

**LAND USE CONSENT
APPLICATION FORM
under
SECTION 88
of the
RESOURCE MANAGEMENT ACT (RMA) 1991**

This application form contains the following sections:

- Land Use Consent Application Form
- Information Checklist
- Assessment of Environmental Effects (AEE)
 - Information in relation to preparing an AEE including Schedule 4 of the Resource Management Act
 - AEE Template
- Consultation
- Affected Parties Written Approval Form
- Regulatory Services Fee Schedule

OFFICE USE ONLY

Receipt No:

Amount Paid:

Date:

Officer:

LAND USE CONSENT APPLICATION FORM

(MUST be completed for Application to be accepted)

To: Otorohanga District Council
PO Box 11, 17 Maniapoto Street
OTOROHANGA 3940

Ph: 0800 734 000
Fax: 07 873 4300

1 Applicant

Full Name:

Postal Address:

Postcode:

2 Service Details for the Applicant

Name:

Postal Address:

Postcode:

Phone (Day):

Email:

Cellphone:

Fax:

3 Subject Site Details

Street Address:

Postcode:

Legal Description:

Lot Area (m²/ha):

Valuation Number:

4 Description of Proposed Activity

5 Other Consents

Is Building Consent required from Otorohanga District Council

Yes

No

If yes, has it been applied for:

Yes

No

Is Resource Consent required from Environment Waikato?

Yes

No

If yes, has it been applied for:

Yes

No

6 Signature

To be signed by applicant or person authorised to sign on behalf of applicant:

Signed Date

.....

INFORMATION CHECKLIST

(MUST be completed for Application to be accepted)

