



Applying for a resource consent

2.1



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Introduction

The Resource Management Act 1991 (usually called the RMA) is the main piece of legislation that sets out how we should manage our environment. It's based on the idea of the sustainable management of our resources, and it encourages us (as communities and as individuals) to plan for the future of our environment.

The RMA means that councils set rules and requirements to manage activities ranging from building houses, clearing vegetation, moving earth, or taking water from a stream. The purpose is to ensure activities won't harm our neighbours or communities, or damage the air, water, soil and ecosystems that we and future generations need to survive.

The role of councils

Making decisions under the RMA is usually the responsibility of regional and district/city councils. They do this through regional policy statements, plans, and resource consents.

About this guide

This guide is the fifth in a series of 13 guides called An Everyday Guide to the RMA (see more details about the series below).

This guide contains information about the resource consent process, including when you need a consent and how to apply. It is written for **applicants** – people who apply to their council for resource consents.

In most instances, you will need to apply for a resource consent if you are planning an activity or project that is not permitted by a council plan. However, in certain situations the council can provide a written notice that the activity is permitted, without needing resource consent, if it meets certain statutory criteria.

The guide also covers consent applications that are referred to the **Environment Court**. If a consent is for a proposal considered to be of national significance, the Minister for the Environment can 'call in' the application, and refer it to the Environment Court or to a **board of inquiry** to make the decision.

The guide has a glossary of RMA terms at the end. Words defined in the glossary are coloured **light orange**.

About the everyday guides

These guides are intended to help people work with their councils. If you're dealing with the Environmental Protection Authority (EPA), a board of inquiry, or the Environment Court (see the glossary to learn more about these), you might need more technical advice from the EPA (www.epa.govt.nz) or the Environment Court (environmentcourt.govt.nz).

For more information about specific parts of the RMA process, see the [full set of guides](#) on our website.

MORE INFORMATION

- [Understanding the RMA and how to get involved](#)
- [Consultation for resource consent applicants](#)
- [You and the Environment Court](#)
- [What is national significance?](#)

Applying for a resource consent

Who manages our resources?

The Resource Management Act requires councils to manage natural and physical resources in their area. To do this, they must prepare district or regional plans.

These plans:

- set the objectives, policies, and rules that encourage or deter activities, depending on whether they might harm the environment
- specify what types of activities can take place as of right, and those that need a resource consent.

New Zealand has 11 regional councils, 61 city or district councils, and six unitary councils.

A regional plan is created by a regional council and concerns issues that affect the coast, air, water or land.

A district plan is created by a city or district council and concerns the management of land use and subdivision in a city or district.

A unitary plan is created by a unitary council, which has combined city or district council and regional council functions.

Sometimes **national environmental standards** override the plan rules, to provide a consistent set of rules across all councils. See **Understanding national direction**.

What is a resource consent?

A resource consent is permission from the local council for an activity that might affect the environment, and that isn't allowed 'as of right' in the district or regional plan.

Every day, people ask their local council for resource consents to do things – put up a garage, subdivide their property, build a multi-storey apartment block, take water from a stream.

Types of resource consent

There are five types of consent, set out in table 1.

Table 1: Types of resource consents and examples of activities

Five types of resource consent	Responsible authority	Examples
Land-use consent	Regional councils, district/city councils	<ul style="list-style-type: none">Constructing a building close to your neighbourMajor earthworks
Subdivision consent	District/city councils	<ul style="list-style-type: none">Dividing a property into two or more new titles
Coastal permit	Regional councils	<ul style="list-style-type: none">Building a wharf on the coast below the mean high-water springs markEstablishing a marine farm
Water permit	Regional councils	<ul style="list-style-type: none">Taking water for irrigation
Discharge permit	Regional councils	<ul style="list-style-type: none">Discharging stormwater into a water bodyDischarging exhaust fumes from an industrial activity into the air

Who manages resource consents?

Councils usually manage applications for resource consent. In this role they are called **consent authorities**.

When deciding whether to grant a consent, the council considers several factors, including the effects of your proposal on the environment, and the council's RMA plan.

