

A modern, multi-story house with dark wood cladding and large glass windows. The house is illuminated from within, and the balcony has a glass railing. A wooden fence is visible in the foreground.

OUR TOP TIPS for Success

Getting your Resource Consent Application
Accepted under Section 88 RMA



Keep getting rejected?

Having trouble with applications being rejected under s88 RMA? We know this can be hugely frustrating- you've put a lot of effort into getting your documentation ready and you have a project waiting to go. So, how can you increase your chances of getting your application accepted for processing? Lucky for you, we're here to help!

We have over 65 combined years' resource consent experience- we have lots of year's experience to draw on! Our team is a hive of technical skills, extensive knowledge, and practical experience. We've been processing applications for Councils for a combined 35 years; we fully understand each side of the process.

This e-guide sets out all you need to know about the s88 RMA process, so your application is accepted first time, every time.

The lists in our guide can be used as checklists, so you can print this out and tick away as you get all the information together.



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What is section 88?

Section 88 and Schedule 4 of the RMA detail what information a resource consent application and the supporting Assessment of Environmental Effects (AEE) must contain to be considered complete and acceptable under section 88 RMA. The RMA provides a 10-working day timeframe to assess the application under section 88 to determine whether it is “complete” or return it as “incomplete”.

What’s the purpose of section 88?

The purpose of the section 88 review is to make sure your application is complete to avoid delays in the long run; it needs to have enough information so the Council can understand what’s proposed and a reasonable level of supporting assessment. If your application doesn’t provide all the required information, council staff can’t begin to assess your proposal. Some applications are so poor that Council staff can’t even understand what the proposal is; this doesn’t help anyone and ends up costing you more time and money in the long run. It’s important that you spend time upfront, engaging experienced professionals and getting your resource consent application right.

Checklist

- ☐ Is my site in the right location for what I want to do? Check the zoning maps on the Council’s website, and the related rules. Discuss this with your planner.
- ☐ Are there any restrictions on the Record of Title that I need to factor in? This could include a consent notice, easement or land covenant for example. You can get a copy of your title from www.lin.govt.nz.
- ☐ Can it be serviced with water? Is there a way to manage wastewater and stormwater? Check the Council’s GIS plans online.
- ☐ Are my neighbours or other people likely to be affected? Remember this doesn’t need to be people you can see from your property. For example, there may be iwi groups to consider. You may need to consult with NZTA or Transpower.
- ☐ What are the physical limitations on my site? Is there a watercourse, an overland flow path, or unstable area?
- ☐ What specialists do I need to engage to investigate these for me? An experienced planner can help you with this.
- ☐ How much will development or financial contributions cost? If your site’s in Auckland, you can get an estimate [here](#).



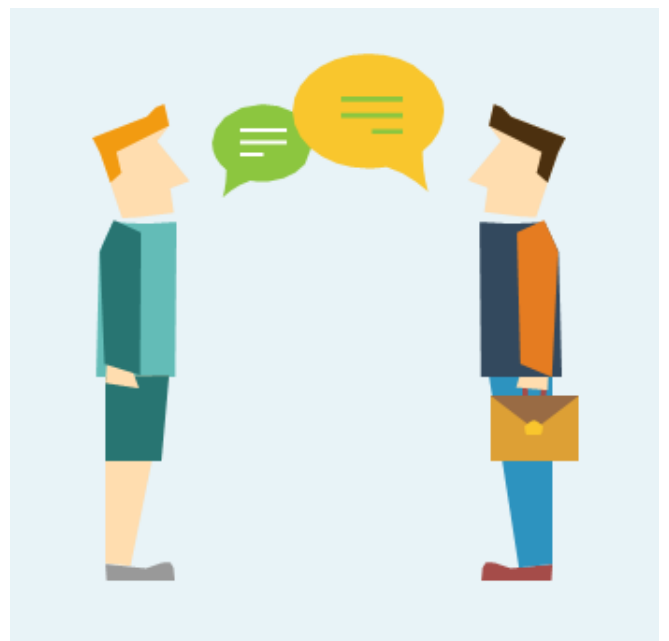
**WANT ADVICE ON THE FEASIBILITY
OF YOUR PROJECT?**



