

Making a submission about a proposed plan or resource consent

3.2



Disclaimer

Although every effort has been made to ensure that this guide is as accurate as possible, the Ministry for the Environment will not be held responsible for any action arising out of its use. If you are uncertain about issues raised in this guide then direct reference should be made to the Resource Management Act and further expert advice sought if necessary.

This document may be cited as: Ministry for the Environment. 2021. *Making a submission about a proposed plan or resource consent: An everyday guide to the Resource Management Act 3.2*. Wellington: Ministry for the Environment.

Published in February 2021 by the
Ministry for the Environment
Manatū Mō Te Taiao
PO Box 10362, Wellington 6143, New Zealand

ISBN: 978-1-99-003326-1
Publication number: ME 1538

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This document is available on the Ministry for the Environment website:
environment.govt.nz.

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Introduction

The Resource Management Act 1991 (usually called the RMA) is the main piece of legislation that sets out how we should manage our environment. It's based on the idea of the sustainable management of our resources, and it encourages us (as communities and as individuals) to plan for the future of our environment.

The RMA means that councils set rules and requirements to manage activities ranging from building houses, clearing vegetation, moving earth, or taking water from a stream. The purpose 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.

Submissions on council proposals

The RMA requires councils to manage natural and physical resources in their area. They do this by making and amending [regional policy statements](#) and plans (district or regional plans), making decisions on resource consent applications, and undertaking monitoring and enforcement.

The RMA provides several ways for you to get involved in council processes and influence decisions that affect the environment. Making a [submission](#) on a proposal is an effective way to get involved with council decisions under the RMA.

Members of the public can make a submission about a:

- proposed regional policy statement, plan, plan change, or variation to a proposed plan
- notified application for a [resource consent](#)
- notified [notice of requirement](#) for a [designation](#) (informing the community of a proposal to use land for a project (eg, a road)).

About this guide

This guide is the ninth in a series of 13 guides called An Everyday Guide to the RMA (see more details about the series below).

This guide is for submitters – people who want to make a submission to the decision-maker as part of an RMA planning process, or on a specific notified resource consent or notice of requirement.

This guide tells you about:

- the submission process for RMA planning proposals
- the submission process for resource consent/notices of requirement proposals
- tips for how to make an effective submission
- how to make a further submission if you are eligible (in a RMA planning proposals)
- what happens after the council receives your submission.

The guide has a glossary of RMA terms at the end. Words defined in the glossary are coloured [light blue](#).

About the everyday guides

These guides are 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) or the Environment Court (environmentcourt.govt.nz).

For more information about specific parts of the RMA process, see the [full set of guides](#) on our website.

MORE INFORMATION

- [Applying for a resource consent](#)
- [Information for affected persons](#)
- [Getting involved in council plans](#)
- [The designation process](#)

Submissions on RMA planning proposals

Regional policy statements and district and regional plans

The RMA provides for councils to create regional policy statements, regional plans, regional coastal plans and district plans. Some councils have combined these into a single document.

These documents set out how the council will manage the environment, including decision-making about activities that could have adverse effects, such as land use, subdivision, noise or discharge of contaminants.

Regional plans, regional coastal plans, and district plans generally include rules about:

- what people can do as of right (permitted activities)
- which activities require resource consent
- how to carry out certain activities.

Councils decide when to make [plan changes](#) or [variations](#). Sometimes individuals or businesses can apply to the council for plan change (for example, to facilitate a large scale development).

UNDERSTANDING RMA PLANNING DOCUMENTS

- Regional policy statements and regional or district plans contain provisions known as objectives and policies. Plans will also have methods which include rules.
- Objectives and policies state the council's goals in dealing with an environmental issue.
- Rules are requirements in the plan that must be followed (for example, whether standards must be met or requirements for particular activities to apply for a resource consent).

MORE INFORMATION

- [Getting involved in council plans](#)

What you need to know before you make a submission

If you are thinking about whether to make a submission on a planning proposal that has been notified, the first step is to study the documents provided by the council.

