



## Getting involved in council plans

1.4



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# Introduction

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The Resource Management Act 1991 (RMA) sets out the framework for regional and local councils to manage activities and effects on the environment. The overall purpose is to promote sustainable management of resources. This involves considering how our activities affect the environment now and in the future.

The RMA also enables councils to regulate land use and the provision of infrastructure, which are essential parts of New Zealand's planning system.

The RMA means that regional and local councils set rules and requirements to manage activities ranging from building houses, clearing vegetation, moving earth, taking water from a stream, or burning rubbish. The purpose of the rules is to ensure activities won't harm our neighbours or communities, or damage the air, water, soil, and ecosystems that we and future generations need to survive.

## The RMA and councils

Under the RMA, local government (regional councils, district councils, and unitary authorities) are responsible for managing the environment on your behalf.

## About this guide

This guide is the fourth in a series of 13 guides called An Everyday Guide to the Resource Management Act (see more details about the series below).

It outlines the plans that councils develop under the RMA, what they do, and how you can get involved.

The guide has a glossary of RMA terms at the end. Words defined in the glossary are coloured **light green**.

## About the everyday guides

This guide is one in a series of 13 called The Everyday Guide to the RMA. The series is intended to help people work with their councils. If you're dealing with the Environmental Protection Authority (EPA), a board of inquiry or the Environment Court (see the glossary to learn more about these), you might need more technical advice from the EPA ([www.epa.govt.nz](http://www.epa.govt.nz)) or the Environment Court ([environmentcourt.govt.nz](http://environmentcourt.govt.nz)).

For more information about specific parts of the RMA process, see the full list of guides on our website: [www.mfe.govt.nz/rma/processes-and-how-get-involved/everyday-guide-rma](http://www.mfe.govt.nz/rma/processes-and-how-get-involved/everyday-guide-rma).

#### MORE INFORMATION

- [Making a submission about a proposed plan or resource consent](#)
- [Appearing at a hearing about a proposed plan or resource consent](#)

# Councils, plans, and the resources they manage

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District and regional plans are one of the most important aspects of the RMA. The RMA says that councils have to prepare plans to help them manage the environment in their area, and perform their roles. These plans tell you what you can or cannot do, and if you might need specific permission to use a resource.

The table below shows the different types of council, their plans/statements and the resources they manage.

Authority	Council	RMA plan	Resources managed
Territorial	City, district	District plan	Land use, subdivision
	Regional	Regional policy statement Regional plan <sup>1</sup>	Coast, air, water, land
Unitary	Regional and territorial authority	All of the above Some integrate into 'unitary' plans, or have as separate documents	Coast, air, water, land Land use, subdivision

New Zealand has 11 regional councils, 61 city or district councils, and six unitary councils.

Sometimes [national environmental standards](#) override the plan rules, to provide a consistent set of rules across all councils. See [Understanding national direction](#).

## Types of plan

Councils prepare regional policy statements and plans to help them carry out their functions, and meet their responsibilities under the RMA.

Plans also include policies, rules and other methods to achieve the objectives. Regional and district plans will set out what activities can be done in an area, and what activities will need a [resource consent](#).

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<sup>1</sup> Regional RMA planning documents that relate to freshwater are also known as "freshwater planning instruments".

- **Regional policy statements** (RPSs) set the direction for integrated environmental management in a region. Each RPS has objectives, telling you what the council is trying to achieve in managing the resources of the region or district.
- **Regional plans** address resource issues in the environment, like the coast, soil, water or the air. Regional councils have a role in managing land where it affects water quality and quantity, soil conservation, and natural hazards. Most of them have regional plans to control air pollution, discharges into waterways, or the taking of water. They set out how to manage discharges or activities involving these resources, to stop degradation or pollution. Some councils produce combined regional plans. For example, a combined land and water plan may better manage the activities on land that affect water.
- **District plans** concern the use and development of land, including managing subdivision, noise, natural hazards, and contaminated land. They set out the policies and rules a council will use to manage the use of land in its area and minimise any adverse effects. This includes the location and height of buildings for example.
- When central government wants to direct local councils on environmental issues, it can issue **national policy statements**, set **national environmental standards**, or pass regulations. To find more about this, see [Understanding national direction](#).

By looking at these plans you can find out if you need a resource consent for an activity you want to do.

## How often do plans change, and who can apply for changes?

The regional council must review every provision (objective, policy, rule or other method) of its RPS or plan every 10 years. Some councils review their entire plan (known as a full review). Others tackle sections at a time (a rolling or staged review).

Councils can also change their plan at other times if needed. A **national policy statement** or **national planning standard** may require a change in an RPS or plan within a certain timeframe.