A review under s88 RMA is not:

- replacement for requesting further information under s92 RMA. The Council needs have enough information to understand the application and begin assessment. Section 88 isn't an opportunity to reject an application because there is some information or assessment missing, or Council staff have some questions. This assessment should still be sought under s92 RMA (the "Request for Further Information" or "RFI" process),
- a detailed Council review of the assessments or plans. Having an application accepted under section 88 is not an indication of if the application will be approved or not. A review under section 88 does not assess the merits of the application.

The Council is legally required to assess the application and documents submitted in an objective way; they can't do the assessment for you. The Council in effect "peer reviews" what you have submitted, so you need to put in effort at the start, provide specialists assessment where required, and supporting information. Unless your project is very small, you should use an experienced planner to assist you. Making sure an application is fit for purpose, makes the resource consent process more efficient.



How can I get my application accepted under section 88?

In order to ensure an efficient resource consent process, you should focus on getting all the necessary information and assessment from the right professionals at the start. If you aren't a specialist, don't try to be- your assessments won't be accepted. What may seem to be a cost saving at the start, will only waste time and money in the long run with Council processing delays and extra processing costs.



What should I include?

Your resource consent application would usually be accepted if you complete the appropriate application form and the following information is provided (but please note this list doesn't include every possible requirement for every application type- it's more generic in nature). Before lodging an application, make sure you have:

Applicant & Site Information

- ☐ Provide the name and contact details of person applying for the consent.
- ☐ Provide the site address and a copy of the Record of Titles that is less than three months old (including copies of restrictions on the title). You can obtain a copy from Land Information New Zealand.

Note: a review of the record of title is essential as there can be additional restrictions which should be reviewed at the beginning of any design process. Take a look at our blog on [record of titles](#) to find out more.
- ☐ Have you undertaken a property file review for your site? The property file can usually be obtained from your local council. It details council records including resource consents, building consents and any other information council has on your property.

Proposal Information

- ☐ A description of the proposed activity identifying all the physical and legal works requiring resource consent under the application.
- ☐ Details on any permitted activities in the planning documents that you're relying on and how the rules are met.
- ☐ A site description that assesses the natural and physical characteristics of the site and surrounding area.
- ☐ Identification of natural hazards such as floodplains, overland flow paths or known unstable land. This may require additional technical reports. Your planner will usually manage this for you.
- ☐ Check Council and other organisation records (such as Heritage New Zealand) to identify any cultural or heritage sites on your property.
- ☐ Provide a site plan which details all proposed physical works. You should also provide supporting plans and documents such as elevation plans, floor plans, site plans, cross sections and details of earthworks, tree removal, new driveways, parking, access etc. All plans should be to scale and provide a suitable level of detail to enable a Council staff to understand what's proposed.
- ☐ Provide all relevant technical reports relating to the application and reasons for consent. Your Planner will be able to guide you on what other technical assessment and reports will be required. This could include a geotechnical, traffic, arboricultural, ecological, acoustic or archaeological assessments. Usually your Planner would coordinate all these specialists inputs for you.

Preparing an Assessment of Environmental Effects Report (AEE)

The AEE would usually be prepared by a Planner. You can use this table as a checklist to make sure your AEE has the basics covered.

