

The Resource Consent Process

This is an information sheet only. It is designed to answer some common resource consent questions and provide an outline of how resource consent applications are processed by Council. It also gives an indication of the time it may take to process an application.

Types of resource consents:

Land use consents and certain coastal permits are issued by the Wanganui District Council. An application for a coastal permit from the District Council is quite rare, and applies only if you are intending to carry out an activity in the coastal marine area. Generally resource consent applications will be land use consents.

A land use consent is permission to carry out an activity on land which does not meet with the requirements of the Resource Management Act 1991 or a rule in a District Plan. A land use consent can be non-notified, limited notified or notified (these terms are explained below).

In simple terms a ***non-notified*** consent is processed when Council has assessed that the effects of the proposed activity on the environment will be minor, and the written consent of any affected parties has been obtained. Council's planners will identify any affected parties.

A ***limited notified*** consent is processed when Council has assessed that the effects of a proposed activity on the environment will be minor, the effects will be limited to certain affected parties, and all of the affected parties have not given their consent to the application. Limited notification involves those affected parties being notified of the consent, where by they can then make a submission on the application within a certain time period. A Hearing is typically held to make a decision on the application.

A ***notified*** consent is one which is publicly advertised in the newspaper. A consent is notified when it is considered that the effects of the activity are more than minor and therefore warrant public input. Any member of the public can make a written submission on the application within a certain time period. A Hearing is generally held to make the decision on the application.

Where and how do I apply for resource consent?

You can apply for resource consent at the Wanganui District Council. Planning staff members can supply you with an application form, and assist you with any queries.

When you lodge your application with Council the planners will assess it. This assessment will determine whether the applicant has provided enough information, and whether the application will proceed as non-notified or notified.

You may also need to apply to the Manawatu-Wanganui Regional Council for a resource consent if you wish to discharge anything into the environment, take surface water (from streams, rivers, lakes) or underground water (from bores), if you wish to excavate or disturb vegetation or soil, or if you wish to do something in the coastal area. Our planning staff can advise whether you will need to contact Manawatu-Wanganui Regional Council.

What information will I need to provide with my application?

You will need to fill out an application form and attach an assessment of environmental effects. Information Sheet Two outlines how to fill out the application form and the additional information required.

Can I be asked for more information ?

If more information is required Council can ask you to supply what is necessary. However, this request can only be made if the information is necessary to enable Council to better understand the nature of your proposal, and any effects it will have on the environment or the ways in which these effects could be mitigated. Further information can be requested at any reasonable time, generally before the Hearing of an application.

What happens to my application when this information is being sought?

Depending on the type of information requested and the speed at which you, the applicant, can provide it, Council puts your application “on hold” until the information is received. This means that Council can postpone the public notification of your application, the processing of your application, or the Hearing. No application will be processed until all information is received. If your application is lodged with a building consent application, generally your building consent will be processed by the other necessary departments while awaiting the resource consent information.

How long will it take for my application to be processed?

Non-notified consents -

Council must make a decision on a non-notified application within 20 working days from the official receipt of the application. The official receipt of the application is when Council receives all required information and a deposit of \$600.00. Actual and reasonable costs can be charged over and above the cost of the deposit. If further information is requested the 20 working day period will restart when all information is received.

Notified Consents -

For Limited Notified Consent Applications, a deposit fee of \$840.00 is to be paid to Council before the notification process can begin.

A deposit fee of \$1800.00 is to be paid to Council before the public notification process can begin. This deposit fee includes an administration fee, Hearing costs (if applicable), and costs for work carried out by planning staff on your application. Depending on the nature of your proposal, the amount of submissions your application receives, and how much work is required by planning staff, the final costs on your application may come to more than the \$1800.00 deposit.

Public Notification

Council has 10 working days after the official receipt of an application in which to publicly notify the application in the newspaper. Council also advises in writing, all those people, who in Council’s opinion are likely to be directly affected by the application. The cost of the newspaper advertisement will be charged directly to the applicant. This cost is separate to the \$1800.00 deposit fee.

Submissions for notified applications

The first working day after public notification a submission period of 20 working days begins. In this period any member of the public can lodge a written submission with Council in support or opposition to the application. A submission form can be obtained from Council. The submission must be in writing and include the name, address and telephone number of the person making the submission. The submissions must also include the reasons for making the submission, the decision they wish Council to make, and whether they would like to be heard further to their submission at a Hearing. A copy of the submission must be served on Council before the submission period ends. The applicant must also be served with a copy of any submission ‘as

soon as reasonably practicable' after serving it on Council. Once the submission period closes, Council will send a list of all the submissions it received on the application to the applicant.

Holding a Hearing

Council has 25 working days after the closing of the submission period in which to hold a Hearing for the application. The applicant and any submitters who wished to be heard will be notified of a Hearing date, time and place at least 10 working days before the Hearing.

Sometimes a pre-hearing meeting can be held between the applicant and any submitters before the Hearing, in an attempt to resolve any concerns or issues raised by the submitters. If a resolution is agreed upon at a pre-hearing meeting, this is taken into account at the time of decision making.

Receiving a copy of the Hearing Decision

Council has 15 working days in which to send a written copy of the Hearing decision to the applicant and submitters after the Hearing.

Appeal Periods

An appeal period of 15 working days after the receipt of the decision applies to the resource consent. This means that the applicant or any submitters can appeal part or all of Councils decision to the Environment Court. It should be noted that approved resource consents can not begin operating until this appeal period is completed.

Time Waivers

In particular cases Council may not be able to process your application in accordance with the time periods given. Under Section 37 of the Resource Management Act 1991 Council can extend the timeframes. The Resource Management Act 1991 should be consulted as the statutory law if you have any queries regarding time waivers.

What is a Joint-Hearing?

A joint hearing is where both Wanganui District Council and the Manawatu-Wanganui Regional Council have received resource consent applications that relate to the same proposal on the same property. If the applications require a hearing they will all be heard at the same time. This allows both Councils to consider all the issues raised by the different resource consent applications. The two authorities can choose to make a joint decision (unless one of the consents is for a restricted coastal activity). If a joint decision is made separate consents will be issued so that the responsibilities of the two Councils will be defined.

The Resource Management Act 1991 should be consulted as the statutory law if you have any queries on resource consents.

For some extra advice:

The Council's Planning staff are here to help you, and you should ask their advice about any matter which requires clarification.

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