

Resource Consents
Procedure Document

Taranaki Regional Council
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Taranaki Regional Council Resource Consents Procedure Document

This document sets out the Taranaki Regional Council's guidelines in relation to the resource consent process and the procedures adopted by the Taranaki Regional Council within this process.

It is a **GUIDE ONLY** and has been prepared in good faith with a desire to inform and be helpful. It is **NOT** to be relied on as constituting legal advice on the topics dealt with.

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1. Introduction

1.1 Purpose

This document, entitled *Resource Consents Procedure Document*, presents the Taranaki Regional Council’s guidelines in relation to the resource consents process and the procedures adopted by the Taranaki Regional Council [hereafter referred to as ‘Council’ or ‘Regional Council’] within the process.

This document should be read in conjunction with relevant regional plans, the Resource Management Act 1991 [hereafter referred to as ‘the Resource Management Act’], and other associated procedures documents (for example, Enforcement Provisions and Procedures (TRC, 2006), and Hearing Guides for Committee Members, applicants and submitters, and staff (TRC, 2007)).

1.2 Context

The strategic framework under which the Council works is shown in Figure 1. The principal components of successful resource management, including issuing resource consents, are outlined. In broad terms, Resource Management Act policies and plans are developed, consents are issued (on a notified and non-notified basis), monitoring is undertaken (compliance and state of the environment), enforcement undertaken if necessary, and policy effectiveness reviews completed. This is all within the context of the Resource Management Act and the Long-Term Council Community Plan [LTCCP] (TRC, 2006).

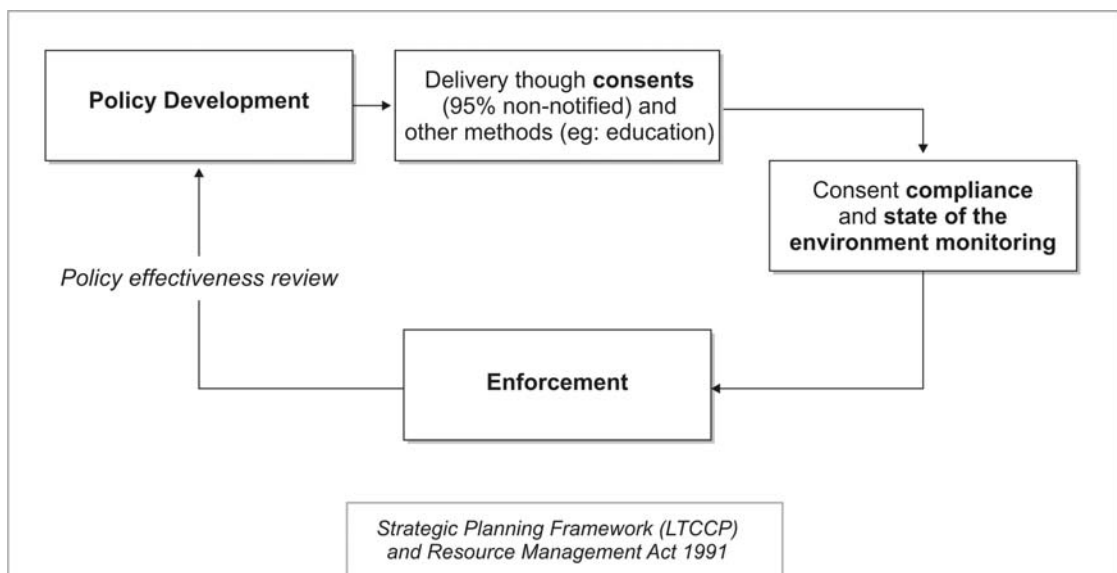


Figure 1 Principal components of resource management

1.3 Scope and structure

Determining whether an activity requires a resource consent, and then what procedures need to be followed, can at times be a difficult process to work through. This document sets out the procedures that the Council has established for processing resource consent applications.

The document is written primarily for Council officers to promote the efficient and effective processing of resource consents under the Resource Management Act but should also assist prospective resource consent applicants and submitters to understand and/or participate in the resource consents process.

The document has ten sections:

- Section 1 introduces the document to the reader, setting out its purpose, scope and structure, including an overview of the resource consents regime.
- Section 2 provides advice on how to make a resource consent application, including the type of resource consents required to undertake particular activities.
- Section 3 sets out the actions to be undertaken and the matters to be considered by the Council on receipt of a resource consent application.
- Section 4 provides advice on when to notify a resource consent application and whom to notify.
- Section 5 provides advice in relation to submissions and the pre-hearing process.
- Section 6 sets out process and procedure relating to the hearing of resource consent applications.
- Section 7 sets out information relating to the preparation of an Officer's Report that assesses the proposed activity and recommends whether a consent should be granted or not.
- Section 8 sets out the Taranaki Regional Council's decision making process and procedure relating to granting or declining resource consent applications. This section also sets out the procedure relating to the notification of the Taranaki Regional Council's decision, and process and procedure relating to any appeal of Taranaki Regional Council decisions.
- Section 9 sets out process and procedure relating to the transfer or renewal of resource consents, the change or review of consent conditions or the lapsing, cancellation or surrender of consents.
- Section 10 presents information on other matters including the issuing of certificates of compliance, privacy issues, cost recovery, and the monitoring of consent conditions.

1.4 Overview of the resource consents regime

1.4.1 Resource Management Act

The Resource Management Act commenced on 1 October 1991. The purpose of the Resource Management Act is to promote the sustainable management of natural and physical resources by avoiding, mitigating or remedying adverse effects on the environment.

Under section 30 of the Resource Management Act, the Council is responsible for the control of water, air, land (for the purposes of soil conservation, water management, natural hazards avoidance and mitigation and hazardous substances management), the investigation of land for the purposes of identifying and monitoring contaminated land, control of the coastal marine area (in conjunction with the Minister of Conservation), control of the discharge of contaminants into the environment, the control of river and lake beds, the establishment and implementation of objectives, policies and methods for indigenous biodiversity, and the strategic integration of infrastructure with land use through objectives, policies and methods.

The main functions relating to resource consents are:

- (a) The control of land, air and water in the coastal marine area (in conjunction with the Minister of Conservation);
- (b) The control of taking, using, damming and diverting water;
- (c) The control of discharges of contaminants into or onto land, air or water and discharges of water into water; and
- (d) The control of activities in relation to the bed of a water body.

Part six, sections 87 to 150, of the Resource Management Act provides detailed procedures to be followed for resource consents.

1.4.2 Regional plans

Pursuant to sections 63, 64 and 65 and the First Schedule of the Resource Management Act, the Council has four operative regional plans to address its various resource management functions. These plans are:

- *Regional Air Quality Plan for Taranaki;*
- *Regional Coastal Plan for Taranaki;*
- *Regional Fresh Water Plan for Taranaki; and*
- *Regional Soil Plan for Taranaki.*

Regional plans contain objectives, policies, methods and rules to manage the effects of activities on the resources covered by a particular plan. The provisions of regional plans have legal force under the Resource Management Act.

Regional rules permit, control or prohibit activities depending upon the scale and significance of the adverse effects associated with particular activities and the need to ensure measures are adopted to avoid or minimise those effects of concern. Regional rules have the force and effect of a regulation under the Resource Management Act.

The rules classify activities according to the following categories:

- (a) **Permitted activities:** activities that are allowed without a resource consent through a rule in the Plan, subject to their compliance with any conditions prescribed in the rule. For example, discharge of stormwater from ships and offshore installations to the coastal marine area.
- (b) **Controlled activities:** activities that, through a rule in the Plan, are allowed with a resource consent that **must** be granted by the Council, subject to the activity complying with standards and terms set out in the rule.
- (c) **Discretionary activities:** activities that, through a rule in the Plan, are only allowed with a resource consent. The Council has the discretion to grant or decline the consent application and, depending upon the rule, impose conditions on the consent.
- (d) **Non-complying activities:** activities that are not prohibited but which otherwise contravene or fall outside the scope of rules in the Plan. The Council has the discretion to grant or decline the consent application.
- (e) **Restricted coastal activities:** activities that, through a rule in the Plan, are only allowed with a resource consent and for which the Minister of Conservation is the consent authority. The Minister has the discretion to grant or decline the consent application and, depending upon the rule, impose conditions on the consent.
- (f) **Prohibited activities:** activities that the Plan expressly prohibits, for example, the discharge of human sewage in Coastal Management Areas A and D.

1.4.3 Types of resource consents

A quick guide to activities that **may** require a resource consent, and the various types of consents, are identified in Table 1 below. The four types of consents are: coastal permits, discharge permits, water permits, and land use consents.

The Council has prepared guides to regional plans for various sector groups, such as dairy, sheep and beef farming activities, local government and utility operators, oil and gas exploration and production activities, and small industrial and manufacturing businesses (see appendix 1).

Table 1 Specific activities that may require resource consents and the various types of consents

Consent	Activity	Regional Plan reference
Land use consent	Structures on or over river or streambed [Hangatahau]	Fresh Water Plan: Rules 7 - 9
	Structures on or over river or streambed	Rules 52 - 64
	Flood protection activities [Hangatahau]	Rules 10 - 13
	Other uses of the river or streambed [Hangatahau]	Rules 14
	Removal or introduction of plants	Rules 65 - 68
	Other uses of the river or streambed	Rules 69 - 76
	Vegetation clearance	Soil Plan: Rules 1 & 2
Water permit	To take & use surface water [Hangatahau]	Fresh Water Plan: Rules 1 - 3
	To take & use surface water	Rules 15 - 17
	Damming or diversion of surface water [Hangatahau]	Rules 4 - 6
	Damming or diversion of surface water [excluding wetlands]	Rules 18 - 20
	Bore or well construction	Rules 46 & 47
	To take & use groundwater	Rules 48 - 50
	Deepwell injection of groundwater	Rule 51
	Drainage & diversion of water affecting wetlands	Rules 77 - 87
Discharge permit	Discharges to land or water [Hangatahau]	Fresh Water Plan: Rule 6
	Discharges of water, on-site wastewater & stormwater to land & water	Rules 21 - 27
	Discharges of contaminants from closed landfills	Rule 28
	Discharges from industrial/trade premises onto land	Rule 29
	Agricultural discharges to land or water	Rules 30 - 40
	Discharges from hydrocarbon exploration	Rules 41 & 42
	Other discharges to land or water	Rules 43 - 45
	Land drainage & the diversion of water affecting wetlands	Rules 77 - 87
	Air discharges of products of combustion	Air Quality Plan: Rules 1 - 14
	Air discharges incidental to trade processes	Rules 15 - 17
	Air discharges from abrasive blasting processes	Rules 18 - 22
	Air discharges from other moveable sources	Rule 23
	Air discharges of heat or vapour plumes from fixed sources	Rules 24 - 27
	Air discharges from factory farming	Rules 28 - 35
	Air discharges from waste management processes	Rules 36 - 41
	Other air discharges from industrial/trade premises	Rules 42 & 43
	Air discharges of agrichemicals	Rules 44 - 46
	Burning of vegetation	Rules 47 & 48
Burning of tyres & untreated waste oil	Rule 49	
Air discharges involving fumigants	Rule 50	
Coastal permit	Occupation of space Discharges from ships and offshore installations Use of water Exotic plants Temporary military training Deposits from ships	Coastal Plan: Rules G1.1 – G6.1 <i>[general rules for all coastal management areas]</i>
	Structures Discharges Disturbance of, and deposits to, foreshore and seabed Reclamation Storage of hazardous substances	Coastal Plan: Rules A1.1 – D5.1 <i>Rules arranged by management area [A, B, C, and D]</i>

*Please note that Table 1 is indicative only. The Taranaki Regional Council should be contacted for confirmation of the type of consent (if any) required for any particular proposal.

