

# Resource Consents Land Use

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A guide to making a resource consent application  
2023



# What is a Resource Consent?

Any development or proposed use of a site must be assessed against the Council's District Plan. Any activity that is not permitted in the Plan requires a resource consent.

The District Plan aims to control activities to ensure that they do not have adverse effects on the surrounding area, environment and people. It sets standards for development as well as what activities can and cannot be done on land in the Invercargill area.

Activities that may require a resource consent range from building a new deck, to planning a new multi-level apartment building, or setting up a work from home business. A consent will also be needed if your activity doesn't meet certain standards like height limits, noise levels.

## Why do you need a consent?

Under the Resource Management Act 1991, Invercargill City Council has a responsibility to make sure that resources are managed sustainably - this means using them responsibly without adversely affecting the environment, or the amenity of the area.

A resource consent makes sure that the potential effects of an activity are considered before it begins.

## How do you apply?

To apply for a resource consent the following steps need to be taken:

- Get an application form from the Council: <https://icc.govt.nz/wp-content/uploads/2014/11/Planning-Land-Use-Consent.pdf>
- Complete the application form.
- Include an assessment of any environmental effects of the proposal.
- Include any information specified by the District Plan.
- Include plans of your activity.
- You may wish to obtain written approvals from affected parties.

The application form, fee and associated information is then lodged with Council for processing. This can be lodged at the counter or emailed to [ResourceConsents@icc.govt.nz](mailto:ResourceConsents@icc.govt.nz). You can also register for online resource management applications using our My Invercargill online service: <https://icc.govt.nz/online-services/>



Resource consent applications will be processed in 20 working days, provided all the relevant information is attached and the application can be processed without public notification.

## What is an Assessment of Environmental Effects?

An Assessment of Environmental Effects (AEE) is a written statement that describes the impact of the proposal on the environment. You are required to write one of these when the activity is not permitted under the District Plan. A good AEE will help Council staff process your application quickly and efficiently.

The Assessment of Environmental Effects (AEE):

- Helps identify and understand the effects of the proposal.
- Identifies any adverse effects the proposal could have and what measures will be put in place to manage the adverse effects.
- Helps the Council and affected parties to understand the proposal.
- Assists the Council in deciding whether it should grant consent and if any conditions will need to be included.

## Writing an AEE

In most cases the AEE should be straightforward to write. However, professional advice may be needed for large and complex proposals.

The level of detail required in the AEE is dependent on the effects the activity may have. Use the suggested structure below for writing the AEE.

### SUGGESTED STRUCTURE:

#### 1. Introduction

A simple statement that says this is an assessment of the effects that your proposed development may have.

#### 2. Description of the Proposal

Set out the full details of the proposal in this section of the AEE. It may include information about the hours of operation, number of staff or customers, the distance of a building to the boundary or the proposed height of a house.

#### 3. Description of the Site

The site description should identify the location, physical nature of the site (including size), any buildings, utilities or special features or roads that are in or adjoin

the site or any characteristic of the surrounding area such as indigenous vegetation, coastline or houses. Usually this is met by including site and elevation plans. In some instances a written explanation may also be required.

Site plans should show the location of existing and proposed buildings in relation to boundaries and the location of any signage, landscaping and car parking. The elevation plans are required for new buildings or structures and signage. The dimensions of proposed buildings and signage and distance from property boundaries are to be shown. Site plans should be to a scale, eg 1:200. Elevation plans should also be to scale, eg 1:50 or 1:100.

#### 4. Consultation

Identify the parties affected by your proposal and how you have consulted with them. Provide information about their views and any written approval they have given you, using the appropriate forms.

#### 5. Assessment of Effects

This part of the AEE outlines effects of the development and what measures have been taken to address any adverse effects. The following table sets out some common examples of when resource consents are required and the matters the AEE would need to address.

## Common AEE requirements

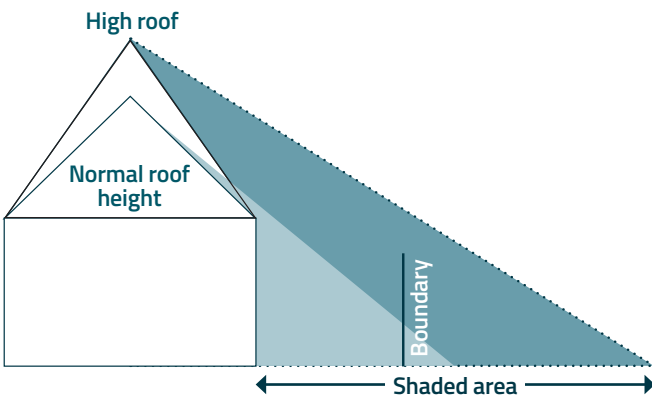
REASON RESOURCE CONSENT REQUIRED	WHAT AEE NEEDS TO ADDRESS (EFFECTS AND MITIGATION)
Part of building protrudes through the height recession plane	Shading effects - how much shading and where? Visual effects - can the structure be seen from off site? How much can be seen and what does it look like? Who can see it? Is screening or planting proposed to mitigate effects? Is the structure imposing on a boundary?
Building exceeds maximum height	Shading effects - how much shading and where? Visual dominance or loss of privacy
Signage exceeds maximum permitted	Traffic safety, visual effect, cumulative effects
Maximum permitted site coverage exceeded	Visual dominance, visual effects, screening

