

and it was perhaps for this reason that a system of rolling review was provided for in the 2009 amendment. This will allow a council to review one or more parts of its plan rather than the plan as a whole.

## RESOURCE CONSENTS

### THE BASIC SYSTEM

The New Zealand planning system has always had at its core a clear recognition of property rights, particularly those associated with land. The planning legislation has quite consistently attempted to allow those rights to be exercised as long as that has no adverse effects on other property rights or, as in the case of the RMA, the environment. The act created five types of consent: land use consents and subdivision consent granted by city/district councils, and water permits, discharge permits and coastal permits granted by regional councils. The burden of processing consents has never been evenly spread, with 24 per cent of consents in 2005/6 being subdivision consents, 59 per cent land use consents, 3 per cent coastal permits, 5 per cent water permits and 8 per cent discharge permits (Ministry for the Environment 2007: 6). Since 1953 the New Zealand planning system has provided for two basic types of rights to use land. The first is 'as of right use', now called permitted activities, which basically allows the land or other resources to be used as, say, an industrial site as long as it can comply with the specified performance standards, conditions or terms – the RMA unfortunately allows the use of all these descriptors. These performance standards essentially attempt to identify any adverse effects of an activity on the environment and to provide a solution that avoids, remedies or mitigates that adverse effect. This is best illustrated by an extract from a district plan, which is shown in Box 2.2.

If an activity cannot meet these performance standards or the adverse effects cannot accurately be predicted ahead of time it becomes subject to a requirement for a resource consent. The resource consent categories, as they have historically, provide for a hierarchical system from controlled activities to non-complying activities. From the point of view of the applicants, the further you go up the hierarchy (see Box 2.3), the greater are the monetary, time and resource costs and the less the prospect of getting a consent granted. For the consent authority, that is, a city/district unitary or regional council, the further up the hierarchy of consents you go the more time and resources are needed to process the consent and the higher the likelihood of an appeal. Outside the resource consent system are prohibited activities, used for activities such as building in hazard-prone areas, for which no application can be made. The classification of activities into the different resource categories occurs within a zoning system