

## Information on Resource Management Processes

This is part of a series of information sheets that provide an overview of processes under the Resource Management Act 1991 (RMA) for resource consents, deemed permitted boundary activities, and plan-making. These information sheets reflect changes made to the RMA through the Resource Legislation Amendment Act 2017. This information sheet has since been updated to reflect changes made to the RMA through the Resource Management Amendment Act 2020.

# Information for applicants: Resource consents

This information sheet contains basic information about resource consents, including when they are needed and how to apply for a resource consent.

## When are resource consents needed?

There are 11 regional councils, 61 city or district councils, and six unitary councils in New Zealand. The Resource Management Act 1991 (RMA) requires all councils to create plans to help them manage the environment in their jurisdiction. These plans contain rules and conditions for activities that may affect the environment.

Council plans state whether an activity is permitted, meaning you can do it as of right, or whether it requires approval under the RMA; in most cases this approval is in the form of a resource consent.

- 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.

The rules differ from district to district and region to region, so it's best not to assume that because you didn't need a resource consent in one town, you won't need a resource consent in another.

Sometimes you will need to apply for a resource consent from both the regional and district/city council.

## Building consents are different to resource consents

Building consent approval is a separate matter from obtaining a resource consent for your work. We recommend you talk to the relevant council(s) early to find out whether you need both a resource consent and a building consent, or just one of these.

A resource consent is issued under the RMA, while a building consent is issued under the Building Act 2004.

The RMA and the Building Act 2004 have very different functions. The RMA manages the use, development and protection of natural and physical resources, while one of the purposes of the Building Act is to ensure that people can use buildings safely without endangering their health.

There are instances where you may not need a building consent, but a resource consent is required because your planned activity does not comply with the requirements of a district or regional plan.

If a resource consent is required, the building consent authority may prevent you from starting your building work even if you have obtained a building consent.

## What to do before you apply for a resource consent

### Step 1 – Check the council’s online property and planning maps

Checking the relevant council’s online property information and planning maps can be a useful place to get basic information about what you can do on your land.

It is likely you will be able to obtain some property information from the council’s online map service (if this is available). This service will generally tell you about district/regional plan information, which may include zoning, overlays, flood hazard areas or similar. These zones and overlays may pose restrictions on how you use your land, or how you locate a structure on your property.

By checking the council’s online maps, you may also be informed of other non-district plan-related information such as the location of services, previous resource consents, or building consents granted for the property. Councils are required to keep records of decisions on all consents (building and resource consents).

For this reason, it is easy to become overwhelmed with information available on the platform. To find the information relevant for resource consents under the RMA, you may want to choose ‘District Plan’ layers or choose the ‘District Plan Maps’ or similar when you look at the council’s online maps (if the maps allow you to do so).

### Step 2 – Look at the relevant regional, district or unitary plan to see if you comply with all the relevant requirements

Looking at the relevant regional, district or unitary plan will help you to understand what activities are permitted on your land, and what activities will require resource consent.

The plan will have rules which either permit an activity (meaning it will not require resource consent), usually subject to some standards, or it will classify the activity as **controlled**, **restricted discretionary**, **discretionary**, or **non-complying** (meaning that you will need to apply for a resource consent).

Councils must grant a resource consent for a controlled activity (with a couple of exceptions), but are able to decline a resource consent for a restricted discretionary, discretionary, or non-complying activity.

**Table 1: Types of resource consents and examples of activities**

Five types of resource consents	Responsible authority	Examples
Land use consent	Regional councils and/or district/city councils	<ul style="list-style-type: none"> <li>constructing a building</li> <li>converting a garage in a residential neighbourhood into a shop</li> </ul>
Subdivision consent	District/city councils	<ul style="list-style-type: none"> <li>dividing a property into two or more new titles, using fee simple or unit title mechanisms</li> </ul>
Coastal permit	Regional councils	<ul style="list-style-type: none"> <li>building a wharf on the coast below the mean high water springs mark</li> <li>discharging stormwater into coastal waters</li> </ul>
Water permit	Regional councils	<ul style="list-style-type: none"> <li>taking water from a stream for an irrigation scheme</li> <li>building a dam in the bed of a river</li> </ul>
Discharge permit	Regional councils	<ul style="list-style-type: none"> <li>discharging stormwater from a service station through a pipe directly into a lake.</li> <li>discharging exhaust fumes from a wood curing kiln into the air.</li> </ul>

To find out where the relevant district, regional or unitary plans are online, you can visit the Ministry for the Environment’s website [Council plans and where to find them](#).

The relevant rules can be located in different places in each council plan, for example in the zone chapter, or in other activity-specific chapters (for example earthworks).

You may wish to speak to your council if you have trouble finding the plan content that relates to your property, or what it means in respect to what you want to do on your property.

**Note:** Sometimes you will need to apply for a resource consent from both the regional and district/city council.

### Step 3 – Check your computer freehold register (certificate of title)

You may also want to check your [computer freehold register \(certificate of title\)](#) to understand if there are any other legal instruments (for example, consent notices) that may impose additional restrictions for the proposed activity on your property.

