



CLUTHA DISTRICT COUNCIL

GUIDE TO ASSESSMENT OF ENVIRONMENTAL EFFECTS

If you are applying for a resource consent, you will need to prepare an Assessment of Environmental Effects (AEE)

Preparing an AEE is the main part of your resource consent application. It is up to you to provide an AEE with your resource consent application. The Council will not accept your application without an AEE.

All applications for resource consent must include an ‘Assessment of Environmental Effects’, commonly referred to as the ‘AEE’.

It is strongly recommended that you seek the advice of a planning professional (e.g., consultant planner, surveyor, resource management lawyer etc.).

An AEE is a description of all the effects that your proposal could or will have on the environment. An environmental effect is any change to the environment created by an activity. The AEE will allow us to understand your proposal as well as the costs and benefits of allowing it to take place. If you have any difficulty, please contact us and we can give you guidance.

The Effects Could Be:	The Environment Includes:
• Temporary or permanent • Positive or adverse (negative) • Experienced in the past, present or future • Cumulative (occurring over time, or in combination with other effects) • Of high probability • Of low probability but high impact.	• Ecosystems, including people, animals and plant-life • All natural and man-made things (resources) • Amenity values • Social, economic, aesthetic and cultural conditions.

In order to prepare an AEE you will need to think about how your proposal could change the site and the surrounding environment. Think about the scale, intensity, duration and frequency of the effects. The detail contained in the AEE should match the scale and significance of the effects of the proposed development. Building a carport is likely to have fewer effects and therefore a much less detailed AEE than the establishment of a timber mill, for example.

If a resource consent is required for your activity, it is because some effects are expected and need to be managed – **there will not be “no effects”**.

Consult

Consultation is not required by law, but it is a good idea to talk to people who may be interested in, or affected by, your proposal early on in the process. This includes neighbours and official organisations.

Identify the environmental effects

For controlled activities and restricted discretionary activities, your AEE only needs to focus on the matters identified in the District Plan.

For discretionary activities and non-complying activities, your AEE will need to consider all of the environmental effects arising from your proposal. Make a list of all the potential effects of your proposal.

Rank and address the effects

Once you have identified the effects of your proposal (including any short-term or temporary effects), you need to make an assessment of the scale of each effect. A simple scale might be: no effect, minimal (less than minor) effect, minor effect, more than minor effect, significant effect, unacceptable effect.

You should also consider the extent of the effects: are the effects confined to the site and adjacent land, or do they extend to the wider environment?

National Policy Statements and National Environmental Standards

New Zealand is also governed by National Policy Statements (NPS) and National Environmental Standards (NES). Consideration to these standards will need to be undertaken in your AEE. There are lots of these standards, more information on these can be found online.

The most common for the Clutha District are:

- National Policy Statement for Highly Productive Land (NPS-HPL) <https://environment.govt.nz/publications/national-policy-statement-for-highly-productive-land/>
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) <https://environment.govt.nz/acts-and-regulations/regulations/national-environmental-standard-for-assessing-and-managing-contaminants-in-soil-to-protect-human-health/>

Consideration to these standards should be undertaken in relation to your site and proposed activity.

Talk to us

Talking to one of the Planning staff may help guide you to the relevant provisions in the District Plan. They can also help you determine which rule type applies to your proposal. Staff cannot prepare the AEE for you but can guide you to what the key areas of concern might be and the type of information to include in your AEE.

If you have a potential application, you may also wish to have a pre-application meeting with the Council. The meeting can be used to agree on what information needs to be provided, how that information needs to be obtained and whether experts need to be involved.

Lodging your AEE

Once your AEE is completed, you can make your formal application for resource consent. You will need to include with your AEE:

- A completed and signed application form
- A copy of your certificate of title (less than three months old)
- A copy of your plans
- Written approvals (where relevant) with forms and plans signed by affected persons
- The appropriate application fee/deposit.

You may also need to include with your application an assessment of how the proposal complies with, or fails to comply with, the objectives, policies and rules for that activity in the District Plan, particularly for non-complying activities. You may also need to demonstrate that the proposal will not set an undesirable precedent.

