

Resource Consent Application Form 22

Change (variation) or cancellation of consent conditions



IMPORTANT NOTES TO THE APPLICANT

You must complete this application form and Resource Consent Application Form 1 in full.

It is crucial that you provide as much relevant information as possible with your application and in an understandable way. This will help ORC staff process it efficiently, and at the minimum cost.

If all the necessary information is not entered on the form or supplied with the application then Otago Regional Council may return your application, request further information or publicly notify your application. This will lead to delays in the processing of your application and may increase processing costs.

Applications made under section 127:

This application is being made under section 127 of the Resource Management Act 1991, which allows the holder of a resource consent to apply to the Otago Regional Council for a change or cancellation of a condition of the consent. However, no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.

An application made under section 127 is processed as though it was an application for a resource consent for a discretionary activity, except that the assessment is based on the change or cancellation of a condition and the effects of the change or cancellation respectively only. It does not provide for the reconsideration of the entire consent.

However, case law indicates that where an application to change or cancel a consent condition results in materially different effects, it is preferable to treat it as an application for a new consent.

GENERAL

- 1. What is the consent number(s) you wish to change/cancel the conditions of?**
- 2. List the condition/s number/s and give details of the proposed changes/cancellation:**

3. Assessment of Environmental Effects (AEE)

An application for a change or cancellation to a condition of a resource consent must include an Assessment of Environmental Effects (AEE) as outlined in the Fourth Schedule of the Resource Management Act 1991. The extent of detail required should be relative to the scale and significance of the potential adverse effects that that change/cancellation may have on the receiving environment. You must provide an AEE of the change/cancellation of consent condition(s) which contains, but is not limited to:

- if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
- an assessment of the actual or potential effect on the environment of the activity;
- if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use;
- if the activity includes the discharge of any contaminant, a description of -
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
- a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
- identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted;
- if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved;
- if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

4. Will the proposed change/cancellation to the condition(s) result in any adverse effects that are different from those currently authorised by the consent? YES NO

*If yes, this must be described in sufficient detail in the AEE and it may be that a new consent is required.

5. Policy Assessment

You must also provide a policy assessment relating to the change/cancellation, which includes an assessment of the change/cancellation against:

- the matters set out in Part 2 of the Resource Management Act 1991; and
- any relevant objectives, policies, rules or other provisions of:
 - a national environmental standard;
 - other regulations;
 - any relevant national policy statements;
 - a New Zealand coastal policy statement (if applicable);
 - a regional policy statement or proposed regional policy statement;
 - a regional plan or proposed regional plan.

CHECKLIST

In order to submit a complete application, have you remembered to?

- ☐ Fully completed this application form and Form 1?
- ☐ Attached an Assessment of Environmental Effects?
- ☐ Attached a Policy Assessment?
- ☐ Attached any written approvals?
- ☐ Paid your deposit or attached a cheque?

To keep consent processing costs to a minimum it is strongly recommended that the checklist is complete, and all items required are attached **before** you lodge your application to the Otago Regional Council.