

Legal effect of rules in Proposed Regional Plan

When do the rules in the Proposed Regional Plan have legal effect?

All rules in the Proposed Regional Plan for Northland have immediate legal effect¹.

What rules apply – the Proposed Regional Plan or the operative regional plans?

Both. Until the Proposed Regional Plan rules are operative, the rules in the Proposed Regional Plan **and** an operative regional plan apply.

It means that you need to consider rules in this Proposed Regional Plan and the rules in the existing operative regional plans (Air, Water and Soil and Coastal).

What does ‘legal effect’ of rules mean?

It means that if you are applying for resource consent, for the next few years you may need to apply under both the current operative regional plan(s) and the Proposed Regional Plan.

It also means that if you want to carry out a new activity that is a permitted activity, you need to comply with the permitted rules and their conditions in both (all) plans – both the operative plan(s) and the Proposed Regional Plan.

We suggest you contact the council’s Planning and Policy team for advice about this if you are unclear about the status of the activity you want to do.

If I’m undertaking a permitted activity now, am I able to continue to do this now rules in the Proposed Regional Plan have ‘legal effect’?

Section 20A of the Resource Management Act allows for certain existing lawful activities to continue (even if the new plan says that you need a resource consent for your activity). If you are currently undertaking an activity that is a permitted activity in one of the operative regional plan(s), as long as you don’t change the way you go about doing it (i.e. the effects of the activity are the same or similar in character, intensity and scale) you can carry on doing it until the new rules are operative. If you are unsure, please contact us for advice.

How does the Proposed Regional Plan affect my resource consent?

The Proposed Regional Plan won’t affect your resource consent until it’s time to renew it. If you need to renew your consent in the next few years you will probably need to apply under both the operative regional plan(s) and the Proposed Regional Plan. However, once the rules in the Proposed Regional Plan are beyond challenge (if there have been no submissions in opposition to the rule or all submissions/appeals have been determined), the rule must be treated as operative.

¹ Under Section 86B of the RMA

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There are certain consented activities that the Proposed Regional Plan 'permits'. Once these rules are operative or beyond challenge, you have the option of surrendering your existing consent.

We suggest contacting the council's resource consent team in the first instance for advice on this.

CAN I CONTINUE WITH MY EXISTING ACTIVITY?

