



Ministry for the
Environment
Manatū Mo Te Taiao

AN EVERYDAY GUIDE TO THE RMA → SERIES 1.1

Getting in on the Act





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Introduction

Most people have heard of the Resource Management Act (RMA), but not everyone is sure what the Act means to them. This guide explains what the RMA does, how it works and how it affects you in your daily life. It is one of 15 guides in the series 'An Everyday Guide to the RMA'. For more information about specific parts of the RMA process, you should refer to the relevant guide in the series. See the *Series Overview* for a list of other guides in the series.

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 the issues these bodies deal with), you might need more technical advice from the EPA (www.epa.govt.nz) or the Environment Court. You can also refer to 'An Everyday Guide to the RMA' booklets *1.4 National Level Guidance and Processes* and *6.1 Your Guide to the Environment Court*.

The Resource Management Act: What about it? Why do we even need one?

New Zealand is just beautiful, isn't it? And this beauty is part of our everyday lives. On Saturday mornings we might be lying in bed in a suburb and by lunchtime be swimming at the beach, tramping through the bush or snowboarding down a mountain on fresh snow. We have more gardens and parks than you can poke a stick at. People come from all over the world to marvel at what some of us tend to take for granted.

But if we look a bit closer at 'clean and green New Zealand,' we see things aren't that way at all. For years we've been damaging our soil, air and water in ways that couldn't be restored. This approach just wasn't sustainable and meant our grandchildren could have missed out on the quality of life that we have enjoyed.

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.

This doesn't mean that we have to get rid of our cars, stop building things and plant only native trees on our farms. The RMA is really more concerned with managing the effects our activities have on the environment so that the environment doesn't suffer.



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We need to think about how our activities today can affect the future – to keep our eyes and ears open and to do what we can to stop other people’s behaviour that might damage the environment. The RMA also encourages us to get involved in deciding what’s best for the environment.

Perhaps most importantly, the RMA expects us to tell our local councils what we value about our environment, so that they can look after it for us. This is because we – as locals – are best placed to know our own surroundings, and we should be involved in deciding what needs to be protected and how. While the RMA provides a guide to what’s important in our environment, it generally leaves the decisions about how to manage the environment in the hands of the local community.

Summary – cutting to the chase

The RMA:

- » helps us look after the environment
- » is based on the idea of sustainably managing resources
- » encourages us to get involved in decisions about our environment.

Who looks after the environment and how?

Councils have one of the biggest jobs under the RMA. There are currently three types of councils in New Zealand:

- » There are 11 **regional councils**. Among other things they manage the rivers, the air, the coast and soil – resources that are not generally owned by individuals.
- » We have 67 **territorial authorities** (Auckland Council as well as the city and district councils). They do heaps under the Local Government Act – catch stray dogs, mow rugby fields, drag away abandoned cars, and collect your rubbish. But the RMA also requires them to look at the ways local people use land and how those uses can affect the environment: noise; new subdivisions and land development; plans to clear native bush, change historic buildings, or anything else that might affect what the community has agreed is important.
- » We also have six **unitary authorities**, which do the jobs of both regional councils and territorial authorities.

The RMA also provides for an **Environmental Protection Authority** (the EPA) that deals with nationally significant proposals instead of local councils. These proposals might involve certain resource consent applications or requests for a district plan to be changed, among other matters. The EPA processes the applications, while the actual decisions are made by a board of inquiry or the Environment Court.

The other key players involved in looking after the environment are the **Ministry for the Environment** and the **Department of Conservation**. The Ministry gives advice to the government on environmental issues and helps the Minister for the Environment keep an eye on the way councils do their jobs under the RMA. The Department of Conservation and the Minister of Conservation have a particular role under the RMA to keep an eye on the way the coastal environment is managed.

The **Parliamentary Commissioner for the Environment** is an office that has an overview of the way the environment is managed in New Zealand. The Commissioner investigates emerging environmental issues and may also examine concerns raised by the public. The Commissioner usually makes recommendations to the appropriate agency on how to improve its performance.