	Applicant	ODC
<p>The following information is required in order for Council to fully assess your resource consent application. Every box on the following list must be addressed. If you have any questions about anything on this form, please contact the District Planner.</p>		
<p>1 A Written Description of the Proposal</p> <p>Please provide a clear description of the proposed activity and how it is intended to operate. (Include relevant information such as hours of use, numbers of users etc). State the proposed use of all existing and proposed buildings on the site as well as the current use of the site. Please indicate what aspects of the proposal do not comply with relevant standards and assessment criteria in the District Plan.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2 Street Address, Valuation Number, Legal Description and Lot Area(s) for the Subject Site</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>3 Current Certificate(s) of Title for the Subject Land, including any relevant Interests e.g. Building Line Restrictions, Consent Notices (CTs to be no older than three months)</p> <p>(Certificates of Title may be obtained from Land Information New Zealand or Otorohanga District Council (at a cost of \$20.00). Please ensure that the Certificate of Title includes both the cover page, attached pages showing the survey plan and any relevant interests).</p> <p><input type="checkbox"/> ODC to purchase Certificate of Title and charge the applicant.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>4 A Scaled Locality Plan or Aerial Photograph</p> <p>(Showing the physical location of the subject site in relation to adjoining streets and sites.)</p> <p>Note: Scaled Locality Plan and Aerial Photos can be obtained from ODC. ODC Charges for supply of data vary depending on data required.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>5 A3 Site Plan (2 copies, recognised metric scale e.g. 1:100 showing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> North point <input type="checkbox"/> Lot boundaries and dimensions <input type="checkbox"/> Date the plans were drawn <input type="checkbox"/> Natural hazards e.g. unstable slopes, areas of flooding <input type="checkbox"/> Natural features, including significant trees and bush stands, water courses etc <input type="checkbox"/> Heritage features including buildings, archaeological sites, cultural heritage sites <input type="checkbox"/> Road frontages, legal and physical roads <input type="checkbox"/> Locations and layout of existing and proposed buildings (include distances to existing and proposed boundaries <input type="checkbox"/> Location of buildings on adjacent sites <input type="checkbox"/> Access and vehicle crossings from street boundaries. <input type="checkbox"/> Vehicle parking spaces, vehicle manoeuvring tracks <input type="checkbox"/> Layout of all existing and/or proposed carparks <input type="checkbox"/> Areas of fill and excavation 	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Original and proposed future contours of the site marked at intervals relevant to size of property.</p> <p>Existing and/or proposed landscaping</p> <p>Existing and/or proposed fencing</p> <p>Site coverage calculation (total sum of existing and proposed buildings divided by the net lot area)</p> <p>Details of any existing and proposed signage (sign design, dimensions and location)</p> <p>Existing and/or proposed location of utility services</p>		
6	<p>Elevations Drawings (2 scaled copies, recognised metric scale e.g. 1:100) showing all structures to be constructed or altered, showing the relationship and appearance of proposed buildings, including:</p> <p><input type="checkbox"/> Existing and finished ground levels</p> <p><input type="checkbox"/> Maximum building height and relevant daylight/privacy plane angle(s).</p>	<input type="checkbox"/>	<input type="checkbox"/>
7	<p>Assessment of Environmental Effects (AEE) Report</p> <p>An AEE is an essential part of the application is legally required. If no AEE is provided Council cannot assess the application. The AEE should discuss ALL the actual and potential effects of the proposed activity or structure on the environment. The amount of detail provided must reflect the scale and nature of the effects. For example, if there are major effects arising from the proposal, a detailed analysis and discussion of these effects should be included in the AEE. It may require the provision of information from specific experts (e.g. a traffic engineer). If the effects of the proposal are very minor, then a less detailed AEE can be submitted.</p>	<input type="checkbox"/>	<input type="checkbox"/>
8	<p>Written Approval from All Affected Persons</p> <p>(Note: Please check with the District Planner to determine if written approvals are required. If the property is jointly owned, all owners are required to sign.</p>	<input type="checkbox"/>	<input type="checkbox"/>
9	<p>Consultation</p> <p>This application contains written comment from the following parties:</p> <p><input type="checkbox"/> Relevant Iwi Marae and/or Regional Management Committees</p> <p><input type="checkbox"/> Department of Conservation</p> <p><input type="checkbox"/> Historic Places Trust</p> <p><input type="checkbox"/> New Zealand Transport Agency</p> <p><input type="checkbox"/> Environment Waikato for on-site wastewater disposal and land drainage</p> <p><input type="checkbox"/> Adjoining local authorities</p>	<input type="checkbox"/>	<input type="checkbox"/>
10	<p>Additional and/or Previous Resource Consents</p> <p>Please confirm if any additional resource consents are required for the proposal and whether these have been applied for. For example, Regional Council Discharge or Earthworks Permits.</p> <p>Please confirm if there are any previous Otorohanga District Council Resource Consents granted for the subject property.</p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
11	<p>Application Fee</p> <p>Deposit Fee (refer to ODC Regulatory Services Fees Schedule)</p>	<input type="checkbox"/>	<input type="checkbox"/>

ASSESSMENT OF ENVIRONMENTAL EFFECTS

Resource Management Act 1991

Applications for Resource Consents for activities not expressly permitted by the District Plan require as part of the application process, an assessment of environmental effects (AEE). An application for a Land Use or subdivision consent must be accompanied by an AEE unless the rule in the Plan specifies that an AEE is not required. The process of gathering and preparing this information, and associated cost is the applicant's responsibility.

According to the Resource Management Act 1991 an assessment includes *“any actual or potential effects that the proposed activity may have on the environment and the ways in which any adverse effects may be mitigated”*. This helps to identify and address environmental impacts at an early stage and provides information to assist Council and affected parties to fully understand the nature of the proposal and anticipated effects. Ultimately it assists Council in determining whether the application should be publicly notified and contributes to the final decision on the application and the conditions that may be imposed.

If an AEE is considered inadequate, Council may request further information including commissioning a report under Section 92 RMA 1991. Alternatively Council may decline the application and request the applicant to submit a fresh application. Generally, if an AEE is not supplied, the application will be considered incomplete and will not be accepted for processing.

The sort of information that should be provided in an AEE may include a project description, initial list of potential impacts, practical alternatives, maps, drawings and other aids to understanding. It should include mitigation or compensation measures and indicate any uncertainties. An AEE need not be an exhaustive analysis and no more effort should be put into an assessment than is needed for Council to evaluate possible concerns. However, it must provide a clear starting point for discussion to the extent that those potentially affected by the proposal have been identified and their specific interest highlighted.

