

A guide to resource consents

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.

For more information visit: www.wellington.govt.nz/services/reconsent/index.html
or www.mfe.govt.nz/publications/rma.

What are resource consents?

A resource consent is required from Wellington City Council if your proposed building work or activity does not comply with the District Plan. The District Plan or National Environmental Standards set out what is permitted and requires resource consent.

There are two categories of resource consents:

- a subdivision consent which 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 subdivision guideline for more information relating to subdivision consents (and right-of-way approvals); and
- a land use consent, which may be required for particular activities, extensions to buildings, or the construction of a new building for example.

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

If the proposed building work or activity complies with the District Plan or a National Environmental Standard, you can (but don't have to) apply for a Certificate of Compliance. This provides certainty as it confirms that the activity is permitted without resource consent.

Applying for a resource consent

General assistance is available at our first floor counter in the Council Offices. Alternatively, if you require assistance with a more complex proposal a pre-application meeting could be useful and is encouraged. For more information about the pre-application process please ask for a pre-application fact sheet at the first floor counter or visit our website – www.wellington.govt.nz/services/reconsent/index.html.

Preparing an assessment of environmental effects

An AEE needs to be provided with your application. An AEE is an outline of what effects you think your proposal will have on your neighbours and the wider environment. If your AEE is for a complex proposal or if your AEE has to include technical assessment of effects you will need professional help. An example of a basic AEE is provided in Appendix 1.

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Written approvals from affected persons

Until an application is lodged the Council is unable to advise who may be affected by your proposal. This is because until the Council has had the chance to properly assess plans and information as a formal application, and has carried out a site visit to the site and the surrounding properties, it is not possible to consider the effects of the proposal.

It is advisable though, out of courtesy, that you discuss any plans with your neighbours. The Council planner will decide whether there are any affected persons and if there are parties that are identified as being affected, you will need to seek their written approval. Obtaining written approval before you apply will help streamline the process.

What can you do if a neighbour will not give consent?

In some circumstances, applicants and/or neighbours refuse to discuss options which can lead to a stalemate. If this happens, there is little the Council can do. If it is not possible to get the approval of affected parties, then the application must follow the limited notified process (or be publicly notified if the effects are considered more than minor). Alternatively, an option might be to re-think the proposal and to design it in a way that does not affect that neighbour. Sometimes an applicant chooses not to proceed with the application. Please note that the fee deposit will not be refunded if an application is withdrawn.

Fees and charges

A fee must be paid when an application for a resource consent application is lodged with the Council, irrespective of whether consent is subsequently granted or refused. If an application is granted, monitoring fees may also be applicable if your consent has specific conditions that the Council needs to check have been met.

A schedule of current fees is available from the Council or the website:
www.wellington.govt.nz/services/reconsent/fees/fees.html.

How do I lodge my resource consent and what happens once my application is lodged?

Lodgement options include:

- delivery in person (or via courier) to the Customer Services counter (1st floor, Council Offices, 101 Wakefield Street); or
- mail the documents to:
Development Planning
Wellington City Council
P O Box 2199
Wellington.

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Lodgement Check

Before your application can be formally accepted it will go through a lodgement check to see that the application is complete and all the relevant documents are there. If there is insufficient information the application will be returned to you with an explanation as to what needs to be supplied in order for it to be accepted.

Processing

Once your application has been formally received, you will receive a letter of acknowledgement. At this stage, copies of the application are sent, if necessary, to Council specialists for their consideration (eg urban design, heritage, vehicle access, traffic, earthworks, wind etc).

The application will then be allocated to a resource consents planner who will manage the process. Appendices 2 and 3 provide flow diagrams relating to the different processes - non-notified and limited (service only) notified and publicly notified.

What happens once resource consent has been granted?

Once a non-notified land use or subdivision consent has been approved, you can start the proposed development from the date of the approval notice or on the date specified in the consent.

Where the application was publicly notified or limited-notified, and submissions were lodged, the consent will come into effect when:

- the time for lodging appeals against the consent expires (15 working days) and no appeals have been lodged, or
- when the Environment Court determines the appeal/s, or all appellants withdraw.

Please remember that even where a land-use or subdivision consent has been granted by the Council, you must still comply with all other relevant Acts, regulations or bylaws. For example, even though you may have obtained consent to construct three townhouses on a site, a building consent will be required before work can start. Separate applications must be made for any other consents, regulation or bylaw approvals that may be required.

Further information on the process around objections and appeals should your application be declined is outlined below.

Conditions of consent

A resource consent may be granted with specific conditions. It may require that certain actions be taken before the proposed development can start (eg. a photographic record of a significant heritage building be made before it is removed or altered) or while the development continues (eg. noise monitoring reports or supervision by an engineer).

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The Council will monitor these conditions and, where a consent-holder fails to carry out the conditions of any consent, action may be taken to enforce them.

A subdivision consent usually includes conditions to ensure that the newly subdivided land or buildings can fully function - that is, roads, rights-of-way and all services are installed to service the new allotments to the Council's satisfaction. When the conditions have been complied with, subdivision certification will need to be applied for – see the Council's subdivision tip sheet for more information or visit:

<http://www.wellington.govt.nz/services/reconsent/forms/forms.html> - Subdividing in Wellington.