Summary – cutting to the chase

- » There are three different types of councils with day-to-day responsibility for looking after the environment under the RMA.
- » The Environmental Protection Agency, boards of inquiry and the Environment Court sometimes get involved with larger (or 'nationally significant') projects.
- » The Ministry for the Environment and the Department of Conservation also play a part in environmental management.

Plans, plans, plans: what exactly are they?

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. It is these plans that tell you what you can or cannot do as of right, and there are several different types.

Regional policy statements set the basic direction for environmental management in the region. **Regional plans** tend to concentrate on particular



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parts of the environment, like the coast, soil, a river or the air. They set out how discharges or activities involving these resources will be managed to stop the resources being degraded or polluted. **District plans** concern the use and development of land and contaminated land and set out the policies and rules a council will use to manage the use of land in its area. By looking at these plans you will be able to find out if you need to get a **resource consent** for the activity you want to do.

When central government wants to give local councils a bit of direction on environmental issues, it can issue **national policy statements** or set **national environmental standards**.



Plans – how can I have a say?

We all have an opinion about what we like about living in an area or how the environment is being managed. The RMA encourages people to get involved and provides a number of opportunities for you to tell the council or resource consent applicants what you think.

You can make a submission on the plan

Everybody can make a **submission** on what is (or isn't and should be) in a policy statement, a proposed plan or a plan change put out by a council. Making this kind of submission involves writing down what you think about the policy statement, plan or plan change. Most councils have submission forms available for people to use, or you can get them off the internet at: www.mfe.govt.nz/rma. The council has to consider all the submissions it gets.

In some cases you also get the opportunity to comment on other people's submissions by making a **further submission**. You can only do this if you have an interest in the matter that is *more than the public in general*, or for which you are representing a relevant aspect of the public interest. The council normally holds public hearings, so you can speak about your submission if you want to.

The plan fully comes into effect only once everybody's comments have been dealt with. At this point, the plan is said to be 'operative'.

For more information see 'An Everyday Guide to the RMA' booklet 5.1 *Making a Submission about a Proposed Plan or Plan Change*.



Brian checks out the plan



Brian heard from a mate that the city council had notified its new 'proposed' city plan. Brian owns a house in town and a bach at the beach, and is interested in botany.

Brian wanted to see what the plan might mean for him. He checked out the plan down at the public library and the maps that came with it. Brian finds that his bach is in a "proposed coastal protection area". This means he won't be able to build the extension to his bach that he was thinking about, without getting a resource consent from the council first. He also notices that a particular stand of kahikatea hasn't been recognised as a significant natural area.

DID YOU KNOW...

Most councils have prepared their first or even second generation of plans under the RMA. But this doesn't mean you've missed the boat. Councils often decide to make changes to their plans and they do this by preparing a **plan change** (or variation if their first plan is not operative).

These changes have to go through the same process outlined above so you can still have your say. Also, every council has to review each provision of its plans at least every 10 years. Members of the public can also initiate **private plan changes**.



Brian makes a submission

Brian fills out two submission forms and mails them to the council. On the first, he says that the small extension he was proposing won't harm the environment, either by dominating the neighbourhood or by putting too much pressure on the ability of his septic tank to process waste. Therefore, he doesn't think his property should be included in the coastal protection area. His second submission asks

the council to do something about protecting the kahikatea.

Brian has a chance to talk to the council about his submissions at a public hearing six months later.

The public hearing

Other submitters also turn up to the public hearing. The council decides to amend the rules in the plan to allow for extensions to buildings in the area without any requirement for consent, so long as it can be shown that the existing septic tanks will be able to cope. The council also decides to include the kahikatea in a list of significant natural areas in the plan. This means that anybody wanting to cut the trees down will have to apply for a resource consent from the council. Brian was pretty happy about that. Brian managed to get the plan changed and save the kahikatea and all it took was to let the council know what his opinion was of the plan.

For more information see 'An Everyday Guide to the RMA' booklet 5.2 *Appearing at a Council Plan or Plan Change Hearing*.

REALITY CHECK

The council might have decided against Brian's submissions. If they did, Brian could choose to appeal the decision to the Environment Court.

What is a resource consent?

You might have heard of the requirement to get a **resource consent** under the RMA. This applies when you want to do something that your district plan doesn't allow as of right. Or, in the case of a regional plan, the plan will tell you when you need to get a resource consent.