Plans can seem complex. You should:

- Read the material published by the council, particularly:
 - the planning proposal itself
 - the [section 32 evaluation report](#) (which will include the council's analysis of costs and benefits of the proposal)
 - any other background reports (for example, the outcomes of any earlier consultation that may have taken place).
- Make sure you understand what is being changed or replaced and why (if it is a plan change or variation).

If the proposal is for a district plan, it will usually propose provisions to manage the environmental effects of subdivision and land use across defined management areas or 'zones'. There may also be some provisions that apply generally across the district.

Check the planning maps attached to a proposal to find out whether:

- any rules that apply to areas you are interested in are proposed to change
- any special provisions might apply to certain activities.

If the proposal is for a [regional plan](#) or policy statement, the proposal will have implications for regional environmental matters, focusing on things like air quality, soil and water.

When you're reviewing a regional proposal, you should:

- identify the wider environmental issues that might be affected
- check the proposed objectives, policies and rules, and consider what effect they might have
- note any new objectives or policies that you agree or disagree with.

Ask yourself what the proposal will mean to you in practice. For example:

- What will be the actual effect on you and the things you might like to do, or on an operation you run or are planning?
- What will be the wider effects on the environment of allowing or controlling certain types of activities?

Discuss the proposal with council officers or a planning consultant if there are any matters you don't understand. They'll help you identify which sections of the plan you need to look at in detail.

Submissions on resource consent and notice of requirement proposals

Resource consents

Under the RMA, district and regional plans set out provisions to manage and protect the environment. These include rules about what people can do.

Some activities can be done as of right, but others need permission. People can seek this permission by applying for a [resource consent](#). Every day, people apply to their local council for resource consents to do things such as putting up a garage, subdividing their property, building a multi-storey apartment block, or taking water from a stream.

A consent often has conditions about how to carry out the activity, to help avoid, mitigate or remedy any adverse effects on the environment.

MORE INFORMATION

- [Information for affected persons](#)

Notices of requirement/designations

A notice of requirement for a designation is a notice to 'designate' an area of land for a particular purpose, such as a road. The notice is issued to the council by a [requiring authority](#), and it outlines the scope or purpose of the designation. If and when a notice of requirement is confirmed by the requiring authority (subject to any appeals), the council incorporates the designation into the district plan.

Sometimes notices of requirement form part of a planning proposal, in relation to a district plan.

MORE INFORMATION

- [The designation process](#)

What you need to know before you make a submission

The first step is to study the application or notice of requirement. You can request full copies or more information from the council. [Publicly notified](#) applications are usually made available to view and download off the council website.

- Make sure you fully understand what the application involves. Ask council officers to explain any part that is unclear, or seek advice from a planning consultant.
- Every resource consent application must have an [assessment of environmental effects \(AEE\)](#). This tells you about the potential effects of the activity and how the applicant proposes to manage these.
- Think carefully about the effect of the proposed activity on the environment. Do you think the AEE's description is accurate?

You can ask council officers to photocopy key parts of the application, including descriptions of what's proposed and any plans or drawings. You can then take these away to think about and discuss with other people. You will likely be asked to pay for them – check first.

If you think you may be directly affected, you could consider contacting the person applying for resource consent to discuss:

- what they want to do
- how it will affect you
- how they will reduce adverse effects on the environment.

Check district and regional plans

You can find district and regional plans at council offices and public libraries. Plans are also generally available on the council's website.

This may help you understand:

- some of the environmental issues
- which issues are likely to be relevant to the council decision and which are not.

The objectives or policies in plans will be particularly helpful where they relate to the type of activity proposed, or the area where it might take place.

Tips for writing a submission

Good writing needs good planning. A clear, well-written submission is more effective than an unstructured one.

As a submitter you can:

- support or oppose a proposal
- be neutral (with supporting information)
- request to be heard in support of your submission.

An effective submission will state what effects you think the proposal will have, and why you support or oppose the proposal. If you would like to see changes to the proposal, you can suggest alternatives.

The council will consider different values expressed by submitters, and providing facts supported by evidence will help you build a strong case.

