

**LANDUSE CONSENT
APPLICATION FORM**
under
SECTION 88
of the
**RESOURCE MANAGEMENT ACT
(RMA)1991**

This application form contains the following sections:

- **Part A – General Details**
- **Part B – Plan Checklist**
- **Part C – Information Checklist**
- **Part D – Assessment of Environmental Effects**
- **Part E – Written Approval of Affected Persons**
- **Part F – General Information**
- **Part G – Fees & Charges**

PART A – GENERAL DETAILS
(Must be Completed for Application to be Accepted)

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

A.1 APPLICANT

Full Name:.....
Postal Address:.....

A.2 CONTACT DETAILS FOR THE APPLICANT

Name:.....
Postal Address:.....
Phone (Day):..... Email:.....
Cellphone:..... Fax:.....
How do you wish to receive correspondence? (please circle) Post or Email

A.3 APPLICATION SITE DETAILS

Physical Location:.....
Legal Description:..... Site Area:.....

A.4 NATURE OF LANDUSE CONSENT

To

A.5 OTHER CONSENTS

Is Building Consent required from Waipa District Council?	Yes / No
If Yes , has it been applied for?	Yes / No
Is Resource Consent required from Environment Waikato?	Yes / No
If Yes , has it been applied for?	Yes / No

A.6 SIGNATURE

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

Signed..... Dated / /

PART B – PLAN CHECKLIST
(Must be Completed for Application to be Accepted)

		Applicant <input checked="" type="checkbox"/>	WDC Check <input checked="" type="checkbox"/>
(Please tick box & show if relevant, please cross & do not show if not relevant)			
B.1	Locality plan showing the location of the site	<input type="checkbox"/>	<input type="checkbox"/>
B.2	A site plan (to scale) must show:		
	a) Legal description of existing Certificates of Title	<input type="checkbox"/>	<input type="checkbox"/>
	b) Existing lot areas	<input type="checkbox"/>	<input type="checkbox"/>
	c) Existing dimensions of lots	<input type="checkbox"/>	<input type="checkbox"/>
	d) Legal and physical roads	<input type="checkbox"/>	<input type="checkbox"/>
	e) All existing buildings and their distance to existing and proposed boundaries	<input type="checkbox"/>	<input type="checkbox"/>
	f) All existing and proposed structures	<input type="checkbox"/>	<input type="checkbox"/>
B.3	A site plan (to scale) must show (where relevant):		
	a) Existing access points	<input type="checkbox"/>	<input type="checkbox"/>
	b) Existing accessways/right of ways	<input type="checkbox"/>	<input type="checkbox"/>
	c) On-site manoeuvring	<input type="checkbox"/>	<input type="checkbox"/>
	d) Existing vehicle parking spaces	<input type="checkbox"/>	<input type="checkbox"/>
	e) Significant tree & bush stands / protected trees	<input type="checkbox"/>	<input type="checkbox"/>
	f) Archaeological sites	<input type="checkbox"/>	<input type="checkbox"/>
	g) Cultural Heritage sites	<input type="checkbox"/>	<input type="checkbox"/>
	h) Areas of fill or excavation	<input type="checkbox"/>	<input type="checkbox"/>
	i) Water bodies	<input type="checkbox"/>	<input type="checkbox"/>
	j) Natural hazards e.g. unstable slopes, areas of flooding, peat soils	<input type="checkbox"/>	<input type="checkbox"/>

PART C - INFORMATION CHECKLIST
(Must be Completed for Application to be Accepted)

		Applicant ☑	WDC Check ☑
C.1	Current copy of Certificate(s) of Title (less than 3 months old)	<input type="checkbox"/>	<input type="checkbox"/>
C.2	Written Approvals		
	Written approval must be provided from all parties identified by the Council as being affected by the proposal (see Section E) <i>(NB. Council has statutory authority to determine affected persons. If you are unsure as to who may be affected by your proposal please contact a Council Consents Planner to discuss this matter)</i>	<input type="checkbox"/>	<input type="checkbox"/>
C.3	Agency Comments / Consultation		
	Comment must be provided from those agencies identified by the Council as being affected by the proposal <u>and</u> in particular:		
	a) New Zealand Transport Agency if the site is located on, near to, or gains access from a State Highway	<input type="checkbox"/>	<input type="checkbox"/>
	b) Transpower New Zealand if the site contains high voltage lines (110kV or greater)	<input type="checkbox"/>	<input type="checkbox"/>
	c) Environment Waikato if regional resource consents are required	<input type="checkbox"/>	<input type="checkbox"/>
	d) NZ Historic Places Trust if the site contains a registered historic site	<input type="checkbox"/>	<input type="checkbox"/>
	e) The relevant territorial authority if the site adjoins another territorial authority boundary	<input type="checkbox"/>	<input type="checkbox"/>
C.4	Other		
	The following reports may need to be provided:		
	a) A report from a suitably qualified person if the proposal affects a tree protected under the Waipa District Plan	<input type="checkbox"/>	<input type="checkbox"/>
	b) A report from a suitably qualified person if the application will generate any non-compliance with parking, manoeuvring or access requirements under the Waipa District Plan	<input type="checkbox"/>	<input type="checkbox"/>
	c) A report from a suitably qualified person if the application will generate any non-compliance with noise requirements under the Waipa District Plan	<input type="checkbox"/>	<input type="checkbox"/>
	d) A report from a suitably qualified person if the application requires site specific design for building works, wastewater or stormwater disposal	<input type="checkbox"/>	<input type="checkbox"/>