Any person, group or organisation can request:

- the preparation of a regional plan (other than a **regional coastal plan**)
- a change to any provision in a regional or district plan if the provision has been **operative** (legally part of the plan) for at least 2 years. This is known as a **private plan change**.

A plan variation is when a council changes a plan that is still in the 'proposed stage' and has yet to be finalised. A fully operative RPS or plan has been through the entire plan-making process (including decisions on any appeals) and the council has resolved that this is now the final legal plan.

An RPS or plan may include any relevant provisions required by a national policy statement, a national environmental standard, or a national planning standard.

When considering a change to an RPS or plan, councils must report on the costs and benefits (including the economic implications) of what they propose. This is known as a section 32 evaluation report.

## Why get involved in shaping a plan?

Generally, when a council reviews and revises its RPS or plan, it must invite the public to have a say on its proposed changes. Even if the council thinks the plan does not need changing, it must ask for the public's views.

### HAVE YOUR SAY

If you are interested in:

- how your environment is looked after
- what you want your surroundings, town, or city to look like
- how you want it to be used

you should consider having a say on how the council manages these matters in its regional policy statement or plans.

## Get involved early

Proposed RPSs or plans are the critical stage to get involved, as they will set out the long-term goals for the environment, policy direction, and what rules will apply.

Plans also set out which activities are permitted, which will require resource consent, and whether the public or potentially affected people or landowners can have a say on particular types of **resource consent** applications.



So to influence the decisions on whether consents are required for particular activities, and how decisions may be made, you should first get involved in developing the plan.

## Opportunities to have a say

- During most RPS and plan reviews, changes or variation processes, the council will invite any person to have a say through informal consultation; and later by making formal [submissions](#) on proposals.
- In very limited circumstances, where the council can identify the individuals, groups or organisations they consider will be directly affected by the plan change, they can ‘[limited notify](#)’ the change. In this scenario, only people who are directly notified can make a submission or [appeal](#) on the plan change or variation.
- Once an RMA plan is operative, except in a small number of cases, the council would have to consider you to be directly affected by a proposal before you can have a say on a resource consent. Even so, this is only if the adverse effects on you are “minor” or “more than minor”.

This is why the most effective way to influence what happens in your area, is to be involved in the planning stage.

# Planning processes

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The processes for councils to develop a plan are set out in [Schedule 1 of the RMA](#). They are:

- [Standard plan-making process](#). The standard process includes opportunities for submissions, a hearing and rights of appeal.
- [Streamlined planning process](#). Councils can request permission from the Minister for the Environment to use this option, unless the plan deals with freshwater.
- [Freshwater planning process](#). If a regional council or unitary authority develops an regional policy statement (RPS) or regional plan that deals with freshwater, it must follow this process.

## Standard plan-making process

This is the usual process for councils to make changes to their plans. The changes can be in the form of full, rolling or staged review, plan changes, or variations.

The standard pathway involves:

- advertising the new or amended plan (called a proposed plan)
- allowing people to have a say on it (making [submissions](#) and [further submissions](#))
- usually holding a public [hearing](#)
- making a final decision on what the plan should say
- allowing people to make appeals to the Environment Court.

## Early stages

### Public engagement

The council can begin reviewing its plan in different ways. It might hold workshops or drop-in sessions, and provide opportunities for the public to attend. If there is a difficult issue and many different and conflicting views, a council could set up a stakeholder group to help find some solutions.

### Discussion papers

A council may also release a discussion paper for public comment. This sets out what they consider the key resource management issues for their area.

For example, the need for more housing, or problems with water quality in a catchment, or increasing air pollution and what might be the options for dealing with it.

## Seeking comment on draft policies or plans

The council will collect feedback and use it to inform a whole new proposed RPS, RMA plan, plan change, or variation. In some cases, and especially for large amendments or new plans, a council might first release a draft RMA plan or RPS for comment before the formal process of submissions begins (see [Notification](#)).

In some cases, drafts may only be released for particular topics. Commenting on a draft is a chance to have your say in a more informal way about the council's early thoughts, and influence what the council is looking to manage through their plan or plan change.

## Consultation

The RMA does not dictate how a council should complete these early planning stages. However, it does require formal consultation with the Minister for the Environment, other relevant Ministers, affected [local authorities](#), tangata whenua through iwi authorities, and any customary marine title groups in the area. Iwi authorities must be sent a draft RMA plan, RPS, or plan change for comment before the public is invited to make submissions. In these initial stages, the council could also choose to consult any other individuals, including the public generally.