You can order a copy of a certificate of title (and any legal instruments (if any) that are registered on it) from [Land Information New Zealand](#).

### Step 4 – Contact the council (pre-application advice)

It is important that you contact the council’s planning/resource consents team early, to understand the relevant plan provisions and information requirements before making an application.

It is often a good idea to provide the council with some concept plans or ideas, so they can help you with the following matters:

- look through and understand the relevant rules in their plan(s)

- work out how your activity is classified in the plan, whether you will need a resource consent, or if you are eligible to apply for [deemed permitted boundary activity](#)
- what information you need to supply in support of your application – the amount of information the council requires will depend on the activity proposed and the kind of approval you need
- how long the process is likely to take, and how much the council is likely to charge.

### Benefits of having a pre-application meeting/discussion

If you seek the council's advice on the relevant plan provisions and information requirements before making your application, processing of the application is generally simpler, quicker and less costly. This will mean your application is less likely to be returned to you as incomplete, and is more likely to be processed without the council requesting further information.

**Note:** Under the RMA, the council can return an application for a resource consent within the first 10 working days if the information required for the application is incomplete. The council can also put an application 'on hold' if further information is required, before making a decision on whether to notify the application (to the public or to limited persons/groups).

### Step 5 – Consult with potentially 'affected persons'

Consultation is not required under the RMA, however it is recommended that it is carried out, as it can make the process easier (for example, if you are able to get written approvals from potentially affected persons). Ask the council to guide you on who you should consult, and for what reason. The council may suggest you talk to 'interested persons or parties' before lodging your application, and who these people may be.

Once your application is lodged, the council will determine who may be an 'affected person (or group)' and can ask you to obtain their written approval. 'Affected persons' are people who the council decides are likely to experience an adverse effect from your proposal. If the council determines that a person or group is 'affected' and you are unable to obtain their written approval, your application will be processed as a notified consent. See the information sheet [Notified resource consents](#).

It is therefore beneficial to try and work out who these persons/groups might be and try to obtain their written approval for your proposal before you lodge your resource consent application with the council. The council may be able to guide you on who these persons might be at the pre-application stage; however, it should be noted that this is not the formal determination of who is an affected person (which is done once your application is lodged and assessed).

## How to apply for a resource consent

1. As the applicant, you prepare an application for your proposed project or activity:
  - a. You can obtain the application form from your council. In most cases, these can be found on the council's website.
  - b. Schedule 4 of the RMA provides a comprehensive list of information that must be provided with your application. This information is usually found on the council's website, alongside the application form.

- c. You must also complete an assessment of environmental effects (AEE). You could prepare this on your own, or engage a planning consultant to do this for you.
  - d. Provide an assessment of what you propose to do against the matters set out in Part 2 of the RMA and any relevant provisions of the documents referred to in section 104(1)(b) of the RMA.
  - e. Get any other information the council has asked for. This is often identified in the council's plan or on the application forms.
  - f. Include the written approvals from affected persons/groups, if you have obtained any.
  - g. Pay the relevant resource consent fee. The fees and charges are available on council's website.
  - h. Consider if you need to employ an expert (planning consultant) to help you prepare the information.
2. Lodge the application with the council.
  3. The council first checks the application for completeness and decides whether any further information is required.
  4. Next, the council determines whether the public or affected persons must be notified. If the application is notified, submissions may be made by the public (if publicly notified) or affected groups/persons (if limited notified).
  5. If the application is notified and any submitters wish to be heard, the council will hold a hearing to give submitters and the applicant a chance to explain their views about the application for resource consent.
  6. The council then makes a decision whether to grant or decline the consent.
  7. If the resource consent application is granted, it will likely be subject to conditions, which will be attached to the consent.

## Timeframes for resource consent decisions

### The processing timeframes specified in the RMA are calculated in terms of 'Working Days'

It is important to note the total processing days are calculated in terms of 'working days', as opposed to actual lapsed days.

'Working Day' in the RMA means: a day of the week other than—

- a. a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day; and
- b. if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- c. a day in the period commencing on 20 December in any year and ending with 10 January in the following year.

Councils are allowed to place resource consents on hold for further information requests or written approval requests, and in some instances they can extend the timeframes specified in the RMA.

Within the first 10 working days of the application being lodged, the council will assess the content of the application to ensure it has everything that is required. If not, the council will

inform you and return your application. If this happens, you can re-submit your application, along with all of the required information.

If all of the required information has been provided, and the council has decided that the application can proceed on a non-notified basis, the decision on the application should be issued to you within 20 working days.

A hearing for a non-notified application may be required where the applicant asks for one. At other times, a hearing may be required if the council considers it appropriate that the application be heard for a particular reason (ie, when the applicant and council cannot agree on the conditions of the consent, or where it is recommended the consent be declined). If a hearing is required, then the decision on the non-notified application should be made within 50 working days.

A decision on whether to notify the application on a publicly notified basis, a limited notified basis, or non-notified basis, will be made within 20 working days of receiving the application. See the information sheet [Notified resource consents](#) in this series for further information.

Decisions on district land use consents with controlled activity status that are non-notified must be made within 10 working days. These applications are called the **fast track** consents. There are specific criteria for an application to be processed on a fast-track basis (see Fast track consents below for more information).

