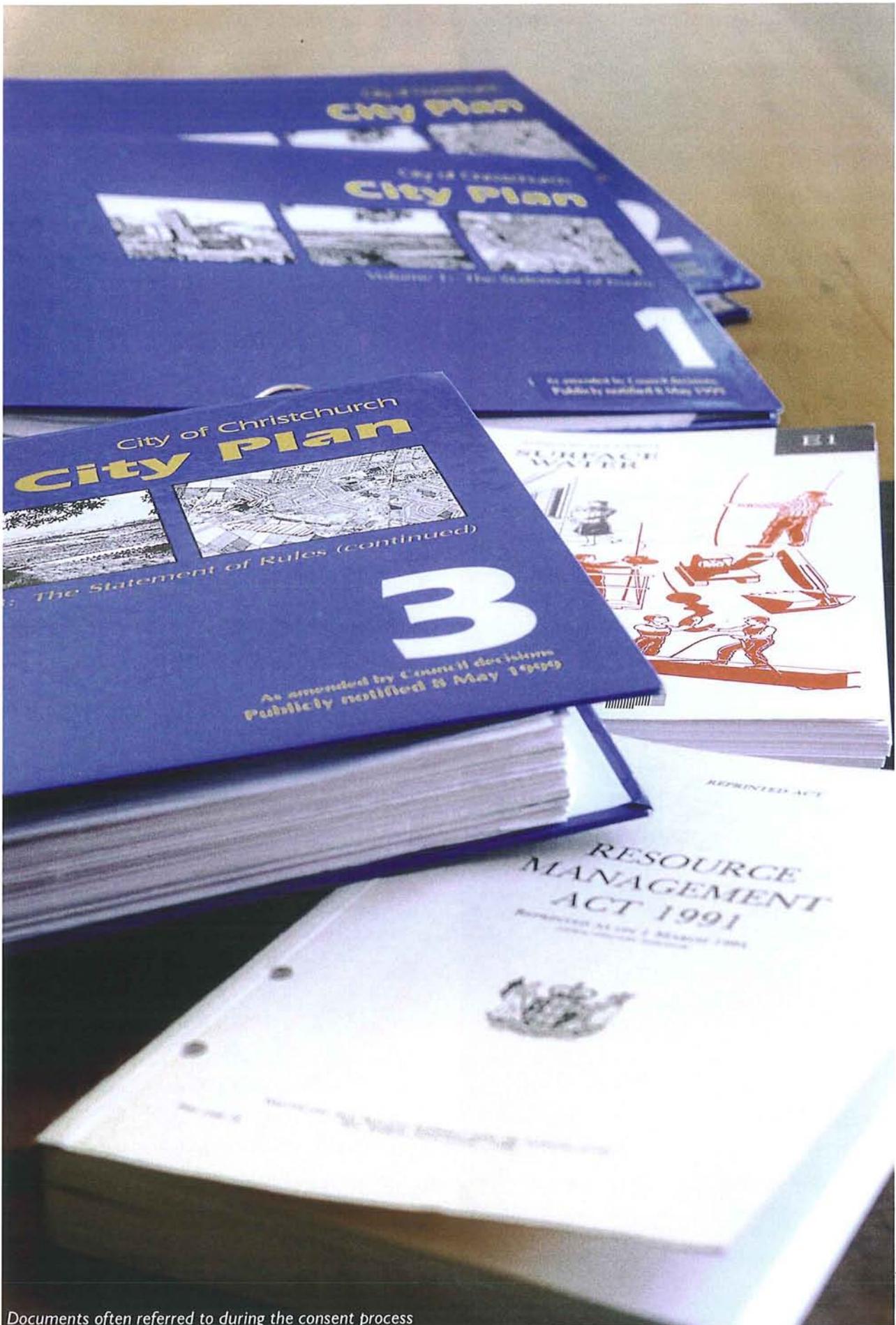




## The Consent Process

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Documents often referred to during the consent process

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## 17.1 Introduction

This chapter describes the resource consent process relating to land drainage and waterways, and outlines the building consent process. Landuse and subdivision resource consents are issued by the Christchurch City Council whereas Environment Canterbury issues water, discharge, and coastal permits, and in some instances, landuse consents.

### Resource Consents—What Are They?

A resource consent gives an applicant permission to carry out an activity which would otherwise not comply with a rule under the Resource Management Act 1991 (RMA, otherwise referred to as the Act).

Resource consents are granted pursuant to the RMA by one or more 'Consent Authorities', depending on the type of resource consent applied for. There are five basic types of resource consents (Table 17-1), under the RMA Section 87: Types of resource consents.