The rules on resource management differ between districts and regions. It's best not to assume that because you didn't need a consent in one town, you won't need it in another. There are also likely to be differences within a district, city or region.

Which activities don't need a resource consent?

Projects that don't need a consent are classified as **permitted activities** in a plan or **national environment standard**.

However, certain activities may be exempted from resource consent requirements under the RMA (only if they meet certain statutory requirements) and they are:

- Deemed permitted boundary activities. This is where the affected neighbour gives written approval. Common examples include yard setbacks and building height.

- Deemed permitted marginal or temporary activities. Councils at their discretion may waive resource consent requirement for marginal or temporary rule breach. This is where any adverse effects remain the same (with or without your activity), and are “less than minor” on a person.

Which activities need a resource consent?

Table 2 shows the four types of activity that need a consent.

Table 2: Activities that need a consent

Activity	Council action
Controlled	Must grant consent
Restricted discretionary, discretionary, or non-complying	Can grant or refuse consent

Consent process

The way your consent application proceeds depends on the scale and significance of the effects of your proposal, whether you have written approval from all the people the council considers will be adversely affected, and the type of consent you are applying for.

Officially, the consent process starts when you lodge an application with a council. But by that stage, you are likely to have a pretty clear view of what you're wanting consents for.

If you need a resource consent, you must get it before starting your project. If you start before you have consent, you risk prosecution.

Prepare, consult and lodge your application

This is the period before you lodge your application with the council, and includes all the information gathering you will do.

- You start with an idea or project.
- You may consult with others.
- You develop your proposal.
- You prepare and lodge your application.

During this stage you should discuss your proposal with the council and others potentially affected by it. It's best to have these discussions while you're still developing your proposal, and before you lodge the application.

Before you apply

There are some things you should check first before you apply for a resource consent.

Check the certificate of title for your property to see if it has any conditions such as consent notices, covenants, rights of way, and easements that may restrict your proposed activity. You can order a copy of the title from Land Information New Zealand. You may need professional help to understand the rights and restrictions.

Check the council plans that will tell you which activities you can do on your land, and any rules about them. Most councils publish their plans online. The Ministry for the Environment's website can help you: [Council plans and where to find them](#).

On a number of council websites you can do a property search which gives information such as zone, rules and standards relevant to that property.

If you're thinking about buying land or buildings, it's worth asking the local city or district council for a [land information memorandum](#) (LIM). This report will give you council information about that piece of land, including what the district plan allows the land to be used for.

If you want official confirmation that an activity is allowed, you can ask the council for a [certificate of compliance](#). This can only be issued for a permitted activity.

Councils can also issue an [existing use certificate](#) when an activity doesn't meet a current district or regional plan rule, but was lawfully established before the relevant rule came into force.

DO YOU NEED A BUILDING CONSENT?

If you plan to construct, alter, demolish or remove a building, you may need a building consent, even if you don't need a resource consent. It pays to talk to your council early about this.

Building consents follow a separate process from resource consents, and are issued under the Building Act 2004. The Act covers how work is done, and who can do it. The rules apply to the whole of New Zealand.

If you're doing something that needs a building consent, before you start building you can ask a council for a project information memorandum (PIM). This report will tell you if you also need to apply for a resource consent.

If you seek the council's advice before making your application, this is likely to help your understanding the information requirement and relevant rules and standards. This could save overall time and cost.

Council staff can guide you on what to include in your application, but you could be charged for their time. Make sure you ask about any costs when you make an appointment, or if you want copies of documents.

Seek professional input

You have now confirmed that you require a resource consent as your project does not fully comply with the RMA, as set out in the local plan.

It is often a good idea to engage a planning consultant. They can advise you on the merits of your activity and, if needed, prepare and lodge your application for you.

You may also need a report from a technical specialist. For example, if you are in a flood zone, you may need an engineer with experience in flooding assessment and design.

Engage with tangata whenua

Engaging early with local tangata whenua (iwi, hapū, whanau) can help you both to understand each other's views. Participation of tangata whenua in your proposal can result in a better application that builds positively on the knowledge and special relationship they have with the environment.

