



Your consent document

Resource Consents



Environment Canterbury regional council works with the people of Canterbury to manage the region's air, water and land. We are committed to the sustainable management of our environment while promoting the region's economic, social and cultural well-being.

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What do I do with my resource consent?

Your resource consent is an important legal document. Along with the accompanying letter, it will tell you:

- The conditions the council requires you to comply with when you carry out your activity and may include administrative or monitoring charges
- The reasons for the council's decision
- Whether you or the council need to monitor the environmental effects of the activity
- Whether your consent has a lapse date.

When you first receive your resource consent, it is important that you read and understand it. Please speak to Customer Services at Environment Canterbury to clarify any points that you do not fully understand. Contact details are given at the end of this document.

It is the consent holder's responsibility to ensure that all legal requirements are met before carrying out an activity. This means checking for compliance with other Acts, regulations and bylaws or rules of law. If you have any doubts you should seek legal advice.

In addition you may need to take further action if:

- You do not own land you require access to and therefore require approval from the landowner. For riverbeds, the landowner is not necessarily the Crown and may include the Department of Conservation, private landowners or affected landowners
- You are undertaking high country burning, and therefore may need to obtain permission from the Rural Fire Authority, the Commissioner of Lands or the Department of Conservation
- You are building a large structure, such as a dam or bridge, and therefore may need a consent under the Building Act
- You are undertaking an activity which requires a local territorial authority consent under Transitional and/or Proposed District Plans.

Conditions

A Resource Consent imposes conditions which control the way an activity is carried out; these are designed to maintain and protect Canterbury's natural resources for other users, both now and in the future. It is the consent holder's responsibility to adhere to the conditions of the consent. The consent holder risks enforcement action by Environment Canterbury if they do not.

Duration

Resource consents issued by Environment Canterbury have a maximum duration of 35 years; some specific types of consent have shorter standard durations. If you wish to carry out an activity beyond an expiry date, you need to apply for a replacement consent. You cannot apply for an extension to an expiry date, as this cannot be changed.

Lapse dates

The activity authorised by the consent must usually be started within five years of the date of issue, or before the lapse date specified in the conditions of the consent, if applicable. If the activity does not occur within this time frame, the consent will lapse and no longer be valid. An extension to the lapsing period can be requested, which must be applied for in writing at least three months before the lapse date.

If your consent specifies a lapse date, you must inform Environment Canterbury in writing when you actually start the activity. If you fail to do this, your consent will expire on the lapse date and no longer be valid.

Exercising of your resource consent

Once the activity has commenced, the consent is valid through to its specified expiry date, unless the activity is discontinued for five years, in which case the consent may be cancelled. You may be asked to complete and return an 'Exercising of Resource Consent' form when you first start using your consent, even if it is replacing a previous consent for the same activity. If you are required to complete this form, it will be included in your Resource Consent pack.

Minor errors in your document

If you consider there are minor errors or defects in your resource consent document, you need to inform Environment Canterbury within 15 working days of the grant and request that the corrections to the decision can be made. If the error is more substantial and may have influenced the decision made on your consent, further action may need to be taken.

Disagreeing with the decision

The applicant can object or appeal (where the application has been processed without notification) if they disagree with the decision that has been made. This must be lodged in writing within 15 working days of receiving the decision.

If you formally object, a hearing will be arranged to decide your objection. Objections are decided by either an external decision maker or by Environment Canterbury staff delegated with the role to decide. You can still appeal to the Environment Court if you do not agree with the decision following an objection.

Both the applicant and any submitter to a notified application can appeal. Any appeal must be made within 15 working days.

Disagreeing with the final invoice

An objection can be made to any additional charges, but not to the fixed deposit which is paid when you first submit your application. If you wish to object, you must do so in writing within 15 working days of receiving an invoice from Environment Canterbury. Any decision made by Environment Canterbury regarding an objection may be further appealed to the Environment Court.