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If you're thinking about buying some land, a business or a building, or you want to subdivide land, you might need to get a resource consent – so it's a good idea to talk to your local city or district council first. Council staff can help you look through the relevant plans and work out whether you'll need a resource consent. Resource consents are obtained from regional, district and city councils which, when carrying out this function, are known as **consent authorities**.

In some cases a resource consent decision may also be made by a board of inquiry or the Environment Court.

There are different types of resource consents – for example, land-use consents and water permits. The table below lists the different types of resource consents and the consent authorities responsible for issuing them, with examples of when resource consents might be required.

Consent types and the consent authorities responsible for issuing them

Consent type	Consent authority responsible	Examples
Land-use consent	Regional councils and/or district and city councils	To erect a building. To convert a garage in a residential neighbourhood into a shop. To establish papakainga housing.
Subdivision consent	District and city councils	To divide a property into two or more new titles, using fee simple or unit title mechanisms.
Coastal permit	Regional councils	To build a wharf on the coast below the mean high water springs mark. To discharge stormwater into coastal waters.
Water permit	Regional councils	To take water from a stream for an irrigation scheme. To build a dam in the bed of a river.
Discharge permit	Regional councils	To discharge stormwater from a service station through a pipe directly into a lake. To discharge exhaust fumes from a wood curing kiln into the air.

If you need to obtain a resource consent, then the consent authority (district/city or regional council) should also explain how to go about talking with people who might be affected by your project and preparing an **assessment of environmental effects** (AEE). Every application for a resource consent must include an assessment of environmental effects and an assessment of relevant policy and plan provisions. For a detailed list of the information that must be included in a resource consent application, see Schedule 4 of the RMA (Information required in application for resource consent). An AEE identifies all the environmental effects, positive and negative, of a proposed activity, and ways in which any negative effects can be prevented or reduced. For more information, see the Ministry for the Environment's publication, *A Guide to Preparing a Basic Assessment of Environmental Effects*.

The council can process your application for resource consent in one of three ways, depending on what the relevant plan says and the kind of activity you're proposing. The council may decide that the general public need not be involved; this is called a **non-notified** application. In fact, most resource consent applications fall into this category, which means that there is no submission or hearings process. But proposals are **publicly notified** if they will have or are likely to have an effect on the environment that is 'more than minor'. Alternatively, the council may decide there should be **limited notification** of your application. This means the council notifies only those people who it considers might be affected by what you're proposing. Council staff will tell you whether or not your application will be limited or publicly notified.

Anyone can make a submission on applications that have been publicly notified. (The only exception is if you're a trade competitor to someone else's business and you want to oppose their application only for trade or business reasons.) A public hearing is usually held to give applicants and submitters a chance to speak, and informal pre-hearing meetings may also be held. If you need consents from both a regional council *and* a district or city council, the two councils may decide to hear the applications together.

Councils are expected to process non-notified applications in 20 working days (approximately one month), fully notified applications in 130 working days (approximately six months), and limited notified applications in 100 working days (approximately four and a half months).



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You can help make sure your consent application is processed quickly by:

- » talking to the council staff early on about what you want to do
- » talking to people who you or the council thinks might be affected by your proposal
- » giving the council a well-prepared assessment of environmental effects
- » responding quickly to requests for further information (the council can decline applications if there is insufficient information to process it).

Councils can decide to either grant or decline a resource consent. Some activities are 'controlled activities'; applications to do these must be granted, except for a few exceptions. Even so, when granting consent, the council usually puts some conditions on it. The council will also probably check that what you are doing is in line with your resource consent. This could mean that a council officer will visit the site and take some measurements, or require you to monitor the activity. Councils also decide how long to grant resource consent for. Some consents (like subdivision) last forever, while others might last only for a couple of years (for example, a permit to take water from a river).

Councils will normally charge you an administration fee for considering your application, and they may also charge for ongoing monitoring. You can contact your local council to get an idea of how much a particular consent may cost. Costs vary from council to council. If the council does not process an application on time and it is the council's fault, the council must refund part of the application fee.

