

## Guide to Making an Application for resource consent, certificate of compliance & other permissions

### 1 Introduction

These notes have been compiled to explain the process of applying for resource consent, a certificate of compliance and other permission applications. Further information on the processes can be found at the Ministry for the Environment's website [www.mfe.govt.nz](http://www.mfe.govt.nz).

### 2 Completing the Application

The following notes relate to the sections of the Application form found [here](#)

#### 2.1 Application Details

The Applicant is required to provide details of who they are, with associated address and contact details. Unless Council is advised otherwise, the Applicant shall be the person named on any consent or other documentation issued by Council.

It is important to specify the other aspects of your Application that require consent, which may be in addition to a subdivision or land use consent. This is to ensure Council addresses all matters for which you are seeking consent. The onus is on the Applicant/ Agent to seek all necessary consents.

The Description of the Activity should include the:

- Activity e.g. 'house alterations' or 'subdivision of...'
- Rules infringed e.g. 'setback rule, rule 36.4.4' or 'allotment area'.

##### Example 1

*'12.5m<sup>2</sup> bedroom addition to existing residential unit in the General Residential Zone infringing the permitted activity standard for building coverage under Rule GRZ-R4'*

##### Example 2

*'Construction of a shed on the boundary of a Site in the Rural Production Zone, requiring consent as a discretionary activity for an infringement to rule RPZ2.3.4(b).'*

Additional Consents may be required from Northland Regional Council including:

- Discharge permit - generally for stormwater or sewerage
- Earthworks permit - for site or construction works
- Water permit - for taking/damming etc of water
- Coastal permit - for activities in the coastal marine area

#### 2.2 Site Details

- **Property Address** - is the actual physical address of the site. Please provide enough detail to allow the site to be easily identified. You may include a rapid number if one has been allocated. If there are specific arrangements that need to be made for Council staff to access the property, please note this in your application (e.g. locked gates or presence of dogs).
- **Legal Description** - is usually the Lot and Deposited Plan (DP) number of the land, but can also be described as an Allotment, Parish or Māori land block. You can get this information from your Council rates assessment notice or certificate of title.
- **District Plan Environment** - is the zone shown on the District Plan planning maps (e.g. Light Industrial, General Residential, Rural Production, Rural Village). Where there is more than one version of the District Plan it may be necessary to reference the zoning under each version of the District Plan.

### 2.3 Ownership (if different from Applicant)

The Act defines the owner as including: the owner of the fee simple of the land; and any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of land while the agreement remains in force. If you have entered into a sale and purchase agreement to sell your property, please advise Council in your Application.

The Act defines a person as including the crown, a corporation sole, and a body of persons, whether corporate or incorporate.

The Act defines the occupier as the inhabitant occupier of any property.

Where the land is held in a family trust or other legal entity, the Application Form will need to be signed by somebody who carries that authority from the trust or body. You will need to submit a letter of confirmation from the trust or body solicitor in this regard.

### 2.4 Payer (mandatory)

This is the person legally responsible for all costs incurred through the processing of the application.

A signature of this person is required as evidence of acceptance of this requirement.

Please be advised that where the applicant/payer is a limited company or a limited liability company, by signing as an individual you are agreeing to be bound as principal debtor, and therefore guarantee payment of any associated processing costs, as detailed in Council's Schedule of Fees and Charges.

### 2.5 Address for Service/ Correspondence (Agent)

This section should only be completed if an Agent is being used. The Agent may be your surveyor, planning consultant, architect or other contact person.

Provide the agent's name, address and other.

If you nominate an agent, then all correspondence pertaining to your application will be sent to them. This will include any suspension letters, invoices for amount owing to Council, any correspondence relating to the application, including development contributions. It is important that you discuss this with your agent to ensure you have established systems so that any correspondence is forwarded to you promptly. The person you nominate will remain as your agent for the duration of the project unless you notify us in writing of any change of agent.

## 3 Application Fees

Please refer to [Council fees and charges](#).

An advance fee/deposit is payable at lodgement of all Applications. Actual and reasonable costs based on an hourly rate, mileage and disbursements will either be deducted from the advance fee or be charged to determine the final fee. Please note the working days will not begin until payment of the deposit has been received.