1.4.4 Building Act approvals

At the time of reviewing this procedure document the Council was assessing options for the processing of approvals required under the Building Act 2004 for dams. The Council is required to be accredited by the Department of Building and Housing by 30 November 2007. Given the low level of work under the Building Act and requirement for specialised engineering and other skills it is likely the Council will contract out all or some of its responsibilities. While applications under the Building

Act will be processed using established resource consent systems, a separate procedure document will be prepared for this new function.

1.4.5 Transfer of powers

The transfer of functions from one local authority to another can occur, as set out in section 33 of the Resource Management Act.

The powers relating to the consenting of coastal hard protection works/structures above mean high water springs, under the Resource Management Act, within the New Plymouth district, has been transferred from the New Plymouth District Council to the Taranaki Regional Council.

The powers relating to noise control functions of the coastal marine area of the Taranaki region, under the Resource Management Act, has been transferred from the Taranaki Regional Council to the New Plymouth District Council, and the South Taranaki District Council.

1.4.6 Memorandums of understanding

A memorandum of understanding [MOU] is an agreement of cooperation between organisations defining the roles and responsibilities of each organisation.

In respect of Councils functions under the Resource Management Act, the Council has a MOU with district councils relating to on-site domestic wastewater systems, and another relating to drainage and stormwater. The Council also has MOU's or draft MOU's with several Iwi.

2. Making an application

2.1 Initial contact with the applicant

The Taranaki Regional Council's formal resource consent process starts when it receives an application. However, effectively, the process commences when the applicant first contacts the Council's Consents Section to discuss consenting requirements. This contact may be in the form of a telephone conversation, personal contact, or email.

Following these initial discussions with Taranaki Regional Council staff (usually a Consents Officer), the applicant should know:

- Whether a consent is required, and the type of consent to apply for. In cases where an activity is 'permitted' and does not require a resource consent, a certificate of compliance may be appropriate (refer section 10.3 below).
- The relevant issues and the scope and detail of the information required to support the application. Where issues are identified, possible alternative solutions to the issues should be discussed.
- Any relevant information and data the Council holds, and any other possible information sources. Also, that the correct application forms are available online or will be posted or emailed (see section 2.2 below).
- The parties likely to be affected and the degree of consultation recommended (the applicant is not obliged to consult) before the application is lodged (see section 4.2 below).
- How Council is likely to assess the application, including whether the application can be non-notified (see section 4.1 below).
- Indicative costs for assessing and processing the application.
- For multiple consent applications, whether or not an integrated resource consent process (where more than one type of resource consent is required from the Council) will be adopted.

For a major activity, a pre-application meeting with relevant Taranaki Regional Council staff is strongly recommended. The purpose of consultation prior to making a formal application is to inform and assist potential applicants with the procedural and technical matters related to their application. A well informed applicant and staff member who is familiar with the background to the application make the process more effective and efficient for all. Hence, pre-application consultation is considered an important component of successful consent processing.

For major or complex consent applications, the Consents Officer involved will seek a second opinion from the Consents Manager to confirm the pre-application advice.

2.2 Application forms and information requirements

An application for a resource consent is the first formal step in the resource consent process.

All prospective applicants are advised to contact Taranaki Regional Council staff prior to making an application for assistance in ensuring that application forms are completed correctly with sufficient information to support their application.

The applicant is required to supply the information necessary to process a resource consent including:

- A description and details of the proposed activity.
- The location of the proposed activity.
- An assessment of any actual or potential effects that the activity may have on the environment, and ways in which adverse effects may be mitigated.
- Where the effects are likely to be significant, a description of available alternatives.
- For a discharge permit, an assessment of the nature of any discharges and sensitivity of the receiving environment, and alternative methods of discharge.
- Where an effect needs to be controlled, a discussion of how it can be controlled, and how this will be monitored.
- An assessment of the risk, where the activity uses hazardous substances.
- Any information required to be included in the application by a plan or regulations. For example, for controlled activities, the applicant should include an assessment of the standards and matters Council has reserved control over, as may be specified in the relevant regional plan.
- A statement specifying all other resource consents the applicant may require in relation to the activity, and whether such consents have been applied for.
- Names of persons who may be interested or could be affected by the proposal, and information about any consultation undertaken with them and any response to the views of those consulted.

Assessment of environmental effects [AEE]

Any assessment of environmental effects accompanying an application must correspond in detail and depth to the scale and significance of actual or potential effects of the proposed activity.

The Fourth Schedule of the Act outlines the issues which should be covered in an AEE. This is attached to all Council application forms. The Ministry for the Environment also has a guide to preparing a basic AEE, available on www.rma.govt.nz.

Compliance monitoring information and reports may be available for the applications if it is a renewal or a similar activity, and this should be summarised or referenced in the AEE. Consent holders pay for the monitoring and can use it in consent process to reduce costs.


The relevant application forms (Figure 2) and associated advice on how to complete them will be provided to applicants following contact with the Council. The application forms are also available on the Council’s website [www.trc.govt.nz].

The application forms have been prepared in accordance with Form 9 of the Resource Management (Forms) Regulations 1991 and are designed to help the applicant to provide the necessary information in support of the application.

The Taranaki Regional Council may, on occasion, require additional information to be provided for the application, which expands on the information provided in the application form.

AGRICULTURAL DISCHARGE PERMIT APPLICATION

To: The Chief Executive
Taranaki Regional Council
Private Bag 713
Stratford
Telephone 06-765 7127
Facsimile 06-765 5097
Info@trc.govt.nz



Pursuant to section 88 of the Resource Management Act 1991,
the undersigned hereby applies for a consent to discharge contaminants into the environment:

Full name of owner / company to whom consent is to be issued [BLOCK CAPITALS] _____

Postal address _____

Phone numbers: Business _____ Private _____
Fax _____ Email _____

Name of occupier/lessee _____ Phone _____

Site location of discharge _____

Receiving watercourse _____ Catchment _____

Legal description [see rates demand] _____

List other resource consents related to this application that the applicant may require from any consent authority _____

Maximum number of cows/pigs/poultry _____ Dairy supply no. _____
[please cross out what does not apply]

Type of discharge [please tick]

Farm Dairy	<input type="checkbox"/>	Piggery	<input type="checkbox"/>	Poultry	<input type="checkbox"/>
Other [specify] _____					

Discharging to [please tick]

River/Stream/Lake	<input type="checkbox"/>	Land	<input type="checkbox"/>
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Method of discharge [please tick]

Oxidation ponds	<input type="checkbox"/>	Spray irrigation	<input type="checkbox"/>
Holding ponds	<input type="checkbox"/>	Honeywagon	<input type="checkbox"/>

Tertiary Treatment [please tick if applicable]

Constructed Wetland	<input type="checkbox"/>	Constructed Drain	<input type="checkbox"/>
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For office use only

Consent number: _____ Application number: _____ Fee: _____

Date Received: _____ Maximum daily discharge volume (at 68 litres/cow) _____ m³

Map/GPS reference at discharge point _____

Discharge Permit Application [Agricultural or Non-agricultural]

Coastal Permit Application

Land Use Consent Application

Water Permit Application to take surface water or groundwater

Water Permit Application to divert or use water

Figure 2 Standard resource consent forms

3. Council receives application

3.1 Ensure the application is the correct one

The first action by a Consents Officer on receiving a resource consent application is to verify that:

- The proposed activity requires a consent (i.e. check what regional plan rule the activity comes under, and that it is not a permitted or prohibited activity).
- The consent applied for is the correct one, has been made in the correct form, and to the correct consent authority.
- The application has been signed and dated by the applicant.

In the event that the Consents Officer receives an incorrect or unclear application, the matter will be referred to the Consents Manager for his or her consideration. In such cases, the application may be returned to the applicant to remedy matters before the application is formally received.

3.2 The decision on whether to start processing

Once an application for a resource consent has been received, the decision as to whether the resource consent application can be processed is subject to the Consents Officer being satisfied that:

- No additional consents are required; and
- There is sufficient information to proceed – the application, including the assessment of environmental effects, adequately addresses those matters outlined in section 2.2 above.

3.2.1 Are additional consents required?

A Consents Officer may, after consulting with the Consents Manager, delay the processing of a resource consent application where other resource consents are required and the delay will enable the Taranaki Regional Council to obtain a better understanding of the nature of the proposal (refer section 91 of the Resource Management Act), and achieve integrated resource management.

Where deferral is considered appropriate, the applicant will be informed immediately. This scenario does not apply where the applicant wishes to pursue one consent application before the other, where the subsequent application would be dependent on receiving the other.

Staff will assist applicants in determining whether applications need to be made together or whether one can be made subsequent to obtaining the first resource consent. This is also relevant where consents are required from different consent authorities (such as the Taranaki Regional Council and a district council).

3.2.2 Is further information required? [section 92]

A Consents Officer may, after consulting with the Consents Manager, request an applicant to provide further information relating to a resource consent application if the information is necessary to enable the Taranaki Regional Council to better understand:

- (a) The nature of the proposed activity;
- (b) The effect(s) of the proposed activity on the environment – this may also include information about any consultation undertaken and how key groups consider the proposal might affect them; and
- (c) The ways any adverse effects may be avoided, remedied or mitigated.

When seeking further information on applications, the Taranaki Regional Council may postpone the processing of a consent, including its notification or making a decision (where no hearing is required), until the information is received.