If you're thinking about buying land or buildings, it's worth asking the local city or district council for a **land information memorandum**. This report will tell you what information the council has about that piece of land, including what the district plan allows the land to be used for. If you want official confirmation that an activity is allowed under the council's plan, you can ask the council for a **certificate of compliance**. A certificate of compliance can only be issued for a permitted activity.

Councils can also issue an **existing use certificate** when an activity doesn't meet a current district or regional plan rule, but was lawfully established before the rule came into force. If you're doing something that needs a building consent, before you start building, you can ask a council for a **project information memorandum**, which will tell you if you also need to apply for a resource consent.

Applying for a resource consent

Sonya and Malcolm apply for a resource consent



Sonya and Malcolm want to build a home for themselves and a three-storey bed and breakfast in a bay surrounded by native bush, which includes a row of pōhutukawa trees along the beach. The only access to the bay is by a private gravel driveway. The district plan says the land they want to build on has 'high conservation values'.

The plan also says that while a one-storey building is okay, a three-storey B&B is not. This is because it will affect the visual amenity of the landscape. Sonya and Malcolm talk to the district council and find out they'll need resource consent to build the B&B. The council says they'll need to fill out an application form and explains that the information they need to provide is set out in Schedule 4 of the RMA. This includes an assessment of environmental effects to support their application. The assessment they give the council includes detailed plans of the development and shows how the buildings will be designed.

The district council publicly notifies the resource consent application and gets 20 submissions from a range of people worried about how the building will affect the landscape.

The district council holds a pre-hearing meeting. Sonya, Malcolm, their architect and the submitters all turn up. The submitters say they'd be happy if Sonya, Malcolm and the council guarantee that the B&B wouldn't be visible from the other side of the bay and that the plans include landscaping to hide the buildings from view. The meeting goes well and everybody agrees that a formal hearing won't be necessary.



The council grants consent, but adds a few conditions to it:

1. Sonya and Malcolm need to make sure the buildings are designed, located and painted in accordance with the design plans.
2. Some extra planting and landscaping must be carried out and the pōhutukawa trees must not be harmed in any way.

So while Sonya and Malcolm had to go back to the drawing board to change things a little, everyone is happy that their concerns have been addressed and Sonya and Malcolm still get their house and bed and breakfast.

For more information see 'An Everyday Guide to the RMA' booklets, *2.1 Applying for a Resource Consent*, *2.2 Consultation for Resource Consent Applicants*, and *3.3 Appearing at a Council Resource Consent Hearing*.

REALITY CHECK

Sometimes, things don't work out quite like this. For example, some submitters might decide to appeal the council's decision to grant resource consent. This would mean Sonya and Malcolm, and the council, would also have to go to the Environment Court to defend the decision made by the council.

DID YOU KNOW...

Over 30,000 resource consents are processed every year. Approximately one per cent of all decisions made on resource consent applications are appealed to the Environment Court.

Summary – cutting to the chase

- » You might need to get a resource consent to carry out an activity, so talk to your council first about your project.
- » Resource consents can be processed by the council with or without public notification.

Resource consents – how can I have a say?

You can give your approval to projects that could affect you directly

You might be approached by someone who's asking for your written approval for something they want to do. This means that either the resource consent applicant or the council thinks you could be affected by the proposal and that it's only fair you get a say. If you don't give your approval, then you may be notified of the application by the council (limited notification) and you will be able to make a submission to the council instead.

For more information see 'An Everyday Guide to the RMA' booklet 3.1 *Your Rights as an 'Affected Person'*.

Jeff asks for Noelene's written approval



Jeff wants to build a big shed in his garden so he can have his mates around for regular snooker games. He checks the district plan and finds out he'll need to get a resource consent because the shed would be closer to the boundary than the plan allows. The district council planner tells him to get the written approval of his immediate neighbours along that boundary as the planner thinks those people could be affected by the shed and deserve a say.



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Jeff and Noelene have a chat



Jeff goes over to see his neighbour, Noelene. He shows her drawings of the shed and points out where he wants it to go. Noelene's a little worried that Jeff and his mates will be able to look into her property from the big window Jeff wants to include. Jeff thinks about it again and decides he can move the window to the other side of the shed so it overlooks his own garden instead of Noelene's backyard.

