

The Resource Management Act 1991

What is it, and how could it affect you?

Assessment of Environmental Effects (AEE)

Part 3 in an 8 part series on the Resource Management Act, 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 previous article focused on how to prepare a resource consent application, and the general process applications go through once they are received by the Auckland City Council. This article looks at the AEE (Assessment of Environmental Effects) – a critical component of all resource consent applications.

What Exactly Is An AEE?

An AEE (assessment of environmental effects) is a report that must be provided as part of every resource consent application. The role of the AEE Report is to detail the effects your proposed activity will have on the environment. It is worth looking at the terms 'effects' and 'environment' carefully, because under the Resource Management Act (RMA) they both have wide-reaching definitions.

What Is An Effect?

In the context of the RMA, the term 'effect' refers to virtually any effect imaginable on the environment at and around the location of the proposed activity. Effects can be positive or negative, and may include (but are not limited to) things like:

- Noise and vibrations
- Odours
- Discharges (including contaminants, emissions etc)
- Visual effects (especially if they are perceived to be negative)
- Overshadowing of others' properties
- Increased traffic
- Reduction of privacy.

Note: For the complete definition of the term 'effect', see section 3 of the RMA.

What Is The Environment?

The term 'environment' is also very broadly defined by the RMA. It refers not just to obvious aspects of the environment, such as air, land and water, but also to things like ecosystems, people and communities.

How Do I Prepare An AEE?

An AEE can be prepared by following the guidelines set out in:

- The Fourth Schedule of the RMA (see below), and
- An information leaflet available from Council, which outlines what to consider when preparing an AEE.

There is no requirement to contract a planning consultant or lawyer to prepare your AEE. However, it may be advisable to seek professional advice if your application is complex or likely to be 'public notified' (an upcoming article will discuss the factors that determine whether or not an application is publicly notified).

What Is The Fourth Schedule?

The Fourth Schedule of the RMA basically:

- Lists essential matters that should be included in an AEE, and
- Outlines the types of issues that the AEE should address.

Your resource consent application may involve factors that are unique to the site or nature of your proposed activity. However, your AEE should not be limited just to the matters/issues contained in the Fourth Schedule.

You should also check the relevant district/regional plans for all controls that relate to your proposed activity, and all matters/issues covered by the AEE should be addressed within the context of the relevant plan.

Affected Persons Approval

At the time you prepare your AEE, you should also try to identify and consult with all persons likely to be affected by your proposed activity. If you can obtain written approval for your activity from these persons, it can – in some cases - dramatically reduce the time/cost spent processing the resource consent application. This subject will be examined in more detail in the next article.

Key Matters To Consider

The following list will give you some idea of the key matters that should be considered when preparing an AEE. Please note that this list is not exhaustive, and is merely intended to provide you with some examples.

When preparing an AEE, you should consider any effect of your proposed activity on:

- The neighbourhood and the wider community (especially if these are put at risk in any way, for example through use of hazardous substances, etc)
- The landscape (this includes visual effects)
- The environment, including ecosystems, habitats, plants, lakes, rivers, streams, animal life, etc
- Natural and physical resources that have aesthetic, recreational, scientific, historic, spiritual, cultural or other special values
- The hydrological system (ie, the impact of development on the water catchment area) – as an example, the clearing of trees for a steep driveway may cause increased water run-off, which has the potential to affect other sites in the area, the roading network, streams and their ecology and the coastline.

AEEs & Multiple Consent Applications

As mentioned in our first article ('What is a Resource Consent?') some activities may require more than one type of resource consent.

In these situations, normally only one AEE will be required, provided it addresses the environmental effects relevant to all resource consent applications.

By supplying one AEE that 'covers' all resource consent applications, the necessity to hold more than one public hearing may also be avoided (the part public hearings play in a resource consent application will be discussed in an upcoming article).

Next time: Gaining Written Approval From Affected Persons – what does this entail for the resource consent applicant, and adjoining neighbours or affected persons.