



## Now you have resource consent

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### ■ Introduction

This fact sheet is designed to help you understand what you need to know about holding a resource consent.

A resource consent is an important legal document. Please keep it in a safe place so that you can refer to it as necessary.

Contact the ARC consents officer who processed your application if there is anything in your resource consent you do not understand,

### ■ Your obligation under the Resource Management Act 1991 (RMA 1991)

Now that you have your resource consent, it is your responsibility to adhere to the conditions placed on it. They are designed to avoid, resolve or mitigate any adverse environmental effects resulting from your activity. The purpose is to protect the Auckland region's natural and physical environment for current and future users.

Failing to adhere to the conditions may damage the environment for other users and could also lead to enforcement action being taken against you. Most problems are resolved through discussion without the need for enforcement. If a problem cannot be resolved, the ARC may use the enforcement provisions of the RMA. We can direct you to stop or delay an activity that may have adverse environmental effects, or to carry out appropriate remedial works.

The actual and reasonable costs incurred by the ARC in carrying out enforcement action can be recovered from the parties responsible.

## ■ Monitoring

The ARC monitors the overall state of the region's environment. This includes monitoring the use of resource consents and their impact on the environment. Sometimes consent holders are required to undertake monitoring of their activities themselves (self-monitoring) and to forward results of that monitoring to the ARC for performance auditing.

Council staff may also carry out compliance monitoring to check whether a resource consent is being used according to its limits and conditions, and to check on its environmental effects.

A combination of both types of monitoring is likely to be required for large scale activities or complex sites. A consent holder may be required to undertake specific tests or measurements in line with a monitoring programme or management plan, and the ARC staff may also undertake independent monitoring of the site activities.

The ARC may also undertake monitoring if we receive a complaint from someone about an activity that affects the environment. The complaint may be about an activity that has breached the limits of a resource consent resulting in potential damage to the environment. Or, it may be about an activity being undertaken without resource consent. In these cases, the ARC will inspect the site, undertake tests or take samples, and will then decide whether any form of enforcement action is required.

## ■ Are there charges for holding a resource consent?

Yes. For the majority of resource consents an annual charge is payable by the consent holder under section 36 of the RMA. You can find out what the likely annual charge for your resource consent is by emailing us at [info@arc.govt.nz](mailto:info@arc.govt.nz) or contacting us on 366 2000.

The direct costs of monitoring are recovered from consent holders. These costs include those incurred in:

- Monitoring inspections
- Sample collection and processing
- Data analysis
- Review of management plans/monitoring reports
- Reporting on monitoring work undertaken
- Consent administration
- Time spent responding to enquiries and justified complaints
- Non-compliance of consent conditions may result in extra charges if additional monitoring is required.

## ■ Can I change my resource consent?

The duration or term of the resource consent cannot be changed. However, you can apply to change or cancel any other conditions. Contact us to discuss the nature of your proposed changes and to find out how to change your resource consent before completing your application.

Changes to consents that were not notified or that did not receive submissions may involve the preparation of a report by ARC staff and an amendment of your consent.

For publicly notified consents that received submissions, the process may involve obtaining agreement from the submitters, or public notification and a hearing.

All applications to change or cancel a condition of consent are a discretionary activity and it is the effects of the change or cancellation only that are considered, rather than a reassessment of the consent itself

## ■ What happens if I don't use my resource consent?

If you do not start the activity authorised by your resource consent within five years (or the date specified in the consent) of it being granted (or the commencement date specified on the consent), the resource consent will automatically lapse, i.e. it will no longer be valid.

You can apply for an extension of this time limit before the consent lapses. In considering this application the ARC must take into account:

- Whether substantial progress or effort has been made towards giving effect to the consent
- Whether approval has been obtained from any person adversely affected by the extension
- The effect of the extension on the policies and objectives of the relevant regional plan

Contact the ARC to discuss this process if you do not think that you will be starting your activity within the specified period.

## ■ How long does my resource consent last once I have given effect to it?

Almost all resource consents include an expiry date. You may undertake the activity authorised by the resource consent until the expiry date (subject to the conditions of the resource consent). If you apply to replace your consent no less than six months before the expiry date, you may continue to operate under the conditions of the consent until your application to replace the consent and any appeals have been decided on.

If you do not meet the 6 months period of the expiry date but do apply at least 3 months before the expiry date, it is at the ARC's discretion as to whether or not you are allowed to continue to operate until the new consent is granted or declined. To make use of this provision you must lodge a complete application with the ARC.

## ■ Cancelling a consent

The ARC can cancel a resource consent by giving written notice to the consent holder if a consent is exercised initially and then is not exercised for a continuous period of at least five years.

## ■ Can I surrender my resource consent?

Yes. You can surrender your resource consent if you no longer wish to undertake the activity which it authorises. You can do this by completing a specific form that is available for the surrender of a resource consent. The ARC is required to give notice of acceptance before the surrender takes effect. There are some circumstances where the council would not accept surrender of a consent and would require that responsibility for the consent be assumed by another party.

If there are any incomplete works at the time you apply to surrender your consent, the ARC may direct you to complete the works. You will also remain liable for any non-compliance with any conditions of the resource consent prior to surrender, and for any consent holder charges for the consent up to the time of its surrender.

There is no charge associated with surrendering your resource consent.

## ■ Can my resource consent be transferred to another person?

Holders of a resource consent/permit granted by the ARC are generally able to transfer their consents to another person. This should be done if you are selling your property/business and the new owner wishes to continue undertaking the activity authorised by resource consent.

The consent holder is responsible for initiating the transfer, and remains liable for the exercise of the resource consent and any charges until the ARC has received and processed the request for a transfer.

The transfer of a resource consent must be done by written notice to the ARC. You can obtain a transfer form by phoning the ARC on 09 366 2000.

## ■ For more information

The ARC has a range of fact sheets designed to help applicants and submitters through the resource consent process. Copies are available online at [www.arc.govt.nz](http://www.arc.govt.nz) or upon request. Topics include:

- Applying for a resource consent
- Resource consent processing timeframes and charges
- Making a submission on a resource consent application
- Pre-hearing meetings and hearings

### How do I contact the ARC?

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Fax: 09 366 2155

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