

## Planning Unit

# Resource Consent Decision Information

## Lapsing of Consent

A resource consent lapses on the date specified in the consent, or, if no date is specified, **5 years** after the date of the decision (or if any appeal results, from the date of any decision of the Environment Court) **unless, before** the consent lapses,

- a) The consent is given effect to; or
- b) An application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account:
  - i. Whether substantial progress or effort has been, and continues to be made towards giving effect to the consent; and
  - ii. Whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
  - iii. The effect of the extension on the objectives and policies of a plan or proposed plan.

If you or any future purchaser of your property wish to change or cancel any conditions of this resource consent, an application for a variation of consent must be made to the Council on Form 10. An application for a variation will be processed pursuant to Section 127 of the Resource Management Act, and may or may not be granted by Council.

## This is a Resource Consent Only

This consent is a resource consent in terms of the Resource Management Act. It is **not** a consent under any other Act, Regulation or Bylaw. Separate applications will need to be made for any other approval, such as a building consent, water race by-law approval or Regional Council consent (if not applied for concurrently with this application).

## Rights of Appeal and Objections to Consent Conditions

This notice of resource consent is distributed in accordance with the terms of Section 114 of the Resource Management Act.

Your attention is drawn to the provisions of Sections 120, 121 and 357 of the Resource Management Act which allows for objections to, and appeals against, decisions made by consent authorities.

### Objections

Under Section 357 of the Resource Management Act, where a resource consent has been granted on either a non-notified basis or if notified did not attract any submissions, the applicant may within 15 working days of the receipt of this decision, object to any conditions of the resource consent. Objections should be addressed to the Planning Department, Selwyn District Council, PO Box 90, Rolleston 7643.

### Appeals

Under to Section 120 of the Resource Management Act, where a resource consent has been declined or a notified resource consent (whether granted or declined) has received submissions, any party to this application may, within 15 working days of the receipt of this decision, appeal the decision or conditions of consent to the Environment Court.

The Christchurch address of the Environment Court is:

*Physical Address:*  
99-101 Cambridge Terrace  
Christchurch

*Postal Address:*  
PO BOX 2069  
Christchurch 8013  
New Zealand  
DX:WX11113

*Contact Numbers:*  
Tel: (03) 365-0905  
Fax: (03) 365-1740

The procedure for lodging an appeal is set out in Section 121 of the Resource Management Act. The appeal should be made on Form 16. Clauses 16 to 27 of the Resource Management Act Regulations 2003 also set out important information. Section 121 of the Resource Management Act sets out the persons upon whom the appeal must be served and the time when service must take place. It is essential that these provisions be adhered to. Failure to do so may result in the appeal being struck out.

Copies of the Resource Management Act are available online at [www.legislation.govt.nz](http://www.legislation.govt.nz) or at the Selwyn District Council office in Rolleston.

If you are in any doubt as to the procedure to be followed it is strongly recommended that you seek planning and/or legal advice.

## Refund Policy

If a resource consent application has been lodged on or after 31 July 2010 and has not been processed within the statutory timeframes imposed under the Resource Management Act, a discount on administrative charges will apply under Section 36AA of the Act. The discount is a percentage of the actual and reasonable costs of processing the application calculated at 1% per day the application is processed over the statutory timeframes, up to a limit of 50%. For more information on the discount policy refer to the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz)

This discount is automatic and there is no need to apply to the Council to receive the discount. Discounts are calculated monthly. The refund will either be in the form of a credit against the final account or as a direct refund depending on whether the final invoice has been issued / paid.

You can request a review of the discount, if you consider that either a larger discount is due or alternatively that a discount is due where the Council has deemed no discount is payable.

A discount review form is available on Council's website [www.selwyn.govt.nz](http://www.selwyn.govt.nz) or by contacting the Planning Unit on (03) 347-2868.

## Monitoring

Monitoring of this resource consent is carried out by the Council's Resource Monitoring Officers. This is separate from any monitoring or inspections related to a building consent. Pursuant to Section 36 of the Resource Management Act, the fees relating to monitoring conditions are identified as advice notes on the consent and could include either a basic, standard or specialised monitoring fee.

- a) Basic Monitoring – this fee covers monitoring of Council records to ensure compliance with the conditions imposed where no site visit is required.
- b) Standard Monitoring – this fee covers the cost of setting up a monitoring programme and the carrying out of one site inspection to ensure compliance with the conditions imposed.
- c) Specialised Monitoring – this fee covers the cost of setting up a monitoring programme and the carrying out of two or more site inspections to ensure compliance with the conditions imposed.

