

Information on Resource Management Processes

This is part of a series of information sheets that provide an overview of processes under the Resource Management Act 1991 (RMA) for resource consents, deemed permitted boundary activities, and plan-making. These information sheets reflect changes made to the RMA through the Resource Legislation Amendment Act 2017. This information sheet has since been updated to reflect changes made to the RMA through the Resource Management Amendment Act 2020.

Information for submitters: Preparing a submission on a notified consent

Introduction

The Resource Management Act 1991 (RMA) provides several ways for you to get involved in decisions that affect the environment. One of the main ways is by making a written statement (a **submission**) on a notified resource consent. A submission may support or oppose the proposal, or just express a point of view.

For more information on notified resource consents, see the information sheet [Notified resource consents](#).

Understanding the application and reasons why it needs a resource consent before you make a submission

Before you make a submission, you need to understand the resource consent process, what the resource consent application is for, and how it might affect you.

If you have been identified as a directly affected person, you will normally be sent some information about the resource consent in the mail. For all notified applications (public and limited) you can request full copies of the application or obtain more information from the council. You may also find information about the application on the council's website if the application is publicly notified.

It is recommended you take the following steps before writing a submission.

- Fully understand what the application is for, and what the resource management process involves. Ask council officers to explain any part that is unclear.
- If a copy of the application has not been published online, ask council officers to provide you a copy of the application, including descriptions of what is proposed, and any plans or drawings.
- Read the assessment of environmental effects (AEE) attached to the resource consent application. Every application must include an AEE. This will tell you a lot about the

positive and negative environmental effects of the activity, and how the applicant proposes to reduce the negative effects.

- Think carefully about the effect(s) of the proposed activity on you and the environment:
 - Do you think the AEE’s description of the likely effects is full and accurate?
 - Do you believe that the scale of likely effects is acceptable?
 - Consider whether the benefits of what is being proposed outweigh your concerns about adverse effects.
- Understanding the district or regional plan rules that the activity breaches may help you to better understand some of the environmental issues that the proposed activity may cause. It may also help you understand which issues are likely to be relevant to the council when they make a decision on the application – the matters that decision-makers can consider are limited to what is covered in these plans. The objectives or policies in plans may be particularly helpful to you where they relate to the type of activity proposed, or the area where the activity might take place. Most plans are available electronically on the council’s website. You can find links to all council websites at [Council plans and where to find them](#), on the Ministry for the Environment website. District and regional plans can also be found at the relevant council offices and public libraries.
- Consider talking to council officials if you have trouble understanding the relevant district or regional plan, or are unsure about the notified resource consent process.

Information needed when writing a submission

Once you’ve learned as much as you can about the application, and have carefully thought about the effects it will have, you are ready to write your submission. Your submission needs to identify what effect the proposed activity will have on you, and what you think the decision on the application should be (that is, whether the council should grant or decline consent).

The submission form to be used is normally available on the council website and/or at their offices. If it is not available from the council, you can download one from [Resource Management \(Forms, Fees, and Procedure\) Regulations 2003](#), on the New Zealand Legislation website. Many councils also have an online submission form that you can use if you prefer.

The information required on the form includes (but is not limited to):

- name of the council that has publicly or limited notified the resource consent application
- your full name, address, electronic address for service or the name and electronic address for service of your agent, if you have employed someone to act on your behalf
- the name of the person applying for resource consent (the applicant)
- the type, proposed activity, and location of the resource consent
- the parts of the application your submission relates to
- whether you support, oppose or are neutral regarding the application or specific parts of the application
- reasons for your views, and if there is any specific information you think should be considered when the decision is being made
- whether you think the application should be granted or declined
- what conditions you would like to see on the resource consent if it is granted

- whether you want to speak at a public hearing; you do not have to, as your submission is just as valid if you don't speak – if you don't want to be heard, and no one else does, a hearing may not be held
- whether you would consider presenting a joint case at a hearing with others who have made similar submissions.

What to include in a submission

Think about what needs to go in your submission, organise it in a logical order, and focus on information relevant to the decision-makers. A clear and well-written submission, with relevant information and evidence, will get your concerns about the proposed activity across more effectively.

To write a clear and effective submission, you should:

- stick to the current resource consent application – don't get distracted by personal issues or past disputes
- focus on the environmental effects
- be specific about your concerns and how you want them addressed
- tell the hearing panel what you want – don't leave them to guess
- write in clear, simple, everyday language.

Focus on environmental effects

When writing your submission, remember that the RMA is about managing and protecting the environment. Under the RMA, the definition of environment includes:

- ecosystems and their constituent parts, including people and communities
- natural and physical resources
- amenity values
- social, economic, aesthetic and cultural conditions that affect the matters stated above, or are affected by those matters.

Focus your submission on what you see as the positive or negative environmental effects of the activity needing resource consent. You can focus on the application as a whole, or on a particular part of it. You can be for or against the proposed activity, or be neutral but provide additional information.

Table 1: Examples of possible negative and positive environmental effects

Positive effects might include...	Negative effects might include...
an area's improved visual appearance because of extra planting and landscaping	increased noise
the upgrading of an existing historic building	impacts on traffic or pedestrian safety
extra social facilities in an area	damage to an archaeological site
better flow of traffic through the town	loss of privacy or sunlight
	damage to wildlife habitat

Clearly state your concerns about any environmental effects, and how you want these concerns to be addressed. For example, you might state that you think the:

- effects will be so serious that the consent shouldn't be granted at all
- proposal could go ahead if certain effects were properly addressed through noise control, landscaping, or some other action.

