

PART F

RESOURCE CONSENT PROCEDURES & INFORMATION REQUIREMENTS

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F. RESOURCE CONSENT PROCEDURES & INFORMATION REQUIREMENTS

F.1 DETERMINING WHETHER AN ACTIVITY NEEDS A RESOURCE CONSENT

Refer to Guide to Part D - Rules & Standards - of this Plan to determine whether an activity needs a resource consent.

F.2 RESOURCE CONSENT PROCEDURE

F.2.1 Applying For Consent

The procedures for applying for a resource consent are described in Part VI of the Resource Management Act 1991. Section 88 refers to the matters to be included in an application and Section 104 outlines the matters which must be considered by Council before any consent can be granted. Section F.3 of the Plan specifies what must be done to satisfy Council's requirements before an application will be accepted. Information is also available from Council to explain the process in more detail to help the application go smoothly.

The amount of detailed information needed depends upon the type of resource consent. For example, subdivision consents require a high level of detail, whereas a resource consent to put up a sign does not.

To have the application processed, payment of a fee will be required. This will include planning and engineering administration fees where appropriate. The amount of the fee depends on what the activity is, the type of resource consent needed and whether it is to be publicly notified.

In some cases, the activity which is the subject of the consent application may also require a resource consent from the Wellington Regional Council. Where it is considered necessary to publicly notify such a proposal a joint hearing on behalf of both authorities will probably be required.

F.2.2 Consultation

Consultation with and/or the consent of affected parties, for example adjoining landowners, residents groups, Tangata Whenua or environmental groups, may be required. The level and extent of community consultation depends on the impacts that the proposal will have. In general, the greater the effects the more extensively consultation is needed.

The process of consulting people allows them to understand the nature of the proposal and let their views be known. Done properly, consultation reduces time and costs later on in the resource consent process.

Special consultation procedures may apply to activities near identified sites of significance to Tangata Whenua or where activities have major adverse environmental effects.

F.2.3 Notification

The resource consent application may be required to be processed as a publicly notified or limited notified consent. Sections 93 and 94 of the Act outline the notification procedure. Section 93 outlines when public notification of consent applications is required. Section 94 outlines circumstances where applications need not be notified.

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The Act provides that controlled activities do not need to be notified unless:

- the applicant specifically requests that the application be notified, or
- if special circumstances exist, or
- if a rule in a plan or proposed plan expressly provides that such an application must be notified.

Discretionary and Non-Complying activities need not be notified where, in the opinion of Council:

- the adverse effects on the environment of the activity are minor, AND
- written approval from all the adversely affected persons identified by Council has been obtained.

In determining whether or not an application for resource consent shall be notified, Council must therefore exercise a judgement in the circumstances of the application according to the scale and significance of the adverse effects.

To assist applicants and interested parties the following protocol is included in the Plan on the notification of applications. This is a guideline only and does not limit the discretion or responsibility of Council under Sections 94, 94A, 94B, 94C or 94D of the Act.

PUBLIC NOTIFICATION OF APPLICATIONS

1. Unless special circumstances apply applications for resource consent for **controlled activities** in respect of the following matters will be processed as non-notified applications and will not require the written consent of any persons including neighbouring property owners:
 - subdivision complying with permitted and controlled activity standards

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- development for permitted activities in the Paraparaumu Town Centre zone
 - fencing in the River Corridor zone
 - new roads
 - siting of buildings near fault lines
 - forestry activities
 - building relocation
2. Applications for resource consent for **controlled activities** in respect of the following matters may require the written consent of persons including neighbouring property owners whom Council determines to be affected or may be required to be processed as publicly notified applications for consent:
- home occupations
 - intensive farming activities
 - temporary military training activities
- 2a Applications for resource consent for **restricted discretionary activities** in respect of earthworks in the Ferndale Area (Rule D.1.1.3A (ii)) need not be notified, the written approval of affected persons will not be necessary and notice of the application need not be served on any person. Non-notification will only apply if the proposed development is consistent with the Ferndale Area Structure Plan (Appendix 2) and Policy 2a (C.7.1).
- Amended
Change 67
20/5/07*
- Applications for resource consent for restricted discretionary activities in respect of buildings and alterations in the Paekakariki Commercial/ Retail Zone (Rule D3.1.3A(ii)) need not be notified, the written approval of affected persons will not be necessary and notice of the application need not be served on any person.
- Amended
Change 71A
15/10/08*
3. Applications for resource consent for **discretionary activities** in respect of the following matters will generally not be required to be processed as public notified applications if written consent is obtained from persons whom Council determines to be affected and the site is not located within an outstanding landscape shown in the planning maps:
- accessory buildings
 - site coverage
 - maximum height (other than in 7 below)
 - height in relation to boundaries
 - home occupations
 - shelter belts
 - yards
4. Applications for resource consent for **discretionary activities** in respect of the following matters may not be required to be processed as publicly notified applications if written consent is obtained from persons whom Council determines to be affected and the site is not located within an outstanding landscape shown in the planning maps:
- subdivision and development
 - density of dwellings
 - earthworks