Clearance of significant indigenous vegetation	Sustainability of remaining significant indigenous vegetation  Removal of pest plant species and replanting with appropriate species
Residence will not comply with the minimum floor level in a flood hazard area	Measures to protect the residence from flooding

## Consulting affected parties

An important part of the AEE is consultation with affected parties. This includes individuals, groups or organisations that may be affected by your proposal. Exactly who is affected will depend on the scale and nature of the application.

For example, if the roof of a house is higher than usual, this could affect the amount of shade it casts on to the adjoining properties. In this instance you will need to consult the owners and occupiers of adjoining properties about your proposal and ask them if they wish to give written approval to your proposal.



*In this example the neighbours will need to be consulted about extra shading caused by the house roof which exceeds normal height.*

Where the owner and the occupier are separate people, then both should be consulted. In some instances consultation will be required with organisations or government agencies such as:

- Waka Kotahi NZ Transport Agency, where the application may have an effect on a State Highway.
- Heritage New Zealand Pouhere Taonga, where the application relates to a registered historic building.
- Te Ao Marama Incorporated, where the application may have an effect on a site of significance to iwi.

If after consultation, the affected parties are supportive of the application the Council will not consider the effect the proposal will have on this individual/group/organisation. To verify their support they need to fill out and sign an Affected Persons Written Approval form and sign the supporting plan and details of the proposal. The form can be found here: <https://icc.govt.nz/wp-content/uploads/2014/11/Planning-Affected-Persons-Written-Approval.pdf>

The Council takes the written approval of affected parties into consideration when making a decision as to whether a resource consent application should be notified.

## Further Information

When an application is lodged with the Council, it will be checked to ensure that there is sufficient information so that it can be processed.

If there is not enough information, you will be asked to supply the relevant information and your application will not be processed until it has been received.

## What is Notification?

Resource consent applications can be processed as either non-notified or notified. Notification means allowing the public to have a say on the proposal before a decision is made.

## Non-Notified Applications

A resource consent application will be processed as non-notified when:

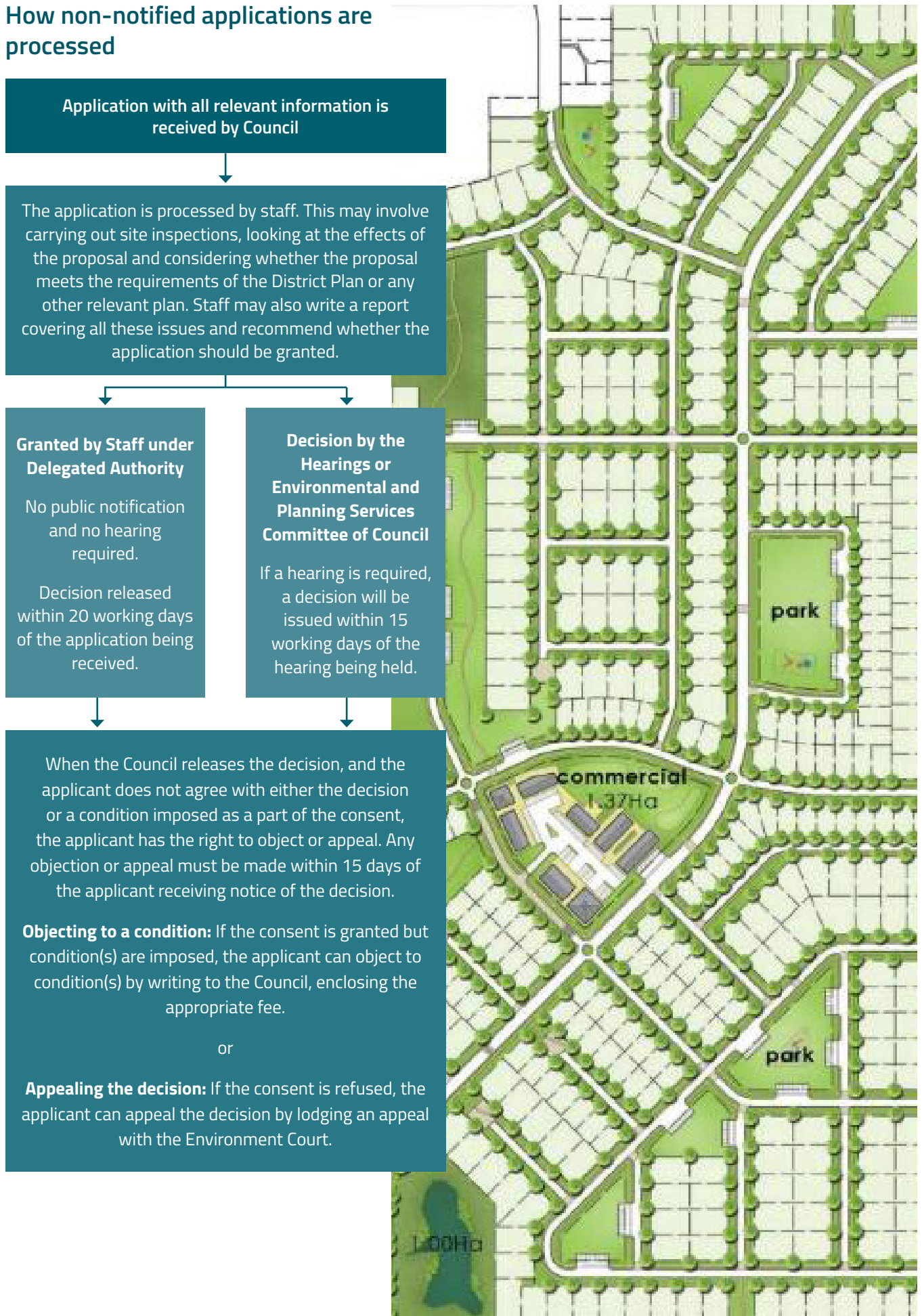
- The adverse effects are minor; and
- All parties whom the Council considers to be affected parties have given their written approval.

A non-notified application is usually decided by the staff acting delegated authority, but in some instances may be decided by the Hearings Panel of Council. The diagram on the right shows how the Council processes non-notified applications.

## Fees

Our fees can be found here: <https://icc.govt.nz/wp-content/uploads/2022/06/AP-Fees-and-charges-2022-23-Resource-Management.pdf>

## How non-notified applications are processed





## Notified Applications

Notified means that the public will be advised about your proposal. The two types of notified applications are Public Notification and Limited Notification. The diagram on the previous page shows how the Council processes these applications.

### PUBLIC NOTIFICATION

When the approval of the affected parties has not or cannot be obtained or the effects on the environment are more than minor, the application will be publicly notified.

This means a public notice will be published in the newspaper and on Council's website. Written notification will be sent to people who may be adversely affected. A sign about the application will be placed on or adjacent to the property.

The process of public notification allows the public to make submissions supporting or opposing the application. Submissions are then considered by Council when making a decision.

Council Planning staff prepare a report which is circulated to the applicant, submitters and the Hearings Panel prior to the hearing. Council's Hearings Panel makes a decision after taking into account the staff report and evidence presented by the applicant and submitters at the hearing.

The applicant and submitters have the right to appeal either the decision or any of the conditions imposed to the Environment Court.

### "LIMITED" NOTIFICATION

Where the proposal affects a limited number of people, and their approval has not or cannot be obtained, the Council will notify only the people affected about the proposal by sending them an official notice. Only the people notified can then make a submission.

## How notified applications are processed

Application with all relevant information received by Council.

The application is processed by staff. This involves carrying out site inspections, looking at the effects of the proposal and considering whether the proposal meets the requirements of the District Plan or any other relevant plan.

The Council has 10 working days to notify the application (public or limited) and to call for submissions.

The closing date for receiving submissions is 20 working days after public notification.

A hearing may be held. If held, it will be within 25 working days of the closing date of submissions.

The Council will give a copy of the decision to the applicant and to those who made a submission.

Where a hearing has been held, the decision will be issued no later than 15 working days from the end of the hearing.

Where no hearing is held, the decision will be issued within 20 working days after the closing date for submissions

The applicant or submitters then have 15 working days to appeal the decision to the Environment Court.







# Advice

Planning staff can be contacted either by phoning **03 211 1777** or by visiting the Council's Administration Building, **101 Esk Street, Invercargill**.

Planning department staff are available between 9am-1pm. You can email [Duty.Planner@icc.govt.nz](mailto:Duty.Planner@icc.govt.nz) or book an appointment with planning staff at <https://icc.govt.nz/building/book-an-appointment/>





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