A request for further information must be in writing, and needs to specify:

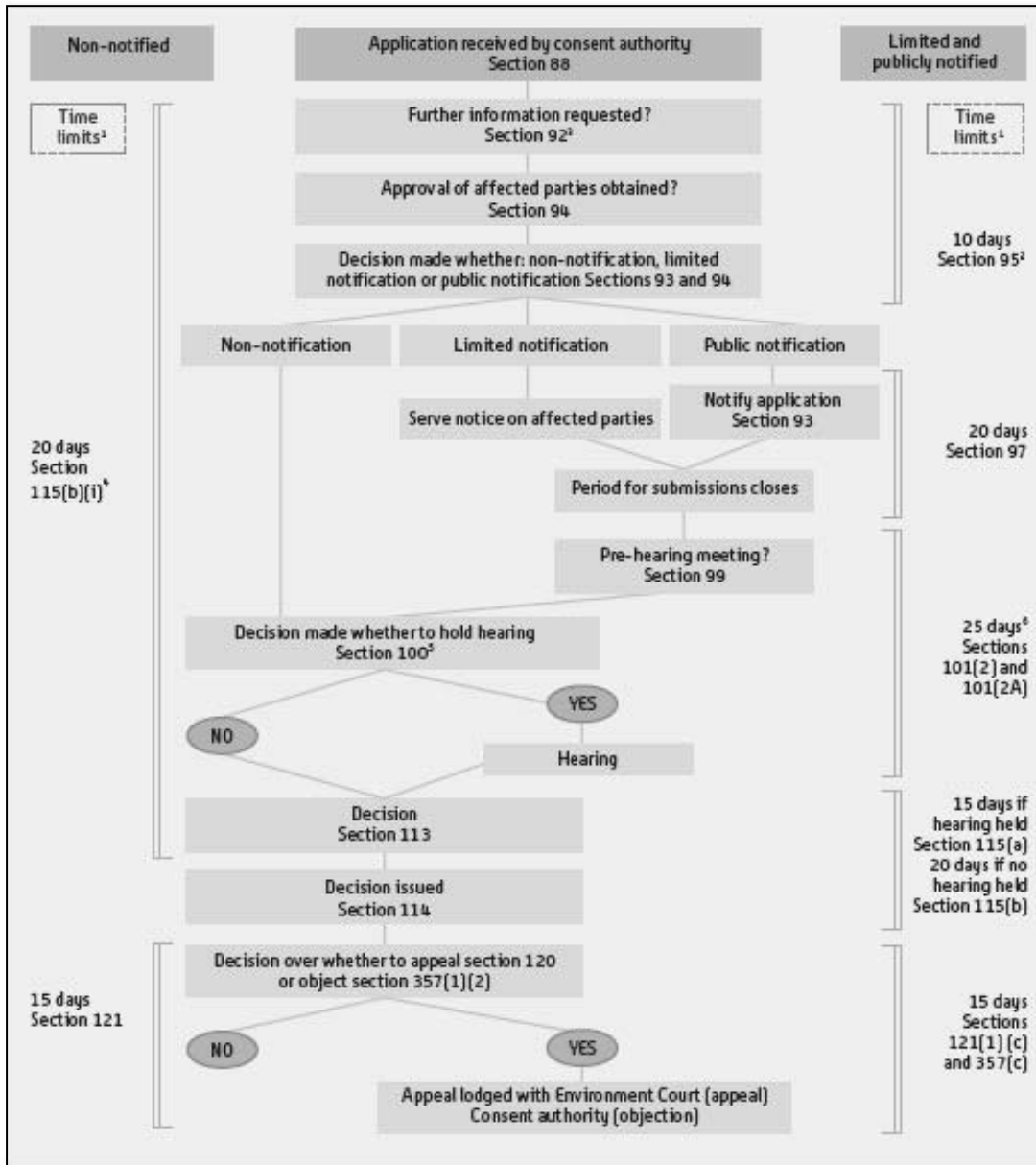
- (a) The information requested and reasons for the request;
- (b) That the applicant must respond to the request for further information within 15 working days from receipt of the request, by either providing the information, or telling the Council that they agree to provide the information;
- (c) That processing of the application will be postponed until the information is received; and
- (d) That the applicant may refuse to provide the information, but the Council may decline the application if there is insufficient information to determine the application.

3.3 Resource consents process and timeline

Target

The Taranaki Regional Council aims to “...process and administer not less than 98% of accepted resource consent applications in compliance with statutory timeframes prescribed in the Resource Management Act 1991” (Taranaki Regional Council’s 2006/2016 Long-Term Council Community Plan).

Once the Consents Officer is satisfied that no additional resource consents are required and that there is sufficient information to begin processing the application, the Resource Management ‘clock’ starts. The time limits and procedures specified in the Resource Management Act apply. Figure 3 below summarises the process and the statutory timeframe involved in processing a resource consent application.



***Notes**

- It should be noted that these timeframes are extendable under certain circumstances
 - from 20 working days to 40 working days (section 37A(2)(a) of the Resource Management Act);
 - Indefinitely, at the request of or with the agreement of the applicant (section 37A(2)(b) of the Resource Management Act).
- This period begins when the application is received. If further information is sought, the 'clock stops' until the information is provided to the council.
- Applicants have 15 working days to either provide the information or provide a response in relation to the request.
- This period begins when the application is received. If further information or the approval of affected parties is sought, the 'clock stops' until the information is provided to the council. If a hearing is held, additional timeframes apply (see right-hand column).
- If the consent authority decides not to hold a hearing on a notified application, it must release its decision within 20 working days, rather than the 40 days otherwise indicated in this figure. At this point, a consent authority may decide to hold a hearing in relation to a non-notified application, if the situation demands it.
- Council may direct the pre-provision of evidence before a hearing. In this case, the time period for beginning the hearing is 40 working days.

Figure 3 Resource consent procedure and timeframes [source: MfE, 2006, p37]

4. When and whom to notify

Once a Consents Officer is satisfied that there is adequate information relating to a resource consent application, he or she will consider how the application should be processed, in accordance with sections 93 and 94 of the Resource Management Act.

There are three different ways an application can be processed¹. These are:

- Non-notification;
- Limited notification; and
- Public notification.

The Resource Management Act expects that all applications for resource consent will be publicly notified, unless one or more exceptions apply. However, in practice, these exceptions apply in the majority of cases².

The decision to notify, limited notify, or non-notify a resource consent application is delegated to the **Chief Executive, Director – Resource Management** and the **Consents Manager**.

Any decision on notification (including reasons) will be recorded in the Officer's Report (refer section 7 below) and, also on a file note that is kept in the relevant consent file.

4.1 To notify or not to notify

4.1.1 Non-notification

In accordance with section 94 of the Resource Management Act, a resource consent application will be non-notified where:

- (a) The application is for a controlled activity, **or** Council is satisfied that the adverse environmental effects of the proposed activity will be minor (see Table 2 below for a checklist for determining whether a potential adverse effect is minor); **and**
- (b) Written approval has been obtained by the applicant from every person who, in the opinion of the Council, may be adversely affected by the activity (see section 4.2 below); **or** the relevant regional plan rule states that the application may be non-notified without the need to obtain affected parties' approval.

¹ Whether an application is notified, limited notified, or non-notified has significant implications in terms of process times, processes and costs.

² In 2005/06, approximately 95% of all resource consent applications processed by the Taranaki Regional Council that year were non-notified, which is also the case in other regions.

Minor Environmental Effects

The meaning of effect is defined in section 3 of the Resource Management Act. Unless the context otherwise required, the term 'effect' includes:

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects – regardless of the scale, intensity, duration, or frequency of the effect, and also includes –
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

'Environment' is defined in section 2 of the Resource Management Act as including:

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

'Minor' is not defined in the Resource Management Act. Minor effects are adverse effects that are noticeable but that will not cause any significant adverse impacts. The checklist in Table 2 can be used to assess the degree of effects.

Table 2 Checklist for assessment of whether the effects of a proposed activity will be minor

Checklist for assessing minor effects	Tick
• The degree of any non-compliance with relevant rules in a regional plan and the environmental outcome sought by that rule	<input type="checkbox"/>
• The cumulative nature of any effect over time or in combination with other effects	<input type="checkbox"/>
• The duration of any effect	<input type="checkbox"/>
• The frequency of any effect	<input type="checkbox"/>
• The area influenced by the effect	<input type="checkbox"/>
• The timing of any effect	<input type="checkbox"/>
• The sensitivity of the environment and surrounding uses to that effect	<input type="checkbox"/>
• Any other aspect of the effect considered relevant in a particular circumstance	<input type="checkbox"/>

Approval of affected parties

Section 4.2 below gives guidance on determining who may be adversely affected by an activity.

The Taranaki Regional Council has a standard form for obtaining written approval from affected parties to non-notify the application (see Figure 4).

Where the applicant cannot obtain written approval from affected parties, the Council will generally proceed to process the application on a limited notified basis (see section 4.1.2 below).

However, the **Chief Executive, Director – Resource Management** or the **Consents Manager** may decide to process an application for a controlled activity on a non-notified basis despite that application not having written approval from affected parties where it is considered unreasonable in the circumstances to do so. Such circumstances are provided for under section 94B(3) of the Resource Management Act and include absentee landowners where the effects are considered to be relatively minor or where written approval is clearly being withheld for other than resource management reasons (for example, trade competition).

Non-notified Approval Form

In accordance with section 94 of the Resource Management Act 1991, in order for an application for a resource consent to be processed without public notification, the written approval of every person who may be adversely affected by the granting/renewal/change/review of the consent must be obtained. Council staff determine who is adversely affected. Applicants should obtain such approvals on this form.

If the required approvals are not obtained, the application will need to be publicly notified.

TARANAKI REGIONAL COUNCIL
Private Bag 713
Stratford
Telephone 06-765 7127
Fax 06-765 8092

To be completed by the applicant

Activity _____

Applicant name _____
Applicant address _____
Site location _____

To be completed by persons who may be adversely affected

- I am the owner/occupier (delete as appropriate) or have some interest (specify below) in the property that may be affected by the proposed activity.
- I have read the information provided or have been made aware of the proposed activity and its likely environmental effects.
- I have the authority to give approval for the proposal to proceed as described above and hereby do so on behalf of myself, the organisation and all owners of the property I represent.

Name _____
Address _____
Signature _____ Date _____
Interest in Property [eg neighbour] _____

Name _____
Address _____
Signature _____ Date _____
Interest in Property [eg neighbour] _____

Notes: (1) If you are unsure whose approval is needed or have any queries regarding the consent process, please contact the Consents Section of the Taranaki Regional Council for guidance on 03 765 7127 or 0800 738 222.
(2) Please make sure you have seen the application in its entirety, including any attachments and supporting documentation.

For office use only

Consent number: _____ Application number: _____ Date Received: _____

Figure 4 Non-notified approval form

Once the Council has determined that the application can be processed on a non-notified basis, then the next step is writing an officer report (section 7 below) so a decision can be made on the application (section 8 below).

4.1.2 Limited notification

If an application meets most of the criteria for non-notification (for example, the Council is satisfied that the adverse environmental effects of the proposed activity will be minor), except the applicant is not able to obtain written approval for non-notification from all parties that may be adversely affected, the application will be processed on a limited notified basis.

This involves serving notice of the application on all persons who are considered to be potentially adversely affected by the application, even if they have previously provided their written approval for the proposal.

Anyone who is served with notice of the application may make a submission on the application within 20 working days. No one else can submit, and the Council cannot accept submissions from persons who were not served with notice of the application.

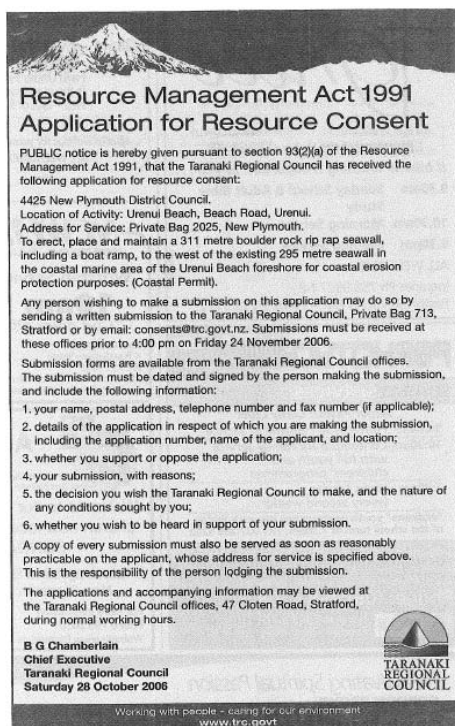
The process for submissions, pre-hearing meetings, and hearings are outlined in sections 5 and 6 below. If no submissions are received, then the next step is writing an officer report (section 7 below) so a decision can be made on the application (section 8 below).

