

1.0 INTRODUCTION

This booklet provides an introduction to the Resource Management Act 1991 (RMA) and the steps involved in applying for resource consents, in particular, land use and subdivision consents.

It is divided into:

- Applying for resource consents
- Notified resource consents
- Affected parties
- Compliance and enforcement

What are Resource Consents?

Five types of resource consents were established under the RMA in 1991. Wellington City Council deals with land-use and subdivision consent applications. The other three types (coastal, water and discharge permits) are dealt with by Greater Wellington Regional Council.

A resource consent is required from Wellington City Council if your proposal does not comply with the District Plan. A subdivision consent is required to legally divide land or buildings for separate ownership, such as new lots or sections (fee simple or a boundary adjustment), unit title, cross lease, or company lease. Please refer to our booklet *Subdividing in Wellington City* for information relating to subdivision consents (and right-of-way approvals).

When a land-use or subdivision consent is required, approval from the Council must be obtained before work begins.

If the proposed activity complies with the District Plan, you can (but don't have to) apply for a Certificate of Compliance (see below).

What is the District Plan?

The Council is required under the RMA to prepare a District Plan to cover all land within its boundaries. Its aim is to help achieve the sustainable management of natural and physical resources. Sustainable management balances development with protection of the environment, and considers supply and quality of these resources in the future.

Accordingly, the District Plan sets out:

- policies and rules on the use, development or protection of land and natural and physical resources in Wellington
- policies and rules that control any actual or potential effects of the use, development or protection of land, and
- policies and rules that control the subdivision of land.

The District Plan's policies and rules differ across the city, reflecting the particular

environmental goals that the community wants for different areas of Wellington. In deciding on a land-use or subdivision consent application, the Council must ensure that it is in keeping with the District Plan.

Certificates of Compliance

A Certificate of Compliance can be issued for an activity or a proposal that does not require a resource consent; in other words, when the District Plan indicates that it is permitted as of right. For example, a Certificate of Compliance may be useful in situations where it is not clear if the proposal or activity is a permitted activity. It can also be used as a formal record that the Council regards the proposal as 'permitted'. Obtaining a Certificate of Compliance for a permitted activity is optional.

If an application for a Certificate of Compliance is declined, a resource consent application is generally required.

HOW DO YOU APPLY FOR A CERTIFICATE OF COMPLIANCE?

You must lodge with the Council:

- A completed standard application form –(available from the Council's website – www.wellington.govt.nz/services/reconsent or from the Council).
- A detailed description of the proposal or activity
- Detailed plans (to scale).
- A report showing how the proposal complies with the District Plan
- A deposit processing fee, and
- Two sets of all reports and plans.

WHAT HAPPENS TO YOUR APPLICATION AFTER IT HAS BEEN LODGED?

It is allocated to a resource consents planner who will check the application against the relevant rules of the District Plan. If further information is required, you will be contacted. You will be advised by mail of the decision on the application.

HOW LONG DOES PROCESSING TAKE?

The application should be processed within 20 working days from when the application, or additional information required, is received. If there is a delay, you will be advised.

HOW LONG WILL THE CERTIFICATE BE VALID?

It is valid for five years, even if relevant District Plan rules change after the certificate is issued.

CAN AN APPLICATION BE REFUSED?

Yes it can if the activity does not comply with the rules of the District Plan. A resource consent will then be required. Any outstanding credit on the application for the certificate will be credited to the resource consent fee.

CAN YOU OBJECT OR APPEAL THE COUNCIL'S DECISION?

Yes, you can object or appeal against this decision within 15 working days from when the decision was received. An objection must be directed to the Council's Resource Consents Team. An appeal should be directed to the Environment Court in Wellington.