



The Notification of Resource Consent Applications

Changes to the Resource Management Act 1991

The Resource Management Act 1991 (RMA) provides the legal requirements for decisions on whether or not a resource consent is notified. The Amendment to RMA in 2003 introduced a new “limited notification” process.

The RMA now states that if public notification is not required (because the environmental effects are minor or the activity is a “controlled activity”), notice of the application must still be served on a limited number of persons. This notification must happen unless the District Plan expressly provides for the notice of the application to not be served.

The people who are to be served notice are identified as those who may be adversely affected by the activity. This “serving of notice” must occur, unless all those who are identified have given their written approval. This rule applies even if some (but not all) have given their written approval.

Limited Notification

The new approach of limited notification (this term is not specifically used in the RMA) allows an application that has minor adverse effects to only be notified to adversely affected persons, rather than to the public at large

This means that if, for example, if five people are considered to be affected, only those five people will need to be notified, and only they will have the opportunity to make a submission on the resource consent application. If any of those five do make a submission, they will then have the opportunity to attend a hearing of those submissions.

General public notification is more extensive, it requires a notice in a newspaper, the placement of a sign on the site, and any person may then make a submission.

The Council’s District Plan has been changed to ensure that where people lodge applications for controlled and limited discretionary activities, the written approvals of affected persons will not be required, nor will the limited notification provisions apply (i.e. notice of the application will not need to be served on affected persons).

Notification And The Council’s District Plan

Notification is addressed in a general fashion in the “Introduction to the Rules” Section of the District Plan. This Section of the Rules outlines what types of activities either will or will not be notified. Rule 1 in each Human Environment or Natural Area also provides guidance about notification.

The “Introduction to the Rules” Section indicates that both Controlled and Limited Discretionary applications need not be notified. Further to this, written approvals will not be required from any potentially adversely affected people (such as neighbours). This means that unless there are special circumstances, a controlled or limited discretionary activity will not be publicly notified. Notice will also not need to be served on a limited number of people who are considered to be adversely affected (i.e. limited notification will not be applied).

This approach is taken in the District Plan because it is considered that the effects that are created by Controlled or Limited Discretionary activities can generally be avoided or mitigated through the placing of conditions on the granted resource consent. The Introduction to the Rules Section also sets out guidelines about which types of Discretionary and Non-complying activities will be notified.

Once the Council has received all the required information about your resource consent application, it will make a determination about whether or not it will be publicly notified, notified in a limited way, or not notified. This is called the section 93/94 determination.

Fees for processing resource consent applications vary according to the notification status and the complexity of the application. The final cost of processing the application will be determined in accordance with the amount of time it takes Council staff to process the application.

Hearing costs (if a Hearing is required) will also be charged (generally in the order of \$2,000.00). The applicant will be invoiced after the decision on the application has been made.

A breakdown of the costs is available on request.

The notification processes are explained in a flowchart on the next page of this brochure.

This brochure is a guide to the notification requirements in the District Plan. The complete Rules are found in Volumes One and Two of the Rules Section of the District Plan.

If you have any queries, or require further information, please ask the Council's Civic Centre Counter Staff or telephone the Council Call Centre on (09) 839 0400.

Public Notification

Limited Notification & Non-Notification