In accordance with the RMA Section 31: Functions of territorial authorities under this Act, the Christchurch City Council is required to prepare a Proposed Plan that contains objectives, policies, and methods to achieve the integrated management of the effects of the use and development of the natural and physical resources of the district.

The Proposed City Plan (Christchurch City Council 1999) was publicly notified on 24 June 1995 and decisions released in May 1999. Parts of the Plan are still subject to references to the Environment Court. The Plan will replace six Transitional Plans which exist (and are still operational) throughout the City covering old Christchurch City, Waimairi District, Heathcote County, Riccarton Borough, Paparua District (part), and Eyre County (part). Until the Proposed City Plan becomes fully operative (i.e. when all reference to the Proposed City Plan decisions have been resolved) rules in the Transitional Plans also still apply. Any proposed activity must therefore comply with both the Proposed City Plan and the relevant Transitional Plan, or a resource consent.

Volume 3 of the Proposed City Plan contains rules that control both the use and the development of the City's resources. If a proposed development or subdivision does not meet one or more standards of the Proposed City Plan, then applicants can apply for a resource consent. There are five types of activities:

- *Permitted Activities:* An activity that is permitted by a Plan, i.e. the activity meets all the applicable standards in the Plan. Such an activity can occur as

of right and thus no resource consent is required.

- *Controlled Activities:* An activity that is expressly allowed by a rule in a Plan. A resource consent is required however, and the Consent Authority may attach conditions to the resource consent. This application cannot be declined by the Consent Authority.
- *Discretionary Activities:* An activity which is anticipated by the Plan, but may have significant effects on the site and surroundings and/or community. A resource consent is required and the Council's discretion may be confined to that covered by the standard, or to the activity as a whole.
- *Non-complying Activities:* An activity which contravenes the Plan but is not prohibited. A Consent Authority cannot grant consent unless it is satisfied that the environmental effects will be minor, or if granting of the consent will not be contrary to the objectives and policies of the Proposed City Plan. Such activities are considered to have effects over a wider area than an immediate locality.
- *Prohibited Activities:* An activity that a Plan expressly prohibits and for which no consent may be sought. An applicant may seek a Plan Change.

The consent process takes into account the adverse effects of an activity. When the effects of any activity adversely impact directly on part of the waterways, wetlands, and land drainage system, and contravenes a rule in the Proposed City Plan, a resource consent will be required. Consent must also be obtained from the City Council for subdivision waterway setbacks, or prior written consent. Where connections or discharges are made to waterways, wetlands, or

Table 17-1: Five basic types of consents under the Resource Management Act 1991 (Section 87), and the relevant consent authority.

Type of Consent	Consent Authority
Land use consent	District, City, or Regional Council
Subdivision consent	District, City, or Regional Council
Water permit	Environment Canterbury
Discharge permit	Environment Canterbury
Coastal permit	Environment Canterbury Department of Conservation

the land drainage system, these connections and discharges must be undertaken in accordance with the policies and procedures of the utility operator (Parks and Waterways Unit or Water and Waste Unit).

All industrial and commercial facilities that discharge stormwater into Christchurch's land drainage system must undertake all reasonable precautions to minimise silt, accidental spillages, and other pollutants entering the system.

When modifying or upgrading any existing stormwater system, the City Council is required to consider measures to reduce contaminants (including silt) entering natural water and the risk of flooding in receiving waters.

Both subdivision and land-use resource consents are processed by the Environmental Services Unit of the Christchurch City Council.

## 17.2 Resource Consents from Environment Canterbury

The following information is provided for general guidance only. Direct liaison with the Customer Services team at Environment Canterbury is recommended.

Almost all activities impacting on Christchurch waterways (both natural and man-made) fall within the jurisdiction of Environment Canterbury, pursuant to RMA Sections 9–15. Most activities relating to water or works within or near waterways require a resource consent from Environment Canterbury, unless they are expressly allowed for by a rule in a Regional Plan, existing use rights apply, or it is classified as a utility waterway under Christchurch City Council control.

Any application for a period exceeding two years should specify the period for which the consent is sought, and the reason why an such extended period is required.

### Resource Consents and Permitted Activities

Environment Canterbury specifies permitted activities subject to conditions listed in their Regional Plans, including the Transitional Regional Plan (Canterbury Regional Council 1991) and specific catchment plans (see Environment Canterbury, Customer Services).