Stick to the topic

- If you support the proposal in full, or if there are particular aspects you support, say so.
- Clearly state any issues you might have about possible environmental effects, and how you would like these to be addressed.
- If you think that a proposed plan or plan change's objectives, policies or rules should be changed, specify why and in what way.
- If you think a resource consent or notice of requirement proposal could go ahead with certain conditions to manage specific environmental effects, state what you think the conditions should be and why.
- If you think the effects of a proposal are so serious that it should not go ahead, state what you think these effects are and why.
- Include any maps, diagrams and professional opinions that support your submission.

What *not* to do in your submission

Make sure that your submission does not:

- include any personal feelings you have about the council or its officers
- refer to issues or effects that are not related to the proposal you are submitting submit on
- raise matters that are not within the council’s control
- raise the issue of your business being affected by a competitor. Trade competition is not a valid issue for consideration under the RMA (see below).

Make sure that your submission does not raise the issue of the commercial success of your business being affected by the establishment of a competitor in your area. This is not a valid environmental concern and your submission may not be accepted. In a worst case scenario, there may be legal issues and costs (including damages for loss suffered) if it is proven in court that you have lodged a submission purely on commercial grounds. However, you can raise the issue of your ability to operate a business being reduced by a direct environmental effect from the proposed activity (such as exposure to noise, dust or smell), if these issues are relevant and they do not relate to trade competition.

Submissions that are frivolous, vexatious or offensive can be struck out by the council or hearing panel. If you are quoting independent experts, make sure they really are independent and have the expertise to give evidence, or your submission could be struck out.

To write a clear and effective submission:

- stick to the facts – don’t get distracted by personal issues or past disputes
- focus on the environmental effects
- be specific about your concerns, and give examples
- tell the council what you want them to do – don’t leave them to guess
- write in clear, everyday language.

Support for submitters

Sometimes the council or hearing panel may appoint an independent advisor known as a 'friend of submitter' to help submitters. The council or friend of submitter can help explain the process, advise you on lodging your submission, how to express your views, and what to do after lodging your submission. However, it is up to you to decide whether or not to make a submission, or what to include in it.

Lodging your submission

- Complete a submission form from your council offices or council website or the [Ministry for the Environment website](#).
- Make sure you state in your submission if you want to speak at a hearing. You don't have to and, although it can help to highlight what you write in your submission, your submission is just as valid if you don't speak.
- Send your submission by email, post, hand delivery, or lodge through the council's website (if available) before the closing date and time.
- Try to send your submission well before the closing date and time. If you send it by post, do so a few days before the deadline, and check that it has arrived in time.
- Send a copy of your submission to the applicant (if it is about a resource consent application).
- The council's website should set out deadlines for making submissions.

Further submissions on RMA planning proposals

What are further submissions?

Further submissions are provided for in the plan-making process. There is no further submissions process in resource consent or notice of requirement processes.

Further submissions address or respond to specific matters that were raised by submitters in their submissions (as opposed to matters in the proposal itself).

Not everyone is eligible to make a further submission. You can only make a further submission if:

- your interest in the proposal is more than the interest of the general public, or
- you are representing a relevant aspect of the public interest.

For example, if there are submissions on proposed rural subdivision rules but you do not have any particular interest in rural land, you may not be able to make a further submission. If, on the other hand, someone has proposed a change to the zoning next to your property, you clearly have more of an interest than the general public, and will be able to make a further submission.

A further submission must oppose or support an original submission. Further submissions must be received no later than 10 working days after the summary of decisions requested by submitters on a planning proposal was released.

If you are unsure whether you can make a further submission, talk to the council staff first as they may be able to help. If you are still unsure, or have questions about the advice from council staff, you need to talk to a lawyer or planning consultant.

If you have an interest greater than the general public, or represent a relevant aspect of the public interest, you can make a further submission on a proposed plan, plan change, or variation. You don't have to have made an original submission.