## 4 Consent Application Process

### 4.1 Submitting the Application

Electronic applications should be submitted by emailing the completed application form, full set of plans and accompanying information to [consentsadmin@wdc.govt.nz](mailto:consentsadmin@wdc.govt.nz). Electronic applications are preferred however if paper copies are to be supplied please provide two full A4 copies of all the required documentation.

Once your application has been sent to Council, it will initially be checked by a customer service staff member. This is not a technical planning check. The purpose of this check is to ensure the application form has been completed, the necessary information has been provided, and that the application meets the basic requirements for the purpose. If not, the application cannot be lodged, and you will be advised of the reasons why.

Once the application has been checked by customer service, it will be technically assessed by the resource consent team leader. This preliminary planning check is to ensure that the application satisfies the provisions of s88 of the RMA. If the application does not include an adequate assessment of effects, any other information required by the RMA or district plan or information required by regulations, we may reject the application. It is the responsibility of the applicant to provide all the details and information to enable Council to properly assess the application.

If the application is lodged following the s88 check, an advance fee/deposit will be required to be paid prior to processing commencing.

Once the application has been accepted an acknowledgement letter detailing the process and the name of the reporting planner will be sent to the address for service/correspondence stated on the application form.

## 4.2 Timeframes

Under the Resource Management Act 1991 (RMA 1991), Council is required to process non-notified applications within 20 working days, limited notified applications within 100 working days where a hearing is required, and publicly notified applications within 130 working days where a hearing is required. Limited and publicly notified applications are required to be processed within 60 working days if no hearing is required.

Council may refuse to accept or may suspend applications that do not contain sufficient information. If an application is rejected because of lack of information it is returned to the applicant and must be re-lodged as a new application. When applications are suspended, the 'clock' is stopped and not restarted until further information has been provided.

After lodgement the first request for further information will stop the clock. Additional requests for further information can be made but will not result in 'stopped' working days. The clock also stops if other resource consents are required for the project, if an Applicant is attempting to obtain written approvals from affected parties or an Applicant requests the clock be stopped.

## 4.3 Notification

Applications for resource consent must be notified in the following circumstances:

- where the Application may have an adverse effect on the wider environment that is 'more than minor' it must be publicly notified;
- where the Application may adversely affect someone to a degree that is 'minor or more than minor' who has not given their written approval for the Application, it must be limited notified.

If Council considers that your Application needs to be notified, you, or your agent will be contacted by the reporting officer processing your application, to confirm whether you wish to proceed with the Application.

## 5 Information Required

Every application for resource consent must contain sufficient information to enable Council and the general public to understand the nature of the proposal and its effects. Schedule 4 of the RMA 1991 sets out the information required in an application for resource consent. Some of the required information is provided via the application form whilst other information will need to be provided by a report. It is recommended that applicants refer to [schedule 4 of the RMA](#) prior to compiling their application.

Required information includes:

### 5.1 Report

All Applications must include report addressing all the information required by Schedule 4.

The following is the **minimum** information required:

- description of the proposal, including any infringement of the district planning rules
- description of the site

- which activity category is applicable for each district plan rule breached, e.g. controlled, restricted discretionary, discretionary, and non-complying and an assessment of the activity against any relevant objectives & policies and assessment criteria of the district plan.
- An assessment of the proposal against the matters set out in [Part 2 of the RMA](#) (Purpose and Principles)
- An assessment of the activity's effects on the environment (see additional information under 5.2.1 below)
- An assessment of the activity against any relevant National Environmental Standards (NES) or regulations. Many applications require assessment against the [National Environmental Standards for Assessing and Managing Contaminants in the soil](#).

### 5.2.1 Assessment of Actual and Potential Effects on the Environment

The assessment of effects on the environment is an important component of all applications. The assessment should include such detail as corresponds with the activity's effects. The assessment must include

- An assessment of alternative locations or methods if significant adverse effects on the environment will occur.
- An assessment of the actual or potential effect on the environment. This must address;
  - social, economic or cultural effects;
  - physical effects, including landscape & visual;
  - effects on eco-systems;
  - effects on natural & physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural values;
  - discharge of contaminants including unreasonable noise; and
  - any risks through natural hazards.
- Risk assessment of any hazardous substances
- A description of any mitigation measures to prevent or reduce effects
- Identification of persons affected by the proposal and details of any consultation undertaken
- Details of any proposed monitoring

#### **Effects of non-compliance with District Plan rules need to be identified and may include:**

- traffic generation and parking
- shading of adjoining properties
- visual impact on other properties and public places
- effect on any land or building of historical or cultural significance
- effect on the wider community
- effect on any natural features (e.g. rivers, streams, lakes, reserves, plants, animals)
- increased risk of hazards (e.g. flooding, instability)
- noise and vibration
- storage of hazardous substances
- discharge into water, air or land
- odour (*smell*).