Can you apply to remove or vary the conditions of your resource consent?

Yes, you can apply for the conditions on a consent to be varied or cancelled. For an application for change of conditions to be accepted, the changes to a proposal must not result in new or intensified effects, and the altered proposal must be within scope of the granted consent. The Council has an application form which guides you on the information that must be provided:

<http://www.wellington.govt.nz/services/reconsent/forms/forms.html>

Does a resource consent expire?

Unless the decision states otherwise, a consent-holder has five years to complete the works associated with the consent. If the approved works are not completed within that timeframe, the consent lapses.

Once the works are completed, the consent lasts for an unlimited period, unless a specified duration period is stated in the consent.

Can you apply for an extension of the lapse time on the resource consent?

Yes, if the works are not completed within the 5 years (or otherwise specified time period), a time extension may be considered and fixed by the Council if an application is made before the consent lapses. Please note that you can apply for only one extension of time. There is certain criteria which has to be met before the Council can issue a time extension, such as substantial progress being made. Again, the Council has application forms that guide you on the information that must be provided.

Appeals and objections to decisions and/or conditions

Objection to a decision on a non-notified resource consent application

If your application is declined, or if it is granted subject to conditions that you are unhappy with, you have a couple of options:

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1. You can make a formal objection to the Council. You will be able to attend a hearing on your objection.
2. You can also lodge a formal appeal with the Environment Court if you are unhappy with the Council's decision on your application and/or on your objection.

You need to make your objection or appeal in writing and within 15 working days of receiving the Council decision. Submitters to a notified application also have a right of appeal.

For further enquiries on any of the matters discussed above, either come and visit us on the first floor of the Council offices or please contact:

Development Planning
Wellington City Council
101 Wakefield St
Wellington
Ph: 801 3590
Fax: 801 3100
Email: planning@wcc.govt.nz
Web: www.wellington.govt.nz/services/reconsent

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Appendix 1 – example of an assessment of environmental effects (AEE)

Application for Resource Consent

Mr & Mrs J Smith
Assessment of Effects
75 Oak Avenue, Rhoddsville

1.0 INTRODUCTION

This statement of effects provides an assessment of the actual and/or potential effects on the environment of the proposed development of *[insert activity description as per application form]*. This statement of effects accompanies and forms part of the resource consent application form

1.1 Description of the site

The 576 m² rectangular site is located on the eastern side of Oak Avenue, Rhoddsville. The site slopes steeply downwards to the east from the road, with flat areas created on the site by the use of terraces. There is an older style split level weatherboard dwelling located on the western portion of the site close to the road boundary of the site. An offstreet carparking space is located immediately in front of the dwelling.

The footprint of the existing dwelling is 108 m², giving an existing site coverage of 19%.

The adjoining properties to the north (73 Oak Ave) and south (77 Oak Ave) are located on land with a similar topography to the subject site, and these dwellings are of a similar scale, age and design. The property located adjacent to the site on the western side of the road (72 Oak Ave) is located at a higher elevation in relation to the road, and is accessed via a driveway. The adjoining property to the east (8 Grey St) is located at a much lower elevation, with its roof level well below the lowest part of the existing dwelling on the subject site.

A site plan is attached to the application.

1.2 Description of Proposal

It is proposed to build a 30 m² addition to the rear of the dwelling, which increases the site coverage to 24%.

The proposal does not comply with the sunlight access plane rule which states that all parts of any building shall be contained within a 45° plane commencing at a point 2.5 metres above ground level inclined inwards at right angles in plan from all parts of the site's boundaries. A part of the southern wall of the proposed addition would exceed this

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sunlight access plane by 1.7 metres (measured vertically), and the guttering on the roof(?) of the addition exceeds the sunlight access plane by 0.3 metres (measured vertically). This is shown on the attached plans.

1.3 Consultation

Consultation has been undertaken with all three surrounding neighbours. Neither of the neighbours to the rear (east), south and north boundaries expressed any concern relating to the proposed additions. The written approval of these neighbours has been obtained as it is considered they are potentially adversely affected by the development.

2.0 ASSESSMENT OF EFFECTS

A Discretionary (Restricted) Activity consent is required. The following matters are relevant:

- ***Whether the proposal reduces the sunlight/daylight access to neighbouring properties***

The site is located on the eastern side of the road. Because the house to the east of the subject site is located further to the east of where the addition will be located, there will be no adverse effects on that neighbour's sunlight. Nor will there be any effect on the adjoining neighbour to the north, given the presence of mature vegetation on this site and the distance of the dwelling.

The additional shading in relation to the property to the south will fall predominantly on the existing hedge located along the southern boundary on the applicant's property.

The main outdoor living area of the adjoining neighbours to the south (77 Oak Ave) is located to the front and rear of the dwellings, meaning that any additional shading as a result of the proposal will not be cast on these areas.

