

The Resource Management Act 1991

What is it, and how could it affect you?

The Resource Consent Process

Part 2 in an 8 part series on the Resource Management Act (RMA), brought to you by the Auckland City Council. Copies of all articles in the series are available from the Council.

Note: The information contained in these articles is intended as a general guide only. It should not be taken as textbook or legal opinion.

The first article looked at what the Resource Management Act is, what its objectives are, and the part local authorities play in ensuring those objectives are met. This article focuses on what's involved in applying for a resource consent from the Auckland City Council - in particular, the process that applications go through once they are received by Council.

Preparing A Resource Consent Application

All resource consent applications must provide a range of stipulated information, and should follow a particular format. Full details about the specific information required can be found in section 88 and the Fourth Schedule of the Act. A form set out in the correct application format (known as 'Form 5') is also available from Council.

In addition, Council staff can provide a copy of the pre-lodgement checklist which also provides a useful guide on the specific type of information required related to the Hauraki Gulf District Plan.

Who's Responsible For Getting The Information?

The person, group or organisation applying for the resource consent is responsible for supplying all information that supports the application.

Naturally, the extent of this information will differ depending on what the application is for. In all cases, though, it must be of sufficient scope and detail to enable Council to accurately assess the likely impact of the proposed activity on the environment.

If sufficient information isn't provided, the application will either:

- Not be accepted, or
- Accepted and then placed on hold by Council until all necessary information is supplied.

If the proposed activity is complex and likely to have significant environmental impacts, Council may decide to commission an independent report, known as a 'peer review'. The applicant will always be advised of this and be sent a copy of the commissioned report.

Who Should I Consult With?

The RMA doesn't specify who you must consult with when preparing a resource consent application. However, it's a good idea to identify and consult with all people who may be:

- Adversely affected by, or
- Have some form of interest in, your proposed activity.

The extent of your consultation and the response of those consulted should be detailed in your Assessment of Environmental Effects (AEE), along with an explanation of how you can resolve any concerns expressed during the consultation process.

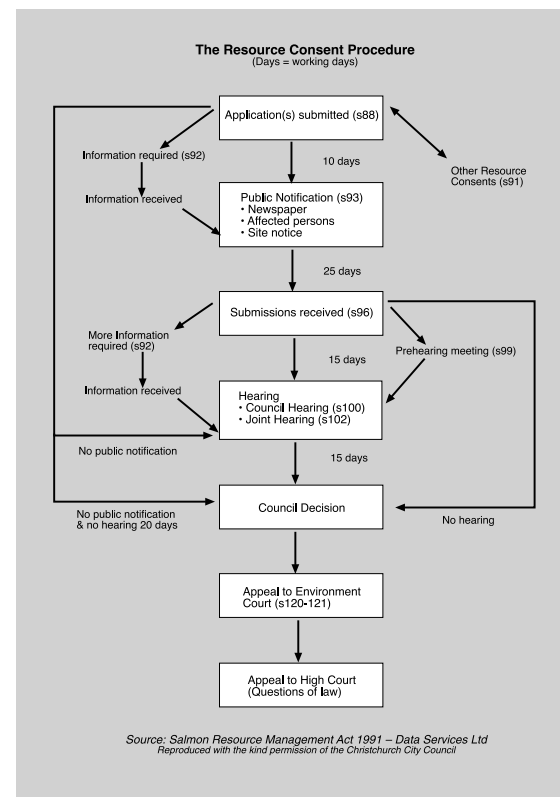
If your proposed activity may have an impact on the principles of the Treaty of Waitangi or traditional Maori values, then consultation with iwi groups is strongly advised.

Processing A Resource Consent Application

When a resource consent application is received by Council, it is checked to make sure all necessary information has been supplied.

A preliminary report is then prepared for the delegated Council officer or committee responsible for deciding the outcome of the application. The report sets out all matters to be considered, and indicates how the application measures up against the relevant assessment criteria required by the Act.

The application may then go through various processing stages, as outlined in the diagram opposite. The key stages will be examined in greater detail in upcoming articles.



How Is The Outcome Of A Resource Consent Application Decided?

All resource consent applications are assessed against key criteria set out in the RMA. In general, the main things considered by Council are:

- Whether the proposed activity conflicts with any policies, plans, conservation orders or regulations
- Whether the proposed activity conflicts with any guidelines set out in the RMA relating to:
 - sustainability
 - matters of national importance
 - Treaty of Waitangi principles
 - efficient use of natural resources
 - protection of wildlife habitat
 - traditional Maori values
 - heritage sites
 - maintenance and enhancement of the environment
- What effects (positive and negative) the proposed activity will have on the environment
- What alternatives have been considered, and (if relevant) why the particular approach proposed has been chosen.

Is There A Charge?

Yes - essentially Council passes on all fair and reasonable costs involved in processing a resource consent application (up to the time when a decision is reached) to the applicant. The fair and reasonable costs of monitoring an approved resource consent will also be borne by the applicant.

When lodging an application within the Hauraki Gulf Islands a deposit must be paid, and if and when the resource consent is granted, it will not become effective until any outstanding balance is paid.

The final cost is dependent upon variables such as:

- The status that your proposed activity falls under (ie, controlled, discretionary, non-complying, etc) and
- The number of working hours required to process the application, and
- Whether a 'specialist' review of the application is required (eg a traffic engineer or landscape architect may be asked to review parts of the AEE), and
- The extent to which all necessary matters have been covered within the application, to Council's full satisfaction.

A comparatively straight-forward, non-notified consent will therefore cost less than, say, a complex, notified consent involving an independent assessment of the AEE Report and a public hearing.

Next time: The AEE (Assessment of Environmental Effects) Report - what is it, and how do you prepare one?