

Please read the following information which relates to the terms of your resource consent under the Resource Management Act 1991 (RMA). 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 RMA.

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.

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 RMA, lodge an objection with the Council. The notice of objection must be in writing and must set out the reasons for 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.

An applicant can seek the use of an independent hearing commissioner to hear their objection to the following notified applications:

- **for a restricted discretionary, discretionary or non-complying activity**, which either received no submissions or the submissions were withdrawn and the application was declined by a Council officer acting under delegated authority;
- **to change or cancel consent conditions**, which either received no submissions or the submissions were withdrawn;
- **to review the conditions of a resource consent**, which either received no submissions or the submissions were withdrawn;
- **to vary or cancel a condition specified in a consent notice**, which either received no submissions or the submissions were withdrawn.

Where this request is made the actual cost of Independent Commissioner will be recovered from the Applicant

What is an appeal?

You have the right to appeal to the Environment Court against the whole or part of Council's decision on your application for consent or a change or review of the conditions of your consent. This is in addition to your rights of objection.

However, this right does not extend to boundary activities unless the activity is a non-complying activity, subdivision unless it is a non-comply activity or residential activities (construction, alteration or use of 1 or more houses on land zoned either Residential or Urban Living in the Operative District Plan).

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 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 may also be required.

In some instances, your proposal may need to comply with The Food Act 2014 or Council's Bylaws. Please contact Council's Customer Services if you require further information with regard to these.

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 application, your resource consent will lapse after a period of five years if you have not given effect to it. 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. There are certain limitations surrounding this (for example not exercising a consent for 12 months or more) and contact with the Council's Duty Planner should be made if you have queries in this regard.

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

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 the RMA, 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 Whakatāne District Council Development Contributions Policy and the Local Government Act 1974. Please be advised that the amount of contribution 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.