4.1.3 Public notification

An application will be processed on a publicly notified basis if:

- Council is not satisfied that the adverse effects of the activity on the environment will be minor;
- The application is for a restricted coastal activity (section 117); and/or
- The applicant requests notification, or special circumstances exist (section 94C).

The Taranaki Regional Council will notify a resource consent application within **10 working days** of receiving that application or the applicant supplying any additional information requirements.



Public notification is the process of making a resource consent application available for the wider public to comment on. It involves not just providing copies of the application and information on it to parties directly affected by the proposed activity (section 4.2 below discusses affected parties), but also placing an advertisement in a local newspaper to inform other interested parties in the wider community (generally the Saturday edition). In special or urgent circumstances, applications may be published on other days.

A **public notice** (as shown in Figure 5) will call for submissions to be lodged within 20 working days. The Taranaki Regional Council will usually affix a sign at the site of the proposed activity indicating it is subject to a resource consent application.

Figure 5 Public notice of resource consent application

The process for submissions, pre-hearing meetings, and hearings are outlined in sections 5 and 6 below. If no submissions are received, then the next step is writing an officer report (section 7 below) so a decision can be made on the application (section 8 below).

4.2 Whom to notify

4.2.1 Affected parties

The Consents Officer will identify, for the resource consent applicant, 'affected parties' who may need to be consulted and whose written approval is required for the application to be processed non-notified. Which parties may be affected will be determined on a case-by-case basis (depending on the nature of the consent application) but may include:

- (a) Owners and occupiers of the land;
- (b) Owners and occupiers of adjacent land;
- (c) Tangata Whenua;
- (d) Downstream resource users;
- (e) Any Crown entity with statutory responsibilities for an area or site that could be adversely affected, for example, Department of Conservation, Maritime Transport Authority, Ministry of Transport and the Ministry of Agriculture and Forestry, Taranaki District Health Board;
- (f) The relevant district council;
- (g) Those persons or organisations whose use or enjoyment of an area could be adversely affected; and
- (h) Any other person whom the Taranaki Regional Council considers relevant in the circumstances, for example, Fish and Game Council New Zealand – Taranaki, Historic Places Trust, environmental groups.

Note

Guidance on who may have affected party status is contained in some of the Council's regional rules. For example, rules 31 and 34 of the RAQP relating to discharges to air from piggeries and poultry farms identifies the need to get the approval of any owner and occupier of a dwelling house within a specified separation distance of the proposed activity.

Policies can also provide guidance for determining affected parties. For example DoC and FG NZ are more likely to be affected if an activity is in a river, stream or wetland identified in Appendix 1 of the RFWP, or if an activity involves disturbances to river and lake beds outside of the times identified in policy 6.6.6 of the RFWP.

4.2.2 Interested parties

'Interested parties' are parties and individuals that have an *interest* in a proposed activity but are not necessarily likely to be directly affected by the granting of the resource consent.

The Taranaki Regional Council will not generally require the applicant to obtain written approval from interested parties. However, the applicant should identify those people who may be interested in the proposal, the consultation undertaken with them (if any), and the response to the views of those consulted. This should be done as part of the Assessment of Environmental Effects (AEE) Report, which is prepared by the applicant.

4.2.3 Iwi

Statutory acknowledgments

A statutory acknowledgement is a means by which the Crown has formally acknowledged the statements made by the Iwi of the particular cultural, spiritual, historical, and traditional association of the Iwi with certain areas (statutory areas). Statutory areas are described in the schedules of an Iwi Settlement Act.

The Council must:

- (a) have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of the Resource Management Act 1991 as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area; and
- (b) forward summaries of resource consent applications for activities that would affect the area to which the statutory acknowledgement applies to the governance entity.

Statutory acknowledgements are contained in the appendices of the Council's Regional Plans. Four of the eight iwi (see Figure 6) in the Taranaki Region have statutory acknowledgements as at January 2007, being: Ngati Ruanui, Ngati Tama, Ngaa Rauru, and Ngati Mutunga.

The Taranaki Regional Council is charged under sections 6(e), 7(a) and 8 of the Resource Management Act to give careful consideration to consultation with Iwi for resource consents. In the Resource Management Act there are specific consultation requirements regarding the development of council plans, which basically set the consent regime.

The 2005 Amendment to the Resource Management Act clarified the provisions regarding Iwi consultation on resource consents and plans. Previously there was some confusion regarding the consultation requirements of the Resource Management Act and varying Environment Court decisions on this matter. The Amendment noted there was no absolute duty for either the applicant or the council to consult with any person, including Iwi. However, the Amendment noted both parties may consult. The Amendment also provided greater opportunity for Iwi to get involved in plan development and recognized that involvement at this stage was more strategic and efficient than raising issues at the resource consent application stage.

The Council encourages pre-application consultation with applicants and at that time can, based on a number of information sources, determine whether Iwi consultation should occur. Generally if there is any doubt then the council encourages consultation as a matter of good practice and for relationship building between the parties. Figure 6 shows the approximate boundaries of the eight recognised Iwi in Taranaki.

For controlled activities (for example, treated farm dairy discharges to land and water), consultation is not usually undertaken. The matters over which the Council has reserved control, for the controlled activity, address all environmental effects, and under the Resource Management Act the Council must grant such applications. However, consultation may be undertaken when both discretionary and controlled

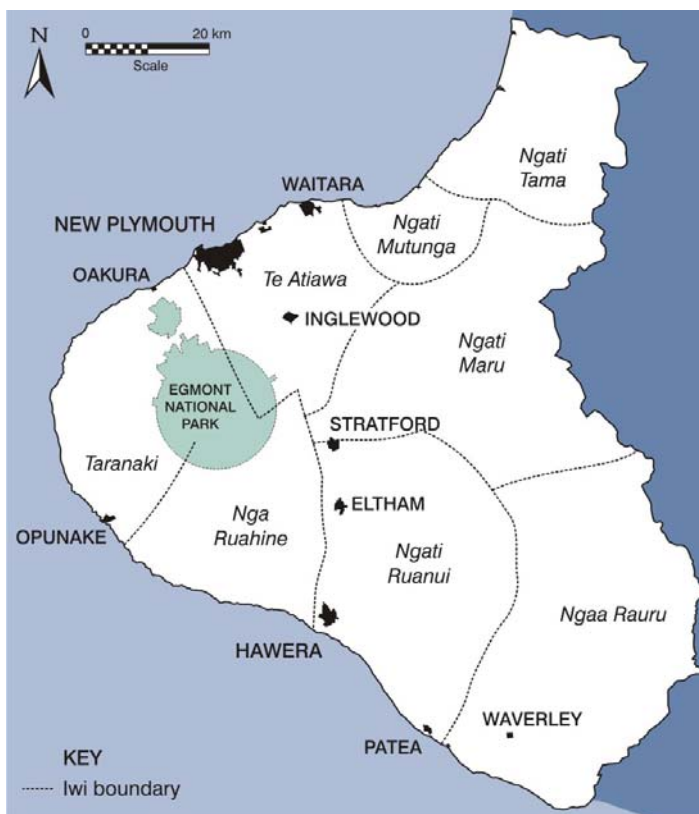


Figure 6 Approximate Iwi boundaries

activities for an activity are considered in the same AEE (for example, exploration wellsite applications).

For this Council, consultation would arise where Iwi were an affected party for a non-notified resource consent application, and possibly where an application is notified. All notified applications are sent to all Iwi in the region so there is an opportunity for involvement through submissions should consultation not occur, or if there is uncertainty over an Iwi boundary.

The following sources of information are used to determine whether Iwi are an affected party and/or should be consulted by the applicant³:

- Statutory acknowledgements (see above). A summary of every application relating to a statutory acknowledgement area is sent to the relevant Iwi.
- The provisions of a Memorandum of Understanding (MOU) between the Council and Iwi setting out consultation procedures in a particular rohe (area). The MOU may arise from the Treaty Settlement process where governance issues have been addressed for a rohe.
- Effects on wāhi tapu (sacred) sites based on an assessment of confidential databases held by the Council and information shown in District Plans.
- Environmental monitoring results of similar activities to establish the nature and type of any effects.
- A knowledge of Iwi views about resource management built up over the last 30 years through the Catchment Management Plans, Regional Policy Statement (RPS), Regional Plans, and submissions on resource consents processes. The RPS contains a Declaration of Understanding and Code of Conduct which set out the Council's commitment to take into account the principles of the Treaty of Waitangi in the exercise of the Resource Management Act functions including those related to resource consents.

³ If the applicant is unsure as to the 'affected party' status of an Iwi or how to go about consulting with Iwi, the applicant should seek advice from the Council.

Consultation with affected Iwi will generally be at the Iwi and Hapu level with Iwi determining whether consultation at the whanau (extended family) also takes place. Persons contacted on behalf of Iwi, the nature of the consultation undertaken, and the responses to the views of those consulted are noted in the Council Officers report for an application.

The Iwi liaison role at the Council is presently unfilled while the future of the Taranaki Regional Council Iwi Liaison Committee [Te Putahitanga o Taranaki] remains unclear. However, the Director of Resource Management, and Consents and Policy and Planning Managers fulfil this role and have direct engagement with Tangata Whenua in their positions.

Iwi contacts

The Taranaki Regional Council maintains an Iwi database, including contact details, on the Council's website www.trc.govt.nz.

Te Puni Kokiri also has a web based directory of Iwi and Maori organisations and their contact details: Te Kāhui Māngai www.tkm.govt.nz

5. Submissions and pre-hearing meetings [publicly and limited notified applications]

5.1 The submission process

For a publicly notified application, any person may make a submission on the application (section 96(1)(a)). For a limited notified application, any person served with the notice of the application may make a submission on the application (section 96(1)(b)). There is no opportunity for submissions on non-notified applications.

A submission should be relevant to the resource consent application and the environmental issues relating to the resource consent being sought. The submission can be in support of, in opposition to, or neutral to all or any aspects of the proposed activity.

Submissions must be in writing and should clearly state:

- (a) The reason for making the submission.
- (b) Whether the submission is in support, opposition, or neutral. Note that the submission must be relevant to the application and related resource management issues that fall under the auspices of the Council. The Council is not able to consider issues that arise out of trade competition, nor other matters that go beyond its functions under the Resource Management Act.
- (c) The decision the submitter wishes the Council to reach.
- (d) Whether the submitter wishes to be heard (speak) at any hearing (see section 7 below).
- (e) Any conditions that the submitter believes should be imposed if the consent is granted.