### 5.2 Specialist Reports

There may be a need for the following specialist reports to accompany the Application:

### 5.2.1 Engineering Report

Where required (*particularly for subdivision*) the following minimum level of engineering detail will be necessary:

- site plan with contours/spot heights, overland flow paths, natural features, existing structures etc
- identified house, access ways and effluent disposal sites (where applicable)
- if the land falls within an instability zone, a geotechnical report may be required, and the application may be subject to a specialist engineering review
- if the land falls within a flood zone, an assessment of the effects is required
- on-site effluent disposal will require an assessment on the prescribed form
- an assessment of traffic, sight lines, roads, access ways etc (*where applicable*)
- an assessment of stormwater pre- and post-development (*where applicable*)

Depending on circumstances, more detailed engineering reports may be required.

If in doubt, please contact WDC's Development Engineers for assistance.

### 5.2.2 Ecological Report

If the proposal involves bush protection, environmental benefit subdivision, management plan approach, notable or outstanding landscape areas, an ecological report may be required, as part of the assessment of effects required under Schedule 4 of the RMA 1991.

### 5.2.3 Landscape and Visual assessment

If the proposal involves potential effects on landscape values, particularly in the coastal area or rural zones, or when planting is offered as mitigation, a landscape and visual assessment and/ or landscape plan may be required.

### 5.2.4 Cultural Impact Assessment (CIA)

Where an Application may result in an adverse effect on a known archaeological site, or a site or area of significance to Maori, a Cultural Impact Assessment (CIA) may be required. It is recommended that in the first instance consultation with Iwi is undertaken to determine whether an Application will result in a cultural impact. If you would like guidance regarding Iwi consultation, please contact Council's Iwi Relations Unit - [here](#).

### 5.2.5 Archeological or Heritage Report

Where the Application may result in an adverse effect on listed heritage items, archaeological sites or stone walls an Archaeological or Heritage Report may be required. Contact details can be found [here](#).

### 5.2.6 Contaminated Site Record Search/ Preliminary Site Investigation

The National Environmental Standard for Assessing and Managing Contaminants in Soil (NES) applies to Applications involving subdivision, land disturbance, a change of use, and removal/ replacement of a fuel storage system. It requires an assessment of whether it is 'more likely than not' that the land the activity will take place on, either, currently is, or has previously been, used for an activity that may potentially contaminate the soil.

Those activities that may contaminate the soil are listed within the Hazardous Activities and Industries List (HAIL). The HAIL along with further information and related guides are available on The Ministry for the Environment website: <https://environment.govt.nz/> and Council's web page at [www.wdc.govt.nz](http://www.wdc.govt.nz).

As part of an Application you may need to undertake a search of Council's records or commission a specialist report to determine if the NES is applicable to your proposal and/ or what NES consents are required. One method of determining if an activity listed in the HAIL has been undertaken on the site to which an Application relates is to request a Contaminated Site Record Search from Council, link to the application form [here](#).

Another is to have a Preliminary Site Investigation report commissioned by a suitably qualified contaminated land practitioner. Where it is determined that it is more likely than not that an activity listed in the HAIL is occurring, or has previously been undertaken on the Site, a Detailed Site Investigation (DSI) prepared by a suitably qualified contaminated land practitioner may be required.

### 5.3 Certificate of Title

A current copy of the certificate of title of the property where the proposed activity is to occur is required. The supplied title should be no older than six months. Copies can be obtained from your lawyer, surveyor, or directly from Land Information NZ (refer [www.linz.govt.nz](http://www.linz.govt.nz)).