Noelene signs Jeff's form



Jeff takes the revised drawings to Noelene and she says they are fine. She signs and dates the latest version of the plans that she is happy with. She signs the form that Jeff got from the council.

This says she has seen the revised drawings and gives her approval for Jeff's shed. Jeff takes Noelene's signed form to the council along with his application for resource consent. A chat with your neighbours early on in the process helps. Jeff was able to get his shed and Noelene is also happy.

REALITY CHECK

People don't have to give their approval to something you want to do. In this case, Noelene might not have been happy even after Jeff suggested the change to the window. If Noelene refused to sign the form, and the council regards her as a person who would be adversely affected, then the resource consent application would be limited notified. Noelene would then be able to write a submission to the council so the council took her view into consideration when making a decision on the application.

You can make a submission on limited notified applications for resource consent

If the effects of a proposed activity on the environment generally are not more than minor, the council might decide to notify the application only to people it considers are affected. This is called limited notification. Anyone who has already given written approval is not considered affected – and is not notified.

Those directly notified by the council can make a submission on the application for resource consent. The council will consider all the submissions it receives, together with the application, and decide whether or not to grant the resource consent. If everyone affected by the application has given their approval to the activity, an application will generally not be notified.

You can make a submission on publicly notified applications for resource consent

Sometimes a council will publicly notify a resource consent application. When this happens, generally anybody can make a submission. The council will consider all the submissions it receives, together with the application, and make a decision whether or not to grant the resource consent. To publicly notify a resource consent application, the council puts an ad in the newspaper, usually puts a sign on the proposed site, and may also put a notice on their website.



Mel makes a submission on a resource consent application



Mel lives in a small town surrounded by dairy farms. Like everybody else, she knows the dairy factory on the road out of town is planning to expand. For the past 60 years, the wastewater from the factory has been treated and then piped to a stream that runs through town and out to the coast. The stream sometimes smells bad and locals put that down to the discharge from the factory. Mel reads a public notice on the factory site that says the factory wants to get resource consent from the regional council to increase the amount of waste going to the stream. The council is asking anybody who's interested to make a submission by the end of August.

Mel has a look at the application at the council offices. She then sends in her submission saying she opposes the application because she thinks the extra discharge will only make the odour worse. Mel says she's disappointed the application hasn't even addressed the existing odour problem. She wants the factory to do that as well as looking at extra treatment or other ways of disposing of its wastewater (such as spraying it on to land). Lots of other people in the town make similar submissions.

In October Mel goes to a public hearing at the council offices. The guy from the factory explains that they have looked at other disposal options, but they're too expensive, and besides, the soil just isn't suitable for land-based disposal. Mel talks to the council about her submission, along with some of the other submitters.

In November, the council releases its decision. Mel gets a copy in the mail. The council accepts that other disposal options wouldn't work, but agrees with the submitters that the way in which the waste is treated needs to be improved. It gives a resource consent for the project, but only if the factory rebuilds its treatment plant to improve the quality of the discharge. The consent also says that the regional council will be monitoring the condition of the stream and will require further work if the odour problem isn't fixed.

Mel is making a difference by having her opinion heard. By getting involved, Mel and the other submitters have been able to influence the way the factory treats its wastewater.

DID YOU KNOW...

On average, around five per cent of all resource consent applications are publicly or limited notified.

For more information see 'An Everyday Guide to the RMA' booklets *3.2 Making a Submission about a Resource Consent Application* and *3.3 Appearing at a Council Resource Consent Hearing*.

You can appeal a council's decision

If you make a submission on a plan or a resource consent application but don't like the decision the council eventually makes, you can ask the **Environment Court** to overturn the council's decision. The Court is made up of judges and commissioners, and it reviews the case. The Court will consider the council decision and the positions of all parties who appear before it. You should get legal advice before you file an appeal because the court process can be expensive and time consuming for everybody. In some cases, you may need to prove that you have enough money to pay for the legal fees of the applicant in case you lose the appeal and the Environment Court decides that you were not justified in lodging it.

However, you might be able to sort out your case in mediation, so you wouldn't have to go to Court.