- ***Whether the proposed addition is in keeping with the design of the existing house***

It is proposed to construct the addition out of the same style and width weatherboard cladding as is currently on the dwelling. The large windows proposed on the addition break up the façade so the addition does not look bulky when viewed from neighbouring properties. The addition will be finished in colours to blend in with the existing dwelling.

- ***Whether the proposed addition is out of character with the street***

The house design is similar to a number of dwellings in the area – most of which are reasonably substantial double (or triple) storey homes.

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Due to the slope of the land the addition would not be visible from Oak Road. The addition will therefore not be a predominant feature on the landscape or out of character with existing development in the area.

- ***Whether the proposed addition reduces someone's privacy***

The addition takes advantage of the opportunities provided by the existing development on the site. While there are significant areas of window proposed, these generally overlook the roof of the house below (as opposed to looking directly on it).

In any case, the neighbours have indicated that they have no objection to the proposal and their written approval has been obtained.

- ***Whether the proposed addition blocks someone's view***

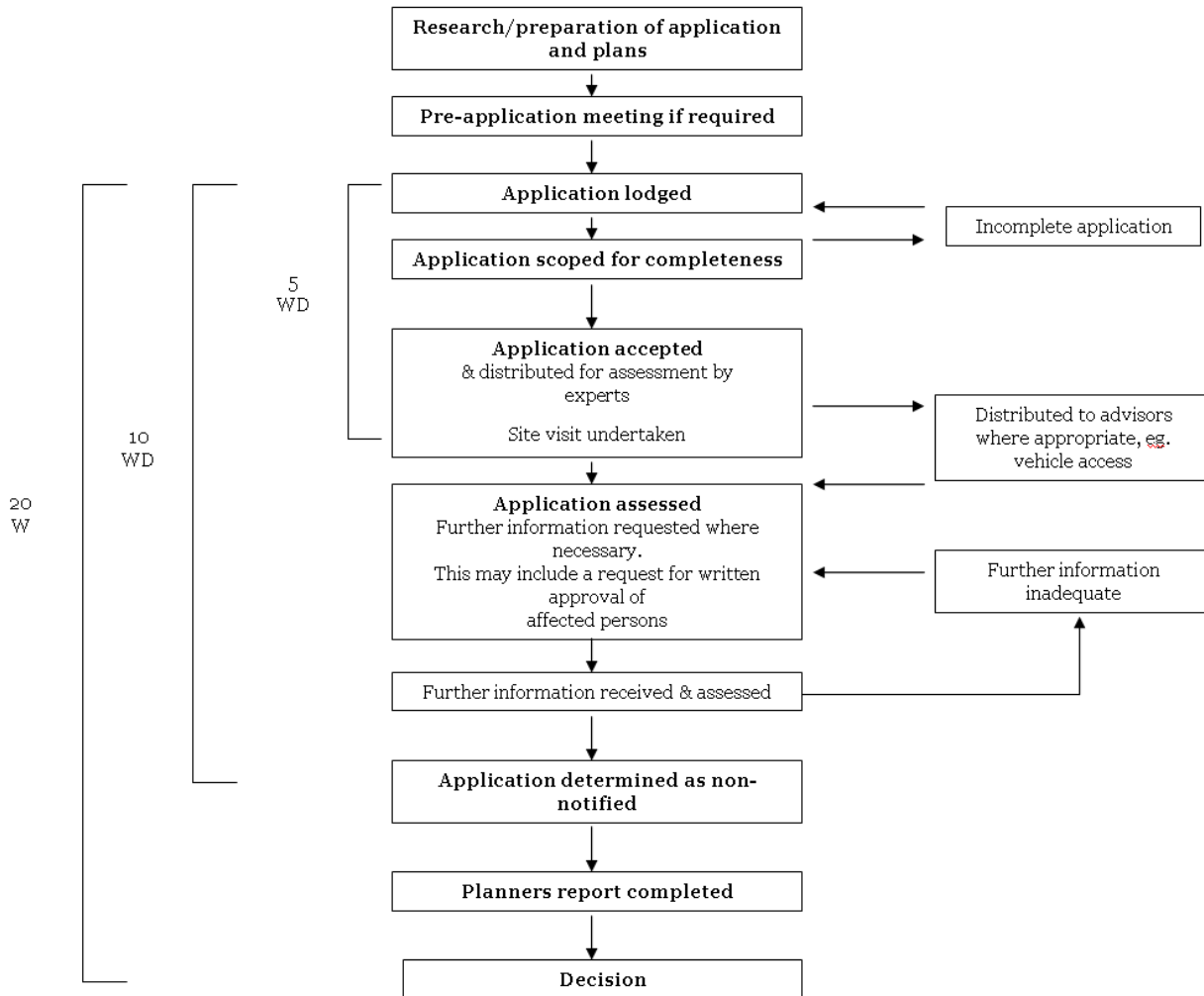
No one's view will be affected by the proposed addition.

- ***Whether any vegetation needs to be removed***

The addition will be placed on an existing cleared area of land.

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Appendix 2: Non-notified process



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Appendix 3: Notified Process

