

APPENDIX B

CONSENT PROCESSING

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APPENDIX B:

CONSENT PROCESSING

The rules detailed in Section 6 determine whether an application for a resource consent is required for a particular activity. Any activity listed as a permitted activity can be undertaken if it complies with all of the specified conditions. The applicant should confirm with the ARC that the activity in question is permitted by filling in and returning the appropriate form, available from the ARC.

1.0 MAKING AN APPLICATION FOR A RESOURCE CONSENT

A resource consent is required for any activity listed as a controlled or discretionary activity. An application form for a controlled or discretionary activity can be obtained from the ARC.

1.1 Costs

A deposit fee schedule relating to the type of application being made will be issued with the application form. If the application is publicly notified and a hearing is required it is likely that the cost of processing the application may be more than the deposit fee.

1.2 Controlled and Discretionary Activities

In applying for a Controlled or Discretionary Activity, Section 88(4) of the RM Act requires that an application include:

1. a description of the activity for which consent is sought, and its location; and
2. an assessment of the actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated; and
3. any information required to be included in the application by a plan or regulations; and
4. a statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.

The assessment of effects submitted with an application needs to be sufficiently detailed to correspond with the scale and significance of the actual and potential effects that the activity may have on the environment. This assessment needs to be prepared in accordance with the Fourth Schedule of the RM Act.

A description of any methods proposed to avoid, remedy or mitigate any adverse effects of the proposal should be included in the application.

2.0 PROCESSING AN APPLICATION

Following receipt of an application by the ARC, a request for additional information may be made at any reasonable time before the hearing of an application if it is considered that such information is necessary to understand the proposal, its environmental effects and the ways of mitigating them (Section 92 of the RM Act).

The request for further information will delay the processing of any application. Accordingly, applicants are encouraged to discuss their proposal with ARC staff prior to submitting an application, so that the appropriate information can be supplied at the outset.

If the ARC is of the opinion that a significant adverse effect on the environment may result from a proposed activity it may require an explanation of:

- (a) any possible alternative locations or methods for undertaking the activity and the reasons for the proposed choice; and
- (b) the consultation undertaken with other affected parties.

2.1 Notification of an Application

When an application has been accepted, the ARC will decide whether it is required to be notified in accordance with Section 93 of the RM Act. The RM Act provides a discretion as to whether an application will need to be publicly notified. Pursuant to Section 94(2) an application for a discretionary activity can be non-notified if the ARC is satisfied that the adverse effects of the activity will be minor and written approval has been obtained from every person who may be adversely affected by the granting of the resource consent, unless the ARC considers it is unreasonable to do so.

If an activity is listed as a controlled activity, the Plan provides that these activities will not be publicly notified, nor the consent of affected parties obtained, unless in the opinion of the ARC there are special circumstances relating to the application which justify notification, or the need to obtain the written approval of affected persons.

When a resource consent application is notified, submissions are called for and any person may lodge a submission within 20 working days of public notification in support of, or in opposition to the proposed activity.

2.2 Hearing of Resource Consent Applications

Following the close of the submission period, if the applicant or any submitter requests to be heard, or if the ARC decides a hearing is necessary under Section 100 of the RM Act, a hearing will be convened. Before the formal hearing, pre-hearing meetings (Section 99 of the RM Act) may be held for the purpose of clarifying, mediating or facilitating the resolution of any issue within the resource consent application. The ARC encourages such meetings as a forum to resolve issues before the hearing.

If issues under contention are resolved during discussions, the submitter(s) may withdraw their request to be heard and a hearing may no longer be necessary.

2.3 Decisions

Section 104 of the RM Act sets out the matters to be considered by the ARC in respect of a resource consent application. The decision is made pursuant to Section 105 of the RM Act.

The ARC may grant or refuse a resource consent for a discretionary activity and may impose conditions as listed in Section 108 of the RM Act.

Under Section 115 of the RM Act, a written decision must be given to the applicant and any submitters within 15 working days following the conclusion of a hearing, or if no hearing was required, within 20 working days after receipt of the completed resource consent application.

2.4 Appeals to the Environment Court and High Court

The applicant or any submitter that does not agree with a decision made by the ARC may appeal to the Environment Court, in accordance with Section 121 of the RM Act, against the whole or any part of the decision including any conditions. The Environment Court then hears the appeal and generally the Court's decision is final, although Section 299 of the RM Act allows for a further appeal to the High Court on a point of law.

3.0 DURATION AND REVIEW OF RESOURCE CONSENTS

The RM Act provides the ARC with the discretion to determine the duration of a consent. Pursuant to Section 123 of the RM Act the maximum period for a resource consent is 35 years. If the ARC does not specify the term of the consent, its duration will be five years in accordance with Section 123(d) of the RM Act. It is proposed that any resource consents granted for controlled or discretionary activities will have a maximum duration of **fifteen** years from the date that the resource consent is granted.

4.0 IMPLICATIONS FOR FARM DAIRY CONSENTS

It is extremely important from the perspective of integrated resource management that all conflicting uses of a resource are considered when undertaking catchment management planning. Water resources are fully allocated for abstraction purposes throughout much of the region. Therefore consideration of any consents to discharge to waterways must be integrated with water take review processes. The ARC's stream water allocation plans are reviewed on a 15 year cycle according to the Council's catchment expiry date system. The term of farm dairy discharge consents will therefore initially range from approximately 7 to 15 years depending on the catchment concerned.

Section 128 of the RM Act provides for the ARC to review resource consent conditions to deal with any adverse effect on the environment arising from the exercise of the consent, or for any other purpose specified in the consent. In order for the ARC to exercise this power, conditions of the resource consent must include provision for this review. All consents will contain review conditions so that should the 10 year review process of this plan (as required by the RM Act) result in significant changes, these can be reflected in the discharge consents.

If a resource consent is not exercised within two years after it was granted, then the consent lapses (Section 125 of the RM Act) unless the consent holder applies for an extension of time.