Please note that we may reject an incomplete application within five working days of receiving it. When an application is lodged for processing, we may still ask for further information to help gain a better understanding of the proposal, its effects on the environment and how those effects might be mitigated.

Other Consents

There is a possibility that other consents for your activity may be required under a different authority, such as from the Regional Authority (a Discharge Permit) or the Department of Conservation (Concession).

More information on these consents can be found on their websites.

For further guidance

See the Ministry for the Environment's publication "A Guide to Preparing a Basic Assessment of Environmental Effects" available on <http://www.mfe.govt.nz/>

Link: [A guide to preparing a basic assessment of environmental effects | Ministry for the Environment](#)

The Resource Management Act 1991 (RMA) sets out in the Fourth Schedule to the Act, the following requirements for an AEE:

- An assessment of the activity against the matters set out in Part 2 of the RMA.
- An assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b) of the RMA, including;
 - a) Any relevant objectives, policies, or rules in a document; and
 - b) Any relevant requirements, conditions, or permissions in any rules in a document; and
 - c) Any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

The District Plan contains objectives, policies and possibly assessment criteria which will be relevant.

- An assessment of the activity's effects on the environment that:
 - a) Includes the information required by Clause 6 (see below); and
 - b) Addresses the matters specified in clause 7 (see below); and
 - c) Includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
- An application must also include the following if relevant:
 - a) If any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the RMA;
 - b) If the application is affected by section 124 or 165H(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)).

If you are having difficulty in preparing an AEE (particularly if your development is reasonably significant) you may need to contact a planning professional.

Clause 6: Information required in an AEE:

- 1) An assessment of the activity's effects on the environment must include the following information:
 - a) 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;
 - b) an assessment of the actual or potential effect on the environment of the activity;

- c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:
 - d) 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:
 - e) 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:
 - f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:
 - g) 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:
 - h) 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).
- 2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.
- 3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—
- a) oblige the applicant to consult any person; or
 - b) create any ground for expecting that the applicant will consult any person.

Clause 7: Matters that must be addressed by an AEE:

- 1) An assessment of the activity's effects on the environment must address the following matters:
- a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:
 - b) any physical effect on the locality, including any landscape and visual effects:
 - c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:
 - d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:
 - e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:
 - f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

- 2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

What sort of consent do I need?

There are six types of consent categories, and these are generally ranked according to the expected effects they might have. The categories are:

1. Permitted – permitted activities are allowed ‘as of right’ subject to complying with any conditions set out in the plan. A permitted activity is the only category that does not require you to apply for resource consent.
2. Controlled – a council must grant consent if you apply for a controlled activity unless it has insufficient information to determine whether the activity is a controlled activity.
3. Restricted discretionary – a council may grant or decline consent for a restricted discretionary activity. If granted, conditions may only relate to matters specified in the plan.
4. Discretionary – a council can grant or decline an application for a discretionary activity. If granted, it can impose conditions in relation to any matter that helps to control any of the activity’s potential adverse effects.
5. Non-complying – a council can only grant an application for a non-complying activity if its adverse effects are minor, or if it is consistent with the plan’s objectives and policies. If it grants consent, the council can impose conditions in relation to any matter that helps to control the activity’s potential adverse effects.
6. Prohibited – you cannot apply for a resource consent for a prohibited activity.

Why is the status of the activity important?

Knowing the status of an activity and the type of the consent required is a critical step in determining the effects of an activity and, therefore, the basis of the AEE.

The activity’s status should give you an indication of what needs to go into the AEE:

- Controlled or restricted discretionary applications – by stating the area of discretion, the District Plan states the matters of discretion that it is concerned about. Your AEE need only address these effects.
- Discretionary or non-complying activities – for these activities, your AEE may need to be more substantial. This is because all your activity’s environmental effects (not just those stated in the plan) determine the degree of impact, and hence the comprehensiveness of your AEE.

Pre-application meeting

It may be beneficial to undertake a pre-application meeting prior to submitting your application to Council. This meeting will be undertaken with a member of the Planning team and will discuss your application and ensure that all the requirements for an application has been met and indicate if there is any further information required before submitting your application to help the process.