- farming in residential areas
 - keeping of animals
 - lighting
 - parking, loading and access
 - signs
 - storage of materials
5. Applications for resource consent for **discretionary activities** in respect of the following matters will, where the effects are more than minor, generally be required to be processed as publicly notified applications for consent:
- access to premises
 - dust and odour
 - noise
 - natural hazards
 - hazardous substances
 - siting of buildings in outstanding landscapes
 - traffic generation
6. Applications for resource consent for **non-complying activities** will generally be required to be processed as publicly notified applications for consent, unless Council is satisfied that the effects on the environment are minor and the written consent of all affected persons has been obtained:
7. Applications for resource consent for **discretionary or non-complying activities** for buildings exceeding the permitted maximum height in the following zones shall be publicly notified:
- Tourist Activity Precinct - refer C.2 Policy 9
 - Commercial Zone - refer C.3 Policy 4
 - Paraparaumu Town Centre Zone - refer C.4 Policy 4

LIMITED NOTIFICATION OF APPLICATIONS

Where an application has been determined to have minor effects on the environment but not all parties considered affected by Council have given their written approval, Council must serve notice on all affected parties in accordance with Section 94(1) of the Act. Only the parties identified as being affected by Council are able to make a submission on the application. Once the submission period has closed Council will hold a hearing to hear submissions and make a decision on the application.

