

Summary

Objective

Undertake check in accordance with best practice and time-frames set under section 88 and Schedule 4 of the Resource Management Act (RMA) 1991.

Background

When an application is lodged it is assessed to determine whether it has sufficient information for the type and scale of activities in order for it to be accepted for further processing.

This check is not about checking the accuracy of the information provided, but rather to check that the assessments made are relevant to the activity, whether there is enough information to audit the activity and whether the requirements of Schedule 4 of the Act have been met.

Owner Philippa Cope

Expert Jocelyne Allen

Procedure

1.0 Assign Application for s 88 Check

Consents Assistant

- a Review daily task list in Accela
- b Email daily task list to Consents Planning Team
- c Review emails from Consents Planners requesting task assignment
- d Assign task to Consents Planner

? Task remains unassigned?

Consents Assistant

YES....  **PROCESS** Subcontract a Consent Application

NO.... Continue

2.0 Perform s 88 check

Consents Planner, Senior Consents Planner

- a Check that the applicant has applied under the correct sections of the Resource Management Act and that the RMA and CRC records tree in Accela are correctly structured. Contact the relevant Consents Administrator if any changes are required to the Accela structure



 Record tree.JPG

- b Check if a continuance is required under section 124 and determine which subsection. If Yes, schedule 4 requires further information and a letter of acknowledgement is required.
- c Find the relevant section 88 checklist in Sharepoint.
- d Search in Content Manager using the consent number to locate the consent application documents

- e Ensure the application is complete, in the prescribed form and all information required by section 88 and schedule 4 of the Act is provided. Add assessment of planning provisions of RMA Part 2

 section 88 of the RMA
http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM233858.html?search=sw_096be8ed818b62e9_88_25_se&p=1&sr=9

 schedule 4 of the RMA
<http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM242008.html>

 Ministry for the Environment: A guide to section 88 and Schedule 4 of the RMA 1991
<http://www.mfe.govt.nz/publications/rma/guide-section-88-and-schedule-4-resource-management-act-1991>

 How to tell if an application is adequate.docx

NOTE Process Exceptions: Other types of consenting activities

1) Lapsed and Replacement consents

2) Enforcement based consents

3) Retrospective Consents: Emergency works or reclamations

4) Amalgamation of two or more consents

 Lapsed and Replacement consents.docx

 Enforcement and consent applications.docx

 Emergency works and Reclamations.docx

 Amalgamation of two or more resource consents.docx

NOTE Process Exception: Changes/Additions to a consent

1) Changes

2) Additions

Notes regarding 1) & 2): -

Significant changes and additions may require the section 88 to be re-checked

Depending on their scale and complexity an extension or new application may be required

- f Check the legal and planning section of the application for the applicant's determination of the relevant rules and provisions of any National Environmental Standard (NES), National Policy Statement (NPS), New Zealand Coastal Policy Statement, Regional Policy Statement, Regional plan or proposed Regional plan.

- g Check what consents are required and that the applicant has applied for them all

 Separate activities or holistic assessment.docx

- h Assess the adequacy of the Assessment of Environmental Effects (AEE) with regard to scale, complexity and whether all of the appropriate effects of that activity have been assessed and meet the requirements of Schedule 4

NOTE Process Exceptions: Consent is no longer required

 **PROCESS** Discontinue Consent(s) in Process

 Have all the appropriate effects been assessed.docx

 Quality Planning: Assessing the Application & Assessment of Environmental Effects
<http://www.qualityplanning.org.nz/index.php/consents/environmental-effects>

- i** Determine the scale and significance of the activity
 -  Scale and significance.docx
- j** Determine if the activity occurs in or near a silent file area
 -  How to find and check silent file areas.docx
- k** Check that the property owner and the applicant's name are the same
 -  How to check for matches.docx
- l** Check whether another authority needs to be advised of the application
- m** Identify the likely pathway of the application i.e. Non-notified, Public notification or limited notified

NOTE **What happens if the applicant requests notification under s95A(3)(b) of the Act?**
Despite subsection 95A(1), a consent authority must publicly notify an application if the applicant requests public notification of the application

3.0 Determine if the Application is Complete

Consents Planner, Senior Consents Planner

- a** If information is missing from the application contact the applicant or consultant
 -  What happens if you require further information to continue processing.docx
- b** Determine if further applications are required under schedule 4(2)(1)(e) of the Act
 -  What triggers a request.docx

NOTE **Notified / Limited notified consents requiring further applications**
If it is determined that the consent application requires it to be Notified or Limited notified then further applications can be requested via section 91 of the Act.

- c** If further approvals are sought from affected persons or parties then this time period can be excluded under section 88E(3) and (4) of the Act
- d** Accept the application if complete/adequate
 -  Accepting OR Declining an application.docx

Application Complete?

Consents Planner, Senior Consents Planner

YES.... Continue

NO....  NEXT ACTIVITY

4.0 Return Application if Incomplete/inadequate

Consents Planner, Senior Consents Planner, Team Leader Consents Planning

- a** Return application

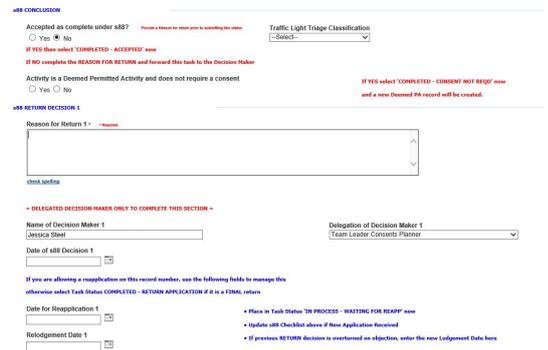
NOTE **Return application under section 88.**
If you are returning the application document reasons in the section 88 checklist and save to Content Manager.