What to include	What does that mean?	Have you included it?
Resource consents required	The AEE must detail any resource consents required and what rules are infringed. This requires an assessment of all relevant planning rules and standards under all the applicable planning documents.	<input type="checkbox"/>
Permitted activities relied on	The AEE must identify any permitted activities that are being undertaken and demonstrate how the relevant Standards are met. An example would be earthworks, and confirming that you meet area and volume thresholds (the rules) and also confirming that the earthworks were clear of protected vegetation, overland flow paths, flooding etc (the Standards).	<input type="checkbox"/>
Assessment of Effects-Wider Environment	The AEE must provide an assessment of potential environmental effects (positive and negative). The effects that are relevant, the “scope” of the assessment, vary depending on what’s proposed and the planning provisions that apply.	<input type="checkbox"/>
Assessment of Effects-People	The AEE must also assess potential adverse effects on people. Usually this is the owners/ occupiers of nearby properties, but it can also be organisations such as NZTA or local iwi. This part of the assessment requires careful consideration. If you have written approval from any party (in particular neighbours), this should be detailed in the AEE. We suggest you use the Councils standard Owners Approval Forms for this, as there is specific language that needs to be used.	<input type="checkbox"/>
Assessment against objectives and policies	The AEE must also assess the application against objectives and policies of the relevant planning documents, including any relevant provisions of a National Environment Standard, other regulations, National Policy Statement, Regional Policy Statement and district and regional plans. These are not always relevant; your Planner would usually undertake this assessment for you and can guide you on what’s relevant for your project.	<input type="checkbox"/>
Level of detail	The AEE must be of a level of detail that corresponds to the scale and significance of the effects from the proposed activity and which addresses the matters outlined in clauses 6 and 7 Schedule 4 of the RMA. This essentially means that if you have a large, complicated proposal your assessments need to be detailed and thorough. You will likely require different specialists to assist. If your proposal is smaller, and more basic, the assessments can be less detailed.	<input type="checkbox"/>

The AEE could require input from a number of different specialists, for example Engineers to assess natural hazards, geotechnical, stormwater or wastewater issues. These specialist reports would form part of the resource consent application, and your Planner will refer to them in the AEE and put the specialists' assessment in the context of the plan provisions and the RMA. Your Planner can assist you relation to what specialist inputs you'll need.

Why does it matter?

If you don't spend the time to put together a good resource consent application, as well as delaying your project you run the risk of Council processing fees being higher. Or worst case, your application could be notified or declined because of insufficient information. You are charged for time associated with section 88 checks, including rejecting the application and relodging a new one. This is time and money wasted. Council may also not understand what's proposed or the potential environmental effects, leading to longer processing times, higher costs and potentially bad outcomes. We always recommend putting in the effort upfront, to make the process easier and straightforward in the long run.

What if my application is rejected?

If your application is rejected under section 88 RMA you will either need to:

- make the required updates to the application assessments and documents and relodge the application.
- object to the Council's decision to reject the application. This is a formal process, and the objection is made under section 357 RMA. You need to provide this in writing to the Council within 15 working days, outlining why you think the Council was wrong to reject the application. This must be in the context of the RMA; it can't simply be because you think the Council's wrong. The objection will be reviewed by a senior member of the resource consents team, often a team Leader or a Principal Planner.

Need help?

If you need more advice give our friendly team a call. Combined, we have over 60 years of experience with resource consents, and over 35 years of experience processing resource consents for Councils. We know the process inside out- it's our speciality!

If you want planning advice you can rely on and the resource consent process simplified, get in contact. You can contact us on (09) 427 9966 or hello@planningplus.co.nz.

Did you know we also have another free resource, "4 Easy Steps to Getting Resource Consent"? You can download it from our website. We also have hundreds of free blogs that you can access there too.



**WANT TO KNOW MORE ABOUT
DEVELOPMENT?**



Disclaimer

As with all our content, the information detailed here is general in nature and meant as a preliminary guide only. This should not be substituted for your own investigations or use of your own professional's. Planning Plus Ltd™ is not liable for any errors or omissions.

Let's work together

We are excited about the prospect of working with you on your project.

Combined, we have over 60 years of experience with resource consents. We lodge resource consent applications and process them for Councils. We know the process inside out- it's our speciality!

09 427 9966

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We look forward to helping you succeed with your project.