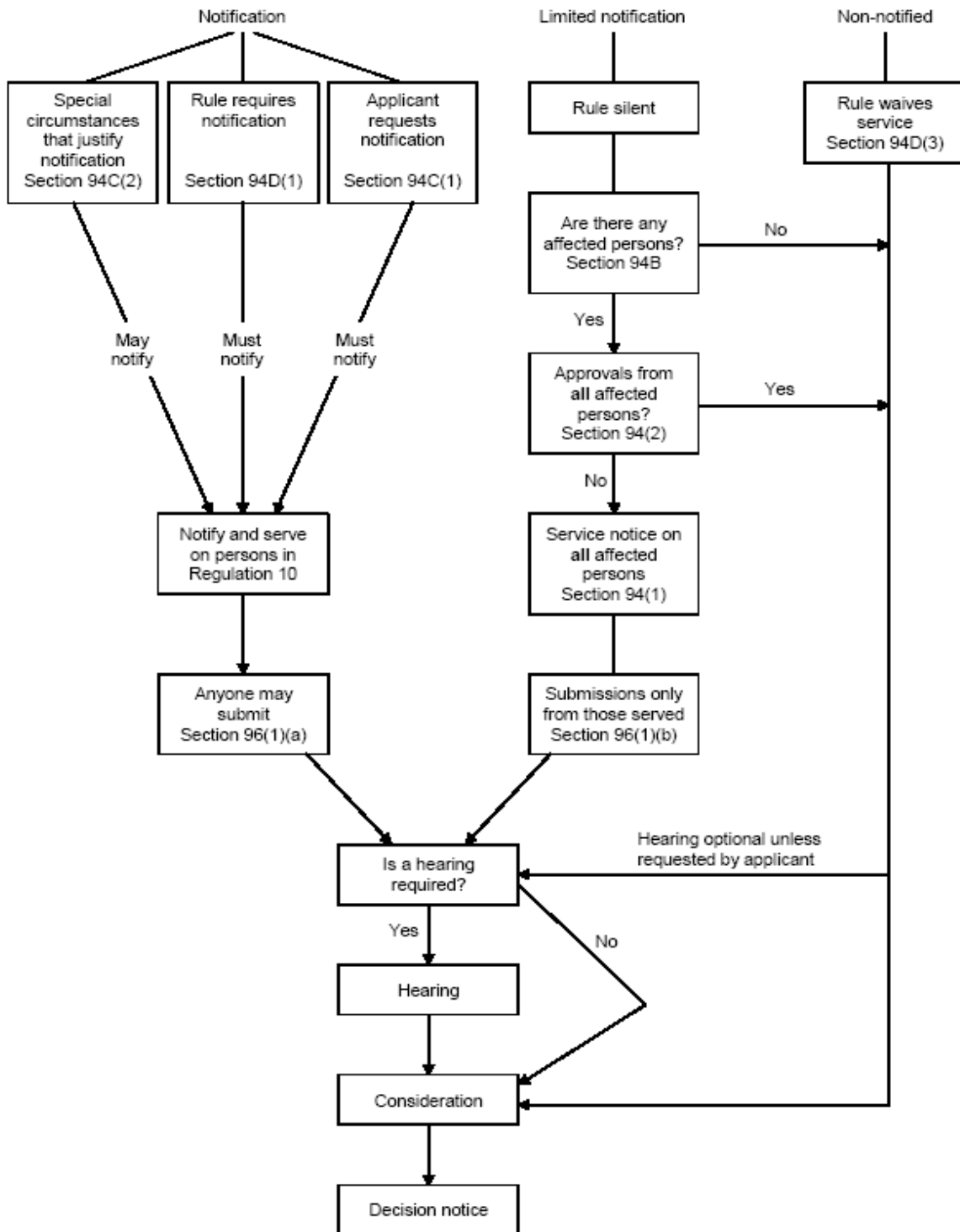
RESOURCE CONSENT STATUTORY PROCESS

(see diagram on following page)

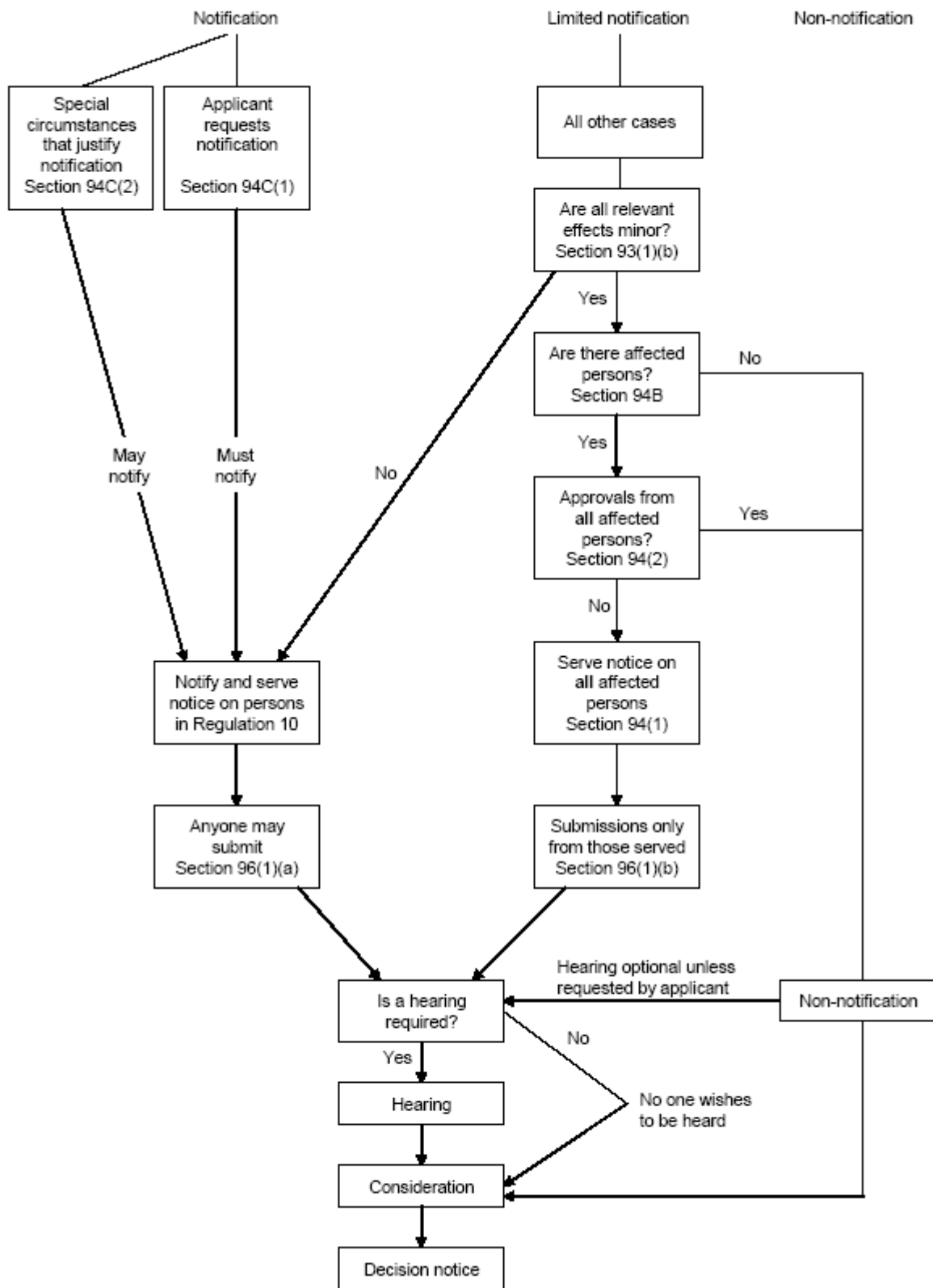
The following flow diagrams show the resource consent assessment and notification processes that Council follows when processing resource consents for Controlled, Discretionary and Non-Complying Activities:

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Controlled Activities



Discretionary and Non Complying Activities



F.3 INFORMATION TO BE SUBMITTED WITH AN APPLICATION FOR A RESOURCE CONSENT

F.3.1 Requirements For Information

For Council to be able to process an application for a resource consent, an applicant must provide adequate information (in accordance with Section 88 of the Act) to enable the environmental effects of the activity to be assessed.

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Applications should be in the same or similar format as Form 5 of the Resource Management (forms) Regulations 1991. Copies of this form can be obtained from Council's offices.

Where Council considers that insufficient information has been supplied to enable an appropriate decision to be made under Section 92 of the Act, the applicant will be informed and the resource consent or plan change will not be advanced.

Where Council determines that an application is incomplete the application will be returned to the applicant with written reasons for the determination in accordance with Section 88 of the Act.

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It is to the applicants' advantage to discuss their application proposals with Council staff and where appropriate the Department of Conservation, the Wellington Regional Council, Tangata Whenua and other interested groups before they are formally lodged to ensure that the following requirements are met. This enables any minor difficulties to be resolved in an informal way and will avoid, remedy or mitigate delay caused by formal requests for more information.

F.3.2 Land Use Consent

An application for a Land Use Consent shall include:

- (i) A description of the activity for which consent is sought and its location.
- (ii) An assessment of any actual or potential effects that the activity may have on the environment. This includes wetlands, native vegetation (as defined in Part Q of the Plan), land form features, cultural and heritage sites and on any of the features listed in the Heritage Register and on people and communities, and how any adverse effects will be avoided, remedied or mitigated through provisions such as preservation and covenants on the title.

NOTE:

Section 88(2)(b) of the Act requires assessments to be in such detail as corresponds with the scale and significance of the actual and potential effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule of the Act.

- (iii) Any information required to be included in the application by the District Plan or the Act's regulations.
- (iv) A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates and whether or not the applicant has applied for such consents.
- (v) **SITE INFORMATION**

The following must be supplied:

- The correct street address.
- The legal description(s) of the site.
- An up to date certificate of title for the property (no more than 3 months old)

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19/12/07*

- (vi) **SITE PLANS**

Plans must be supplied and drawn to an appropriate metric scale to show sufficient detail of the proposal to enable Council to determine its effects. If the plans are larger than A3 size, copies reduced to A3 must also be provided.

The site plans must show:

- A north point accurately orientated.
- A unique plan number and title describing the proposal and the site.
- The date, name of the company and locality plan where appropriate.