In cases where further site inspections are required for consents with a standard or specialised monitoring programme, due to non-compliance with any of the conditions or for the reasons specified in the consent, the Council may render an account to the consent holder for the additional monitoring fees. These fees are outlined in the Council's Long Term Plan.

## Frequently Asked Questions

### How often will an account be sent?

If your consent was processed on a 'fixed fee' basis, the monitoring charge has been included in the fee you have already paid.

If your consent was processed on a 'time and cost' basis, in addition to the fees payable for the processing of the application, you will be invoiced for monitoring at the time the decision is issued. This is a set fee and forms part of the account sent at the time a decision is issued.

In situations where additional site inspections are required, the Council may render an account for the additional monitoring fees. This will be sent at the time monitoring is undertaken.

### If I'm paying, how can I keep costs down?

By complying with the conditions of your consent. If you comply with all consent conditions, extra site visits will not be necessary.

### Can I carry out monitoring myself and reduce the Council's programme?

You have a legal obligation to comply with the conditions of your consent, and you should be monitoring your activity regularly to ensure this happens. Consent holders who ensure good compliance at all times benefit from a reduction in the frequency of Council visits.

However, no matter how good your own monitoring is, the community needs to be reassured of the credibility and independence of a monitoring programme carried out by or on behalf of Council, particularly in situations of non-compliance, where enforcement action may be required.

#### **Does the Council monitor every consent?**

Yes, although this doesn't mean that every property with a resource consent is visited. For example, some consents can be monitored from the office because they only require the return of certain information, or a confirmation of works completed by a building inspector. In these cases, phone calls or site visits are only made if the information is not supplied or is not available from Council records.

Monitoring visits may be spaced several years apart or be close together. They may occur regularly throughout the terms of the consent, or be concentrated at the beginning or towards the expiry of the consent.

The consent holder may also request a site inspection if they believe that, for example, all development work has been completed and they wish to have a bond or caveat released.

#### **Does the Council only monitor for compliance with conditions?**

No. At any site inspection, the Resource Monitoring Officer will observe the area both associated with the consent proposal and the area beyond that. This is to deal with any adverse effect on the environment which may arise from the exercise of the consent. From this, the Council may need to review the conditions of consent or check the accuracy of assessments carried out at the time the resource consent was applied for.

#### **How will I know whether I'm complying with the conditions of my consent after a monitoring visit?**

After every site visit a Notice of Inspection is completed by the Resource Monitoring Officer. A copy is provided to the consent holder (it may be left on the property or sent later) and a copy placed on the Council's consent file. This notice will tell you whether you complied with all the conditions of your consent, together with any other matter relevant to the visit, or to the activity you are carrying out.

If there is an issue of non-compliance, this will either be discussed with you during the inspection, or you will be contacted by telephone or letter.

#### **Who will see my monitoring report?**

The Council is required to keep copies of all monitoring visit reports. These are summarised and if of a serious nature will be reported to the Planning Manager, who may decide to take further action. Being public records, reports of individual site visits are available to the public if requested. This may be particularly important when you apply for a new resource consent – your history of compliance will be a matter of public record.

#### **What happens if I don't like the conditions?**

If you think that any condition is unreasonable or unnecessary, you can apply to Council to have it changed.

#### **What happens if I don't comply with the conditions of my consent?**

If you don't comply with your conditions, Council may take enforcement action to require compliance. The exact nature of this action will depend on matters such as the degree of non-compliance, frequency and the effect on the environment, but ultimately the Resource Management Act gives Council both the duty and the tools to enforce compliance. The maximum penalties set out in the Act are very severe.

#### **Who can make a complaint concerning a consent?**

Once a consent has been issued, anyone may make a complaint to Council if they believe that the conditions or the intent of the consent is not being met.

All written complaints are replied to, either by telephone or in writing. If requested, the complainant will be kept informed of any outcome or progress.

The complainant may request to remain anonymous, although the consent holder is often aware of who may have complained.

#### **What action is taken on complaints?**

A Resource Monitoring Officer will follow up on all complaints made, often contacting the consent holder to discuss the issue and/or to arrange a site inspection. Depending on the nature of the concern, an inspection may be made without contacting the consent holder first. Enforcement action may need to be taken to ensure further compliance. A file note will be made concerning any complaints made, a copy of which will be kept on the consent file.