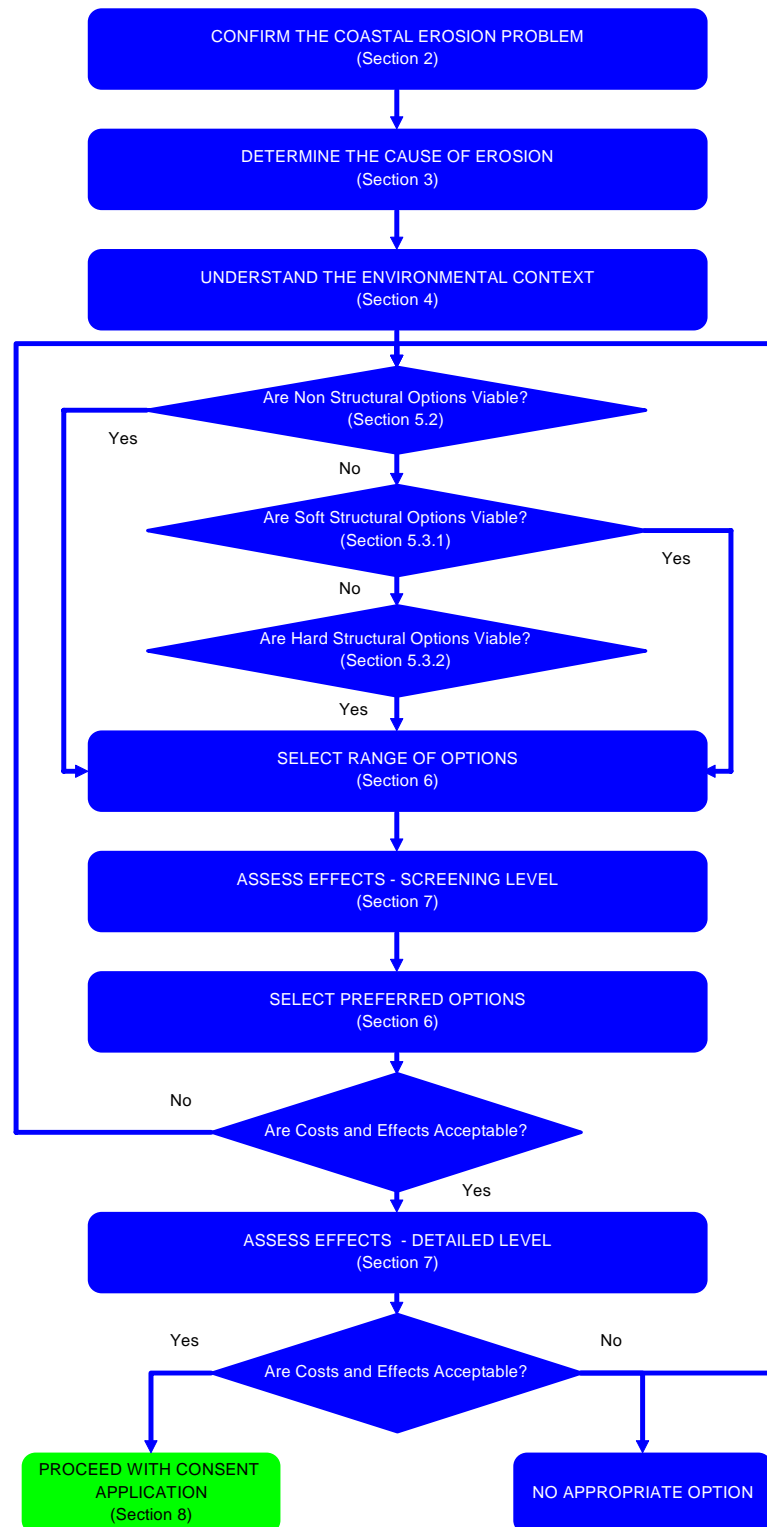


COASTAL EROSION MANAGEMENT MANUAL



SECTION 8 - NEED FOR A RESOURCE CONSENT

EXPECTED OUTCOME OF THIS SECTION:

To determine if a consent is required for your preferred coastal erosion management option and who to approach.

COASTAL EROSION MANAGEMENT MANUAL

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8. NEED FOR A RESOURCE CONSENT

8.1 INTRODUCTION

The RMA promotes the sustainable management of the natural and physical resources of our environment. This involves managing the use, development and protection of resources while enabling individuals to provide for their social, economic and cultural needs.

Under the RMA, regional councils and territorial authorities have the responsibility for the management of natural and physical resources within their areas. This is done by controlling the use of these resources by the issuing of resource consents, and through the administration of rules in regional and district plans.

A resource consent is a legal authorisation allowing the holder to do something that may affect the environment, e.g. construct a seawall, or permission to use a resource in some way, e.g. redistribute a volume of sand from one locality to another for beach nourishment.

This section provides guidance on when a consent is required for a coastal erosion management option, the consent process, and how to go about applying for a resource consent.