How to make a further submission

- Council officers create a report called a summary of decisions by submitters on a planning proposal. This describes all the submissions and the reasons for them. After the closing date for submissions, the council will tell you where on their website you can view the submissions and the summary.
- Contact your council if you want to see a copy of the whole submission you have an interest in. There is usually a small charge for copying if you want a physical version. The council may have made all of the submissions available on their website.
- Get a further submission form from your council or council website. This requires the same information as the original submission form, and it also asks for some new details.
- Sign and date your further submission and send it straight back to the council. These can be emailed or sent directly to your council.
- Send a copy of the further submission to the person who made the original submission, within five working days of lodging it with the council.

What happens after submissions are received?

When the council has received all the submissions, and any further submissions, council officers prepare a report that includes:

- a summary and analysis of the submissions and further submissions
- recommendations on which parts of the proposal/application to adopt, remove or modify.

The council will then hold a hearing if submitters have indicated they want to be heard.

If you choose to be heard, the council will notify you of the hearing date and you will have an opportunity to present oral submissions.

Note that the submissions and hearings will form part of the public records. In some cases, councils will provide additional information they receive on their websites and/or offices to ensure transparency in the process.

MORE INFORMATION

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

Let the council know if you want to withdraw your request to speak at the hearing. Your written submission will still be considered if you don't speak.

Decisions

For planning proposals...

As a submitter, the council will notify you of its decisions on submissions.

The council bases its decision on the proposed planning proposals, the section 32 and 32AA reports, the written submissions, and the officer's report.

The council will give reasons for accepting or rejecting submissions. It will also publicly notify its decision.

For resource consents...

The council must make a decision on the resource consent application within a set timeframe.

The council bases its decision on the written submissions and the officer's report.

If you made a submission on a plan or resource consent, you'll get a letter from the council telling you about the decision.

Appeals

Depending on the type of process, you can lodge an [appeal](#) with the Environment Court if you:

- are unhappy with the council's decision on a proposal, and
- have made a submission on a proposal, and
- are not appealing on the basis of trade competition.

You cannot lodge an appeal about an aspect of your submission that was struck out.

Appeals under other planning processes

In some circumstances, a right of appeal may be limited because a streamlined or freshwater planning process has been used. See [Getting involved in council plans](#) for more information.

If you're thinking of appealing a decision, get professional advice first. It can save you time and costs later. A lawyer or planning consultant should be able to tell you if an appeal is likely to be successful.

MORE INFORMATION

- [You, mediation and the Environment Court](#)

Glossary

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.

Affected person	Is someone identified by the consent authority (usually the council) as likely to experience adverse effects of a proposal which are at least minor.
Appeal	Request for a decision to be changed, predominately to the Environment Court.
Assessment of environmental effects (AEE)	A report that the applicant must give to the council with their resource consent application. It outlines the effects that the proposed activity might have on the environment.
Designation	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.
District plan	A plan prepared by city or district councils to help them carry out their functions under the RMA.
Environment Court	A specialist court where people can appeal decisions made by councils on a policy statement or plan, or on a resource consent application; or where they can apply for an enforcement order or seek a declaration.
Friend of submitter	A person who is appointed to assist submitters through the process.
Hearing	Gives people who have already written submissions the chance to speak to the decision-maker, about what a council or an applicant is proposing.
Notice of requirement	A proposal for a designation, which may be notified or non-notified.
Plan change	The process that councils use to prepare changes to an operative plan.
Publicly notified	Means that any person can make a submission before the closure date.
Resource consent	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.

Resource Management Act 1991 (RMA)	New Zealand's main piece of environmental legislation. It provides a framework for managing the effects of activities on the environment.
Regional plan	Can be prepared by regional councils, to help them manage the resources they are responsible for.
Regional policy statement	Must be prepared by all regional councils. They help set the direction for managing all resources across the region.
Requiring authority	An authority (such as a Minister of the Crown, a local authority or an approved network utility operator) with the power to assign a particular piece of land for certain works or projects.
Section 32 evaluation report	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.
Submission	Comments, opinions, concerns, support or opposition about a proposed development, a designation, or a proposed policy statement or plan.
Variation	A change prepared by a council to a proposed plan.
Working day	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.