



## RESOURCE CONSENTS UPDATE

Friday 6 October 2017

### Changes to the Resource Management Act

**On 18 October 2017 a number of amendments to the Resource Management Act (RMA) will come into effect.**

The key changes affecting the resource consent process are:

- A new resource consent “exemption” for permitted boundary activities
- A 10 working day fast-track timeframe for controlled activity land use consents
- Changes to the tests for determining whether an application needs to be publicly or limited notified
- Provision for the Council to deem a marginal or temporary non-compliance as a permitted activity if the effects are no different.
- No appeal rights for boundary activities, subdivisions or residential activities, unless the application is a non-complying activity.

The amendments apply to applications lodged on or after 18 October 2017. Applications lodged before that date must be processed under the provisions of the RMA prior to the amendments.

### Permitted boundary activity

There is a new exemption from resource consent for proposals that only infringe District Plan “boundary rules” relating to the size or position of a building in relation to a property boundary.

Proposals will be permitted if written approval is obtained from the owners of all adjoining properties with infringed boundaries. You will need to submit plans and other information to the Council. A written notice will be issued within 10 working days confirming that the activity is permitted.

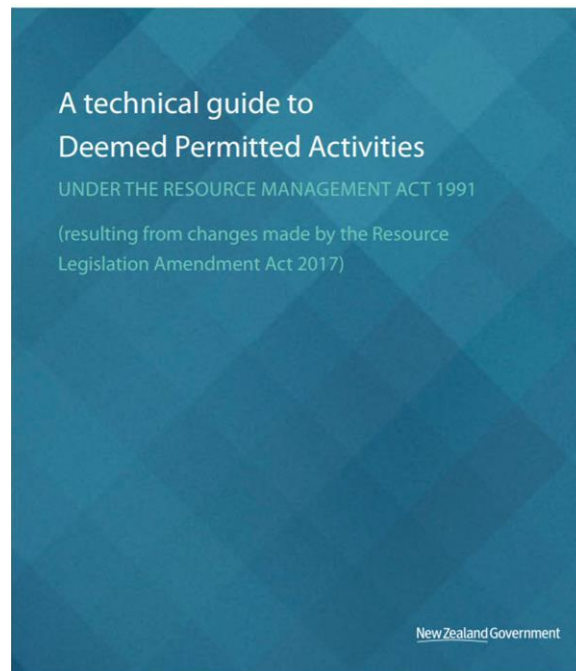
Boundary rules in the Christchurch District Plan include built form standards for daylight recession planes, some internal boundary setbacks and rules controlling the length of a building relative to the boundary. Setbacks from zone boundaries are not boundary rules, nor are setbacks from public boundaries (i.e. boundaries along a road, river, rail corridor,

reserve or other land owned by the Council or the Crown).



Important points:

- The RMA is very specific about the information that must be provided for an activity to be eligible for the permitted boundary activity process.
- There is no provision in the Act for the Council to request further information for this type of application. Incomplete applications must be returned then resubmitted.
- Written approval and signed plans must be provided from all of the owners (not the occupiers) of infringed properties, regardless of the extent of the infringement or the effects on the neighbours.
- The plans and other information submitted need to be sufficient to confirm that no other District Plan rules are breached.
- If the activity is occurring on land on the Hazardous Activities and Industries List (HAIL), resource consent may still be required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES).
- A deposit of \$800 is proposed, and we are seeking feedback about this. Until the fee has been formally set there is no charge. This is likely to be some time in November or December.
- A new application form will be available on our website from 17 October. The form for providing written approval from affected persons will also be updated, so please use the new form once it is available.



The Ministry for the Environment (MfE) has produced a useful [guidance document](#) on this new process, including examples of boundary rule infringements.

## Fast-track applications

Applications for controlled activities under the District Plan (excluding subdivision) will be classified as “fast-track” and have a reduced processing timeframe of 10 working days.

For an application to be fast-track, all aspects must be a controlled activity. If the application is notified or requires a hearing, it ceases to be fast-track. Applicants can opt out of the fast-track process at any time.

The land use consent application form will be updated to include a tick box for applicants to identify whether their application is fast-track.

## Changes to notification tests

New “step-by-step” tests have been introduced for determining whether an application must be publicly or limited notified.

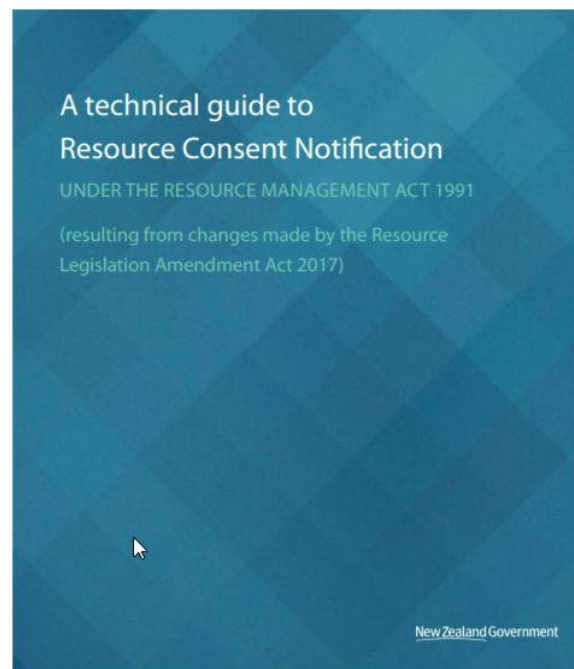
Certain activities are now precluded from public notification unless a rule or NES

requires it, or special circumstances exist. These activities are:

- controlled activities;
- boundary activities;
- subdivisions (unless non-complying), and
- residential activities defined in the new s95A(6) (unless non-complying).

Controlled land use activities under a District Plan may not be limited notified either, unless there are special circumstances.

More information about the notification changes is available in MfE's notification guidance document.



## Marginal and temporary non-compliances

This new provision enables councils (at their discretion) to exempt activities from requiring resource consent if there is only a marginal or temporary rule breach with indiscernible adverse effects.

The Council can issue a written notice determining that an activity is permitted where any adverse effects on the environment are no different than if the rule was complied with.

As this is a discretionary power, there is no formal ability to apply for this type of exemption and no statutory timeframe. In practice however, we envisage that the process is likely to involve a similar amount of time to a simple resource consent application.

*The information in this newsletter is only a summary of these changes. We encourage you to read the fact sheets and detailed guidance information produced by the [Ministry for the Environment](#) to familiarise yourself with the new provisions and any implications for your projects or applications.*

*You can also contact our Duty Planner on 941 8999.*

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