sites or Heritage sites	<input type="checkbox"/>	
5	Landscaping	<input type="checkbox"/>	
6	Fill or excavations, both authorised and unauthorised	<input type="checkbox"/>	
7	Water bodies, e.g. rivers, streams, lakes	<input type="checkbox"/>	
8	Covenant Areas	<input type="checkbox"/>	
9	Stormwater flow paths from the site to a suitable outlet, including assessment of limiting structures and channels if relevant, on-site and downstream	<input type="checkbox"/>	
10	Natural hazards/ geological constraints (e.g. unstable slopes, areas prone to flooding, peat soils)	<input type="checkbox"/>	
11	On site wastewater treatment and effluent fields	<input type="checkbox"/>	
12	Roads (legal and physical). Show existing access points and proposed access points	<input type="checkbox"/>	
13	Contaminants e.g. old sheep dips, underground fuel storage etc	<input type="checkbox"/>	
14	Access point sight distances from each direction	<input type="checkbox"/>	
15	Access point separation from other access points and intersections	<input type="checkbox"/>	
16	Parking and vehicle manoeuvring	<input type="checkbox"/>	
17	Location of all Council utility infrastructure, including existing & proposed service connections, and easements	<input type="checkbox"/>	
18	New roads to vest and corner splays to vest	<input type="checkbox"/>	



## **MAKING AN APPLICATION FOR A RESOURCE CONSENT**

You have found that you cannot proceed with your proposal without making an application for a resource consent to the Council. This is because the Council, in planning the development of the area, believes that proposals such as yours require special consideration and the people who may be affected should have the opportunity to comment or object. Your proposal will usually fall into one of three categories.

- (i) Controlled Activity - Proposals or aspects of a proposal which do not comply with the District Plan Rules. Council will approve Controlled Activities on application, subject to any conditions imposed.
- (ii) Discretionary Activity - Proposals or aspects of a proposal which do not comply with the District Plan Rules. Council can approve or decline Discretionary Activities subject to any conditions imposed.
- (iii) Non-Complying Activity - Proposals or aspects of a proposal which do not comply with the District Plan Rules. Council will only approve a Non-Complying Activity if it is not contrary to the objectives and policies of the Plan or any adverse effects are minor.

There are several steps which must be followed before a decision is made on your application. You should be aware that it will take more than one month before the final decision is given and it could be longer if there are objections. The following is a brief outline of the process, and it is not a substitute for the District Plan or Resource Management Act to which you should refer for fuller information.

### **SUBMITTING YOUR APPLICATION**

The Planning Officer will advise you on what sort of application you will have to make and what information you should provide. The application itself should be made on Form 9 (attached). You are likely to be asked to give a site plan and elevation of the proposal together with a description of the proposal and its likely effects. You may be asked to provide a detailed assessment of effects on the environment in accordance with the attached Fourth Schedule. The amount of information sought will depend upon the nature of the proposed activity. You may be asked to obtain written approval from potentially affected persons. When this is done in some cases public notification of an application can be avoided. You may, if you wish, engage legal counsel at any stage in your application and you are advised to consult a solicitor regarding your rights if you decide to lodge an appeal.

### **PUBLIC NOTIFICATION**

The Council will advertise your application in the Waikato Times and/or local paper at the earliest opportunity and people are given 20 working days to make a submission. Copies of the application are also sent to anyone the Council believes is affected by your proposal. Submitters are required to send you a copy of their submission.

### **HEARING THE APPLICATION**

You and any submitters, must be given 10 working days notice of the hearing at which your application is considered by the Committee. You may attend the hearing to support your application and should have 15 copies of any additional evidence available for distribution at the hearing. The Planning Officer's Report will be sent to you at least 5 working days before the hearing and this report gives a recommendation to the Committee. You should be aware that the final decision will not necessarily follow this recommendation, as the Committee considers all the information provided at the hearing.

### **THE DECISION**

Within 15 working days of the hearing you will be notified as to whether your application has been approved or declined and the reasons will be given. If you are given approval, there may be conditions attached and you must comply with these.

If you are dissatisfied in any way with the Council decision you may appeal to the Environment Court and any submitters who are dissatisfied may also appeal. If there were no submitters opposing your application then, subject to satisfying any conditions, you may commence immediately after approval is given, but it is important to note that if there are objectors and even if you are satisfied with the Council decision, you may not act so as to prejudice any potential appeal.

There is a period of 15 working days after receipt of the decision for lodging any appeal and there would be a delay of at least another 3 months for any appeal to be determined.

## NOTE

A working day means any day except a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Waitangi Day, and any day between 20 December and 10 January (inclusive).

## FEES AND CHARGES

Your attention is particularly drawn to Section 36 of the Resource Management Act, which deals with administrative charges payable for the processing of a resource consent. If you are in any doubt about the implications of this section it is suggested that you should seek legal advice. Council's policy is that all costs incurred in relation to processing an application are to be charged to the applicant. It is not impossible to define in advance what these costs may be or may be limited to but they could in any event include:-

- (i) costs of public notification, including the erection of a sign on the property;
- (ii) the cost of staff time which is charged out at a rate of 2.1 x the direct cost plus any direct expenses, e.g. mileage;
- (iii) the cost payable to Council for any hearing;
- (iii) the cost of any Specialist Consultant advice which may be sought by the Council irrespective of whether such consultants give evidence at the hearing;
- (v) the cost of any legal advice which may be sought by the Council whether it be prior to the hearing or for legal representation at the hearing, or in connection with the drafting of Council's decision.
- (vi) If consent is granted, the cost associated with any supervision and monitoring of the consent.

