
RESOURCE CONSENTS

TYPES OF RESOURCE CONSENT

There are two types of *resource consent* in this *Plan*. These are:

- *land use consents* - which relate to the use and *development of land*, including *buildings on land*.
- *subdivision consents* - which relate to the *subdivision of land*.

There are a number of categories within which *land use* and *subdivision* are classified in the *Plan*. These categories are critical to the structure of the *Plan*, and in particular to the consideration which will apply in relation to different types of *development*, and the opportunity for neighbours and the community generally to be involved.

Permitted Activities

Are permitted “as of right” by the *Plan*. No *resource consent* is required under the *Plan* for a *Permitted Activity*.

Controlled Activities Δ7

Are allowed only if the *resource consent* is obtained. However, the Council’s discretion is limited to the rules and terms specified in the *Plan* in respect of the activity. The *Plan* also states that *Controlled Activities* need not be publicly notified, and written approvals will not be required, nor will the service of notice to adversely affected persons under the limited notification provisions of the *Act* be required. A consent must be given to a *Controlled Activity* (except in the case of some *subdivisions*) but may be subject to conditions.

Limited Discretionary Activities Δ7

Are allowed only if a *resource consent* is obtained. Assessment of a *Limited Discretionary Activity* is limited to the rules and terms specified in the *Plan* in respect of the activity. The *Plan* states that *Limited Discretionary Activity* applications need not be notified and written approvals will not be required, nor will the service of notice to adversely affected persons under the limited notification provisions of the *Act* be required. However, conditions may be imposed on *resource consents*, and *resource consents* may be refused.

Discretionary Activities

Are allowed only if a *resource consent* is obtained. The *Plan* may contain rules and terms relating to a *Discretionary Activity*. It will normally be the case that a written consent or consents from affected persons will be required or the application will be publicly notified. A *resource consent* may be subject to conditions, or may be refused.

Non-Complying Activities

Are activities which do not meet specific rules set out in the *Plan* and can only proceed if a *resource consent* is obtained. The Council cannot grant a *resource consent* for a *Non-Complying Activity* unless it is satisfied:

- that adverse *effects* on the *environment* will be minor, or
- the granting of consent will not be contrary to the objectives and policies of the *Plan*.

Even if Council is satisfied on the above tests, *resource consents* for *Non-Complying Activities* can be refused, or only granted subject to conditions.

Prohibited Activities

No *resource consent* application can be made for a *Prohibited Activity*.

WRITTEN CONSENTS & NOTIFICATION - DISCRETIONARY ACTIVITIES & NON-COMPLYING ACTIVITIES

The following is a *guideline only* to assist applicants and interested parties. It is not intended to limit the Council’s discretion or responsibilities under Section 94 of the *Act*.

1. For *Discretionary Activity* applications seeking *resource consent* in respect of the following matters, applications will generally not be notified:
 - minor additions or alterations to existing *Non-Residential Activities* which do not significantly change the character or overall scale of the activity
2. For *Discretionary Activity* applications seeking *resource consent* in respect of the following matters, applications will generally not be notified if the written consents of the owners of *adjoining sites* are submitted.
 - *building height*;
 - *yards*;
 - *height* in relation to boundaries;
 - **privacy** and *amenity*;
 - *car parking* and *outdoor storage areas*;
 - *building development or design* and location (*Community, Working, and Transport Environments* only);
 - *building coverage*;
 - *outdoor storage*.

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3. For *Discretionary Activity* applications seeking *resource consent* in respect of the following matters, applications may not be notified, if the written consents of affected persons are submitted:
 - *Residential Activities*/density;
 - building location - *Natural Landscape Elements*;
 - pipes having an above ground length not exceeding 100m;
 - above ground *infrastructure* where the proposal involves extensions to or *upgrading* of existing *infrastructure*, or where the proposal involves *connections* between existing above ground *infrastructure*;
 - odour, *dust*, vibration and lighting;
 - *street trading*.
 - Community Environment Rule 11.3(c) Residential Activities {A203, A211, A217}
 - Living Environment Rule 2.3(c) Residential Activities {A203, A211, A217}
4. For *Discretionary Activity* applications seeking *resource consent* in respect of the following matters, applications may not be notified after having regard to Council's responsibilities under Sections 93 and 94 of the *Act*:
 - *Subdivision* in the *Living Environment*
 - *Vegetation clearance* and/or *earthworks* associated with any *subdivision* in the *Living Environment*, which is a *Permitted Activity*, *Controlled Activity* or *Limited Discretionary Activity* under the *Subdivision* rules
 - Living Environment Rule 2.3 (a) and (b) Medium Density Housing and Apartments in Living L5) Environment.
5. For *Discretionary Activity* applications seeking *resource consent* in respect of the following matters, applications will generally be notified:
 - all activities covered by the *Natural Areas* Rules, except as specified in (4) above;
 - *Non-Residential Activities*;
 - Any *Discretionary Activity* for shops pursuant to *Working Environment* Rule 5.2.
 - Traffic generation;
 - Noise;
 - *Heritage*
 - *Infrastructure* not covered in (3) above;
 - Air discharges, odour, *dust*, glare and vibration;
 - *Esplanade reserves*;
 - *Contaminated sites* and *hazardous facilities*;
 - *Signs*;
 - any *Discretionary Activity* for *scheduled sites*;
 - any *Discretionary Activity* for *Special Areas*;
 - any *Discretionary Activity* for *commercial sex activities*.
- Community Environment Rule 5A Building Design - Street Frontages - New Lynn
- Community Environment Rule 6A - Building Height - New Lynn {A224}
6. For *Discretionary Activity* applications seeking *resource consent* in respect of development in the Open Space Environment, those applications will be assessed against the notification provisions of the *Act*.
7. For *Non-complying Activity* applications resource consents will generally be notified, and in particular the following:
 - Residential Activities in the Working Environment (New Lynn)

NOTIFIED/NON-NOTIFIED RESOURCE CONSENT APPLICATION PROCEDURE

Δ7

The procedures adopted for notified, limited notified and non-notified applications are as indicated in the *Act*. Particular points to note are:

- it is essential to submit sufficient information with the *resource consent* application;
- consideration of the application will not commence until sufficient information has been received;
- there is a fee for *resource consent* applications;
- the Council is generally obliged under the *Act* to (on the receipt of full information):
 - process non-notified applications within 20 working days
 - process notified applications to the hearing stage within 60 working days(Note that there are provisions in the *Act* allowing for an extension of time in certain circumstances and there is a period over Christmas/New Year which is not included in "working days");
- in some circumstances an applicant dissatisfied with a decision can lodge an objection to the Council (see section 357 of the *Act*);
- decisions of the Council can be appealed to the Environment Court