The form is titled "Notice of Submission" and is addressed to the Chief Executive of the Taranaki Regional Council. It includes contact information for the Council and a logo. The form contains several sections for the submitter to complete, including fields for name, address, and contact details. It also features checkboxes for the submitter to indicate their position (Support, Oppose, or Neutral) and whether they wish to be heard at a hearing. There are also sections for the submitter to provide reasons for their submission and any conditions they wish to be imposed if consent is granted.

Figure 7 Standard notice of submission form

Standard submission forms (as shown in Figure 7) based on Form 13 contained in the Resource Management Act (Forms, Fees, and Procedure) Regulations are available from the Taranaki Regional Council offices, or the Council's website.

A submitter must also serve a copy of his or her submission on the applicant as soon as reasonably practicable after serving a copy on the Taranaki Regional Council.

The closing date for making a submission to the Taranaki Regional Council will be specified in the notification of the resource consent application. Submissions close on the 20th working day following the application being notified.

Submissions after the closing date

Matters raised in submissions received after the closing date **may** be addressed in the Officer's Report on the resource consent application. However, the submission will have no legal status. This means that the submitter has no right to appear in support of his or her submission or to appeal the decision should it be unfavourable to the submitter.

The Taranaki Regional Council processes submissions once they are received. This includes:

- (a) Acknowledging its receipt to the submitter.
- (b) Passing a copy of the submission on to the Consents Officer processing the resource consent application so that he or she may take into consideration matters raised in the submission when preparing the Officer's Report on the application.
- (c) Ensuring a copy of the submission is held on the relevant consent file and sent to the applicant.

5.2 Pre-hearing process

Pre-hearing meetings are provided for in section 99 of the Resource Management Act. The authority to convene pre-hearing meetings is held by the **Chief Executive, Director – Resource Management** and the **Consents Manager**.

The purpose of the pre-hearing process is to clarify, mediate or facilitate resolution of any matter or issue associated with a submission concerning a resource consent application.

Pre-hearing meetings involve the Council, the applicant and interested submitters. On the submission form, submitters who have not requested to be heard are invited to indicate whether they wish to attend any pre-hearing meetings.

The Council can require persons to attend a pre-hearing meeting, with the consent of the applicant. If a person required to attend a meeting fails to do so, the Council may decline to consider their submission or application, unless they have a reasonable excuse for not attending the pre-hearing meeting.

Often where submitters express concern about the effect of the activity on the environment, issues raised can be managed through minor modifications to the proposed activity or its mitigation measures, or by way of modification to the conditions of the resource consent. This enables the activity to proceed while meeting the concerns of submitters. Other advantages include reducing costs (to the Council,

Target

The Council aims to resolve, through the pre-hearing process, at least 50% of all submissions received on resource consent applications (Taranaki Regional Council's 2006/2016 Long-Term Council Community Plan).

the applicant, and submitters) associated with holding a hearing of submissions on the resource consent application, which can be significant for all involved.

The process can be separated into three phases: pre-meeting mediation; pre-hearing meeting; and post-meeting mediation.

5.2.1 Pre-meeting mediation

Consents staff will be responsible for setting up and facilitating pre-hearing meetings between the Council, submitters and the applicants. The number of parties involved will influence details of the process (for example, number of pre-hearings required), although the same basic approach is adopted.

A Consents Officer is appointed by the Consents Manager to manage and mediate the process. For the purposes of this document that officer is hereinafter referred to as the mediator.

Prior to the pre-hearing meeting, the mediator will:

- (a) Develop an understanding of the resource consent application.
- (b) If not familiar with the site of the proposed activity, visit it.
- (c) Identify concerns and relevant issues from submissions or personal contact with submitters.
- (d) Develop an understanding of what information might be required to make decisions.
- (e) Determine who is to attend the meeting (for example, which Council staff, other authorities or interested parties).
- (f) Organise timing and venue of the meeting.
- (g) Assess the positions and needs of the applicant and submitters and start to develop strategies to assist discussion.

5.2.2 Pre-hearing meeting

At the pre-hearing meeting, the mediator (i.e. the Consents Officer) will 'chair' the meeting and adopt the following procedure:

- (a) Encourage parties to mix informally before the meeting convenes.
- (b) Mediator commences meeting by noting the purpose of the meeting and asking all parties to introduce themselves.
- (c) For larger meetings, or meetings that have the potential to be tense or emotional, the mediator will outline the meeting protocol.
- (d) The applicant presents his or her case.
- (e) The mediator briefly outlines the requirements of the Resource Management Act in relation to the application and, if applicable, compliance monitoring results associated with the activity. Enforcement data is also available to show

the Council takes appropriate action when consent conditions of the Resource Management Act are breached.

- (f) Submitters briefly give their reasons for opposing or supporting the application.
- (g) Submitters are given the opportunity to ask questions or voice their concerns.
- (h) Mediator assists submitters to identify the nature of their concerns and identifies those issues able to be dealt with under the framework of the Resource Management Act.
- (i) At the conclusion of the meeting, the mediator will:
 - determine the 'status' of submissions;
 - confirm points of agreement between the applicant and the submitter; and
 - identify further action, including additional meetings or a commitment to present submitters with future monitoring data and/or annual reports.

Meeting protocol

- The mediator is the chairperson.
- Questions must initially be through the chairperson.
- Open and frank discussion is encouraged – a pre-hearing meeting is usually held on a without prejudice basis.
- No detailed minutes will be taken or tape recorders allowed, as the discussion is without prejudice. However, the issues raised and any agreements reached will be recorded for the file and for the Hearing Committee should the application and submissions require a hearing.
- No Councillors will be present.
- Lawyers (in their legal capacity) are not encouraged to participate but may attend as observers.
- No media or communication by the parties to the meeting with the media is permitted until the status of all submissions is determined.
- No aggressive or destructive behaviour will be tolerated.

More than one pre-hearing meeting will be necessary on occasion. If appropriate, the mediator will organise further meetings and encourage the applicant and submitters to continue dialogue.

On frequent occasions, the applicant may modify the resource consent application to address submitter concerns. On some occasions, the applicant may change their application or withdraw their application.

Where the outcome of the pre-hearing was satisfactory to the submitter, he or she can either:

- (a) **Withdraw the submission:** If the submission is withdrawn, the submitter declines the right to speak at the hearing and no longer has the right to appeal the Council's decision; or
- (b) **Withdraw the right to be heard:** If the submitter withdraws the right to speak at the Hearing, it may remove the need to hold a hearing. However, the submission remains valid and must be considered by Council when it decides

on the application. The submitter also retains the right to appeal the Council's decision.

The Council has a standard withdrawal form, which covers both of the above options.

5.2.3 Post-meeting mediation

After the pre-hearing meeting(s), the Consents Officer will compile and submit a draft Officer's Report (see section 7) to the applicant, and submitters. A withdrawal of submission form is included for submitter consideration. Thereafter, there are two scenarios:

- (a) Where all concerns can be met, a standard set of conditions agreed upon and the submitters' withdraw their right to be heard, there is no need for the Council to hold a hearing on the application – the application proceeds to the decision making stage.
- (b) Where all concerns cannot be addressed, the officer will, with the applicant's support, approach individual submitters and seek resolution through revision of the draft Officer's report, the consent conditions or compliance monitoring. If any submissions are unable to be resolved, the application proceeds to a hearing.

The discretion of whether to hold a hearing under section 100 of the Resource Management Act has been delegated to the **Chief Executive, Director – Resource Management** and the **Consents Manager**. The exercise of this discretion is included in the Officer's report, which is forwarded and reported to the Consents and Regulatory Committee, which meets about every six weeks.

6. Hearings [publicly and limited notified applications]

6.1 Taranaki Regional Council hearings

A hearing is required if:

- (a) The Taranaki Regional Council considers it necessary, for example, where the proposed activity is of considerable public interest or significance;
- (b) The applicant or submitter requests a hearing; or
- (c) The application is for a restricted coastal activity.

A hearing gives the applicant and all submitters the opportunity to formally present their case.

The discretion to fix the commencement date, time and venue for a hearing has been delegated to the **Chief Executive, Director – Resource Management** and the **Consents Manger**.

The Taranaki Regional Council’s Consents and Regulatory Committee generally delegates the authority to hear and determine the outcome of resource consent applications to a hearing committee.

The Hearing Committee typically comprises three Councillors who listen to evidence presented by the applicant, submitters and the officers of the Taranaki Regional Council. In the event of potential or actual conflicts of interest for the Council (such as, where it is both the applicant and consenting authority), the application will be heard by independent commissioners. Independent commissioners may also be appointed if there are cultural, technical or scientific matters that require specific expert consideration.

Hearing commissioners

The Taranaki Regional Council has a list of independent commissioners. These people are selected for their knowledge of local government and its statutory functions under the Resource Management Act and for their expertise in cultural, technical or scientific issues.

The following timeframe applies:

- A hearing must be held within **25 working days** of the submission period closing, or **40 working days** if the Council directs the pre-provision of evidence before a hearing, unless the time period has been extended by the Taranaki Regional Council;
- A minimum of **10 working days** notice of the hearing date, time and venue will be provided to all parties (more notice will be given where possible).
- At least **five working days** before the hearing, the Consents Officer’s Report (see section 7) will be circulated to all parties. Similarly, the applicant and submitters will be invited to circulate material that they intend to present at the hearing (this provides an opportunity for parties to read the material beforehand, reducing the duration of the hearing).

The Taranaki Regional Council cannot guarantee to schedule the hearing to best suit the availability of lawyers, technical experts and the like. However, the Council will make reasonable endeavours to do so.

The applicant meets costs incurred in holding hearings. The Taranaki Regional Council will provide the applicant an estimate of the likely costs at least **10 working days** before the hearing and will inform the applicant of any circumstances that require the estimates to be revised.

6.2 Combined hearings

A combined hearing may be held if two or more resource consent applications, relating to the same proposed activity, have been made to the Taranaki Regional Council.

6.3 Joint hearings

Some proposed activities may require resource consents from more than one consent authority; for example, a district council as well as the regional council. In such cases, the Resource Management Act presumes in favour of a joint hearing under section 102(1) of that Act, unless all the authorities and the applicant agree that a joint hearing is not appropriate. The regional council is the administering authority for a joint hearing, unless the consent authorities agree otherwise.

6.4 Hearings for restricted coastal activities

For restricted coastal activities, special procedures as set out in sections 117 to 119 of the Resource Management Act apply. In such cases, a hearing will be held regardless of whether or not there are any submitters who wish to be heard and the Minister of Conservation appoints one member of the Hearing Committee.

6.5 Hearing procedure

The hearing will be held in public unless the Taranaki Regional Council deems it necessary to protect sensitive information given in evidence (refer section 42 of the Resource Management Act).

The order of procedure is as follows:

- (a) Introduction by the chairperson;
- (b) Applicant presents the resource consent application;
- (c) Submitters speak to their submissions;
- (d) Council staff report on the application;
- (e) Applicants respond;

- (f) Public hearing is closed or adjourned; and
- (g) Decision is made and circulated (this is generally done within 15 working days after the formal public hearing).