Any activities in the bed of lakes, rivers, or in natural water bodies which may have adverse effects on the environment will require consent. It is the job of Environment Canterbury to protect our natural water resource. Rules relating to water resources

include groundwater, surface water, discharge of stormwater or cooling water, and works in the bed of natural water bodies and the coastline. Some of the activities also come under the jurisdiction of the Christchurch City Council and consent may be required from both authorities (see *Section 17.3: Resource Consents from the Christchurch City Council*).

Consent activities for which a consent may be required include, but are not limited to, the following:

- discharge of water
- discharge of contaminants into water
- diversion of water
- damming of waterways
- abstraction of water (except from a pipe or tank)
- activities in the bed of a river or stream (including environmental asset and hill waterways) such as building, demolition, excavation, planting, or filling.

In some circumstances, some of these are permitted activities subject to conditions (see relevant Regional Plan). For example, some activities are permitted within the Styx River/Pūrākaunui and Ōtūkaikino Creek catchments by rules in the proposed Waimakariri River Regional Plan (September 1996; Canterbury Regional Council 1996).

The full list of conditions for each permitted activity is in the Environment Canterbury Transitional Regional Plan (Canterbury Regional Council 1991). Any enquiries should be addressed to the Customer Services staff at Environment Canterbury.

### Examples

In Table 17-2, the Resource Consents required under the RMA 1991 and the Building Act 1991 are listed for some common development activities.

## 17.3 Resource Consents from the Christchurch City Council

There are separate subdivision and landuse resource consent procedures in which waterways, wetlands, and land drainage issues may arise. The input of appropriate City Council staff is required. Early discussion, particularly pre-application meetings between the City Council and the applicant, can be an effective way of moving a proposal forward.

### 17.3.1 The Subdivision Resource Consent Process

- i) Further to any pre-application meeting guidance, a subdivision application is lodged with the Subdivisions section of the Environmental

- Services Unit of the Council. The application should include the information listed in *Section 17.3.4: Resource Consent Applications*. A copy of the application is sent to the Environmental Services Unit Subdivision officer for comments and suggested conditions (e.g. drainage issues, waterway setback requirements, fees). Such issues will be referred to the Unit responsible for managing the asset.
- ii) The Subdivision Officer will approve the plans (if City Plan criteria are met). Subdivision consent will usually require Engineering plans be submitted to the Subdivision Engineer for engineering works approval. Additional engineering conditions may be imposed as part of the engineering approval.
  - iii) If all City Plan criteria are met, a letter of approval along with the conditions of consent is sent to the developer.
  - iv) Engineering plans are then completed and submitted for approval.
  - v) With engineering approval, physical works can proceed. At the same time a surveyor would be engaged to prepare a Title Plan and 'peg' the new allotments. This Title Plan, signed by the owner, is then submitted to the Subdivision Consents Officer for Council approval, and the issuing of a Section 223 (Approval of survey plan by territorial authority) Certificate.
  - vi) The approved Title Plan and Section 223 Certificate is then returned to the surveyor, who

Table 17-2: Activities and relevant consents required by Environment Canterbury and the Christchurch City Council for development around waterways and wetlands. Summary of the Proposed City Plan and Environment Canterbury information.

Activity	Environment Canterbury	Christchurch City Council
1) Subdivision:		
(a) 30 or more lots	Discharge permit	Subdivision consent
(b) fewer than 30 lots	Permit may not be required	Subdivision consent
2) Building	Sometimes (e.g. Hazard Zone)	PIM and Building consent
3) Bank protection works		
(a) on Environmental Asset Waterways, Hill Waterways, and rivers	RMA Section 13 (Restrictions on certain uses of beds of lakes and rivers) consent <sup>#</sup>	Building consent* (see Building Act 1991 for building definition) Rule 5.2 in Proposed City Plan*
(b) on Utility Waterways	RMA Section 13 consent <sup>#</sup> *	Building consent* Rule 5.2* waterway setback consent
4) Infill development adjacent to a waterway prior to subdivision	N/a	Building consent* Rule 5.2* waterway setback consent
5) Waterway piping and diversion		
(a) within a subdivision	Water permit	Building consent* Subdivision consent
(b) within a property	N/a	Building consent* Rule 5.2* waterway setback consent
(c) involving more than one property	Water permit	Building consent* Rule 5.2* waterway setback consent
6) Filling, building, and excavating adjacent to waterways	Land use consent in Transitional Regional Plan	Rule 5.2 waterway setback consent

<sup>#</sup>Environment Canterbury have granted a global resource consent for bank works in the Christchurch City Council area (conditions apply). \*Indicates that a consent may or may not be needed.

lodges it with LINZ (Land Information New Zealand) for approval.

