

STATUTORY PROVISIONS

RESOURCE MANAGEMENT ACT (RMA)

SECTION 88

MAKING AN APPLICATION

- 1. A person may apply to the relevant consent authority for a resource consent.**
- 2. An application must—**
 - be made in the prescribed form and manner; and
 - include the information relating to the activity, including an assessment of the activity's effects on the environment, as required by Schedule 4.
- 3. An application for a coastal permit to undertake an aquaculture activity must include a copy for the Ministry of Fisheries.**
- 4. A consent authority may, within 10 working days after an application was first lodged, determine that the application is incomplete if the application does not—**
 - include the information prescribed by regulations; or
 - include the information required by Schedule 4.
- 5. The consent authority must immediately return an incomplete application to the applicant, with written reasons for the determination.**
- 6. If, after an application has been returned as incomplete, that application is lodged again with the consent authority, that application is to be treated as a new application.**
- 7. Sections 357 to 358 apply to a determination that an application is incomplete.**

SCHEDULE 4

INFORMATION REQUIRED IN APPLICATION FOR RESOURCE CONSENT

1. Information must be specified in sufficient detail

Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

2. Information required in all applications

- An application for a resource consent for an activity (the activity) must include the following:
 - a description of the activity;
 - a description of the site at which the activity is to occur;
 - the full name and address of each owner or occupier of the site;
 - a description of any other activities that are part of the proposal to which the application relates;
 - a description of any other resource consents required for the proposal to which the application relates;
 - an assessment of the activity against the matters set out in Part 2;
 - an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).
- The assessment under subclause (1)(g) must include an assessment of the activity against—
 - any relevant objectives, policies, or rules in a document; and
 - any relevant requirements, conditions, or permissions in any rules in a document; and
 - any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

3. An application must also include an assessment of the activity's effects on the environment that—
 - a. includes the information required by clause 6; and
 - b. addresses the matters specified in clause 7; and
 - c. includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

3. Additional information required in some applications

An application must also include any of the following that apply:

- a. if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1));
- b. if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A));
- c. if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).

4. Additional information required in application for subdivision consent

An application for a subdivision consent must also include information that adequately defines the following:

- a. the position of all new boundaries;
- b. the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan;
- c. the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips;
- d. the locations and areas of any existing esplanade reserves, esplanade strips, and access strips;
- e. the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A;
- f. the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A);
- g. the locations and areas of land to be set aside as new roads.

5. Additional information required in application for reclamation

An application for a resource consent for reclamation must also include information to show the area to be reclaimed, including the following:

- a. the location of the area;
- b. if practicable, the position of all new boundaries;
- c. any part of the area to be set aside as an esplanade reserve or esplanade strip.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

6. Information required in assessment of environmental effects

1. An assessment of the activity's effects on the environment must include the following information:
 - a. if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
 - b. an assessment of the actual or potential effect on the environment of the activity;
 - c. if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use;
 - d. if the activity includes the discharge of any contaminant, a description of—
 - I. the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - II. any possible alternative methods of discharge, including discharge into any other receiving environment;
 - e. a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
 - f. identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted;
 - g. if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved;
 - h. if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

2. A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.
3. To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—
 - a. oblige the applicant to consult any person; or
 - b. create any ground for expecting that the applicant will consult any person.

7. Matters that must be addressed by assessment of environmental effects

1. An assessment of the activity's effects on the environment must address the following matters:
 - a. any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:
 - b. any physical effect on the locality, including any landscape and visual effects:
 - c. any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:
 - d. any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:
 - e. any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:
 - f. any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.
2. The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

SECTION 105

MATTERS RELEVANT TO CERTAIN APPLICATIONS

1. If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—
 - a. the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - b. the applicant's reasons for the proposed choice; and
 - c. any possible alternative methods of discharge, including discharge into any other receiving environment.
2. If an application is for a resource consent for a reclamation, the consent authority must, in addition to the matters in section 104(1), consider whether an esplanade reserve or esplanade strip is appropriate and, if so, impose a condition under section 108(2)(g) on the resource consent.

SECTION 107

RESTRICTION ON GRANT OF CERTAIN DISCHARGE PERMITS

1. Except as provided in subsection (2), a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A allowing—
 - a. the discharge of a contaminant or water into water; or
 - b. a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or
 - ba.the dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant,—if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:
 - c. the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
 - d. any conspicuous change in the colour or visual clarity:
 - e. any emission of objectionable odour:
 - f. the rendering of fresh water unsuitable for consumption by farm animals:
 - g. any significant adverse effects on aquatic life.

2. A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A that may allow any of the effects described in subsection (1) if it is satisfied—
 - a. that exceptional circumstances justify the granting of the permit; or
 - b. that the discharge is of a temporary nature; or
 - c. that the discharge is associated with necessary maintenance work—
 - d. and that it is consistent with the purpose of this Act to do so.
3. In addition to any other conditions imposed under this Act, a discharge permit or coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as will ensure that upon the expiry of the permit the holder can meet the requirements of subsection (1) and of any relevant regional rules.