Refunding a charge in full or part is known as a remission. You may seek a remission if you believe that the charge is unlawful, unreasonable, or in excess of the actual cost of the work undertaken by Environment Canterbury. An application for a remission must be made in writing and will be considered on a case-by-case basis.



Change of address

Please inform Environment Canterbury immediately if you change your address. You should provide any resource consent numbers in your correspondence to ensure that our records are kept up to date and inform us if any consents require transfer or surrender.

Are there any additional costs?

Compliance monitoring services

Compliance monitoring is necessary to ensure consent holders meet the conditions of their consent. This in turn safeguards our environment. Consent holders whose consents are monitored are charged.

The hourly monitoring charge covers, desk top monitoring, site visits and inspections, preparing correspondence and reporting, assessing effects of non-compliance, testing and analysing samples, and reviewing information for consent holders; in addition mileage and disbursements may be charged.

These charges are set in accordance with section 36 of the Resource Management Act 1991, and shall be paid to Environment Canterbury for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Act.

Normally an account for these will be sent out monthly. For some consents, such as bore installations, the monitoring charge is usually paid when the application is initially lodged and no further payment is required.

Changes to my resource consent

Replacements

If a consent holder wishes to continue their activity beyond the duration of the consent, a new consent needs to be applied for. It is important that the process begins at least six months before the current consent expires, to ensure that approval is obtained from the Council for the activity to continue irrespective of whether the new consent application has completed processing. Please ensure that the number of the consent to be replaced is clearly stated on your application form.

- Where the application for the new consent is received by Environment Canterbury at least six months prior to the expiry of the existing consent, holders can continue to operate under their existing consent beyond its expiry date until the new application is determined
- Where the application for the new consent is received by Environment Canterbury between six and three months prior to the expiry of the existing consent, consent holders can continue to operate under their existing consent beyond its expiry date only with the approval of Environment Canterbury
- Where the application for the new consent is received less than three months prior to the expiry of the existing consent, holders must cease the activity on expiry until their new application is determined.

Change of conditions

You can apply to cancel or change the conditions of your resource consent. You will be required to supply the same application paperwork as you did for the initial application, as some aspects may have changed. Environment Canterbury will consider any additional effects on the environment and on affected people, including any other people who may now be affected compared with when the consent was first granted. Please ensure that you supply the number of the consent to be changed clearly on your application, and supply the appropriate fixed deposit. If the changes you require are substantial, you may be advised that the application will be processed as a new resource consent rather than a change of conditions. Please note that the expiry date can never be changed, and that your request to change conditions may not be granted.

Transfers

There are different types of transfers, the key ones being transfer from site to site and transfer from one person to another. There are application forms available for both types of transfer. Consents should be transferred when you sell the property to which the consent relates; some transfers do not involve a charge from Environment Canterbury but you can check this on our website. If you do not transfer your consent you are still liable for the monitoring charges, irrespective of whether you still own the property. Under some circumstances, Environment Canterbury has the right to refuse a transfer.

Surrenders

If you are no longer using your consent you may wish to surrender all or part of it, otherwise you will continue to be charged for monitoring. There is an application form to complete and no charge is involved for full surrenders. Environment Canterbury may refuse to accept a surrender in some circumstances, for example where there has been non-compliance with a condition of the consent. If you have a current resource consent that is replaced by a new consent with the same number but a different version, your original consent will be automatically cancelled and does not need to be surrendered.



Reviews

Environment Canterbury has the right to review the conditions in your resource consent under certain circumstances. In some cases Environment Canterbury might include a specific condition on the decision document providing for the review of conditions at set times. A review of your consent may occur to remedy an adverse effect occurring as a result of exercising the consent. Alternatively, the conditions of your consent may be reviewed to ensure they are consistent with an operative Regional Plan or a National Environmental Standard (NES). In either case, a Notice of Review will be issued to you with the reasons for review and the process fully explained.



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