The Fourth Schedule of the Act gives guidance on the scope and content of an AEE (refer to Appendix 1, page 5). This schedule is guidance and not a list of statutory requirements. Therefore, an assessment should be made with reference to this guideline but should be as simple or complex as the effects anticipated.

Preparation of an AEE should be initiated as early as possible to enable sufficient time to consider the likely effects of the proposed activity and the ways the effects can be avoided, remedied or mitigated. Applicants should approach and discuss their proposal with people likely to be affected. The principle behind this consultation is that in order to properly assess the nature of the effects, applicants need to be aware of the parties who will be affected. For minor proposals written approval of affected persons may be presented on standard forms available from Council. For more complex or large-scale projects a more rigorous approach is appropriate. This may involve determining the issues and concern through delivery of information and consultation through public displays, discussion standards and information meetings (refer to the Guideline on Consultation for further information). The report of the consultation should be included as part of the AEE, and submitted with the consent application.

SCHEDULE 4

Assessment of Effects on the Environment

1. Matters that should be included in an assessment of effects on the environment:

Subject to the provisions of any policy statement or plan, an assessment of effects on the environment for the purposes of section 88 should include:

- a) a description of the proposal:
- b) where it is likely that an activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity:
- c) repealed:
- d) an assessment of the actual or potential effect on the environment of the proposed activity:
- e) where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use:
- f) where the activity includes the discharge of any contaminant, a description of:
 - i) the nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and
 - ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
- g) a description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:
- h) identification of the persons affected by the proposal, the consultation undertaken, if any, and any response to the views of any persons consulted:
- i) where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.

1A. Matters that must be included in an assessment of effects on the environment

An assessment of effects on the environment for the purposes of section 88 must include, in a case where a recognized customary activity is, or is likely to be, adversely affected, a description of possible alternative locations or methods for the proposed activity (unless written approval for that activity is given by the holder of the customary rights order).

- 1AA. To avoid doubt, clause 1(h) 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 with any person; or
 - b) create any ground for expecting that the applicant will consult with any persons.

2. Matters that should be considered when preparing an assessment of effects on the environment

Subject to the provisions of any policy statement or plan, any person preparing an assessment of the effects on the environment should consider the following matters:

- a) Any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects: 1991 *Resource Management Act* Schedule 4 – 353 (20/08/2005)
- 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, 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 the use of hazardous substances or hazardous installations.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

(MUST be completed for Application to be accepted)

An Assessment of Environmental Effects (AEE) is the process of preparing a written statement identifying the effects of your proposed activity on the environment. An AEE **must** accompany every resource consent application. The following information has been prepared to help you write a detailed and comprehensive AEE for your proposal. Please note that the detail required in the AEE will differ depending on the complexity of the application. The questions below are a guide only and separate sheets can be used for your AEE if required.

1 Description of the Proposal

Describe and discuss the proposed activity in detail. For example:

- The activity – what is the activity?
- The buildings – what buildings will be erected? What will be the size (area) and height of the buildings? What will the buildings be used for? Where on the site will they be built?
- Other development – will new access points / accessways / carparks be formed? Will earthworks be required? Will any trees be removed?
- Scale and intensity of operation and demand for services

2 The Site

Describe the site, its locality and its features.

- On-site development – where are existing buildings / vehicle access points to the public roadway / accessways / carparks ?
- Native Vegetation / trees – are these on the site? If so, where?
- Natural water courses – are these on the site? If so, where?
- Topography – is the site flat / sloping?
- Land Suitability – does the site contain any unstable land?
- Services – where are existing water / sewer / stormwater / power / telephone services?
- Neighbouring development – what development is located on neighbouring properties?

7

Building Effects

- What effect will new buildings have on the surrounding neighbourhood?
- Does the proposal meet the yard, height, access to daylight & privacy standards,
- Will the development affect neighbour's privacy i.e. will the proposal overlook other properties?
- Will buildings shade adjoining properties?