Please refer to “A guide to Preparing a Basic Assessment of Environmental Effects” by The Ministry for the Environment. For assistance with your application.

AEE Checklist – Please use the below checklist to ensure that all requirements are included in your application.

Resource Consent Application Form (Form 9) Submit as separate document to AEE	
Copies of the Record of Title(s) Submit as separate document to AEE	
Scheme Plan Submit as separate document to AEE	
The Proposal	
District Plan Rules	
Assessment of Actual and Potential Effects of Proposal	
Objective and Policies Assessment – assessment of the relevant objectives and policies from the district plan in relation to the proposal.	
National Policy Statement Considerations (Highly productive land)	
National Environmental Standards Considerations (Contaminated soils (HAIL))	
Permitted Baseline	
Receiving Environment	
Affected Persons	
Mitigation Methods	
Alternative Locations	
Part 2 Consideration of the Resource Management Act	

Basic Template of an Assessment of Environmental Effects

Applicants name(s):	
Proposal Address:	
Legal Description:	
Resource Area:	
Activity Status:	
Brief Explanation of Proposed Activity:	

Proposed activity

what is the nature of the proposed activity; location, height, size and boundary setbacks of the existing and proposed buildings and structures, accessways and parking areas? Describe the site, including the area, dimensions, topography and any natural or manmade features. Identify any current or proposed connections to Councils infrastructure (Wastewater, Stormwater, potable water) and the current or proposed access to the development.

District Plan Rules

What District Plan Rules are not being complied with? Review the Clutha District Plan and identify which rules are not being complied with. The rules will be dependant on the Resource Area that your proposal is being undertaken in. Please state all that are relevant to your proposal.

District Plan Rule not complied with	Reasons why they are not complied with
E.g. RULE URB.4 (2) RESIDENTIAL ACTIVITY PERFORMANCE STANDARDS	E.g. Height of proposed shed is over the permitted level.

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Assessment of Actual and Potential Effects of Proposal

Outline all the adverse effects your proposal is likely to have on the environment and explain any steps you intend to take to lessen those effects. Some activities can only consider certain matters which the District Plan directs. These can be found in Matters of Discretion section of the relevant chapter. If your application is a Discretionary or Non-complying activity, then the assessment is not limited to any criteria, and you should assess all relevant issues. (This assessment is likely to be longer than the indicated space below)

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Objective and Policies Assessment

Assessment of the relevant objectives and policies from the district plan in relation to the proposal. Review the objectives and policies in the sections of the District Plan that are being breached by your proposal and assess your proposal against the objectives and policies to ensure that your proposal fits within these.

Please state all that are relevant to your proposal.

Objective and Policies	Assessment
E.g. Objective SUB.1 - To provide a flexible approach to both urban and rural subdivision that allows, in the majority of circumstances, the market to dictate allotment size, while ensuring adverse effects are avoided, remedied or mitigated.	E.g. The proposal is consistent with Objective SUB.1 as it has allowed the market to dictate the allotment size of the proposed development but has ensured any adverse effects are mitigated.

National Policy Statement Considerations

National Policy Statement for Highly productive land (NPS-HPL) is applicable for developments being undertaken in the Rural / Coastal Resource Area. Please check the status of the land that your development is being undertaken and provide an assessment, this website gives information on which Land Use Capability (LUC) class your land will be in and also discusses the meaning of the different class levels: https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/lri_luc_hpl

LUC Class	Assessment
E.g. LUC Class 4 - Arable. Significant limitations for arable use or cultivation, very limited crop types, suitable for occasional cropping, pastoralism, tree crops and forestry. Some Class 4 is also suitable for viticulture and berry fruit.	E.g. LUC Class 4 is not considered to be highly productive land and therefore consideration is not required as part of this application in relation to highly productive land.

National Environmental Standards Considerations

National Environmental Standards for Contaminated Soil (NES-CS) should be considered and assessed as part of all applications. Consideration should be given for each site to any previous activity being undertaken on the site which may result in contamination of the site, or a site contained on the Hazardous Activities and Industries List (HAIL). The Otago Regional Council and Clutha District Council databases should be checked for any identified HAIL sites. This website gives information regarding NES-CS: <https://environment.govt.nz/publications/national-environmental-standard-for-assessing-and-managing-contaminants-in-soil-to-protect-human-health-information-for-landowners-and-developers/>.

