

DO I NEED A RESOURCE CONSENT?

***Prepared for you by
Landlink Ltd***



When Resource Consent is needed

You must apply for Resource Consent when you plan to carry out activities that:

- are not permitted "as of right" in the District or Regional Plan or
- exceed the rules of the District or Regional Plan in some way
- all subdivisions require a Resource Consent

When Resource Consent is required for your activity, you should allow time in your project schedule to obtain the necessary consents.

Activities can also be broken up into five different levels, ranging from those that have limited environmental impact, to those with the potential to pose a major risk. The particular level that your proposed activity falls into will determine:

- whether or not you need to apply for a resource consent, and
- the degree of discretion that local authorities have to either restrict or permit your proposed activity.

To find out whether you need to apply for resource consent, contact Landlink to discuss your proposed activity. You will also find the rules and controls relating to specific activities by referring to the relevant section of the District Plan. There are five different types of consent.

The Resource Consent hierarchy

The five different levels of activities are listed below:

- **Permitted activities**
No Resource Consent is required for these activities. However, District and Regional plans may stipulate certain standards that must be complied with for the activity to be permitted (eg; noise, maximum height, building coverage and floor area controls, etc). See also Certificate of Compliance.
- **Controlled activities**
Resource Consent is required for these activities and the activity must comply with the standards and terms in the District Plan. The consent will be granted, but local authorities have the discretion to impose conditions to control the effects of the activity.
- **Discretionary activities**
Resource Consent is required and the activity must comply with standards and terms in the District Plan. Local authorities assess consent applications at this level according to criteria set out in the relevant District/Regional plan, and have the discretion to grant or refuse the consent, or impose additional conditions on any consent. For some activities council have 'limited' their discretion set out in the District Plan, to certain matters. These applications are called 'limited discretionary activities'.
- **Non-complying activities**

Resource Consent is required. Non-complying activities are activities that are not necessarily prohibited, but which:

- breach standards contained in a District/Regional plan, or
- are not provided for in the plans.

Consent for these activities will only be granted if:

- any adverse environmental effects they may have is minor, or
- the activities are not contrary to the objectives and policies of the relevant plan.



- **Prohibited activities**

Resource Consent applications will not be accepted for these activities, which are those that are specified as prohibited under a District or Regional plan. The only way to change the status of prohibited activities is to change the plans themselves.

Certificate of Compliance

If you believe that your proposed activity:

- is permitted under a District Plan, or
- can be lawfully carried out without a Resource Consent,

Then you may wish to apply for a Certificate of Compliance. Essentially, this certificate gives official recognition that the activity can take place. A Certificate of Compliance is not mandatory but it can be useful when applying for finance.

It is up to you to provide evidence of the proposed activity's compliance with the relevant plan. The local authority responsible for processing your application will assess it and issue a certificate only if they are satisfied that the activity is permitted without resource consent.

Different types of Consent

There are five different types of Resource Consents:

- Land use consents
- Subdivision consents
- Coastal permits
- Water permits
- Discharge permits (for discharges into air, water or land)

The type of consent you need to apply for depends on the exact nature of your proposed activity. In some cases, you may have to apply for more than one type of Resource Consent (eg a wine processing plant may require a land use consent, as well as a discharge permit for wastes).

Generally, District and City Councils (such as the Kapiti Coast District Council and Wellington City Council) administer land use and subdivision consents, and other consents are administered by Regional Councils (such as the Wellington Regional Council). In some circumstances, Regional Councils may delegate administration of some consents to District and City Councils.

Which District Plan applies to me?

Landlink staff or your local Council will be able to assist you with the appropriate consents required for your proposed activity.

If you need further assistance, please feel free to contact Paul or Nicola at Landlink Ltd.

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Disclaimer: The information contained in this pamphlet is intended as a guide only. Please ensure that you have discussed your particular project with us before relying on the information provided. We do not imply that a subdivision consent will be granted as of right. No reliance should be placed on the information in this pamphlet in any financial dealings.