



APPLICATION TO  
**EXTEND RESOURCE  
CONSENT LAPSE PERIOD  
UNDER SECTION 125**  
OF THE RESOURCE MANAGEMENT ACT 1991

- 01** How long does my resource consent last?
- 02** Making an application to extend the lapse date of a consent under s125
- 03** What happens once I lodge my s125 application?

## HOW LONG DOES MY RESOURCE CONSENT LAST?

Section 125 of the Resource Management Act 1991 (the “RMA”) provides that if a resource consent is not given effect to within five years of the date of the decision, or any other time that is specified in the decision, it automatically lapses.

The term of some consents are limited, such as consent for an event. If your consent has a limited term, this will be specified in your consent.

If there is no specified lapse date, your consent will lapse after 5 years if you do not give effect to your consent.

A subdivision consent is given effect to when the survey plan is approved by the Council pursuant to s223, however, under s224 the survey plan will lapse if it is not subsequently deposited within three years of the plans being approved. Section 224 requires the survey plan to be deposited under Part 10 of the RMA by the Registrar-General of Land.

It is possible to apply for an extension of time (under s125 of the Resource Management Act) before the consent lapses.

## MAKING AN APPLICATION TO EXTEND THE LAPSE DATE OF A CONSENT UNDER s125

### What information do I need to submit?



A completed Form 9 application form.



An up-to-date Computer Freehold Register for the property (Certificate of Title), no more than three months old, along with copies of any Covenants, Consent Notices or relevant Encumbrances registered on the title.



The resource consent decision to which the s125 application relates.



An Assessment of Effects on the Environment (AEE) – see notes below.



Written approvals of every person who may be adversely affected by the granting of the extension of the lapse period.

### What should I write about in my Assessment of Effects on the Environment?

In your AEE, you need to provide an assessment in relation to the following points:

- (i)** whether substantial progress or effort has been, and continues to be made towards giving effect to the consent;
- (ii)** whether the written approval of every person who may be adversely affected by the granting of the extension has been obtained, and
- (iii)** the effect of the extension on the objectives and policies of the District Plan and any proposed plan.

In providing the above, you are aiming to provide evidence which supports your application to extend the lapse period of your resource consent. If written approvals were obtained as part of your resource consent, you should consider whether those persons are adversely affected by the granting of the s125 application to extend the lapse date, and obtain their written approval if appropriate.

## WHAT HAPPENS ONCE I LODGE MY s125 APPLICATION?

Once you have lodged your application to extend the lapse period of your resource consent, the Council will consider your application in relation to s125(1A)(b) of the RMA.

In determining if substantial progress or effort has been, and continues to be made towards giving effect to the consent, the RMA does not require that the work is completed. Instead, the question of whether the consent has been given effect to is one of degree, and will vary from case to case depending on the facts, and the nature of the work authorised by the consent, what has been done, and why it has not been completed.

The Council also consider whether any persons would be affected by the granting of your s125 application. If written approvals were obtained as part of your resource consent, Council may deem those same parties to be affected, and may request that you obtain their written approval for your s125 application.

If the District Plan objectives and policies have changed since your resource consent was originally granted, then the Council considers the effect of your s125 application on the new objectives and policies.

If the Council does not consider it appropriate to grant an extension of the lapse period for your resource consent, you will be advised in writing. Similarly, if the lapse period you are seeking is not appropriate, the Council may consider whether a lesser lapse period is appropriate to grant.