An account will be rendered to you once your application is determined. This account will include an itemised breakdown of the costs involved and will include an adjustment for the deposit which you will be required to pay when lodging your application. Where the deposit exceeds the value of the work done, then a refund will be made where the difference exceeds \$20.00.

## RESOURCE CONSENTS UNDER THE RESOURCE MANAGEMENT ACT 1991

The purpose of this information is to explain how this Act affects processing and consideration of resource consent applications.

### 1. PURPOSES AND INTENT OF THE RESOURCE MANAGEMENT ACT

The Resource Management Act 1991 is concerned with the management of natural and physical resources. This Act integrated previous legislation and set up a resource management system that promotes sustainable management of natural and physical resources.

The Resource Management Act is the principal statute for the management of land, subdivision, water, soil resources, the coast, air, and pollution control, including noise control. It sets out the rights and responsibilities of individuals, territorial and regional councils, and central government. The Act set up a system for policy and plan preparation and administration which allows the balancing of a wide range of interests and values.

Its central concept of sustainable management encompasses the themes of use, development and protection. Sustainable management is defined in the Act as meaning the management of resources in a way or at a rate which enables people and communities to provide for their well-being while sustaining the potential of resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; safeguarding the life supporting capacity of air, water, soil and ecosystems; and avoiding, remedying or mitigating adverse effects.

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The Resource Management Act differs from previous legislation in that it has a single, clear purpose: to promote the sustainable management of natural and physical resources. This purpose applies to every part of the Act, and is, therefore a fundamental consideration in assessing resource consent applications.

## 2. RESOURCE CONSENTS

The Resource Management Act provides for a standardised and integrated consent process. The Act identifies a number of types of resource consents. These are as follows:

- land use consent
  - subdivision consent
  - coastal permit
  - water permit
  - discharge permit
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The Act classifies activities into several categories for the purpose of consents.

These are:

- Permitted activities (where the Act or plan states that no consent is required).
- Controlled activities (where there is an entitlement to the granting of the consent subject to consideration of conditions specified in the plan).
- Discretionary activities (where the plan specifies that consent is required subject to the full discretion of the Council exercised in accordance with criteria in the plan).
- Non-complying activities (where an activity contravenes a plan but is not prohibited).
- Prohibited activities (an activity the plan expressly prohibits and for which no consent may be sought).

A resource consent is required for activities that are not permitted as of right in a district or regional plan.

## 3. APPLICATION FOR RESOURCE CONSENT

The Act sets out one standard process for applying for consents. The same time constraints, which are specified, apply to all types of consents. The consent authority can extend these time limits, although the extension cannot have the effect of more than doubling the maximum limits specified when agreement is reached with the applicant.

Applications are made under Section 88. Information requirements for all consents are outlined in this Section. Section 88 requires that an assessment of the impacts of the proposal on the environment be provided with every application made for a resource consent. The assessment is to be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment. Guidance is provided in the Fourth Schedule to the Act about the matters to be included in an assessment and the type of issues which an assessment should address. Further details may be spelt out in relevant regional and district plans.

Public notification of resource consents is not mandatory. Provided Council is satisfied that the effects of the proposed activity are minor and that any potentially affected persons have given their written approval it can resolve to not notify an application. When public notification is bypassed in this manner the application will be decided upon within 20 working days.

Where the written approval of every person whom Council considers may be adversely affected by the proposal cannot be obtained, Council will serve notice on all persons who in the opinion of Council may be adversely affected by the proposal (limited notification). In these circumstances, the application will not be publicly notified (advertised), however those people that have been served notice of the application will have an opportunity to lodge a submission to the application. If submissions in opposition are received, Council will hold a hearing and make a decision to either grant or decline the application.

For applications requiring public notification (where the adverse effects on the environment are more than minor), submissions will be invited with a time limit of not less than 20 working days by an advertisement in the Waikato Times and/ or local papers.

#### **4. SUBMISSIONS ON APPLICATIONS**

Any person may make a submission on a resource consent that is notified. The content of the submission is specified and the time limit is set at 20 working days after public notification. A copy of the submission must be served on the applicant.

#### **5. PRE-HEARING MEETINGS AND HEARINGS**

The Act provides for pre-hearing meetings to clarify, mediate or facilitate resolution of any matter or issue. It allows the outcome of the meeting to be reported to the consent authority and circulated to all parties before the hearing. Where the outcome is reported, it shall become part of the information which the consent authority shall have regard to when considering the application.

The presumption is that a hearing need not be held unless the consent authority considers it is necessary or the applicant or any person making a submission requests this and does not withdraw that request. The date of commencement of the hearing is no later than 25 working days from the closing date for submissions and at least 10 working days notice of the commencement date for the hearing is to be given.

In order to encourage the integrated consideration of consents, joint hearings are proposed where several resource consents, in relation to the same proposal, have been lodged with different agencies. The consent authorities shall jointly hear and consider those applications unless the consent authorities agreed that they are sufficiently unrelated that a joint hearing is unnecessary and the applicant agrees that a joint hearing need not be held. The Regional Council will act as the co-ordinating agency unless the consent authorities agree otherwise.

Where a joint hearing is necessary this will be co-ordinated by the Waikato Regional Council. Although the application will be heard jointly and decided jointly each consent authority will issue a separate consent which will specify the type of consent granted or declined together with any conditions. All consents will include reasons for that decision being made.