- vii) With the Title Plan approval, completion of all subdivision consent requirements (e.g. engineering works, cost share payments, reserve contributions, etc), the developer then applies for a Section 224 (Restrictions upon deposit of survey plan) Certificate.
- viii) With the Section 224 Certificate and all other relevant legal documentation, the developer's solicitor can deposit the Title Plan for new allotment titles to issue.

Comment: Once a decision has been reached on the general concept to be proposed, it is desirable to consult with the waterways and wetlands team on design and management principles.

### 17.3.2 The Landuse Resource Consent Process

- i) Where a proposed development does not meet a rule in the Proposed City Plan, an application for resource consent must be lodged with Council's Environmental Services Unit. Refer to Volume 3: Introduction: Using the Statement of Rules, and *Section 17.3.4: Resource Consent Applications*.
- ii) If the application relates to a land drainage issue (e.g. buildings proposed within a waterway setback, or land use change), comments are sought from a waterways and wetlands specialist within the Environmental Services Unit.
- iii) Any comments from this specialist are then sent back to the processing planner, along with a recommendation and any suggested conditions. For controversial issues, the specialist will refer to the Unit responsible for managing the asset.
- iv) The Environmental Services planner presents the resource consent application to the Resource Management Officer Committee or a Resource Management Hearings Panel (if a notified application), together with recommendations and any suggested conditions. A decision will then be made.
- v) If the Landuse Resource Consent is approved the applicant can apply for a building consent (or uplift if already applied for). A Resource Consent may contain monitoring conditions. An enforcement officer will visit the site within a stated period to ensure the conditions of consent have been met.

Comment: If the proposed development also requires a resource consent from Environment Canterbury, this is usually noted on the Resource Consent.

### 17.3.3 Assessment Matters for Resource Consents

The Proposed City Plan also contains assessment matters for resource consents (see Volume 3, Chapter 14: Subdivisions, and sections titled "Assessment matters for Resource Consents" near the end of other chapters). In addition to the matters set out in RMA Section 104: Matters to be considered, Section 105: Decisions on applications, and Part II: Purpose and Principles, the Council will consider assessment matters in the City Plan when considering whether or not to grant a resource consent or to impose conditions.

Both RMA sections 104 and 105 explain why certain rules in the Proposed City Plan exist, and what matters the consent authority will take into account when considering a development or activity that does not comply with the rules. It is important that any application contains information on all relevant assessment matters. Assessment matters related to water and drainage include the following:

- stormwater disposal
- Esplanade Reserves, Esplanade Strips, or Access Strips
- water supply
- natural and other hazards
- sanitary sewage and trade waste disposal
- preservation of the vegetation, landscape, and conservation values.

### 17.3.4 Resource Consent Applications

When applying for a Resource Consent, sufficient information is essential to ensure that:

- The environmental effects of an activity can be clearly understood.
- Any affected persons have reasonable certainty as to how they may be affected (particularly if their written consent is to be sought).
- An application can be processed without undue delay.
- A situation is avoided where an activity, once established, requires a further resource consent, or must cease operations because of adverse effects that have become apparent but which were not stated at time of application. Refer to the Proposed Christchurch City Plan, Volume 3, Part 9, Clause 1).
- All relevant resource consents are applied for.

Any application which has insufficient information will be placed 'on hold' and the Council will request

further information under RMA Section 92: Further information may be required.

Applicants should consult before lodging an application to avoid unnecessary time delay. Refer to *Section 17.3.5: Resource Consent Consultation*.

Further guidance is given in the City Council information pack titled 'Need Help with your Resource Consent?'

#### Subdivision Resource Consent Applications

All applications for subdivision consent shall be accompanied by a plan drawn to scale. The plan must show clearly the intentions of the applicant and shall include (where applicable) all or any of the following:

- All of the information required under RMA Section 219: Information to accompany applications for subdivision consents.
- All topographical information including levels in terms of the Christchurch Drainage Datum (where applicable), to determine the grade of the land, or whether land needs to be filled to achieve stormwater drainage or avoid inundation from any source.
- Any significant trees, areas of bush, or landscaping on the site; any archaeological or listed historic buildings, places, objects, or trees.
- Proposed and existing easements for any service: high pressure water, power, telecommunications, sanitary sewer, and stormwater drainage.
- Locations of any areas considered unsuitable for building purposes because of hazards such as uncompacted filling or potential flooding.

Applications shall be accompanied by a report that explains the proposal and how it will comply with requirements of the Proposed City Plan (Volume 3, Part 14: Subdivision) and relevant RMA sections.