Consult 'affected persons'

Once your application is lodged, the council will determine who may be an **affected person**, and can ask you to get their written approval. Affected persons are people who the council decides are likely to be adversely affected by your proposal.

It is a good idea to get their written approval for your proposal before you lodge your consent application with the council.

Putting your application together

Below is a summary of what you will need for your consent application:

1. Application form. You can get this from your council. Application forms are usually on their website.

2. Every application for a resource consent must include:
 - an **assessment of environmental effects** – this identifies all the environmental effects, positive and negative, of a proposed activity, and ways to avoid, remedy, and mitigate adverse effects
 - an assessment against the relevant policies and plans.

See **Schedule 4 of the RMA** (Information required in application for resource consent) for a detailed list of the information requirements.

3. Any other information the council has asked for. This is often identified in the council's plan or on the application forms.
4. The written approvals from affected people, if you have any.
5. The resource consent fee, paid when you lodge the application. The fees and charges are on the council's website.

Is my application confidential?

No. Once you've sent your application to the council, it becomes public information. The council might agree to keep some material private if it is commercially sensitive. You will need to identify that material clearly. Otherwise, the council will provide copies of any application to anyone who asks for it.

MORE INFORMATION

- [Consultation for resource consent applicants](#)

How the council considers your application

After you lodge your application, the council checks it to see that your information is adequate, and may return an application if this is inadequate. The council may request more information or commission a specialist report. In some cases, the council can also defer the processing (notification or hearing) of an application if it considers that other consents are required.

An applicant can request the council to put its application on hold. Different timeframes will apply depending on the notification status of the application.

The council then considers the scale of effects from your activity, and determines whether the public or affected persons must be notified, or whether the council can make a decision on a non-notified basis.

Decision: Grant or refuse

The council will notify you of their decision on your resource consent. Your council will tell you:

- the reasons for the council's decision
- the conditions on how you may carry out the activity
- whether you or the council need to monitor the environmental effects of the activity (eg, if your consent lets you take water from a stream, you may have to record how much you take)
- whether your consent has an expiry date. Some consents last forever, while others have a limited life. If you want to operate for longer, you need to apply for a new consent for the same activity at least six months before the expiry date.

Decisions on controlled activities

For **controlled activities**, councils must grant these applications, with a few exceptions. Even so, the council usually puts some conditions on the consent. They will also probably check later that what you are doing is in line with your consent. A council officer may visit the site and take some measurements, or require you to monitor the activity.

If your consent is refused

If you disagree with the council's decision to refuse your consent, you can formally object to the council or lodge an appeal with the Environment Court. You have to make your objection or appeal in writing within 15 working days of receiving the council's decision.

Objecting to or appealing the council's decision

If you do not agree with the decision or the conditions on the consent (for approved consents), you can either make an objection (on certain decisions), or **appeal** to the Environment Court, depending on the circumstances.

You must write your objection, and lodge it with the council within 15 working days of receiving the council's decision.

You may be invited to a meeting of councillors and officers, where you can explain your objections. You can request that the objection be heard by an independent commissioner if you wish.

If you requested direct referral of your application to the Environment Court and the council agrees, the Environment Court will make a decision on your application. You can appeal the decision to the High Court, but only on points of law.

Lodging an appeal can be expensive and time consuming, and you might not win. You should seek advice from a lawyer, planning consultant, or someone with resource management experience on whether you are likely to be successful.

MORE INFORMATION

- [You and the Environment Court](#)

Commencement and duration of consent

Councils also decide the duration of consents (length of term) at the time of granting of consents. Some consents (eg, for subdivision) last forever, while others might last only a couple of years (eg, a permit to discharge a contaminant into air or water), once consents are exercised.

In most cases once a resource consent has been issued you need to use the consent within a certain timeframe, or it will lapse and you will need to apply again. Unless otherwise set out in a condition in the resource consent, the consent will lapse after five years. Make sure you understand what applies to your consent.

