

29 NOTIFICATION OF APPLICATIONS

29.1 INTRODUCTION

29.1.1 Section 93 of the Resource Management Act 1991 provides that once the consent authority is satisfied it has adequate information, it will notify the application. Section 93 provides details about who should be served with notice of the application and how it should be done. However, that section is a general presumption, as Section 94 of the Act provides exemptions available to Council for non-notification of an application.

29.1.2 In accordance with Section 94(5), the Council can still reserve the right to notify an application even in situations where this Plan states that it need not be notified.

29.2 RULE - CONTROLLED ACTIVITIES:

29.2.1 A land use consent for a controlled activity need not be notified in accordance with Section 93 of the RMA, provided the written approval has been obtained from every person who, in the opinion of the Council, may be adversely affected by the granting of the resource consent. Council has discretion to waive the requirement to obtain written approval from every affected person, where it considers that requirement to be unreasonable in the circumstances.

29.2.2 A subdivision consent need not be notified in accordance with Section 93 of the RMA if the subdivision is a controlled activity (Section 94(1)(a) RMA).

29.3 RULE - DISCRETIONARY ACTIVITIES:

29.3.1 All discretionary activities will be notified unless -

- (a) the Council considers the adverse effects on the environment will be minor; and
- (b) the written approval has been obtained from every person who the Council considers may be adversely affected by the granting of the resource consent.

29.3.2 Council seeks to take the following consistent and transparent approach in deciding whether or not to notify applications and seek the approval of affected parties.

29.4 RULE - DETERMINING AFFECTED PARTIES

29.4.1 In determining those persons that may be adversely affected by the granting of a resource consent, the Council may consider the effects, including on:

- the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- 'Kaitiakitanga';
- those persons living in residential properties adjacent or near to any application site;
- those persons who own or lease land that is adjacent or near to any application site and whose use of that land could be detrimentally affected by the applications;
- those persons or organisations whose use or enjoyment, or specific interest in an area, could be adversely affected;
- any adjacent territorial local authority or the regional council;

- any Minister of the Crown with statutory responsibilities in respect of the application site or any adjacent area;
- any other person who the Council considers relevant in the circumstances.

29.4.2

In determining whether there is anything more than a minor adverse effect on the environment through the granting of a resource consent, the Council may consider (where appropriate):

- The degree of non-compliance with any rule in the Plan and the environmental outcome sought by that rule
- The frequency of any effect;
- The area influenced by any effect;
- The timing of any effect;
- The sensitivity of surrounding uses to that effect; and
- Any other aspect of the effect considered relevant in a particular circumstance.