If the application is notified to only a limited number of persons (known as limited notified), a decision on the application should be made within 100 working days (or if a hearing is not required, within 60 working days).

If the application is publicly notified, a decision should be made within 130 working days (or if a hearing is not required, 60 working days).

**Table 2: Total working days for non-notified consents and notified consents**

Types 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

## Fast track consents<sup>1</sup>

Some resource consents can be processed within 10 working days. Your proposed activity may be eligible to be processed on a fast-track basis if all of the following apply:

- the proposal requires a resource consent for a land use activity (ie, not a subdivision) under a district/city plan
- the land use activity has a controlled activity status

---

<sup>1</sup> As defined in section 87AAC of the Resource Management Act 1991

- you have provided an electronic address for service (an electronic address for service could include email, a website, instant messaging, a mobile phone number for SMS 'text' messages or an online messaging service).

For clarification, subdivision consent, and any resource consents that are required from a regional council (ie, water permits, discharge permits or coastal permits) are excluded from being able to be processed on a fast-track basis.

Fast-track applications must be processed in 10, instead of the standard 20, working days. The information requirements for a fast-track application are the same as a normal resource consent, discussed above. You can opt out of the fast-track process at the time you lodge the application. Please note that the fees payable on a fast-track application may differ to a standard resource consent. See the council's website for their schedule of resource consent fees and charges.

An application will cease to be processed on a fast-track basis if:

- a hearing is necessary
- the council decides to notify the application
- the applicant chooses to opt out of the process at the time of lodgement.

## Conditions on resource consents

Councils can approve a resource consent, subject to conditions. This means the consent holder (applicant who is successful in obtaining the consent) must follow the conditions attached to the consent.

Conditions can only be imposed on a consent if at least one of the following is satisfied:

- the applicant agrees to the condition
- the condition is directly connected to an adverse effect of the activity on the environment
- the condition is directly connected to an applicable district rule, regional rule or national environmental standard
- the condition relates to administrative matters that are essential for the effective implementation of the resource consent.

These limitations do not prevent the council from declining subdivision consents to manage risks associated with natural hazards or other subdivision requirements.

The consent holder is able to apply to the council to change any condition of resource consent under [Section 127 of the RMA](#). The consent holder should speak to the council if they wish to change any condition of consent. The process and timeframes are very similar to the resource consent process.

## Objecting to or appealing the council's decision

If you do not agree with the decision on the resource consent application or the conditions placed on the consent, you can either make an objection to the decision, or appeal to the Environment Court, depending on the circumstances.

### Circumstances when you can object to the decision to council

You can object to the council's decision if your application was:

- processed on a non-notified basis

- processed on a notified basis (public or limited) and either no submissions were received or any submissions received were withdrawn.

An objection must be made in writing and must be lodged with the council within 15 working days of receipt of the council's decision. You are able to request that the objection be heard by an independent commissioner if you so wish.

### **Circumstances when you can appeal the decision to the Environment Court**

You have the right to appeal the decision (or part of the decision) to the Environment Court within 15 working days of receiving the council's decision as long as the part of the decision you are appealing does not relate to a boundary activity (unless the boundary activity had a non-complying activity status).

If you are considering making an appeal, you should seek advice from a lawyer, planning consultant, or someone with resource management experience on whether you are likely to be successful.

## **Fees and charges**

The RMA allows councils to recover the costs for processing resource consents and other statutory processes that they undertake. The relevant fees and charges are available on councils' websites.

Any work on applications will only commence on payment of the relevant fees. There are instances when a council could invoice for additional charges for any costs not covered by the initial charge depending on the fees and charges policy, on the completion of the processing of the resource consent.

#### **Material in this series**

This is one of a series of information sheets that provide an overview of resource consent, deemed permitted boundary activity, and plan-making processes under the Resource Management Act 1991 (RMA).

Find out more:

- [Deemed Permitted Boundary Activity flowchart](#)
- [Fast Track Resource Consent flowchart](#)
- [Resource Consent Process for Limited Notified and Publicly Notified Applications](#)
- [Everyday Guide to the Resource Management Act](#)

Note: At the publication of this information sheet, the Everyday Guide to the RMA has not been updated to reflect the recent amendments to the RMA made by the Resource Legislation Amendment Act 2017. However, some of the information may still be relevant.

## Disclaimer

The information in this publication is, according to the Ministry for the Environment's best efforts, accurate at the time of publication. The information provided does not alter the laws of New Zealand and other official guidelines or requirements. Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained from this publication.

The Ministry for the Environment does not accept any responsibility or liability whether in contract, tort, equity or otherwise for any action taken as a result of reading, or reliance placed on the Ministry for the Environment because of having read any part, or all, of the information in this publication or for any error, or inadequacy, deficiency, flaw in or omission from the information provided in this publication.

Published in September 2020  
by the Ministry for the Environment  
Publication number: INFO 989



**Making Aotearoa New Zealand**  
*the most liveable place in the world*  
Aotearoa - he whenua mana kura mō te tangata

**New Zealand Government**