Two plans are required (unless all of the relevant information can be shown on one plan):

- (a) A site plan detailing the **existing situation** including:
 - Topography (noting significant landforms and natural features).
 - Watercourses and catchment orientation.
 - All vegetation over 3 metres in height (including any vegetation location on adjacent the legal road or surrounding properties).
 - All certificate of title boundaries.
 - Road frontages.
 - Existing buildings (indicating those to be retained).
 - Buildings on adjacent sites.
 - Any existing heritage features (including archaeological sites, cultural sites, geological features, ecological sites, listed trees and buildings).
- (b) A site plan detailing the **proposed development** including:
 - The design of earthworks including cut and fill volumes, depths and final levels and contours of the site.
 - The layout and location of proposed structures and buildings or alterations to existing structures and buildings.
 - The location of proposed activities, vehicle parking, servicing, circulation and manoeuvring, pedestrian and vehicular access.

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Change
64B,
15/10/08*

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- Floor plans.
 - A calculation of site coverage.
 - All landscape design, site planting and fencing.
- (vii) The applicant must provide, where relevant, elevation drawings, numbered and drawn to a metric scale of 1:100 (or as otherwise agreed) showing:
- The relationship of buildings to existing and finished ground levels.
 - The extent of compliance with relevant plan rules including solar access and maximum building height.
 - Elevations from the street showing the relationship of proposed structures to structures on adjacent sites, including the location of existing private outdoor spaces and main living area windows (where these have outlook over the development).
- (viii) Where applications involve or are likely to affect Heritage items listed in the Heritage Register (Part I of this Plan) the following information will be required:

For Applications Affecting Archaeological Sites:

Applicants should first check with the NZ Archaeological Association filekeeper for information on recorded sites, previous surveys or additional sites and with iwi for information on cultural sites. Where no archaeological survey has been conducted for a particular property/ area a survey should be done by the applicant to determine the effects of the proposal and provide for the avoidance, remedy and mitigation of effects. Applicants should note that if an archaeological site is to be modified, an application must be made to the NZ Historic Places Trust for an authority to destroy, damage or modify the site.

For Applications Affecting Historic Buildings And Structures:

Applicants should consult with the NZ Historic Places Trust. A full description of the cultural heritage value of the place is required. Applicants may also be required to prepare a building report or heritage inventory for the building or structure or a conservation plan. In preparing a conservation plan, applicants should be guided by reference to the Trust's document "Guidelines for Preparing a Conservation Plan" prepared by Greg Bowron and Jan Harris.

In Respect Of A Heritage Feature, An Assessment Of Effects Shall Contain:

- (a) a detailed description of the proposal;
- (b) an explanation of the nature of the heritage resources affected, i.e. heritage building/places/site/waahi tapu including existing plan, elevations and annotated photographs;
- (c) the specific location of the heritage resource (preferably a map showing the location of the resource and area of impact the proposal has on the resource);

- (d) a statement as to whether the activity will affect the whole/part of the heritage resource;
- (e) an indication as to how adverse effects on heritage values will be mitigated;
- (f) where it is likely a significant adverse effect will result, a description of any possible alternative location or methods of undertaking the activity;
- (g) the preferred option for protecting the heritage resources;
- (h) what consultation (if any) has occurred with Tangata Whenua (if it relates to a waahi tapu and/or waahi tapu area); and
- (i) a statement of the actual and potential effects of the proposal on heritage values.

Note: All applications will be considered with regard to the Objectives and Policies of the District Plan in C.8 Heritage.

- (ix) Any other information necessary to determine the effects of the proposal or which is specifically requested in the District Plan rules. This could include noise assessment, ecological assessment, visual or landscape assessment or a traffic impact report.

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(x) **IN RESPECT OF CONTROLLED ACTIVITIES**

For **controlled activities**, applications will only be assessed with regard to those matters specifically identified in the District Plan rules. The information to be supplied must include an assessment of any likely effects on the environment. This can be limited to that which is necessary to address the matters under consideration.

(xi) **IN RESPECT OF DISCRETIONARY AND NON-COMPLYING ACTIVITIES**

For **discretionary and non complying activities**, applications will be assessed with regard to their effects on the environment as well as the New Zealand Coastal Policy Statement, Regional Policy Statement and any relevant objectives, policies, rules or standards. The information to be supplied must include an assessment of compliance with these matters.

F.3.3 Subdivision Consents

An application for a Subdivision Consent shall include:

- (i) An assessment of any actual or potential effects that the activity may have on the environment, including wetlands, significant native vegetation (as defined in Part Q of the Plan), land form features, cultural and heritage sites and on any of the features listed in the Heritage Register and on

people and communities and how any adverse effects will be avoided, remedied or mitigated through provisions such as preservation and covenants on the title.

