



## A Guide to Notified Resource Consent Applications

A resource consent application is required to be notified where the adverse effects of the activity on the environment are considered to be more than minor in accordance with Sections 93 and 94 of the Resource Management Act (RMA) 1991. Notification is the process of serving notice of the application on affected persons and if required publicly advertising the application for public submissions on the proposal.

### How do I know if a resource consent needs to be notified?

Council planning staff will determine whether an application for resource consent requires notification following an assessment of the environmental effects of the proposal. Where an application for resource consent is required to be notified, notice will be given to the applicant within 10 working days of receipt of the application, or where an application is incomplete, notice will be given within 10 working days of receipt of the further information.

### What information do I need to include in a resource consent application?

The applicant is responsible for lodging an application containing adequate information. As a minimum the application needs to contain the following:

- A description of the activity for which resource consent is sought;
- An assessment of the actual and potential effects that the activity may have on the environment, together with any remedial measures;
- A locality plan showing the location of the site;
- A site plan (to a metric scale) showing the location of the proposed activity in relation to legal site boundaries;
- A copy of the Certificate of Title of any land to which the application relates. This can be obtained from Land Information New Zealand; and
- The appropriate fees/deposit.

It is important to note that the more information submitted with the

application the less likely it is to be delayed. Incomplete applications can incur delays in processing and this in turn can increase costs. If in doubt about the extent of information necessary to submit with the application please contact your agent or a Council Planner.

### What are the responsibilities of the local authority?

Sections 93 and 94 of the RMA set out the procedures to be followed by the local authority to ensure that notice of an application is served on all affected parties ('Limited Notification') and, if required, is publicly notified ('Public Notification'). All notification documentation will describe the activity proposed and state the closing date for receipt of submissions.

#### LIMITED NOTIFICATION

Limited notification is where notice of the application is served on all persons identified by Council as adversely affected even if some of those persons have given their written approval to the activity. Affected persons served notice of the application are likely to be owners and occupiers of adjoining and/or nearby properties. This is because the effects of the application are likely to be localised and limited to properties in the vicinity. Those persons served notice are able to lodge a submission on the application. Refer to section 94(1) of the RMA for further information on this process.

#### PUBLIC NOTIFICATION

Public notification is where notice of the application is served on all persons identified by Council as adversely affected and the application is publicly notified in the relevant newspaper(s). Affected persons served notice of the application are likely to include owners and occupiers of adjoining and/or nearby properties, and such local authorities, iwi authorities, organisations and other persons that the Council considers may be affected. Anyone can make a submission on a notified application regardless of whether they were individually served notice by Council. Refer to section 93 of the RMA for further information on this process.

The Council will also affix a notice in a visible place on or adjacent to the subject site. The notice will provide information about the general nature of the application. It should be noted that Council's obligation ceases once it has affixed the sign that is, there is no obligation to re-erect signage that has been unlawfully removed.

The application may also be processed on a publicly notified basis if the applicant requests (refer to section 94(1) of the RMA) or if a consent authority considers that special circumstances exist (refer to section 94(2) of the RMA).

## What are the responsibilities of the submitters?

Submissions lodged in response to a resource consent application need to meet the following requirements:

- Be served on Council either by sending, delivering or emailing to Waipa District Council (Attn: Planning Department) and on the applicant as soon as is reasonably practicable after serving your submission on Council. The address for service of the applicant will be detailed within the application and in the public notice;
- Be made on the appropriate form (Form 13) or drafted up to the same effect stating your name and address, details of the application you are submitting on, the reasons for your submission, including whether you support, oppose or are neutral on the application, what you would like Council to do to satisfy your submission (e.g. suggestions on conditions you would like imposed) and whether you wish to speak at the hearing when the application is heard; and
- Be received by Council within 20 working days of receiving notice of the application or public notification of the application. This date will be stated in the notification documentation.

## What is involved in processing a notified application?

Notified applications take a minimum of 3 months to be processed. This is to allow for submissions to be received on the application and for it to proceed to a hearing through Council's Regulatory Committee. The Regulatory Committee (or an independent Commissioner) considers the application, and all evidence including that of the submitters, at a hearing.

The date for commencement of a hearing is not more than 25 working days after the closing date for submissions. In certain unavoidable circumstances Council may delay the fixing of a hearing until the next available Committee date. The Regulatory Committee usually meets once a month except in January. Applicants will be notified of procedural delays through Section 37 of the RMA.

At the end of the submission period the Planner processing the application on behalf of Council will compile a report and make a recommendation to the Regulatory Committee to either approve or decline the application. The Planner's report will be sent to the applicant and submitters at least 5 working days before the hearing. Please note that the final decision will not necessarily follow the Planner's recommendation as the Committee will also consider all other information presented at the hearing.

Notice of the hearing will be given to the applicant and submitter(s) at least 10 working days before the hearing. The applicant and

submitter(s) may present their evidence (submission) or be represented. Council can request that briefs of evidence be provided at least 5 working days before the hearing. At the hearing 15 copies of any additional written evidence will need to be provided.

Within 15 working days after the hearing you will be notified in writing whether or not the application has been approved, the reasons for the decision and any conditions that must be satisfied if approval is given.

## What are the implications of a notified application?

Notified applications typically require extensive consultation and a detailed report by the processing Planner and will proceed to a hearing where they are determined by the Regulatory Committee or a Commissioner. Due to statutory requirements and administrative procedures, the processing costs for notified applications are greater than non-notified applications. A deposit will need to be paid when lodging the application. At the completion of processing Council will invoice the applicant for the actual cost, less the deposit. The total cost will reflect the amount of staff time involved, consultants time associated with processing the application (if applicable) and the cost of the public notice (if applicable).

## Rights of appeal

If the applicant or a submitter is dissatisfied with the Council's decision, or dissatisfied with any conditions imposed, both parties have a right of appeal to the Environment Court. An appeal must be lodged with the Environment Court and served on the Council within 15 working days of receiving the decision. Copies of the appeal must also be served on other parties within a further 5 working days. The procedure and format for lodging an appeal is described in Section 121 of the RMA.

Appeals through the Environment Court involve considerable cost. Council employs legal assistance to defend their decision on all such appeals. Appellants may also incur similar costs. You should be aware that any party can request the Environment Court to award costs against other parties involved in the proceedings.

## Need to know more?

For more detailed information about notified procedures please contact one of the Council Planners. Alternatively you could speak directly to your agent, lawyer, surveyor or planning consultant who may be handling your application. By their nature notified applications can be complex and contentious. Obtaining written approvals from affected parties and mitigating environmental effects, will avoid the need for notification altogether.

## Disclaimer

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