PART D - ASSESSMENT OF ENVIRONMENTAL EFFECTS

(Must be Completed for Application to be Accepted)

An Assessment of Environmental Effects (“AEE”) is the process of preparing a written statement identifying the effects of your proposed activity on the environment. An AEE must accompany every resource consent application. The following information has been prepared to help you write a detailed and comprehensive AEE for your proposal. Please note that the detail required in the AEE will differ depending on the complexity of the application. The questions below are a guide only and separate sheets can be used for your AEE if required.

D.1: The Proposal

Describe and discuss the proposed activity in detail. For example:

- The activity - what is the activity?
- The buildings - what buildings will be erected? What will be the size (area) and height of buildings? What will the buildings be used for? Where on the site will they be built?
- Other development – will new access points / accessways / car parks be formed? Will earthworks be required? Will any trees be removed?

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D.2: The Site

Describe the site and its features. Attach a site plan showing such features and the location of the proposed activity. For example:

- On-site development – where are existing buildings/accesspoints/accessways/carparks?
- Vegetation/trees – are these on the site? If so, where?
- Natural water courses – are these on the site? If so, where?
- Topography – is the site flat / sloping?
- Land Suitability – does the site contain any unstable land?
- Services – where are existing water / sewer / stormwater / power / telephone services?
- Neighbouring development – what development is located on neighbouring properties?

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D.3: Operative Waipa District Plan

List all District Plan rules the activity does not comply with
(If you need an explanation of these terms, please contact a Council Consents Planner)

<input type="checkbox"/>	Building setback from Road Boundary (i.e. front yard)	<input type="checkbox"/>	Building setback from Internal Boundary (i.e. side or rear yard)
<input type="checkbox"/>	Minimum Site Area	<input type="checkbox"/>	Site Coverage
<input type="checkbox"/>	Resiting a Building	<input type="checkbox"/>	Landscaping & Permeable Surfaces
<input type="checkbox"/>	Maximum Height	<input type="checkbox"/>	Height Recession Plane
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Earthworks
<input type="checkbox"/>	Parking Spaces	<input type="checkbox"/>	Manoeuvring Space
<input type="checkbox"/>	Hours of Operation	<input type="checkbox"/>	Size of Activities
<input type="checkbox"/>	Signs	<input type="checkbox"/>	Sale or Hire of Goods & Services
<input type="checkbox"/>	Other (please specify)		

D.4 The Environment

- The character of the surrounding neighbourhood - How will this proposal be in keeping with the character of the area? How will the proposal change the character of the area?

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D.5 Visual Amenity Effects

- What visual impact will the proposal have on the surrounding neighbours i.e. how will their outlook change?
- Will development be screened in any way i.e. with fences or vegetation?

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D.6 Streetscape Effects

- How will the development appear from the road frontage?
- Is the proposal consistent with the appearance of other buildings in the area when viewed from the street?

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D.7 Traffic Effects

- What effect will the development have on traffic visibility? Car parking spaces? Access? Manoeuvring on and off the site? What amount of traffic will be generated?

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D.8 Noise Effects

- What noise effects will be generated by the proposal?

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D.9 Building Effects

- What effect will new buildings have on the surrounding neighbourhood?
- Will the development affect neighbour's privacy i.e. will the proposal overlook other properties?
- Will buildings shade adjoining properties?

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D.10 Servicing

- How will the activity dispose of wastewater and stormwater?
- What water source will you use?
- Will power and telephone be provided to the site?

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D.11 Vegetation/landscaping

- What existing vegetation/landscaping will be affected by the proposal?
- Is any planting/landscaping proposed and if so, where?

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D.12 Earthworks Effects

- What visual effects will be created by earthworks?
- What sediment control measures are proposed?