An applicant is also required to supply copies of any interests shown on the title that may be relevant to the application, such as easements, consent notice, covenants. Copies of these interests can be obtained from your lawyer, surveyor, or directly from Land Information NZ (refer [www.linz.govt.nz](http://www.linz.govt.nz)).

### 5.4 Building Activity or Site Plans

Plans are required to accurately show the size, location and nature of the proposal.

The plans must be at a recognised scale (e.g. 1:100, 1:200), be true to scale, and key dimensions shown. Plans should be dated, numbered and referenced.

Plans should show (*where applicable*):

- elevations of buildings
- details of design and appearance of buildings
- car parking (*numbering, location, dimensions, manoeuvring etc*)
- hazards (*flooding, coastal hazard, instability etc*)
- all legal and proposed boundaries (*including dimensions*)
- schedule of both existing and proposed easements
- proposed amalgamation conditions and covenants
- area of each new lot, total site area
- location of any new reserves including esplanade reserves and strips
- existing buildings/structures
- location of the subdivision or development in relation to the road and access
- location of any significant/protected features e.g. bush, archaeological site
- scale, north point, level datum, contours
- date plans were drawn and reference number
- adjoining DP and lot numbers
- any proposed features such as roads, service lanes and reserves
- landscaping details
- any proposed or existing mitigation measures.

### 5.5 Written Approvals

If there are persons who may actually or potentially be affected by the proposal, written approval from them will be necessary before you lodge the application with Council if the application is to be processed on a non-notified basis. Written approval should be provided in the correct format using Council's Affected Parties Written Approval Form [here](#) and a signed copy of the plans provided with the Application should also be provided.

Council does not accept **conditional** approvals and does not become involved in private agreements between parties. If an affected person does not give written approval to the proposal, this may affect how the application is processed.

Council will also assess if any persons are affected by the proposal. It is the responsibility of the applicant, not Council, to obtain written approvals.

**Note** persons may include not only owners but also occupiers, trustees, purchasers etc.

## 6 Development Contributions

Pursuant to Section 102 of the Local Government Act 2002, Whangarei District Council has prepared and adopted a development contributions policy. Under this policy, all resource consent applications will be considered. This policy allows Council to require contributions from development of infrastructure such as roads, reserves, libraries and reticulated services.

You will be advised of the calculation once a decision has been made on your application.

It is important to note that development contributions must be paid prior to commencement of the work or activity to which this consent relates or, in the case of a subdivision, prior to the issue of a section 224(c) certificate.

Further information regarding Council's development contributions policy may be obtained from the long-term community consultation plan (LTCCP) or Council's web page at [www.wdc.govt.nz](http://www.wdc.govt.nz)

## 7 Do I need Professional Advice?

It is recommended that you seek advice/ the services of a suitably qualified Resource Management Planning practitioner. Refer <https://www.planningconsultants.org.nz/>

## 8 Pre-application Meetings

You are entitled to one free pre-application meeting, for up to 1 hour, which can be for any one of the three types:

- Initial concept
- Technical review
- Pre-lodgement

It is particularly recommended that applicants with complex proposals utilise this service.

### 8.1 How to apply for a Pre-application Meeting

Please complete the following [Pre-application Meeting Request form](#) and email to [consentsadmin@wdc.govt.nz](mailto:consentsadmin@wdc.govt.nz) to request a suitable date and time for a meeting. A minimum of two days' notice is required, with five days preferred.

Pre-application meetings are available between 8:30am to 4:30pm Monday to Friday.

### 8.2 Pre-application Meeting Charges

We cover costs for arranging the meeting and staff time to attend it (for up to one hour). If any follow up work is required, such as a technical assessment, the actual and reasonable cost of this work will be charged.

## 9 Other Meeting Options

Should your issues for discussion be purely planning based then a meeting with the Duty Planner can be arranged. They are on duty between 12.30pm and 4.30pm, for 20 minute appointments weekdays. Please call 430 4200 to book a time slot.

## 10 Want to Know More

Text from the district plan and any relevant plan changes can be found on Council's website [www.wdc.govt.nz](http://www.wdc.govt.nz). Copies of all relevant forms, such as application forms and written approval forms are also available [here](#)

You could also contact Customer Services or the Resource Consent Duty Planner on 09 430 4200 or email on [DutyPlanner@wdc.govt.nz](mailto:DutyPlanner@wdc.govt.nz).