At the hearing the applicant and every submitter who wishes to be heard may speak and call evidence – either personally or through a representative. The process is explained in the Council guide to Resource Consent Hearings for Applicants and Submitters (TRC, 2007). In general:

- Evidence is not given on oath.
- Evidence may be given and spoken in Maori. An approved interpreter will be provided as long as the Taranaki Regional Council is provided reasonable notice to locate an interpreter for this purpose (section 4, Maori Language Act 1987).
- Submitters must restrict their evidence to supporting those matters raised in their written submissions.
- Only Committee members may question any party or witness. There is no cross-examination. The Committee may request or receive advice.

In addition to hearing the evidence of submitters wishing to be heard, the Hearing Committee also considers the matters raised by submitters not wishing to be heard. These matters are set out in the Officer's Report.

Further detail on hearing process

- Sections 39 to 42 and 100 to 103 of the Resource Management Act;
- Hearings for Resource Consents under the Resource Management Act: A Guide for Regional Council Staff (TRC, 2007);
- Hearings for Resource Consents under the Resource Management Act: A Guide for Applicants and Submitters (TRC, 2007);
- Hearings for Resource Consents under the Resource Management Act: A Guide for Committee Members (TRC, 2007);
- Ministry for the Environment [MfE] publications (MfE, 2006, 2001, 1999); and
- Quality Planning website www.qp.org.nz.

7. The Consents Officer's Report

A Consents Officer will prepare an Officer's report for every resource consent application. This report is prepared pursuant to section 42A of the Resource Management Act.

The purpose of the Officer's report is to:

- (a) Assess the proposed activity in relation to the requirements of the Resource Management Act, the *Regional Policy Statement for Taranaki* and relevant regional plans.
- (b) Record proceedings to date, the decision to notify or non-notify, further information requested and consent processing time extensions, submissions received, pre-hearing meeting held, and how matters raised in submissions were addressed.
- (c) Advise the decision maker (for example, the Chief Executive, Director – Resource Management, Consents Manager, Hearing Committee, Commissioner or panel) on the matters to be considered, thus ensuring that informed judgements are made.
- (d) All reports conclude with a recommendation as to whether the consent should be granted and, if so, what conditions should be attached.

As with an AEE Report, the scope of the Officer's report and supporting investigations, research and analysis will reflect the scale and significance of the proposed activity.

Resources to assist in assessing a resource consent application

There are many different resources for assessing an application. For example:

- Technical expertise from other Council officers (e.g. marine ecologist, water quality scientist, hydrology, river engineering, and air quality scientist);
- Previous consents granted for the same or similar activities;
- Monitoring reports and other technical reports;
- Other resources (see Appendix I) such as the MfE publications "Auditing Assessments of Environmental Effects: A Good Practice Guide" [1999], "Effective and enforceable consent conditions: A guide to drafting conditions under the Resource Management Act 1991" [2001], and the Quality Planning website www.qp.org.nz.

A template is available for the Council Officer's reports for quality assurance and cost efficiency for the applicant.

As a general guide, Officer's reports should include:

- (a) A description of site and locality;
- (b) A description of the proposal, and consents applied for;
- (c) An outline of any further information (section 92) requests and responses, and any consent processing time extensions;

- (d) The Regional Plan, rule and classification (i.e., controlled, discretionary etc.) of the activity;
- (e) A summary of the decision, and reasons, to notify, limited notify, or non-notify the application;
- (f) Consideration of affected parties, and consultation undertaken (by the applicant, and the Council);
- (g) If the application was notified or limited notified, a summary of submissions received, pre-hearing meeting held, and how matters raised in submissions are addressed.
- (h) An assessment of the effects of the proposal on the environment (the headings set out in the Fourth Schedule of the Resource Management Act can be used as a guide);
- (i) Consideration of mitigation measures (how applicant is going to address, avoid, mitigate effects);
- (j) Consideration of matters over which Council has reserved its control, or restricted its discretion (if any);
- (k) A summary of the overall adverse effects of the proposal and whether they are considered minor, or more than minor;
- (l) Consideration of the scope and level of monitoring that would be required to monitor the recommended consent conditions and the environmental effects;
- (m) Consideration of section 104 of the Resource Management Act, and other relevant sections (such as sections 105 and 107 relating to discharges);
- (n) Consideration of Council policies (RPS and relevant Regional Plan);
- (o) Consideration of district plans and Iwi management plans (section 104(1)(c))
- (p) Overall conclusions reached about the application;
- (q) Recommendation, including reasons, as to whether the consent should be granted;
- (r) Recommended expiry and review dates, which are typically based on set terms for catchment areas within the region (refer Table 3); and
- (s) Recommended consent conditions. Conditions must be within the Council's powers under the Resource Management Act, relevant to the consent being issued, and for a resource management purpose. Conditions should also be fair, reasonable and practical, and consistent with the following criteria:
 - **Defensible** – reasonably related to the authorised activity and for a resource management purpose;
 - **Intra vires** – within the powers of the Council to impose;
 - **Certain** – leaves minimal room for differing interpretations – both the consent holder and a compliance monitoring officer should be quite clear about what constitutes compliance; and
 - **Enforceable** – a condition must be readily able to be enforced or tested, for example, a condition that is not practicable to enforce or which relies on compliance by a third party is unenforceable.

Table 3 Examples of catchment area and term of consents

Catchment	Catchment number	Expiry date	Review dates
Hangatahua (Stony) River	380 000	2025	2013 & 2019
Kapuni	352 000	2023	2011 & 2017
Kaupokonui	355 000	2023	2011 & 2017
Oakura	385 000	2026	2014 & 2020
Patea	345 000	2022	2010 & 2016
Tasman Sea	900 000	see nearest catchment	
Tangahoe River	348 000	2022	2010 & 2016
Urenui River	399 000	2021	2009 & 2012
Waingongoro River	350 000	2023	2011 & 2017
Waitara River	395 000	2021	2009 & 2015
Waitotara River	339 000	2022	2010 & 2016
Waiwhakaiho River	392 000	2026	2014 & 2020

7.1 Best practice procedures - quality

Every two years a random selection of consents from regional/unitary councils are subject to a best practice procedures audit [known as 'best practice procedures quality' [BPPQ]]. The audit is carried out by senior consents staff from throughout New Zealand and result report to Councils. The purpose of the self audit is to identify and share best practice and improve performance.

An example of the type of matters audited are:

- requests for further information (section 92);
- consent processing time extensions (section 37);
- assessment of completeness of application (section 88);
- notification/non-notification decision (section 93 and 94); and
- consistency of resource consent conditions with the 'DICE' criteria.

8. Decisions

Section 113 of the Resource Management Act states that every decision on an application must be in writing and state:

- (a) the reasons for the decision;
- (b) the relevant statutory provisions that were considered by the consent authority;
- (c) any relevant provisions of the following that were considered by the consent authority:
 - (i) a national policy statement;
 - (ii) a New Zealand coastal policy statement;
 - (iii) a regional policy statement;
 - (iv) a proposed regional policy statement;
 - (v) a plan;
 - (vi) a proposed plan;
- (d) the principal issues that were in contention;
- (e) a summary of the evidence heard;
- (f) the main findings of fact; and
- (g) In a case where a resource consent is granted for a shorter duration than specified in the application, the reasons for deciding on the shorter duration.

8.1 Decisions on non-notified applications

The **Chief Executive** or the **Director – Resource Management** make decisions on resource consent applications that have been processed non-notified.

The exercise of this discretion is exercised by any of the aforementioned officers following consideration of an Officer's Report (see section 7), which includes the reasons for non-notification and the reasons for the recommendation.

A copy of the consent and the Officer's report is sent to the applicant. The Officer's report contains the relevant matters required by section 113 of the Resource Management Act.

The Consents and Regulatory Committee meeting is presented with a list of non-notified resource consents granted since its last meeting. Officer's reports are not included unless specifically requested.

8.2 Decisions on limited notified applications

If no submissions are received on an application that has been processed on a limited-notified basis, then the decision making provisions for non-notified applications apply.

If submissions are received on an application that has been processed on a limited-notified basis, then the decision making provisions for publicly notified applications apply.

8.3 Decisions on publicly notified applications

The Consents and Regulatory Committee (or full Council if time constraints exist) makes decisions on resource consent applications that have required public notification (unless delegated to the Hearing Committee).

At the Consents and Regulatory Committee meeting (or full Council if time constraints exist) immediately following the resolution of any submissions and completion of the report, the final decision on notified resource consent applications is made having regard to:

- The Officer's Report (including the outcomes of any pre-hearing meetings), where no hearing is required;
- The Hearing Committee Report and recommendations, where a formal hearing has been held (see section 6 above).

Where the Hearing Committee has been delegated the authority to make decisions, the decisions will be reported to the full Council or the Consents and Regulatory Committee.

In all cases, when a resource consent is granted or declined, a copy of the decision, the resource consent (if relevant), along with the Hearing Committee's Report or the Officer's Report will be sent to the applicant and submitters. The Taranaki Regional Council will serve the decision on all parties as early as possible.

8.4 Decisions on restricted coastal activities

The Minister of Conservation makes decisions on resource consent applications involving restricted coastal activities following receipt of a Hearing Committee's Report and recommendations.

8.5 Notification of decisions

The Taranaki Regional Council will serve a copy of its decision on the applicant and every submitter (section 114 of the Resource Management Act).

The Taranaki Regional Council will notify applicants and submitters of its decision in relation to a resource consent application:

- (a) Within 15 working days of the conclusion of the hearing; or
- (b) Where no hearing is held:
 - Within 20 working days after the receipt of the application (in relation to non-notified applications); or
 - Within 20 working days after the closing date for submissions, if no submissions are received (in relation to limited and publicly notified applications).

8.6 Appeal of decisions

If the applicant or any submitter (who has not withdrawn his or her submission) is not satisfied with the decision of the Taranaki Regional Council, they are entitled to refer (appeal) the decision to the Environment Court, as set out in sections 120 and 121 of the Resource Management Act.

A Notice of Appeal must be in the prescribed form and lodged with the Environment Court and served on the Council within **15 working days** of the applicant/submitter receiving the decision.

Within **five working days** of lodging the appeal, the person appealing the Taranaki Regional Council decision (hereafter referred to as the 'appellant') must serve a copy of the appeal on all other submitters and the applicant/consent holder as appropriate.

Any parties with an interest in proceedings greater than the public in general, and any party to the proceedings, may appear and present evidence at the appeal, providing they give notice **at least 10 working days** beforehand in accordance with section 274 of the Resource Management Act.

Appeal of Minister of Conservation's decision

The Hearing Committee's recommendations to the Minister of Conservation in relation to applications for a restricted coastal activity may be appealed to the Environment Court. The appeal will be referred to as an 'inquiry'.
The decision of the Minister in relation to applications for a restricted coastal activity can not be appealed.

8.7 Council procedure

On receipt of an appeal the Council will:

- (i) engage a lawyer who will generally do the work necessary to deal with the appeal;
- (ii) immediately send the lawyer all documentation relating to the application(s) appealed;
- (iii) have the lawyer prepare a draft reply to each appeal for the approval of the Consents Manager, before lodging with the Environment Court; and

- (iv) have the lawyer prepare a summary of the appeals commenting on the merits of each and identifying the areas where the Council may be vulnerable (risk analysis).