PART 2: PURPOSE AND PRINCIPLES

5 Purpose

1. The purpose of this Act is to promote the sustainable management of natural and physical resources.

2. In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b. safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- c. avoiding, remedying, or mitigating any adverse effects of activities on the environment.

6. Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- a. the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- b. the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- c. the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- d. the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- e. the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- f. the protection of historic heritage from inappropriate subdivision, use, and development:
- g. the protection of protected customary rights:
- h. the management of significant risks from natural hazards.

7. Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- a. kaitiakitanga:
 - aa. the ethic of stewardship:
- b. the efficient use and development of natural and physical resources:
 - ba. the efficiency of the end use of energy:
- c. the maintenance and enhancement of amenity values:
- d. intrinsic values of ecosystems:
- e. [Repealed]
- f. maintenance and enhancement of the quality of the environment:
- g. any finite characteristics of natural and physical resources:
- h. the protection of the habitat of trout and salmon:
- i. the effects of climate change:
- j. the benefits to be derived from the use and development of renewable energy.

8. Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

A guide:

<http://www.mfe.govt.nz/publications/fresh-water/guide-national-policy-statement-freshwater-management-2014>

The policy document:

<http://www.mfe.govt.nz/publications/fresh-water/national-policy-statement-freshwater-management-2014>

APPLICABLE POLICIES: WATER QUALITY

Objective A1

To safeguard:

- a. the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and
- b. the health of people and communities, at least as affected by secondary contact with fresh water;
- c. in sustainably managing the use and development of land, and of discharges of contaminants.

Objective A2

The overall quality of fresh water within a region is maintained or improved while:

- a. protecting the significant values of outstanding freshwater bodies;
- b. protecting the significant values of wetlands; and
- c. improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.

Policy A1

By every regional council making or changing regional plans to the extent needed to ensure the plans:

- a. establish freshwater objectives in accordance with Policies CA1-CA4 and set freshwater quality limits for all freshwater management units in their regions to give effect to the objectives in this national policy statement, having regard to at least the following:
 - ii. the reasonably foreseeable impacts of climate change;
 - iii. the connection between water bodies; and
 - iv. the connections between freshwater bodies and coastal water; and
- b. establish methods (including rules) to avoid over-allocation.

Policy A2

Where freshwater management units do not meet the freshwater objectives made pursuant to Policy A1, every regional council is to specify targets and implement methods (either or both regulatory and non-regulatory), in a way that considers the sources of relevant contaminants recorded under Policy CC1, to assist the improvement of water quality in the freshwater management units, to meet those targets, and within a defined timeframe.

OBJECTIVES AND POLICIES RELATING TO INTENSIVE FARMING

An application for intensive dairy and irrigated sheep and beef farming must include an assessment of the below objectives and policies.

Part One of the One Plan (2016) - Regional Policy Statement

Objective	Policies
5-1 Water management Values 5-2 Water quality	5-1 Water Management Zones and Values 5-2 Water quality targets 5-6 Maintenance of groundwater quality 5-7 Land use activities affecting groundwater and surface water quality 5-8 Regulation of intensive farming land use activities affecting groundwater and surface water quality

Part Two of the One Plan (2016) – Regional Plan

Objective	Policies
14-1 Management of discharges to land and water and land uses affecting groundwater and surface water quality	14-2 Consent decision-making for discharges to land 14-5 Management of intensive farming land uses 14-6 Resource consent decision-making for intensive farming land uses

An application for intensive vegetable growing or arable cropping must include an assessment of the below objectives and policies.

Part One of the One Plan (2014) - Regional Policy Statement

Objective	Policies
4-2 Regulating potential causes of accelerated erosion 5-1 Water management Values 5-2 Water quality	4-2 Regulation of Land use activities 5-1 Water Management Zones and Values 5-2 Water quality targets 5-6 Maintenance of groundwater quality 5-7 Land use activities affecting groundwater and surface water quality 5-8 Regulation of intensive farming land use activities affecting groundwater and surface water quality

Part Two of the One Plan (2014) – Regional Plan

Objective	Policies
14-1 Management of discharges to land and water and land uses affecting groundwater and surface water quality 13-1-1	14-2 Consent decision-making for discharges to land 14-5 Management of intensive farming land uses 14-6 Resource consent decision-making for intensive farming land uses 13-1 13-2

NATIONAL ENVIRONMENTAL STANDARD

FOR SOURCES OF HUMAN DRINKING WATER (NES:SHDW)

The NES:

http://www.legislation.govt.nz/regulation/public/2007/0396/latest/DLM1106901.html?search=ta_regulation_R_rc%40rinf%40rnif_an%40bn%40rn_25_a&p=3

A Users Guide:

<http://www.mfe.govt.nz/publications/rma/nes-draft-sources-human-drinking-water>

<http://www.mfe.govt.nz/node/12079>