NOTE: Section 88 of the Act requires assessments to be in such detail as corresponds with the scale and significance of the actual and potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Act.

- (ii) Any information required to be included in the application by the District Plan or the Act's regulations.
- (iii) A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.

(iv) **SITE INFORMATION**

The following information must be supplied:

- A legal description of the site.
- Current copies of all certificates of title.
- Where relevant, an assessment, including diagrams, of the significant views onto and off the development site.

(v) **SITE PLANS**

Plans must be supplied and must be drawn to an appropriate stated metric scale to show sufficient detail of the proposal to enable Council to determine its effects. If the plans are larger than A3 size, copies reduced to A3 must also be provided. The site plans must show:

- A north point accurately orientated.
- A unique plan number and title describing the proposal and the site.
- The date, name of the company and locality plan.
- Existing high voltage electricity and high pressure gas transmission lines.

Two plans are required (unless all of the relevant information can be adequately shown on one plan):

- (a) A plan detailing the **existing situation** including:
 - Topographical information, in terms of DOSLI Datum, together with a certificate as to its origin and accuracy.
 - The design of earthworks and final levels and contours of the site.
 - Details of hazardous areas (for example uncompacted filling or flood prone areas or areas subject to earthquake or geological hazards.).

Note: If the site has been identified as being subject to one or more hazards, a report from a suitably qualified and experienced person may be required on the extent of the existing and potential natural hazard. The report may be required to address the implication of the hazard on the proposed development or activity, and the actions required to mitigate any adverse effect.

- Existing buildings and buildings on adjacent sites.
- Landforms and landscape elements.
- Location of watercourses, drainage channels and water table with comment on their condition, including identification of areas known to be subject to inundation, subsidence, slippage or erosion. Measure to be taken to overcome any of these limiting factors must be elaborated on. (A flood free building site must be provided.)
- The location and areas of any existing esplanade reserves, esplanade strips or access strips.
- All vegetation over 3 metres in height, including individual specimens.
- Existing street names and numbers.
- Existing easements and covenant areas.
- Any existing heritage features (including archaeological sites, cultural sites, geological features, ecological sites, listed trees and buildings).
- Existing high voltage electricity and high pressure gas transmission lines.

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(b) A plan detailing the **proposed subdivision development** including:

- The position of all proposed lots and certificate of title boundaries.
- The areas of all new lots.
- Indicative building positions and indicative vehicle access points and driveways on street edges.
- Location and type of all proposed trees and other vegetation, including all existing vegetation to be retained.
- A report from a suitably qualified and experienced person to demonstrate that:
 - A water supply of sufficient quality and quantity can be provided for the activities proposed for the subdivision and that there will be no adverse effects on other users and the water resource itself or on natural and physical resources.
 - The disposal of wastes generated by the activity proposed for the subdivision will have no adverse effects on ground or surface water quality, and that there will be no adverse

effects on consumptive water users or on natural and physical resources.

- For lots in the Rural Water Collection area to be used for plantation forestry, information detailing proposed species and the extent of planted areas together with an assessment of the impact on long-term water resources.
- Three names of any new road shall be provided for consideration for the approval of Council.
- All applications for subdivisions fronting State Highway 1 shall be accompanied by evidence of consultation with Transit NZ confirming compliance with Transit NZ's requirements.
- The street reserve proposed to be set aside as new road, including all areas of public open space intended for recreational purposes, together with drawing sufficient to describe the plan and three dimensional qualities of typical and unique or special areas of the development.
- Formation widths and grades of proposed roads and rights of way, parking bays, bus stops and speed control devices.
- Proposed easement and covenant areas.
- The location and widths of new reserves to be created, including any esplanade reserves to be set aside on the survey plan under Section 231.
- The location and areas of esplanade strips proposed to be created under Section 232 to meet the requirements of the District Plan.
- The location and areas of any land below mean high water springs of the sea, or of any part of the bed of a river or lake, which is required under Section 237A are to be shown on a survey plan as land to be vested in the Crown.
- Information to show compliance with any other District Plan rules and standards.
- Plans and/or details which demonstrate how the subdivision and development will meet the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005.

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- (vi) For Residential subdivision, the applicant may be required to provide an annotated print from the most recent acceptable aerial photograph.
- (vii) Where a heritage resource will be affected as a result of or is the subject of a subdivision consent application, the information in F.3.2. (viii) may be required.