When preparing an RPS, RMA plan, or plan change, local authorities must take into account any relevant planning documents recognised by an iwi authority – for example, iwi management plans for the local area. These plans identify resource management issues important to [tangata whenua](#), and are one way for councils to consider tangata whenua interests.

## Seek advice

If you are having trouble understanding the proposed RPS, RMA plan, or plan change and how it might affect you, visit the council, or call them and ask for clarification. You can also seek advice from a planning consultant.

## Get involved early

Your council's website or other media avenues will state when it is reviewing or preparing a proposed RPS, RMA plan, or plan change, and the opportunities to find out more about these.

Councils often also have email lists for sending regular updates on RMA plans and RPS development. Use these opportunities to get familiar with the issues your council is dealing with, and look at the options they are considering. Council staff will be available to answer your questions and give you more information.

## Notification

Usually, when the council has decided what should go into the RMA plan, RPS, or plan change or variation, it releases the proposal for public comment. This is called public notification. Less often, comments will be sought only from directly affected parties. This is called [limited notification](#), and may be used for smaller scale proposals.

It will also release its section 32 evaluation report.

If the proposal is publicly notified, the council will usually put a notice in the newspaper summarising the proposed plan or plan change, and stating where you can get more information. Directly affected ratepayers will also generally receive notice.

## Making a submission

Notification is the stage where people can make formal comments (called a [submission](#)) on a proposed plan or plan change.

### MORE INFORMATION

- For [detailed information and guidance, see Making a submission about a proposed plan or resource consent](#)

## Hearings

If submitters ask to be heard, the council must hold a [hearing](#).

The council will advise all submitters of the date and time of the hearing. They will often issue a timetable, showing the day and time for people to speak to their submission.

If no submissions are received, or if no submitter has said they wish to be heard, a decision on the RPS, RMA plan, or plan change can be made without a hearing.

## MORE INFORMATION

- [Appearing at a hearing about a proposed plan or resource consent](#)

## The decision process

The council must prepare a further [section 32 evaluation report](#) (section 32AA) on any changes proposed since notification, to assist with their decision on the proposed RPS, plan, plan change, or variation.

### Public notification of decision

Whether or not there is a hearing, within two years of when it was notified, the council must publicly notify its decisions, or seek an extension from the Minister if they will not meet that timeframe. That decision must identify how the council has dealt with requests in submissions, and any changes since notification.

Keep an eye on the public notices and the council's website for information.

### If you made a submission

Submitters receive a copy of the public notice that decisions have been made, and where you can view a copy of these. The decisions will be available at the council offices, public libraries, and on the council website. That decision does not need to specifically address your submission, but it must address the matters you raised.

### Deciding whether to appeal

If you do not agree with the council's decisions about your submission, you may be able to [appeal](#) to the Environment Court. You can only make an appeal on a matter you raised in your submission. You cannot:

- request a withdrawal of the entire RPS, plan, plan change, or variation
- lodge an appeal against a plan as a whole.

The Environment Court will look again at the facts, and its decision is final unless there is a further appeal to the High Court on a point of law.

The public notice will also set out the time period for making an appeal, which is no less than 30 [working days](#) of when you were sent the public notice.

## MORE INFORMATION

- [You and the Environment Court](#)

# Streamlined planning process

A council might decide it wants to prepare an RMA plan or plan change using the streamlined planning process. In this case, it must request that the Minister for the Environment (or the Minister of Conservation, for a regional coastal plan) issues a direction to do this.

## Criteria for the streamlined process

The proposed RMA plan or plan change must meet certain conditions, and the council's application must address these. At least one of the following criteria must be met. The proposal:

- would implement national (government) direction
- addresses an urgent matter, as a matter of public policy
- is required to meet a significant community need
- addresses an unintended consequence of an existing policy statement or plan
- combines several policy statements or plans
- needs to be prepared quickly for a similar reason.

## Council request

A council can request a streamlined process at any time before it has decided to [publicly notify](#) or [limited notify](#) the proposed RPS, RMA plan or plan change. The council is not required to consult with the community about the request, although it may choose to.

The council records the request in their meeting minutes. They may also announce it on their website, but there is no requirement to do this.

## Minister's direction

Before issuing a direction, the Minister must consult on the process the council proposes. Consultation must be with the local authority, any relevant Ministers, and other individuals.

The direction sets out the steps and timeframes the council must follow, as well as a statement of expectations for the council.

You can download the direction from the council's website. It may set out whether the proposed plan will be **publicly notified** (available for public comment) or **limited notified**, how long submissions will be open, and timeframes.

If the Minister decides not to issue a direction to use a streamlined planning process, then the council must follow the standard process instead.

