

GENERAL TERMS OF RESOURCE CONSENT

Please read the following information which relates to the terms of your resource consent under the Resource Management Act 1991 (the Act). If you are unsure of anything, please contact your solicitor or planning professional who can further advise you on your rights and obligations under the Act.

Your rights of objection

If you do not agree with the Council's decision on your resource consent, and/or any of its conditions or fees that have been charged, you may pursuant to Section 357 of the Act, lodge an objection with the Council. The notice of objection must be in writing and must set out the reasons of the objection and the suggested remedy. The notice of objection must be received by the Council within 15 working days of receipt of this decision.

Commencement of consent

The commencement date for your resource consent is the date of the letter advising of the Council's decision, unless you lodge an objection against the decision. The commencement date will then be the date on which a decision on the objection is determined.

Where the application was publicly notified or limited notified, and submissions were lodged, the consent will come into effect when the time for lodging appears against the consent expires (15 working days) and no appeals have been lodged. If an appeal is lodged, the consent will not come into effect until the Environment Court has determined the appeal, or all appellants withdraw.

What is an appeal?

An appeal is a request to the Environment Court to review a decision/and or conditions on a resource consent application. The Court hears the application afresh and makes an independent decision on the matter. The Court is not bound to make the same decision as the Council, but may take into account the reasons for the Council's decision.

Your obligations under other regulations

Your resource consent has only been granted in terms of the Resource Management Act 1991. You must meet the requirements of any other legislation relating to your proposal. You must present a copy of your resource consent decision and a copy of the approved plans when applying for a building consent under the Building Act. It is the responsibility of the consent holder to ensure that all necessary building consents have been obtained and any geotechnical issues have been addressed to Council's satisfaction prior to the commencement of any earthworks (if applicable).

Resource consent from the Regional Council (Environment Waikato) may also be required. Environment Waikato can be contacted on Freephone 0800 800 401.

In some instances your proposal may need to comply with Council's Bylaws. Please contact Council's Environmental Health Department if you require further information with regard to Bylaws.

Payment of bonds

If a bank guaranteed bond is to be entered into by the consent holder instead of a cash bond, it is the responsibility of the consent holder to advise Council of this so that Council's Solicitors can draw up the guarantee. The bond document shall be drawn up at the expense of the consent holder.

Monitoring

The Council monitors resource consents to ensure that conditions are complied with and that development proceeds in accordance with the plans and information submitted with your application. Please note the conditions of your consent relating to “notification of the commencement of work” and the payment of monitoring fees.

Lapsing of consent

Unless the Council has specified a different timeframe within the resource consent decision, your resource consent will lapse after a period of five years if you have not given effect to it. Any proposal that is not fully implemented and completed within 5 years will require a new resource consent or an extension of time. Once you have given effect to your resource consent you have the right of exercising the consent in perpetuity unless otherwise stated within the consent decision.

Consent to run with land

The resource consent is bound to your land. The right to exercise the resource consent belongs to the owner of the land and any successors in title.

Time extension

Subject to the criteria of Section 125 of the Act, you may apply for an extension of time for your resource consent. Such an application will be treated as a new resource consent application by Council.

Change or cancellation of consent conditions

Subject to the criteria set out in Section 127 of the Act, you may apply to have a condition of consent (other than any condition relating to the expiry date of a resource consent) varied or changed.

Development contributions payable

Development contributions may be charged by the Council in accordance with the Otorohanga District Council Development Contributions Policy and the Local Government Act 1974. Please be advised that the amount of contributions payable will be disclosed in a separate letter sent to you within 10 working days of the granting of the resource consent decision.

Employment of suitably qualified contractors

The onus shall rest with the consent holder to demonstrate that the completed works meet Council requirements and accepted engineering standards. To this end, developers are advised to employ suitably qualified and experienced contractors, and to maintain records of the quality control process.