For non-notified consent, the consent begins when a decision is issued and served on the applicant. For a notified resource consent, the 'commencement date' will depend on whether submissions are received and if there are any appeals or objections.

Costs

Councils will normally charge an administration fee for considering an application, and they may also charge for ongoing monitoring. Contact your council to get an idea of how much a particular consent may cost. Costs vary from council to council.

If the council does not process an application on time and it is their fault, they must refund part of the fee.

Can the consent conditions ever change?

The council has the right to review the conditions. In some cases, they might also place a condition allowing a review of the conditions at set times. You can also apply to the council to change or cancel any condition of your consent (except its duration) at any time.

Can I transfer the consent?

This depends on the type of consent. Any consent to do something on the land (a land-use consent) is attached to the land, and transfers to any new owner when you sell the land.

Other types of consent (eg, to take water) might be transferable with the land to a new owner. For advice, contact council staff.

You can also give up (surrender) your resource consent. This means you no longer have the right to do the activity, or the obligation to comply with conditions – and you no longer have to pay any new monitoring or supervision charges to the council.

Timeframes

When processing applications, councils must comply with the timeframes in the RMA (table 3).

Table 3: Total working days for processing non-notified consents and notified consents

Type of application	Total working days
Non-notified consent (no hearing)	20
Non-notified consent (with hearing)	50
Non-notified fast track consent (District land-use consent with controlled activity status)	10
Limited notified consent (with hearing)	100
Limited notified consent (no hearing)	60
Publicly notified consent (with hearing)	130
Publicly notified consent (no hearing)	60

Note these are indicative, and will vary if councils need to request further information or approvals.

Glossary

The purpose of this glossary is to help you understand the meaning of terms used in this guide. Some of these terms have specific legislative definitions in section 2 of the RMA.

Affected person	Someone identified by the consent authority (usually the council) as likely to experience adverse effects of a proposal.
Appeal	Request for a decision to be changed, predominately to the Environment Court.
Applicant	Person applying for a resource consent, change to existing consent conditions, or a private plan change
Assessment of environmental effects	A report that the applicant must give the council with their resource consent application. It outlines the effects that the proposed activity might have on the environment.
Board of inquiry	A special board appointed by the Minister(s) to hear and decide proposals of national significance .
Building consent	Written approval from a building consent authority to carry out specific building work on a specific site. These are issued under the Building Act, and are separate to resource consents that might also be required under the RMA.
Certificate of compliance	Confirmation that your activity is permitted and does not need a resource consent.
Controlled activity	Activities outlined in the RMA, a plan or regulations as 'controlled' which require a resource consent. Resource consents for controlled activities must be granted except in certain circumstances.
Consent authority	Regional, district or city councils when they are carrying out resource consent functions.
Environment Court	A specialist court where people can appeal decisions made, for example, by councils on a policy statement or plan, or on a resource consent application; or where they can apply for an enforcement order, or seek a declaration.
Existing use certificate	This is useful when an existing activity doesn't meet a current district or regional plan rule, but was lawfully established before the rule came into force.

Land information memorandum (LIM)	A report issued by a council, summarising the information they hold on a property.
National environmental standard (NES)	Regulations that prescribe technical and non-technical standards, methods or other requirements for land use and subdivision, use of the coastal marine area and beds of lakes and rivers, water take and use, discharges, or noise. Each regional, city or district council must enforce the same standard. In some circumstances where specified in the NES, councils can impose stricter or more lenient standards.
Permitted activity	Activity that is described in RMA regulations or plans as ‘permitted’ so is allowed to occur without the need for a resource consent.
Project information memorandum (PIM)	A report issued by the city or district council and contains information about land and the requirements that might be relevant to proposed building work, including whether it will need a resource consent or not.
Resource Management Act 1991 (RMA)	New Zealand’s main piece of environmental legislation. It provides a framework for managing the effects of activities on the environment.
Tangata whenua	In relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area.
Working day	Any day except for a weekend day, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday and Labour Day, and those days between (and including) 20 December and 10 January. Note: If Waitangi Day or Anzac Day falls on a weekend day, the following Monday is excluded.