8.2 WHEN IS A RESOURCE CONSENT REQUIRED?

Section 12 of the RMA restricts certain activities in the coastal marine area unless expressly allowed by a rule in a regional coastal plan, or by a resource consent. The proposed Auckland Regional Plan: Coastal (PRP:C) requires that a coastal permit (resource consent) is required for most, if not all, proposed coastal erosion management works that will be carried out in the Auckland coastal marine area.

Subject to the provisions of the plan, a resource consent will be required for any coastal erosion management activity where:

- *“any use of land that contravenes a rule in a district or regional plan (unless this use was lawfully established before the plan was notified or the rule became operative);*
- *any activity within the coastal marine area to:*
 - *reclaim, drain, occupy or disturb the foreshore or seabed;*
 - *erect, reconstruct, replace, alter, extend, remove or demolish any structure in the coastal marine area;*
 - *disturb any foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed;*
 - *deposit anything in, on, or under the foreshore or seabed that is likely to have an adverse effect on the foreshore or seabed;*

- *destroy, damage, or disturb any foreshore or seabed in a manner that has or is likely to have an adverse effect on plants and animals or their habitat;*
- *introduce or plant any exotic or introduced plant in, on, or under the foreshore and seabed -*

unless expressly allowed by a rule in a plan or a resource consent."

The ARC should be contacted if there is any uncertainty about whether a resource consent is required.

8.3 APPLYING FOR A RESOURCE CONSENT

Section 88(4) of the RMA sets out the requirements for an application for a resource consent. It states that:

"An application shall be in the prescribed form and shall include -

- (a) A description of the activity for which a resource consent is sought, and its location; and*
- (b) An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated; and*
- (c) Any information required to be included in an application by a plan or regulations; and*
- (d) A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents."*

If a resource consent is required it is advisable to:

- obtain an application form/s from the appropriate consent authority;
- discuss the proposal with council staff. This will give a good idea of how the Council will process the application, identify what resource consents may be needed, identify what information will need to be provided with the application, assist in identifying the people who may be interested or affected by the proposal and give an indication of the cost of processing the application, and any on-going charges; and
- determine the rules from the relevant plan, especially those relating to criteria the council uses when deciding upon an application.

8.4 TYPES OF ACTIVITIES

The rules within the PRP:C, determine the category of any particular activity and whether a coastal permit (resource consent) is required before the activity may be undertaken. The PRP:C specifies whether a certain activity is either a:

- **permitted activity** - if an activity complies with standards set out in the plan for a permitted activity a resource consent is not required;
- **controlled activity** - a resource consent is required. The council cannot decline an

application but may include conditions on how the activity is carried out. Conditions can be imposed for matters the Council has listed in the district or regional plan;

- **restricted or limited discretionary activity** - a resource consent is required. The council may decide whether to approve (often with conditions) or decline an application, but may only consider those matters which it has listed in the district or regional plan;
- **discretionary activity** - a resource consent is required. The council may decide whether to approve (often with conditions) or decline an application;
- **non-complying activity** - a resource consent is required. The council may decide whether to approve (often with conditions) or decline an application. The council must decline an application if it has more than a minor effect on the environment and contravenes the district or regional plan;
- **restricted coastal activity** - a resource consent is required. These may be either discretionary or non-complying activities. They are assessed in the same manner as other activities, however the Minister of Conservation is the consent authority; or
- **prohibited activity** - a resource consent cannot be granted for prohibited activities. They are expressly prohibited in a plan.

8.5 THE CONSENT PROCESS

The procedure for processing a resource consent applications is:

- the application is checked by council staff to determine whether it is complete. If insufficient information has been provided a request will be made for additional information;
- if the application is complete and contains sufficient information for staff to process it, a decision will be made on whether to notify it or not;
- if the application is notified, the council will receive submissions;
- a report and recommendation on the application is prepared by the council;
- there may be a pre-hearing meeting and/or a hearing;
- a decision will be made on the application;
- the applicant will be advised in writing of the Council's decision, and the reasons for that decision; and
- the applicant, and any person who made a submission, may appeal the Council's decision to the Environment Court.

Resource consents include special conditions which are designed to ensure that any adverse effects that may result from an activity are avoided, remedied or mitigated.

8.6 OTHER CONSENTS

More than one resource consent may be required to undertake a particular activity which

impacts on the environment, and those consents may need to be obtained from more than one organisation. If a number of consents are required, particularly from the ARC and district or city council's, the ARC will seek to co-ordinate the processing of joint applications and hold joint hearings where necessary.

8.6.1 BUILDING CONSENT

Resource consents are different from building consents. Building consents are concerned primarily with safety under the Building Act (1991). They are subject to national rules and regulations. Sometimes both a building consent and a resource consent may be required.

The responsibility for the issuing of building permits within the Coastal Marine Area has been transferred from ARC to the territorial authorities within the Auckland Region.

8.6.2 HISTORICAL SITES

Where proposed activities will destroy, damage or modify an archaeological site, an authority from the New Zealand Historic Places Trust (NZHPT) is required, under the Historic Places Act (1993). All archaeological sites (whether or not the site is registered by the NZHPT) are protected by the NZHPT and any modification requires its approval.