For more information see 'An Everyday Guide to the RMA' booklets *6.1 Your Guide to the Environment Court* and *6.2 You, Mediation and the Environment Court*.

Only people who made a submission on the plan or resource consent application can appeal a council decision (with some restrictions on appeals by trade competitors). But you might still be able to have your say in Court. Even if you don't file an appeal, and someone else does, you could get involved by joining the appeal and appearing in Court:

- » as someone who made a submission, or
- » as someone who has an interest greater than the public generally.



Summary – cutting to the chase

There are a number of ways for people to get in on the RMA:

- » give your written approval to a project happening close to you
- » make a submission on a plan or resource consent application
- » appeal a council decision to the Environment Court.

Playing by the rules

In life, we are all expected to bear the consequences of our actions. The RMA is no different. It sets out rights and responsibilities for all New Zealanders. If you do something that harms the environment you could be prosecuted. There's a range of penalties that can apply depending on the offence for which you are convicted. Some offences have a maximum fine of \$1500; for others, you can be jailed for up to two years or fined up to \$300,000 (for individuals) or up to \$600,000 (for any parties other than individuals). It doesn't matter whether you deliberately set out to cause an offence or not.

Councils can also issue instant **infringement notices** which are a bit like traffic tickets. You might get one for dumping a car or some other minor offence. These fines can range from \$300 up to \$1000.

Councils can also give out **abatement notices** which mean people have to stop doing something that is affecting the environment. If you are served with an abatement notice, you can appeal to the Environment Court if you don't think it's fair, but this doesn't mean you can ignore the notice. If you don't comply with the notice you will be committing an offence and are likely to be prosecuted by the council. Councils can also issue **excessive noise directions**. These are often used to get someone to turn down their stereo or stop doing something else that's keeping the neighbours awake.

Anybody can apply to the Environment Court for an **enforcement order** to get someone to stop doing something that may be affecting the environment. The Court will hold a hearing. Enforcement orders are best suited to ongoing problems rather than urgent problems that need to be fixed quickly. However, an interim enforcement order can be issued immediately so that the environment is protected while the Court considers the full enforcement order. Again, if you don't comply with an enforcement order, you are committing an offence.

You could get issued with an abatement notice



Kevin does up cars for fun, mostly at nights. He's spraying a Consul, breaking down an Escort, he's got two Zephyrs under tarps and a house bus on the front lawn.

For the past few months he's been getting complaints from his neighbours about the noise. One neighbour also complains about the cars on the front lawn and the smell of spray paint, but Kevin doesn't take much notice.

One evening he gets a visit from a city council enforcement officer who measures the noise and tells him that complaints have been received. Kevin continues to ignore the complaints and also takes no notice of the written warning that the enforcement officer sends him. The enforcement officer eventually serves Kevin with an abatement notice which requires him to stop working on the cars and to remove the cars and bus from the front lawn within seven days.



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Kevin rings the enforcement officer back the next day and asks him what to do. The officer asks whether Kevin has considered renting a cheap lock-up so he can keep working on the cars without causing any neighbourhood strife. The officer makes it clear that, whatever Kevin decides to do in the future, he must do what the notice says now or he will be committing an offence under the RMA and will be prosecuted.

Summary – cutting to the chase

The RMA sets out a range of offences and penalties for people who don't behave in an environmentally responsible way, including:

- >> instant infringement notices
- >> excessive noise directions
- >> abatement notices
- >> enforcement orders
- >> prosecutions.

DID YOU KNOW...

Councils don't always use these measures to deal with people who are not acting appropriately. Approximately half of the complaints received by councils are dealt with informally, and the other half are dealt with through a formal enforcement process.

Glossary: understanding the jargon

Abatement notice requires compliance with the RMA within the time specified in the notice. Only councils can issue these notices, which are used to get someone to stop or to start doing something.

Assessment of environmental effects is a report that must be given to the council with your resource consent application. It outlines the effects that the proposed activity might have on the environment.

Board of inquiry is a special panel appointed by the government to hear and decide proposals that are matters of national significance.

Certificate of compliance is confirmation that your activity is permitted and does not need a resource consent.

City or district councils are primarily responsible for managing the environmental effects of activities on land.