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PART E – WRITTEN APPROVAL OF AFFECTED PERSONS
(Must be Completed if Affected Persons have been Identified by Council)

TO BE COMPLETED BY THE APPLICANT

Applicants need to discuss the application and show plans and a copy of the Assessment of Environmental Effects* (AEE) to all affected persons. You must ensure that all parts of this form are completed correctly and a copy of the plans, and the AEE*, are signed and dated by all affected persons. Affected persons are deemed to be both owners and occupiers of a property.

Applicants Name.....
 Contact Phone No (daytime)
 Mailing address for Applicant
 Address of Site
 Legal Description of Site.....
 Written approval is required for?: (Please advise what Waipa District Plan rule is breached if known).

 Signature of Applicant or Agent: Date:

TO BE COMPLETED BY AFFECTED PERSON(S)

All owners and occupiers must complete this form. Please complete the section which is relevant to you.

Name(s)
 I/we own & occupy own occupy the following property:
 Address
 Mailing Address (if different from above)
 Contact Phone No (daytime).....

Both the following boxes are required to be ticked:

I/we have read the information on the following page about giving written approval to a resource consent application. I/we have reviewed the plans and assessment of environmental effects*(AEE) which give details of the proposal.

Please tick either of the following columns:

Yes	No
<input type="checkbox"/> I/we give my/our written approval to the proposal and/or parts of the proposal that require my/our approval.	<input type="checkbox"/> I/we do not give my/our written approval to the proposal/parts of the proposal that require my/our approval for the following reasons.....
<input type="checkbox"/> I/we have signed and dated each page of the plans.
<input type="checkbox"/> I/we have signed and dated each page of the AEE*.

** Please note that in the case of side yard infringements for 'accessory buildings' (as defined in the Operative Waipa District Plan) in the Residential Zone, an AEE is not required if all other aspects of the proposal comply with the District Plan provisions. Thus, sections of the form marked "*" will not apply.*

Signature(s):
 Date:

GIVING WRITTEN APPROVAL AS AN AFFECTED PERSON(S)

- ❑ The applicant named on this form is seeking approval from Council for a **planning (resource) consent and/or building consent**.
- ❑ Under the Resource Management Act 1991, **in certain circumstances** resource consent applicants must obtain written approval from every **person potentially affected** by the granting of the consent. If such approvals are obtained, Council may decide that the application need **not** be notified and submissions will not be asked for from the public.
- ❑ Before asking for your approval, the applicant should fully explain the proposal to you. You should see a detailed description of the proposal including plans, and a list or explanation of possible effects on the natural and built environment as well as on people. This is called an **assessment of environmental effects (AEE)**. The applicant should explore with you ways of dealing with any likely or significant adverse (bad) effects of the proposal on you, for example, amending the proposal to avoid, remedy or mitigate (reduce) adverse effects on you.

GIVING WRITTEN APPROVAL

- ❑ If you decide to give written approval to the applicant for their resource consent application, Council, under the provisions of Section 104(3)(b) of the Resource Management Act 1991, **will not have regard** to any effect on you.
- ❑ You **cannot** include any requirements / conditions with your written approval.

REFUSING TO GIVE WRITTEN APPROVAL

- ❑ Where an applicant cannot obtain the written approval of every person whom Council considers may be adversely affected by the proposed activity, Council will serve notice on all persons who in the opinion of Council may be adversely affected by the proposal pursuant to Section 94(1) of the Resource Management Act 1991. Unless the effects of the proposed activity on the environment will be more than minor or there are special circumstances which exist the application will not be publicly notified (advertised). However, you will personally receive a copy of the application from Council and you will have 20 working days from the date of notice being served on you to lodge a submission to the application. If submissions in opposition are received, Council will hold a public hearing and make a decision to either grant or decline the application.
- ❑ Please note that by law Council **must approve applications for Controlled Activities** even if you refuse written approval, but Council can put conditions on the approval to address likely adverse effects on you.

WITHDRAWING WRITTEN APPROVAL

- ❑ You have the right to withdraw any written approval you have given on this form, **provided** Council receives notice in writing that your approval is withdrawn before the date of the hearing (if a hearing is held) or otherwise **before** the date of determination of the application.

FURTHER QUERIES / CONTACT DETAILS

- ❑ If you have any queries about the resource consent application or this form please contact the Planning Department at your nearest Waipa District Council Office before signing the form. Completed forms can be sent directly to Waipa District Council.

PART F – GENERAL INFORMATION

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

This form titled 'Application for Landuse Consent under Section 88 of the Resource Management Act 1991 (Parts A – F)' outlines what information you should provide with your application. 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 papers 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 Planner'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 are 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;
- iv. 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 RMA 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 RMA 1991

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.

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 unless 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.

