

**eds** ENVIRONMENTAL DEFENCE SOCIETY

## Update on Process to Develop RMA Plans

Natasha Garvan



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## Pre-consultation and collaboration

*Pre-consultation*

- Councils must consult with specified parties e.g. Tangata whenua
- Councils often consult with key stakeholders or focus groups before preparing plans (but not mandatory)
- May release draft versions for public input
- Ask the Council to be placed on any pre-consultation/notification list

*Collaboration*

- Representative and balanced group of interests potentially tasked with:
  - a) identifying key issues;
  - b) deciding policy response; and
  - c) informing plan provisions.



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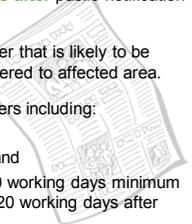
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## Notification

- Local authority must notify proposed plan not earlier than **60 working days before or 10 working days after** public notification of its plan.
- Must send **public notice** to every ratepayer that is likely to be directly affected or publish in circular delivered to affected area.
- Public notice must state a number of matters including:
  - (a) where plan may be inspected;
  - (b) address for service of local authority; and
  - (c) closing date for submissions (if plan 40 working days minimum and if proposed change/variation at least 20 working days after public notification.)



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### Submissions

#### Assessing plans

- Obtain copy of the plan and identify relevant sections
- Identify site specific issues and non-site specific issues
- Visit the area
- Discuss concerns with council officers and consult with others

#### Identifying issues of concern

- Sections 5, 6, 7 and 8 of the RMA
- Consistent with National Policy Statements
- Consistent with regional policy statements and plans

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### Trade competition

- Provisions relating to trade competition strengthened in 2009
- Trade competitors can only make submissions on plans if they are *directly affected* by an effect of the plan and the effect:
  - a) adversely affects the environment; and
  - b) does not relate to trade competition or the effects of trade competition.
- You can get a declaration that a submitter is a trade competitor.



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### Further Submissions (plans only)

- Council's summary of submissions will be publicly notified.
- The following persons can lodge further submissions in support or opposition to the submissions already lodged within 10 working days of public notice:
  - a) Any person representing a relevant aspect public interest;
  - b) Any person that has an interest in the policy statement or plan greater than the general public has; and
  - c) The local authority itself.
- Further submissions must be lodged with Council and served on original submitters within 5 working days.



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## Pre-hearing meetings

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    graph TD
      Purpose((Purpose)) --- Clarify((Clarify issues))
      Purpose --- Resolve((Resolve issues))
      Purpose --- Explain((Explain process))
      Purpose --- Discuss((Discuss hearing))
  
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## Pre-hearing meetings

- A chairperson will run the meeting.
- Chairperson will clarify whether the meeting is being held 'without prejudice'.

*What happens after a pre-hearing meeting?*

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    graph LR
      A[Outcome reported to Council] --> B[Report circulated 5 working days prior to hearing]
      B --> C[Report taken into account when making decision]
  
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## Officers Report

- A Council may require a report about a plan matter to be prepared by an officer of the Council or a consultant at any reasonable time before a hearing.

- A copy of any written report must be provided to applicant and submitters 5 or 15 working days before hearing.
- This is a key document to consider when drafting oral submissions as it can be considered at hearing.

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## Hearings

- Hearings are public and without unnecessary formality
- Only hearing body can ask questions - no cross examination
- Tikanga Maori is recognised where appropriate

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    graph LR
      A[10 working days notice before hearing] --> B[Council officer presents report]
      B --> C[Submitters present their submissions]
  
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## Council's Decision

<b>Requirements</b>	• Plan must "give effect" to NPSs and RPS
<b>Must include</b>	• Reasons for accepting or rejecting submissions
<b>May include</b>	• Consequential alterations • Any other matter

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## Decision

Decision must be made not later than 2 years after notifying plan

Submitter can request copy of decision to be provided within 3 working days

Appeal to Court within 30 working days

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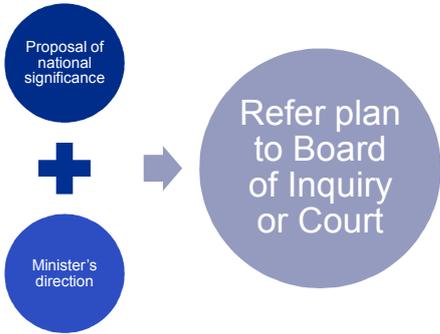
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### Call-in or Application to EPA



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