In a submission you should also:

- clearly state any conditions you want the council to attach to a resource consent if it is granted
- point out any environmental effects that you feel the application doesn't adequately identify (for example, your local knowledge might add to the council's understanding of the possible effects of the activity)
- where appropriate, include maps, diagrams, and professional opinions that support your submission.

Remember that if you speak at the hearing, you'll only be able to talk about issues that you included in your written submission, so make sure you include everything you might want to speak about.

What not to do in your submission

Make sure that your submission does not:

- include any personal feelings you have about the applicant
- refer to previous applications made by the applicant, or any other development that is not related to the current application
- raise the issue of the commercial success of your business being affected by the establishment of a competitor in your area.

This last point 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. 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.

You also need to keep in mind that the council could 'strike out' your submission, or part of it, if it:

- is frivolous or vexatious
- discloses no reasonable or relevant case
- would be an abuse of the hearing process to allow the submission or the part to be taken further
- is supported only by evidence that, although purporting to be independent expert evidence, has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert evidence on the matter
- contains offensive language.

It is important to highlight that not all submissions have to be supported by independent expert evidence in order to be considered valid by decision-makers. You can still comment on any aspect of a proposal that you wish.

If a person provides material in support of a proposal that is presented as independent expert evidence, that person should be able to demonstrate why this is the case. Expertise and skill

may be demonstrated by detailing the author's experience, qualifications, or membership of professional organisations. Independence may be demonstrated by codes of ethics, declaring any actual or potential conflicts of interest, or articulating the extent of their involvement in the proposal or related proposals.

If a submission is struck out, the submitter can make an objection under section 357 of the RMA, but cannot subsequently appeal to the Environment Court against that objection decision (this applies to submissions in respect of resource consents, reviews and change of conditions).

Lodging your submission with the council

Your submission needs to be lodged with the council within 20 working days of notification. The steps for lodging your submission are:

- sign and date your paper submission (electronic submissions do not require a signature)
- send your submission to the council by email, post, hand delivery, or lodge it electronically through the appropriate website (if available) before the closing date and time (the notification advertisement will tell you the closing date and time for submissions to be received; it's usually 20 working days after notification of the application)
- send a copy of your submission to the applicant.

Try to get your submission in well before the closing date and time. If you send your submission by post close to the closing date, check to make sure it has arrived in time.

A hearing may be required

A hearing only needs to be held on a notified application if either the applicant or submitters request to be heard, or the council decides that a hearing is necessary.

If you have requested to be heard in your submission, and it is therefore likely that a hearing will be held, you can request that the notified resource consent is heard by an independent hearing commissioner (that is, someone who is not a member of the local authority). Such a request must be made within five working days of the close of the submission period.

If a hearing is required, the council will inform the submitters of the date of the hearing, and will circulate its hearing report and evidence to the applicant and submitters at least 15 working days before the hearing. The applicant's evidence is required to be circulated to council and submitters 10 working days before the hearing.

If you have any expert evidence, you will need to circulate this to the council and the applicant five working days before the hearing.

A council hearing can look a bit like a court hearing, with lawyers, witnesses and a hearing committee listening and asking questions; however it's not supposed to be too formal or off-putting.

Council hearings are designed for you to have your say and to let other people have theirs. They're a key way for the community to be involved in council decisions about the environment.

The hearing will need to be completed within 75 working days of the close of submissions for publicly notified consent applications, and 45 working days for limited notified consents.

A council may hold a pre-hearing meeting at the request of the applicant or submitter, or on its own initiative. It is a useful way to understand the issues prior to the hearing. A pre-hearing meeting may even help to resolve all or some of the issues raised in the submissions.

Additional information on pre-hearing meetings can be found under [Prehearing meetings](#) on the Quality Planning website.

You can appeal certain decisions

If you are disappointed with the decision, or part of the decision on the resource consent to which you made a submission, you may be able to appeal the decision (or part of the decision) to the Environment Court. You can only appeal to the Environment Court if your submission, or the part to which the appeal relates, has not been struck out.

You cannot appeal parts of decisions that relate to boundary activities (as defined in section 87AAB of the RMA) to the Environment Court, except if the boundary activity has non-complying activity status.

For more information on 'boundary activities', read the information sheet [Deemed permitted boundary activities](#).

Material in this series

This is one of a series of information sheets that provide an overview of resource consent, deemed permitted boundary activity, and plan-making processes under the Resource Management Act 1991 (RMA).

Find out more:

- [Deemed Permitted Boundary Activity flowchart](#)
- [Resource Consent Process for Limited Notified and Publicly Notified Applications.](#)
- [Everyday Guide to the Resource Management Act](#)

Note: At the publication of this information sheet, the Everyday Guide to the RMA has not been updated to reflect the recent amendments to the RMA made by the Resource Legislation Amendment Act 2017. Some of the information may still be relevant, however.

Disclaimer

The information in this publication is, according to the Ministry for the Environment's best efforts, accurate at the time of publication. The information provided does not alter the laws of New Zealand and other official guidelines or requirements. Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained from this publication.

The Ministry for the Environment does not accept any responsibility or liability whether in contract, tort, equity or otherwise for any action taken as a result of reading, or reliance placed on the Ministry for the Environment because of having read any part, or all, of the information in this publication or for any error, or inadequacy, deficiency, flaw in or omission from the information provided in this publication.

Published in September 2020 by the
Ministry for the Environment
Publication number: INFO 988



*Making Aotearoa New Zealand
the most liveable place in the world*
Aotearoa – he whenua mana kura mō te tangata

New Zealand Government