Department of Conservation administers land under the Conservation and National Parks Acts and has a role under the RMA overseeing the management of the coastal environment.

Designations are provisions in a district plan that provide notice to the community of an intention by the council or a requiring authority to use land in the future for a particular work or project.

Direct referral is a process where, at the request of the applicant, the council decides that applications will be determined by the Environment Court. The council must grant the request if the value of the investment in the proposal meets investment thresholds prescribed by regulations and there are no exceptional circumstances related to the request.

District plans must be prepared by city or district councils to help them carry out their functions under the RMA.

Enforcement order is another way of getting someone to comply with the RMA. It differs from an abatement notice in that anybody (not just the council) can apply for an enforcement order against somebody else. These are issued by the Environment Court rather than the council.

Environment includes:

- a. ecosystems, including people and communities, and
- b. natural and physical resources, and
- c. amenity values, and
- d. social, economic, and cultural matters that affect the above.

Environment Court is a specialist Court where people can go to appeal decisions made by councils on either a policy statement or plan, or on a resource consent application; or where they can apply for an enforcement order.



GETTING IN ON THE ACT

Environmental Protection Authority receives and processes applications for proposals of national significance under the Resource Management Act.

Excessive noise directions are issued by a council to get people to reduce excessive noise to a reasonable level.

Existing use certificate is useful when an existing activity doesn't meet a current district or regional plan rule, but was lawfully established before the rule came into force.

Further submission provides an opportunity for certain people to comment on other people's original submissions on a proposed plan or variation, either by supporting or opposing those submissions.

Heritage orders are provisions in a district plan to protect the heritage characteristics of a particular place.

Infringement notice is an instant fine that is issued for relatively minor environmental offences.

Land information memorandum is issued by a council and will tell you what information the council has about that piece of land.

Limited notification means that only people who are adversely affected by an application are notified of the application by the council and can make a submission on a resource consent application.

Ministry for the Environment provides advice to the government on policies, laws and other means to improve environmental management in New Zealand.

National environmental standards are tools used to set nationwide standards for the state of a natural resource.

National policy statements provide national policy guidance for matters that are considered to be of environmental importance, for example the coastal environment.

Natural and physical resources include land, water, air, soil, minerals, energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

Parliamentary Commissioner for the Environment is an independent adviser to the Government on environmental issues. The Commissioner investigates emerging environmental issues and concerns from the public.

Party is a person, group or organisation taking part in an appeal or other legal proceedings.

Plan change is the process that councils use to prepare changes to an operative plan.

Private plan change is a plan change initiated by any person to an operative plan.

Project information memorandum is issued by the city or district council and contains information relating to the location of the building and whether it will need a resource consent or not.

Publicly notified resource consent means that any person can make a submission on the consent application.

Regional councils primarily manage resources like the air, water, soils and the coastal marine area.

Regional plans can be prepared by regional councils if they want to use them to help manage the resources for which they are responsible.

Regional policy statements must be prepared by all regional councils. They help set the direction for the management of all resources across the region.

Requiring authority is an authority (such as a Minister of the Crown, a local authority or a network utility operator) that has the power to designate a particular piece of land to be used for certain works or projects.

Resource consent is permission from the local council for an activity that might affect the environment, and that isn't allowed 'as of right' in the district or regional plan.

Resource Management Act 1991 (RMA) is New Zealand's main piece of environmental legislation and provides a framework for managing the effects of activities on the environment.

Submission outlines your written comments, opinions, concerns, support or opposition about a proposed development, a notice of requirement for a designation, or a proposed policy statement or plan.

Sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economical and cultural well-being and for their health and safety while:

- a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b. safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- c. avoiding, remedying or mitigating any adverse effects of activities on the environment.

Unitary authorities carry out the roles of both regional and district councils.

Variation is a change prepared by a council to a proposed plan.

Working day means any day except for a weekend day, public holiday, and those days between 20 December and 10 January.



Ministry for the
Environment
Manatū Mō Te Taiao

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. Direct reference should be made to the Resource Management Act and further expert advice sought if necessary.

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For more information on the Resource Management Act:

www.mfe.govt.nz/rma



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