Permitted Baseline

The permitted baseline is a term developed through case law and refers to what is permitted to occur on the land as of right or without resource consent. Any consideration of effects is therefore in comparison to what could occur on the land as a permitted activity. The permitted baseline is not a mandatory test, but it is a discretion that the council may exercise.

Receiving Environment

When applying for a resource consent, consideration should be given to what constitutes the receiving environment. The receiving environment is the environment upon which a proposed activity might have effects.

E.g. The receiving environment is zoned urban and is urban in nature. The surrounding environment has an abundance of established residential activity and therefore this proposal is not a new activity to the environment.

Affected Persons

An affected person is someone who might be affected by the proposal. Consideration should be given to surrounding residents to your proposal and other entities such as Waka Kotahi (NZTA) and Iwi should also be assessed to whether they are an effected party. If an affected party is identified, then affected party approval (APA) will be required.

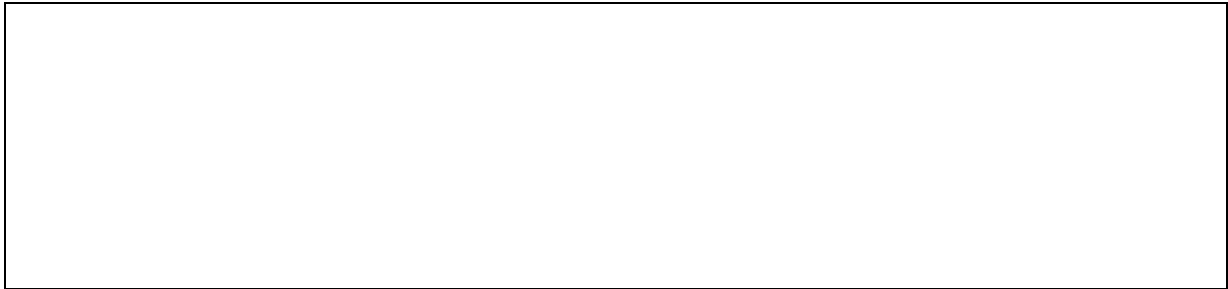
E.g. The proposal is being undertaken on the State Highway, so Waka Kotahi has been identified as an affected party and the application has been circulated to them to provided APA.

Mitigation Methods

If there are any potential adverse effects on the environment mitigation methods should be put forward to ensure that there is a less than minor effect on the receiving environment.

Alternative Locations

If suitable or available alternative locations should be identified and an assessment undertaken on the reasons why they are not as appropriate as the original proposed site. Identifying alternative locations is not a mandatory test but is useful when assessing the proposed site location.



Part 2 Consideration of the Resource Management Act

In reaching a decision on an application, the Council must be satisfied that by granting the application, Part 2 of the RMA will be achieved. Resource consent applications are to include an assessment of the activity against the matters set out in Part 2 of the RMA. Part 2 has been included on page 10.



Part 2 of the Resource Management Act 1991 Section 5 – Purpose

- 1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- 2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -
 - a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - c) avoiding, remedying, or mitigating any adverse effects of activities on the environment

Section 6 - Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- f) The protection of historic heritage from inappropriate subdivision, use, and development:
- g) The protection of protected customary rights:
- h) The management of significant risks from natural hazards.

Section 7 - Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

- a) Kaitiakitanga:
 - aa) the ethic of stewardship:
- b) The efficient use and development of natural and physical resources:
 - ba) the efficiency of the end use of energy:
- c) The maintenance and enhancement of amenity values:
- d) Intrinsic values of ecosystems:
- e) [Repealed]
- f) Maintenance and enhancement of the quality of the environment:
- g) Any finite characteristics of natural and physical resources:
- h) The protection of the habitat of trout and salmon:
- i) The effects of climate change:
- j) The benefits to be derived from the use and development of renewable energy

Section 8 - Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).