## Getting involved

### Consultation and submissions

At a minimum, the streamlined process must include consultation with affected parties, the opportunity for written submissions and reports showing how submissions have been considered and evaluating the proposed plan. Unlike the normal process, there is no set requirement for further submissions or for a hearing, although the Minister may choose to direct these or other steps.

After the direction has been given and during the development of the proposed plan, the council must consult with the Minister for the Environment, other relevant Ministers and local authorities, affected parties, the **tangata whenua** through iwi authorities, and customary title owners. They may choose to consult with anyone else in the community.

The council may have already consulted before requesting a streamlined process.

### Making a submission

You can make a submission if:

- the proposed plan, policy statement, or change was **publicly notified**
- you have been directly notified and the plan or change was limited notified.

**Publicly notified proposals:** The council must give you at least 40 working days to make a submission on a proposed policy statement or plan, and 20 working days for a plan change.

**Limited notified proposals:** The direction will specify if the council can limit notification of the proposed plan, policy statement, or change. Only

directly affected parties will be notified and invited to make a submission. The same time limits for making a submission apply.

#### MORE INFORMATION

- [Making a submission about a proposed plan or resource consent](#)

## Further submissions

There is no requirement for [further submissions](#) in the streamlined process, but the Minister's direction may provide for this, and specify a timeframe.

## Hearing

The direction may provide for a hearing. If you wish to speak at the hearing, have supporting evidence ready and be clear about your concerns and what changes you want the council to make (this is sometimes referred to as 'the relief sought').

Unlike the standard plan-making process, the streamlined process can allow cross-examination. This means that as well as answering questions from the hearing panel, the other submitters or their representatives may be allowed to question you.

#### MORE INFORMATION

- [Appearing at a hearing about a proposed plan or resource consent](#)

## Decisions on the proposed plan or change

Once the council has followed the Minister's direction, it must submit the proposed planning instrument to the responsible Minister for approval.

If it is approved, the council will publicly notify the Minister's decision, and make the RPS, RMA plan, or plan change [operative](#). It will send any submitter a copy of the public notice, letting them know where they can view the decision.



## Appeals only on certain decisions

There are no rights of appeal, apart from decisions on heritage orders or [designations](#) in proposed district plans or plan changes by a requiring authority or heritage protection authority.

### MORE INFORMATION

- [You and the Environment Court](#)

## Freshwater planning process

The freshwater planning process is the only pathway that regional and unitary authorities can use for plans or RPS (including changes or variations) that relate to freshwater (also known as freshwater planning instruments). This process has different hearing and decision-making steps and appeal rights.

Anything that isn't a freshwater-related matter must instead go through the standard or streamlined process.

## Notification

Regional councils prepare their plan, policy statements, or changes as per the standard process. But there are some key differences at notification and before the hearing.

If the purpose of the plan or RPS (or change) is to give effect to the National Policy Statement for Freshwater Management 2020, the regional council must publicly notify it by 31 December 2024. As part of the public notice, councils must state whether the plan or change is subject to the freshwater planning process, and if applicable, state with reasons which part will follow that process and which will follow the standard process.

From the date of public notification, councils have two years to make and publicly notify decisions, and can seek an extension of up to 12 months.

## Getting involved

### Submissions

The submission process follows the standard pathway. Within six months of the close of submissions the council must submit all its planning documents (including its proposed freshwater plan, its section 32 report,

and the submissions) to the Chief Freshwater Commissioner, who convenes a [freshwater hearings panel](#). Their task is to hear and make recommendations to the council.

## Freshwater hearings panels

Freshwater hearings panels hold the hearing of submissions on a plan. They have enhanced powers compared to standard hearings panels under the RMA. This is to ensure the proposed plan and submitter views are properly examined as there are limited appeal rights compared to the standard process.

The panels can also:

- permit or prohibit cross-examination (and regulate the conduct of cross-examination)
- enable pre-hearing meetings
- direct a [conference of experts](#)
- refer submitters to [mediation](#) and other dispute resolution
- commission reports
- appoint a special advisor
- appoint a [friend of the submitter](#).

The panel must provide written recommendations on the plan and submissions to the relevant regional council no later than 40 working days before the two-year period from notification expires. The panel must consider a range of different matters in making its recommendations to the council.

## Council publicly notifies decisions

A regional council must decide whether to accept or reject each recommendation in the report. For each recommendation it rejects, the council must decide an alternative solution.

The regional council must publicly notify its decisions no later than 40 working days after receiving the panel's recommendations. It must also notify the availability of the recommendations report at the same time.

## Rights of appeal

Appeal rights are limited compared to the standard process. Avenues for appeal depend on whether the regional council accepts or rejects the panel's recommendation.