8

Noise Effects

- What noise effects will be generated by the proposal?
 - During construction
 - During operation
- An Acoustic report may be required from a suitably qualified engineer if the proposal exceeds or is likely to exceed the noise standards as per the District Plan.

9 Servicing / Infrastructure

- How will the activity dispose of wastewater and stormwater?
- What water source will you use?
- Will power and telephone be provided to the site?
- Will the proposal increase the amount of wastewater and/or stormwater?

10 Vegetation / Landscaping

- What existing vegetation / landscaping will be affected by the proposal?
- Is any planting / landscaping proposed and if so, where?
- Will there be any clearance of existing native vegetation?

AFFECTED PARTIES WRITTEN APPROVAL

The written approval of affected parties is required pursuant to Section 94 of the Resource Management Act 1991 in order for this application to proceed on a non-notified basis. Please note: Council requires the approval of all legal owners **and** occupiers of an affected property. If the owner and occupier are different, please use a separate form.

PLEASE READ THE NOTES OVERLEAF BEFORE COMPLETING THIS FORM

I / We <i>(please print)</i>
<input type="checkbox"/> being the owner(s) / and occupier(s)
<input type="checkbox"/> being the owner(s)
<input type="checkbox"/> being the occupier(s)
Of the property at:

Have seen the application of:
Applicant:
Site Address:
Proposal: <i>(what activity is taking place?)</i>

Please sign this form AND ALL OF THE FOLLOWING:
<input type="checkbox"/> A description of the proposal
<input type="checkbox"/> Elevation Plans
<input type="checkbox"/> Site Plan

Hereby give my / our consent	
Signature:	Signature:
Date:	Date:
Postal Address:	Postal Address:
Postcode:	Postcode:
Contact Phone Number:	Contact Phone Number:
Email:	Email:

Please note: You should only give your written approval if you clearly understand the proposal and its possible effects on you. You do not have to give your written approval if you do not wish to.

NOTES FOR AFFECTED PARTIES

1. Why have I been asked for my approval?

You have been consulted and/or asked to give written approval to a proposal, because you are the owner or occupier of land or a building and may be affected in some way by a proposal in your neighbourhood. You are under no obligation to sign the consent form or any development plans for the proposal.

2. Who decides who is affected by a proposal?

A Council Planner makes the decision as to who may be affected and whose written approval is required.

3. What happens if I give my approval?

If you give your written approval, pursuant to Section 104(6) of the Resource Management Act 1991, Council is **not** able to take into account any adverse effects on you.

If you and the other people likely to be affected have given your written approval, the Planner makes a recommendation and the decision on the application is made under delegated authority and usually no hearing is held.

It is very important that you understand a proposal fully before you give your written approval. If you are in any doubt, contact Council's District Planner to discuss a proposal or its possible effects. It is acceptable for you to request that you be given some time to consider the application before you decide whether or not to give your approval to the proposal.

4. How much information should I be given?

You should be given enough information to understand the proposal and how it will affect you.

5. Can I ask for changes to an application?

You can ask an applicant to change their proposal; for example by reducing the hours or by providing screening so that the possible side effects on you are minimized or avoided.

6. Can I put conditions in my written approval?

Council will not accept a written approval with conditions. If you request any conditions to your approval, please ask the applicant to amend their application to reflect these changes. These changes can only be included in the application if they can be enforced as a condition of Council's consent. In some cases a separate agreement between you and the applicant might be made.

7. Can I refuse to give written approval?

Yes. You do not have to explain your reasons but it is helpful to the applicant if you do. You can let the Council know so that your refusal can be recorded on the file.

8. What happens if I refuse to give written approval?

If any of the people likely to be affected have not given written approval then the Planner cannot make a decision on the application. The applicant does however have the right to make a **notified** application. Council would advise you if this happens and you would have the opportunity to make a submission.

9. Can I change my mind?

You can withdraw your written approval at any time up until Council issues a decision. You must advise Council in writing that your approval has been withdrawn. You should also let the applicant know.