The Taranaki Regional Council will participate, where appropriate, in the Environment Court conferences and additional dispute resolution processes under sections 267 and 268 of the Resource Management Act for the purposes of resolving the matters in dispute.

9. Commencement, change, review, transfer, renewal, and cancellation of consents

9.1 Commencement of consent

Section 116 of the Resource Management Act sets out when a resource consent commences. Unless stated otherwise in the resource consent or by an Environment Court, a resource consent commences as follows:

- (a) For a non-notified application, or a notified application where no submissions are received, or all submissions received are withdrawn before a decision is made, the resource consent commences on the date the decision is notified.
- (b) For notified applications with outstanding submissions, the resource consent commences 15 working days after notice of the decision subject to there being no appeal to the Environment Court in that time; or if there are appeals, when all appeals have been determined or withdrawn.
- (c) For a coastal permit granted by the Minister of Conservation, the resource consent commences on the date of the Ministers decision.

9.2 Change or cancellation of consent conditions

A resource consent holder may apply to change or cancel any condition of a consent other than the term (section 127 of the Resource Management Act). The Taranaki Regional Council has a standard form entitled *Application for Change or Cancellation of Consent Conditions*.

The application will be treated as if it were an application for a resource consent for a discretionary activity, with the assessment focussing on the change or cancellation, and effects of the change or cancellation.

The procedure is the same as those for applying for a first-time consent (refer sections 3 to 8 above). Except that for the purposes of determining who is adversely affected by the change or cancellation, the Council will consider, in particular, every person who made a submission on the original application, and may be affected by the change or cancellation.

The **Chief Executive, Director – Resource Management and Consents Manager** have the delegated authority to decide whether notification of change or cancellation of any resource consent condition is necessary.

If the application to change or cancel any resource consent condition is approved, the Consents Section will send a letter stating this to the applicant and enclosing a copy of the changed consent.

9.3 Review of consent conditions

A review of consent conditions is initiated by the Council. The Council may serve a resource consent holder with notice of its intention to review consent conditions in accordance with section 128(1) of the Resource Management Act. The power to do so lies with the **Chief Executive, Director – Resource Management** and the **Consents Manager**.

The Taranaki Regional Council may review resource consent conditions:

- Where such a review is specified in a consent, for a particular purpose;
- Where a regional plan is made operative, which contains specific rules requiring specific environmental standards to be met (for example, minimum water quality standards);
- When relevant national environmental standards have been made; or
- When the information provided as part of the application contained inaccuracies, which materially influenced the decision made on the application.

The Taranaki Regional Council will advise the resource consent holder in writing:

- (a) Of the need to review, including which consent conditions are the subject of the review;
- (b) State the reasons for the review;
- (c) Specify the information, which the Council took into account in making its decision to review the consent; and
- (d) The fact that a charge is payable, and the estimated amount of the charge.

The notice of review may propose new conditions or invite the resource consent holder to propose new conditions within **20 working days** of service of the notice (section 129(1)(d) of the Resource Management Act).

The procedure for a review is the same as those for processing a consent application (refer sections 3 to 8 above). However, the review will be treated as if it were an application for a resource consent for a discretionary activity, with the assessment focussing on the review of the conditions and effects of the change of conditions. Section 131 of the Resource Management Act sets out matters to be considered in a review.

The Taranaki Regional Council will also publicly notify the service of notice and a summary of its content unless notification is not required. Public notice will occur:

- (a) Within **30 working days** of service, if the resource consent holder is invited to propose new conditions; or
- (b) Within **10 working days** of service, if the resource consent holder has not been invited to propose new conditions.

9.4 Transfer of consent

Sections 134 to 137 of the Resource Management Act relate to transfer of consents. There are different legal requirements depending on the type of consent being transferred (i.e., land use consents, coastal permits, water permits, and discharge permits).

Most types of consents, or parts of consents, can be transferred to another owner or occupier of the site in respect of which the consent is granted. But, in general, the consent may not be transferred to another site unless the consent or a rule in a regional plan provides otherwise.

The transfer of the consent holder's interest in any consent has no effect until written notice of the transfer is given to the Council. The Council does not have a duty to check the validity of transfers, as the Council acts merely as a "post box", receiving transfers and maintaining council records.

The Council has a standard form relating to the transfer of resource consents. The form should be signed by the consent holder, and new owner (or persons authorised to sign on behalf).

9.5 Renewal of consent

A renewal of a resource consent involves applying for a new consent to undertake the same activity. Standard resource consent application forms are used in relation to the renewal of a consent and the application will be processed in the same way as a first-time consent application (refer sections 3 to 8 above).

At least seven months prior to a resource consent's expiry date, the Taranaki Regional Council will send a letter to the consent holder requesting that he or she apply for a renewal.

If the holder of a resource consent that is due to expire applies for a new consent for the same activity no later than 6 months before expiry of the original consent, he or she may automatically continue to operate under the original consent until the application and any appeals have been determined (section 124).

If an application for a replacement consent is made in the period beginning 6 months before and ending 3 months before the expiry of the original consent, the **Chief Executive, Director - Resource Management** and the **Consents Manager**, on behalf of the Taranaki Regional Council, may allow a holder of a resource consent that is due to expire to continue to operate under the original consent until the application of the new consent and any appeals are determined. The exercise of this delegation will be reported to the next meeting of the Consents and Regulatory Committee.

There are special provisions relating to renewals applying to resource allocation (section 124B and C), and other provisions that require the Council to have regard to the value of the investment of the existing consent holder (section 104(2A)).

9.6 Lapsing or cancellation of consents

9.6.1 Lapsing of consents

Under section 125 of the Resource Management Act, a resource consent lapses if it is not exercised within 5 years of the date of its commencement (or within a different period if specified in the consent). When a consent is granted, the Consents Section encloses an information sheet, which amongst other matters, notes the lapsing provisions of the Resource Management Act.

The **Chief Executive, Director – Resource Management** and the **Consents Manager** are authorised, on behalf of the Taranaki Regional Council, to extend the period in which a resource consent must be exercised.

An application can be made by a consent holder to extend the period after which the consent lapses. In considering the application, the Council will take into account:

- (a) Whether substantial progress or effort has been made towards giving effect to the consent; and
- (b) Whether the applicant has obtained approval from every person who may be adversely affected by granting the extension; and
- (c) The effect of the extension on the policies and objectives of any plan.

An application for extension of the lapse period should be made on the form entitled *Application for Change or Cancellation of Consent Conditions*.

Note

Any person applying for an extension of time for giving effect to a resource consent may object to and appeal against the Taranaki Regional Council's decision not to grant an extension (sections 357 and 358 of the Resource Management Act). The same rights apply in relation to the Council's decision not to suspend cancellation of a consent.

9.6.2 Cancellation of consents

Under section 126 of the Resource Management Act, a resource consent may be cancelled if it has not been exercised for a continuous period of 5 years.

The Taranaki Regional Council will inform the holder of a resource consent about to be cancelled.

Any application to fix a longer time period before a consent is cancelled, can be made up to **three months** after the Council has informed the consent holder of the cancellation of the consent.

The **Chief Executive, Director – Resource Management** and the **Consents Manager** are authorised, on behalf of the Taranaki Regional Council, to extend the period in

which a resource consent must be exercised, subject to the aforementioned officers being satisfied that:

- (a) the applicant has obtained approval from persons who may be adversely affected by granting the extension; and
- (b) the effect of the extension on the policies and objectives of any plan is minor.

An application by any person seeking to avoid the cancellation of their resource consent should be made on the form entitled *Application for Change or Cancellation of Consent Conditions*.

9.7 Surrender of consents

A consent holder may surrender all or part of a resource consent by giving written notice to the Taranaki Regional Council in accordance with section 138(1) of the Resource Management Act. The Council has a standard form entitled *Surrender of Consent* to be filled in by any person seeking to surrender their resource consent.

Any person who surrenders a resource consent remains liable:

- (a) For any breach of conditions of the consent, which occurred before the surrender of the consent; and
- (b) To complete any work to give effect to the consent (unless the Council directs otherwise in its notice of acceptance of the surrender – refer section 138(3) of the Resource Management Act).

In cases involving requests for a part surrender of a consent, the **Chief Executive, Director – Resource Management** and the **Consents Manager** are authorised, on behalf of the Taranaki Regional Council to refuse to accept the surrender of part of a consent (section 138(2) of the Resource Management Act) where he or she considers the surrender of that part would:

- (a) Affect the integrity of the consent; or
- (b) Affect the consent holder's ability to meet other conditions of the consent; or
- (c) Lead to an adverse effect on the environment.

10. Other matters

10.1 Privacy issues

The application, all accompanying information (including the written approval of potentially affected and interested parties), any submissions, and the subsequent resource consent are publicly available. This should be made clear to all parties involved.

In rare circumstances (under section 42(4) of the Resource Management Act), the Taranaki Regional Council can withhold information to avoid serious offence to tikanga Maori and the disclosure of wāhi tapu sites and to avoid the disclosure of a trade secret or unreasonably prejudicing the commercial interest of a party.

10.2 Monitoring and enforcement of consent conditions

Monitoring and enforcement of consent conditions are considered of strategic importance to successful resource management (see Figure 1 at start of document).

The Taranaki Regional Council has a comprehensive system of compliance monitoring programmes to assess if the consent holder is giving effect to the terms and conditions placed on the resource. A consent may be assigned one of three different types of compliance monitoring programmes by the Council:

- (a) Once only compliance inspections;
- (b) Annual inspections; and
- (c) Tailored compliance monitoring programmes.

The type of monitoring programme required by the Council for a resource consent are initially assessed during the resource consent granting process and will depend on the nature of consented activities, the actual and potential effects of consented activities, and the level of concern identified by the community during the consent granting process. The Council may undertake the monitoring itself and recover costs under section 36 of the Resource Management Act, or it may require consent holders to undertake the monitoring at their own expense.

For further detail on the compliance monitoring, the reader should refer to the report entitled *Resource Consents Monitoring Procedures Document*.

The Resource Management Act allows the Council to use various enforcement tools to address non-compliance with consent conditions and the Resource Management Act itself. Enforcement tools range from an abatement notice to a prosecution. For further detail on the use of enforcement tools, refer to: *Enforcement Provisions and Procedures - Resource Management Act* (TRC, 2006); and *Prosecutions under the Resource Management Act and Biosecurity Act* (TRC, 2001).

10.3 Cost recovery

Applicants are required to pay all actual and reasonable charges for processing an application. Any officer time, consultants, and hearing costs over and above the application charge will be charged. A schedule of charges is specified in the Councils LTCCP and Annual Plan.

The Council also recovers the costs of monitoring the exercise of consents, as referred to above.

Allowance is made in the Council's cost recovery policy to recognise the important component of advice and information for applications, which is not generally charged for.

10.4 Certificates of compliance

A certificate of compliance is issued for the purposes of certainty to confirm that at the time of the certificate being granted an activity can lawfully be carried out without a resource consent. For example, the activity is a permitted activity under a regional plan, and/or does not require a consent under the Resource Management Act.

