

# The Resource Management Act 1991

## What is it, and how could it affect you?

### **Notified Resource Consent Applications – Submissions, Hearings and Appeals To The Environmental Court.**

This is part 6 in an 8 part series on the Resource Management Act (RMA), brought to you by the Auckland City Council. Copies of all articles in the series are available from the Council.

Note: The information contained in these articles are intended as a general guide only. They should not be taken as textbook or legal opinion.

The previous article outlined the circumstances under which resource consent applications are publicly notified. This article looks at notified resource consent applications, the hearing of the application, and the appeal process.

### **Submissions**

#### **What is A Submission?**

A submission is a written statement by any person who has an interest in an application either supporting, or opposing a publicly notified resource consent application.

#### **Who Can Make A Submission?**

Any person, even if not directly affected by the activity proposed, can make a submission on a resource consent application, provided the application has been publicly notified (see last week's article for a definition of notification). This gives you the opportunity to express your views on a proposed activity and for those views to be taken into account when the application is being determined.

#### **What Should I Include in A Submission?**

The type of information you should supply in your submission (and a recommended format) is specified in Form 6A of the Resource Management Act Regulations. However, to make it simpler, you may want to use the submission form available from the Auckland City Council.

#### **Where Do I Send My Submission?**

You must send one copy of your submission to the local authority deciding the resource consent application, and one copy to the person making the resource consent application (the 'applicant').

#### **Final Date For Receipt Of Submissions**

When a resource consent application is publicly notified, a closing date for submissions is always given, which is generally 20 working days (approximately one month). The Council will usually not accept submissions after this date.

#### **What Should Be included in An Effective Submission:**

- Use the recommended submission format. Feel free to attach additional information, but make sure it's securely attached to your submission. Clearly number any attachments, and quote these numbers when you refer to the attachments in your submission.
- Make sure your argument is clear and concise, and focuses on the effects of the proposed activity within the context of the RMA and the relevant district/regional plan.
- If referring to a plan or policy statement, state the relevant rule or policy, page, paragraph or map reference.
- If you are affected by the proposed activity, state precisely how you will be affected. If you will be affected in more than one way, address each issue separately and back up each issue with separate details.
- If you have local knowledge or expertise, use it. If you disagree with any expert advice/conclusions, state clearly how and why you disagree. Local knowledge combined with 'reasonably held views' is important and relevant when assessing a resource consent application. Back up anecdotal (word of mouth) evidence with actual facts (including photographs, measurements, opinion surveys etc).

#### **What Happens To My Submission?**

When a submission is received at the Council, it will be recorded and passed to the reporting planner. The reporting planner will then review the submission and note down all issues that have

been raised within it. The planner will note if it is in support, opposition, or conditional support. If there are specialist issues contained within the submission, such as traffic engineering or trees, then the reporting planner will generally forward the submissions to those specialists for comment. All submissions and the issues raised are then tabulated within the report, and addressed through the reporting planners assessment, in conjunction with the applicant's assessment of effects.

### **Hearings**

The Auckland City Council brochure, 'Guide to Hearing of Resource Consents', outlines the reasons that hearings are held, the hearing procedure, and how you can play your part.

The key points from this brochure are:

- What is a public hearing
- Who can attend?
- When is a public hearing held?
- The hearing procedure
- Presenting you submission at a hearing
- Decision making

Please refer to the Auckland City Council brochure for more information.

### **Appeals To The Environment Court**

The Auckland City Council brochure 'Appeals to the Environment Court', outlines the statutory provisions relating to appeals of Council decisions on notified resource consent applications to the Environment Court.

The key points from this brochure are:

- Appealing the outcome of a resource consent application
- Appeal procedure
- Appeal format
- What happens next
- Do you need a lawyer to lodge an appeal

Please refer to the Auckland City Council brochure for more information.

Next time: Monitoring Resource Consents – who's responsible for carrying out monitoring, and what does it involve?