If a council accepts the recommendation, an appeal is available to the High Court on a point of law, and a further appeal to the Court of Appeal (subject to leave being granted).

If a council rejects the recommendation, a merit appeal is available to the Environment Court, and a further appeal on a point of law to the High Court.

There is no ability to appeal to the Supreme Court.

# Glossary

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The purpose of this glossary is to help you understand the meaning of terms used in this guide. Some of these terms have specific legislative definitions in section 2 of the RMA.

<b>Appeal</b>	Request for a decision to be changed, predominantly to the Environment Court.
<b>Conference of experts</b>	A meeting between expert witnesses.
<b>Designation</b>	A provision in a district plan that provides notice to the community of an intention by the council or other requiring authority to use land in the future for a particular work or project.
<b>District plan</b>	A plan prepared by city or district councils to help them carry out their functions under the RMA.
<b>Friend of the submitter</b>	A person who is appointed to help submitters through the process.
<b>Freshwater hearings panel</b>	A panel appointed by the Chief Freshwater Commissioner to hear and make recommendations on a proposed freshwater planning instrument to the council.
<b>Freshwater planning process</b>	A specific plan-making process councils must use for proposed regional policy statements and regional plans (including plan changes) which relate to freshwater.
<b>Further submission</b>	An opportunity for certain people to comment on other people's original submissions on a proposed plan or variation, by supporting or opposing these.
<b>Hearing</b>	Gives people who have already written submissions the chance to speak to the decision-maker, about what a council or an applicant is proposing.
<b>Limited notification</b>	A council only notifies people who are directly affected by a proposed plan or plan change, and only those people can make a submission.
<b>Local authority</b>	A regional council or territorial authority.
<b>Mediation</b>	A process to resolve disputes.

<b>National environmental standard (NES)</b>	Regulations that prescribe technical and non-technical standards, methods or other requirements for land use and subdivision, use of the coastal marine area, and beds of lakes and rivers, water take and use, discharges, or noise. Each regional, city or district council must enforce the same standard. In some circumstances where specified in the NES, councils can impose stricter or more lenient standards.
<b>National planning standards</b>	Are issued by the Minister for the Environment (or the Minister of Conservation for coastal marine area matters) to standardise elements of RMA plans and policy statements.
<b>National policy statement (NPS)</b>	Enable Government to prescribe objectives and policies for matters of national significance which are relevant to achieving the sustainable management purpose of the RMA. A NPS may also give particular direction to local authorities as to how they need to give effect to the policies and objectives of the NPS.
<b>Private plan change</b>	When a person, group, or organisation requests a change to any provision in a regional or district plan.
<b>Publicly notified proposal</b>	Means that any person can make a submission before the closure date.
<b>Regional council</b>	Primarily manages resources like the air, water, soils, and the coastal marine area.
<b>Regional plan</b>	Can be prepared by regional councils, to help them manage the resources they are responsible for.
<b>Regional policy statement</b>	Must be prepared by all regional councils. They provide an overview of the resource management issues of the region and policies to achieve integrated management of resources.
<b>Regional coastal plan</b>	Plans prepared by regional councils and unitary authorities for the coastal marine area of a region. Their purpose is to help these councils sustainably manage their coastal environment.
<b>Resource consent</b>	Permission from the local council for an activity that might affect the environment, and that isn't allowed 'as of right' under the district or regional plan.

<b>Section 32 evaluation report</b>	Requires new proposed plans, policy statements, plan changes, or variations to be examined for their appropriateness in achieving the purpose of the RMA, and the policies and methods of those proposals to be examined for their efficiency, effectiveness, and risk.
<b>Standard plan-making process</b>	The regular process for a council to develop a plan or plan change, involving notifying people, receiving submissions, and holding hearings. Not available for proposals related to freshwater.
<b>Streamlined planning process</b>	An alternative option to the standard planning process for a council to prepare an RMA plan or plan change. The proposed RMA plan or plan change must meet certain criteria, and must be directed by the Minister for the Environment (or the Minister of Conservation in the case of a regional coastal plan).
<b>Submission</b>	Comments, opinions, concerns, support, or opposition about a proposed development, a designation, or a proposed policy statement or plan.
<b>Tangata whenua</b>	In relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area.
<b>Territorial authority</b>	City or district councils.
<b>Unitary authority</b>	Carry out the roles of both regional and district councils.
<b>Working day</b>	Any day except for a weekend day, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day, and those days between (and including) 20 December and 10 January. Note: If Waitangi Day or Anzac Day falls on a weekend day, the following Monday is excluded.