With the adoption of the Taranaki Regional Council's four regional plans (these being the *Regional Coastal Plan for Taranaki (1997)*, the *Regional Air Quality Plan for Taranaki (1997)*, the *Regional Fresh Water Plan for Taranaki (2001)* and the *Regional Soil Plan for Taranaki (2001)*) there are a number of activities that can be undertaken in the region as permitted activities.

Where the aforementioned plans describe any activity as a permitted activity, then an application for a certificate of compliance may be granted for that particular activity in accordance with section 139 of the Resource Management Act. A certificate of compliance may also be granted for an activity that could be lawfully carried out without a resource consent (for example, a structure in an artificial water course is not restricted under section 13 of the Resource Management Act, and there are no regional rules relating to this activity).

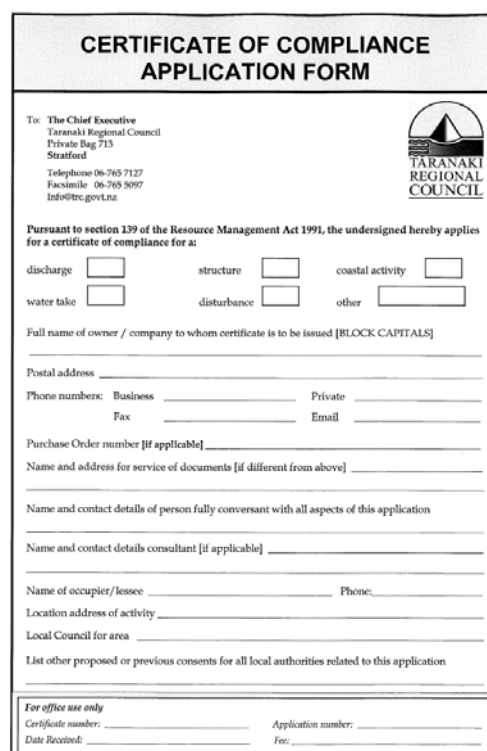
The provisions relating to appeals (sections 120 and 121), the nature of the consent (section 122), the lapsing of the consent (section 125) and the transfer of consents (sections 134 to 137) apply to the granting of certificates of compliance – the remaining sections of Part VI [Resource consents] of the Resource Management Act, do not.

If the Council is satisfied that the proposal will meet the permitted activity standards, a certificate of compliance will be issued. Granting of a certificate of compliance under section 139 of the Resource Management Act has been delegated to the **Chief Executive** and the **Director – Resource Management**. The exercise of this delegation is reported to the Consents and Regulatory Meeting as part of the non-notified consent schedule agenda item.

10.4.1 Information requirements

An application must contain enough information for the Council to understand the nature of the activity, effects that it may have on the environment, and how the activity will meet the permitted activity standards. It is the applicant's responsibility to provide this information, and the Council should not have to undertake detailed investigations to gain the information. An application form is shown in Figure 8.

Pre-application consultation with the Council helps ensure that sufficient information is provided with the application, while also minimising effort in areas which are not of concern. The Council may request further information under section 92 of the Resource Management Act, if the information is necessary to determine whether the proposal or activity is permitted. A certificate of compliance will only be issued where there is no doubt that an activity complies with the provisions of a regional plan.



The form is titled "CERTIFICATE OF COMPLIANCE APPLICATION FORM". It is addressed to "The Chief Executive, Taranaki Regional Council, Private Bag 713, Stratford". Contact information includes Telephone: 06-765 7137, Facsimile: 06-765 8097, and Info@trc.govt.nz. The Taranaki Regional Council logo is in the top right. The form states: "Pursuant to section 139 of the Resource Management Act 1991, the undersigned hereby applies for a certificate of compliance for a:" followed by checkboxes for discharge, structure, coastal activity, water take, disturbance, and other. Below this are fields for: Full name of owner / company to whom certificate is to be issued [BLOCK CAPITALS], Postal address, Phone numbers (Business, Private, Fax, Email), Purchase Order number [if applicable], Name and address for service of documents [if different from above], Name and contact details of person fully conversant with all aspects of this application, Name and contact details consultant [if applicable], Name of occupier/lessee, Phone, Location address of activity, Local Council for area, and List other proposed or previous consents for all local authorities related to this application. At the bottom, there is a section "For office use only" with fields for Certificate number, Date Received, Application number, and For.

Figure 8 Certificate of compliance application form

10.4.2 Content

A certificate of compliance should describe the particular proposal or activity and the location concerned, and include the name and postal address of the applicant. The certificate of compliance should break the activity down into its parts, in terms of the permitted rules in the plan or activity under the Resource Management Act.

The certificates of compliance should also state that on the basis of the information that was provided with the application, the activity complies with the conditions of the relevant permitted rule or the Resource Management Act. For resource user's information, the conditions of the relevant rule will be attached to the certificate as an annexure when it is issued.

10.4.3 Expiry dates

Certificates of compliance have no expiry date. However, section 124 of the Resource Management Act has the effect that a certificate of compliance will have a default term of 35 years from grant.

Where a certificate of compliance is issued under a rule in a plan and the rule subsequently changes when the plan is reviewed, then the certificate is no longer valid. Plans are reviewed every ten years.

10.4.4 Processing

An officers report is prepared for a certificate of compliance application. Certificates of compliance will be processed and issued within **20 working days** of receiving the request, or of receiving any further information requested.

References

- Ministry for the Environment [2006]. *Your Guide to the Resource Management Act: An essential reference for people interested in the RMA.*
- Ministry for the Environment [2001]. *Keeping it fair: a guide to the conduct of hearings under the Resource Management Act 1991.*
- Ministry for the Environment [2001a]. *Effective and enforceable consent conditions: A guide to drafting conditions under the Resource Management Act 1991.*
- Ministry for the Environment [1999]. *Pre-Hearing Meetings: A Practical Guide for Councils.*
- Ministry for the Environment [1999a]. *Auditing Assessments of Environmental Effects: A Good Practice Guide.*
- Taranaki Regional Council [2007]. *Hearings for Resource Consents under the Resource Management Act: A Guide for Regional Council Staff.*
- Taranaki Regional Council [2007a]. *Hearings for Resource Consents under the Resource Management Act: A Guide for Applicants and Submitters.*
- Taranaki Regional Council [2007b]. *Hearings for Resource Consents under the Resource Management Act: A Guide for Committee Members.*
- Taranaki Regional Council [2006]. *2006/2016 Long-Term Council Community Plan.*
- Taranaki Regional Council [2006a]. *Enforcement Provisions and Procedures.*
- Taranaki Regional Council [2006b]. *Proposed Regional Policy Statement For Taranaki.*
- Taranaki Regional Council [2005]. *Delegations Manual.*
- Taranaki Regional Council [2001] *Regional Fresh Water Plan for Taranaki.*
- Taranaki Regional Council [2001a] *Regional Soil Plan for Taranaki.*
- Taranaki Regional Council [1997] *Regional Air Quality Plan for Taranaki.*
- Taranaki Regional Council [1997a] *Regional Coastal Plan for Taranaki.*
- Taranaki Regional Council [1994]. *Regional Policy Statement for Taranaki.*

Appendix 1

Summary of resources for consent processing: guidance documents and information sheets

Taranaki Regional Council procedure documents

- Enforcement Provisions and Procedures - Resource Management Act [2006]
- Resource Consents Monitoring Procedures Document [2003]
- Delegations manual for the Taranaki Regional Council [2005]
- Prosecutions under the Resource Management Act and Biosecurity Act [2001]

Taranaki Regional Council guides

- A Guide to Regional Plans in Taranaki for dairy, sheep and beef farming activities
- A Guide to Regional Plans in Taranaki for local government and utility operators
- A Guide to Regional Plans in Taranaki for oil and gas exploration and production activities
- A Guide to Regional Plans in Taranaki for small industrial and manufacturing businesses
- Guidelines for the control of drilling waste disposal onto and into land
- Guidelines for Earthworks in the Taranaki Region [October 2006]
- A guide to surface water availability and allocation in Taranaki [April 2005]
- Looking after your household sewerage system.
- Hearings for Resource Consents under the Resource Management Act: A Guide for Regional Council Staff
- Hearings for Resource Consents under the Resource Management Act: A Guide for Applicants and Submitters
- Hearings for Resource Consents under the Resource Management Act: A Guide for Committee Members

Taranaki Regional Council Information sheets

- Applying for a resource consent: a guide for applicants
- Making a submission: a guide for submitters
- Pre-hearing meetings and hearings: a guide for applicants and submitters
- Culverts
- Road culvert maintenance
- Bridges
- Discharge of stormwater from wellsites
- Flaring of petroleum from exploration or production activities
- Guidelines for clean-fill disposal
- Diverting rivers and streams
- Air quality guidelines for automotive spray painting
- Guidelines for locating and constructing a groundwater well or a bore

- Sustainable Land Management Information Sheet : Fresh Water Plan – rules which affect farm dams
- Sustainable Land Management Information Sheet: Fresh Water Plan – rules which affect farm activities in riverbeds

Taranaki Regional Council forms

- Coastal permit application form [for all coastal activities – structures, taking sea water or discharging to the sea]
- Land use consent application form [for land use activities (such as works on the banks or bed of a stream) except installing a bore]
- Land use consent application form – to install a bore
- Water permit application form – to take water
- Water permit application form – to divert or use water
- Discharge permit application form [for all discharges except agricultural discharge]
- Agricultural discharge permit application form
- Agricultural air discharge permit application form
- Certificate of compliance application form
- Surrender of consent
- Notice of transfer of consent
- Non-notified approval form

Ministry for the Environment Resource Management Act resources [Available online at www.rma.govt.nz]

- An everyday guide to the RMA [2006] – an interactive guide to the RMA [CD] and 13 guides, including:
 - Getting in on the Act
 - Resolving Resource Management Act Concerns
 - Applying for a Resource Consent
 - Consultation for Resource Consent Applicants
 - Your Rights as an ‘Affected Person’
 - Making a Submission on a Resource Consent
 - Appearing at a Resource Consent Hearing
- Your Guide to the Resource Management Act: An essential reference for people interested in the RMA [2006]
- Guide to preparing a basic AEE [2006]
- Effective and enforceable consent conditions: A guide to drafting conditions under the Resource Management Act 1991 [2001]*
- Pre-Hearing Meetings: A Practical Guide for Councils [1999]*
- Auditing Assessments of Environmental Effects: A Good Practice Guide [1999]*

- Keeping it fair: a guide to the conduct of hearings under the Resource Management Act 1991 [2001]*
- Guidelines for consulting with Tangata Whenua under the RMA: An update on case law [2003]*

*Note – these guides have not been updated to reflect changes resulting from the Resource Management Amendment Act 2005

Ministry for the Environment Technical resources [Available online at www.mfe.govt.nz]

- Culvert and Bridge Construction: Guidelines for Farmers [October 2004]
- Good Practice Guide for Assessing and Managing Odour in New Zealand [June 2003]
- Ambient Air Quality Guidelines [May 2002]
- Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions [September 2001]

Other resources

- Quality Planning: Guidance on Consents Process: The Consent Processing Resource. Available online at www.qp.org.nz.