Matters to be addressed include RMA Section 106: Subdivision consent not to be granted in certain circumstances. This relates to erosion, subsidence, slippage, or inundation from any source.

For stormwater drainage, the subdivision application must show the following:

- where the existing buildings obtain their outfall for stormwater
- the outfall for all proposed allotments
- the volume of stormwater to be discharged
- whether or not the proposed outfall is capable of accepting that discharge, taking into account the catchment served by the respective outfall

- how the stormwater discharge is to be achieved and the timing of its installation.

The application must show the following for filling requirements:

- the existing land drainage outfall
- how the new allotments will achieve their land drainage
- the proposed fill depth where allotments are in a hazard zone requiring filling above flood outfalls.

#### Landuse Resource Consent Applications

All applications for land use consents shall be accompanied by the following information, where relevant:

- a site plan to the scale of 1:100, 1:200, or another recognised metric scale
- assessment of effects, and means of mitigation
- elevations to the scale of 1:100, 1:200, or another recognised metric scale
- any supporting written reports, photographs, models, or other relevant information appropriate to the nature and scale of the proposal.

These plans and/or accompanying information should show the following:

- Site levels and the original ground level (where relevant)
- The distance between the buildings and any waterways, or from the coastline.
- Any landscaping that is required under a the Proposed City Plan, including areas for planting, notation list of species to be planted and their location, and the location of any outdoor storage areas and how they are to be screened from view.
- The effects on any natural features, including landforms, large trees, indigenous vegetation, ecosystems, the margins of waterways, the coastal environment or wetlands, and how any effects may be avoided/remedied or mitigated. Refer to RMA Schedule 4: Assessment of Effects on the Environment, relating to the assessment of environmental effects, and assessment matters in the Proposed City Plan, Volume 3.
- Any proposed filling or excavation; the type, volume and depth, identification of areas subject to fill or excavation, and the impact on utilities or on any archaeological sites (New Zealand Historic Places Trust to be advised/notified).
- The results of any consultation with parties who may be affected by the proposal, including takāta

whenua, community groups and associations, or interest groups and individuals. Refer to *Part A: Chapter 4: Involving the Community*.

### 17.3.5 Resource Consent Consultation

Under RMA Section 92 (2) (a) (ii), although consultation can be undertaken formally by obtaining written approval from affected parties, the RMA can require an explanation of any community consultation undertaken by an applicant. Consultation is good planning practice, and enables community views to be ascertained before the formal statutory process.

If consultation is deemed adequate and likely adverse effects are minor, the RMA Committee may decide that the application need not be notified.

Also refer to *Part A: Chapter 4: Involving the Community*, for further information on the consultation process.

## 17.4 Building Consents

As a general rule, any proposal to build or erect a structure will require a building consent (issued under the Building Act 1991). The Third Schedule of the Building Act contains a list of building work and structures which do not require a building consent, for example, non-masonry structures less than two metres high.

It is important to note that the Building Act and the City Plan differ in their definitions of 'building'. A structure that may not require a building consent under the Building Act, for example, may nevertheless be defined as a building under the Proposed City Plan, and as such will therefore be subject to bulk and location standards.

When a building consent application is lodged, a Project Information Memorandum (PIM) is then generated. The PIM identifies any site hazards and any provisions of any relevant Plan the proposal does not comply with.

If any non-compliances are identified in the PIM, a resource consent for these must be obtained before a building consent can be granted. Alternatively, an applicant may choose to amend their building plans to achieve compliance with the rules.

### Steps for Building Consents (Building Act 1991)

- i) The developer applies for a building consent (or a PIM only) under Section 30 of the Building Act.
- ii) PIM supplementary information is returned to the applicant. Along with any planning rule non-compliances, this PIM will include any drainage

comments, e.g. minimum floor levels, or whether filling of the site will be required.

- iii) In the case of a PIM only, the developer can apply for a building consent. Where the building consent has already been lodged, drainage-related requirements will have to be met before the consent is issued.
- iv) If the Building Act and drainage-related requirements have been satisfied, the building consent will be issued. The work is inspected by a building inspector, and a Code of Compliance certificate issued if the inspector is satisfied the work has been completed in accordance with the approved plans.

## 17.5 References

- Canterbury Regional Council 1991. Transitional Regional Plan (and attachments). Canterbury Regional Council, Christchurch.
- Canterbury Regional Council 1996. Proposed Waimakariri River Regional Plan. Canterbury Regional Council Report 95(8).
- Christchurch City Council 1999. *City of Christchurch City Plan. The Proposed District Plan for the City of Christchurch*. Christchurch City Council, Christchurch.