NOTE **Process Exceptions: Consent is no longer required**

Examples: Prohibited or Permitted Activities.

 **PROCESS** Discontinue Consent(s) in Process

- b** Create letter in Accela > Consents Admin > Processing Letters > select s88 return letter from Extension templates
- c** Obtain delegated approval and signature on letter. Check the delegations manual Part E Regulatory delegations.
 -  Delegations
<https://punakorero/staff-kete/legal/Documents/Delegations%20Manual%20for%20Council%20FINAL%2012%20Apr%202018.pdf#search=delegations>
- d** Call the applicant or consultant outlining why application is deficient and reason for returning the application.
- e** Email letter to applicant or consultant outlining why application is deficient
- f** Save letter and email in Content Manager using CRCXXXXXX s88 return
- g** Complete workflow in Accela > Task details tab > Complete s88 check > fill in all the required details



 s88 return workflow.JPG

5.0 TRIAGE the Application

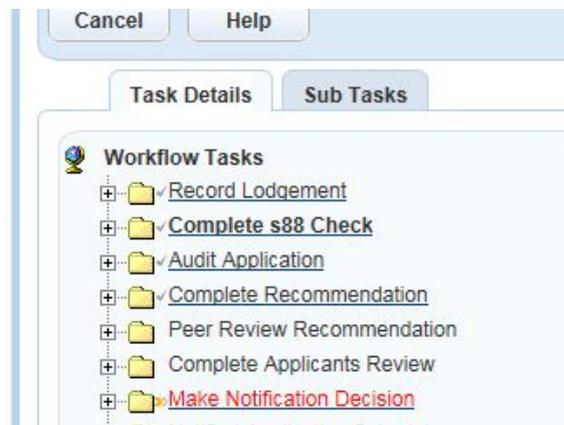
Consents Planner, Senior Consents Planner

- a** Perform risk assessment and generate risk score in order to triage application.
 -  TRIAGE Process.docx

6.0 Send Acceptance Letter to Applicant

Consents Planner, Senior Consents Planner

- a** Call the applicant to introduce yourself and advise of s88 acceptance
- b** Create letter in Accela > Consents Admin > Processing Letters > select s88 acceptance letter
- c** Email letter to applicant and save in Content Manager
 -  Section 88 Acceptance email template
<https://punakorero/groups/consentsec/consproced/s88%20acceptance%20email%20template.msg>
- d** Complete workflow in Accela > Task details tab > Complete s88 check > fill in all the required details.



Complete s88 Accela.JPG

Planner, Team Leader Consents Planning

Subcontract a Consent Application Decision

Consents Assistant

PROCESS LINKS TO THIS PROCESS

Process Name	Type of Link	Assigned Role
Assess Farming Land Use Applications Under s88	Process	Consents Planner, Senior Consents Planner

RACI

RESPONSIBLE

Roles that perform process activities

Consents Assistant, Consents Planner, Senior Consents Planner, Team Leader Consents Planning

Systems that perform process activities

None Noted

ACCOUNTABLE

For ensuring that process is effective and improving

Process Owner Philippa Cope

Process Expert Jocelyne Allen

CONSULTED

Those whose opinions are sought

STAKEHOLDERS

None Noted

STAKEHOLDERS FROM LINKED PROCESSES

Process	Owner	Expert	Process Group
Assess Farming Land Use Applications Under s88	Philippa Cope	Jessica Steel	Consents Processes
Discontinue Consent(s) in Process	Philippa Cope	Philippa Cope	Consents Processes
Subcontract a Consent Application	Vivienne Petrie	Cecilia Tolan	Consents Business Support

INFORMED

Those notified of changes

All of the above, as well as; Ken Renz[System Stakeholder], Rachel Walton[System Stakeholder], Denise Thompson [System Stakeholder], Ann Gillies[System Stakeholder]. These parties are informed via dashboard notifications.

Systems

Accela

Triggers & Inputs

TRIGGERS

Starts	Frequency	Volume
Lodgement of a consent application	daily	3000/year

INPUTS

Input	From Process	How Used
Enabled web documents	Lodge application	Allows Applicant and general public to search for consent application
Create RMA and CRC TRIM folders	Lodge application	Creates storage locations for all further documentation
Create RMA and CRC number	Lodge application	Starting point for all further workflow activities

Outputs & Targets

OUTPUTS

Output	To Process	How Used
Update workflow	Audit application	Used to update workflow system

PERFORMANCE TARGETS

Measure	Target
Time taken (Best practice)	5 working days
Time taken (As per the Act)	10 working days

Process Dependencies

PROCESS LINKS FROM THIS PROCESS

Process Name	Type of Link	Assigned Role
Discontinue Consent(s) in Process	Note	Consents Planner, Senior Consents

ContentManager

SharePoint

Lean

None Noted

Process Approval

Published on 16-12-2019 (GMT) by Philippa Cope