

## On making submissions at RMA Hearings

With increasing frequency, there are proposals from developers or Councils that make one want to jump up and yell “No!”. However, it is not enough to be well meaning, correct or even to support some good ideal. To be effective in a Resource Management Act hearing, a submission must be in a form that Commissioners can use. This has to be presented in a clear, simple way and contain several essential points.

Typically, applicants (developers, industrial operators or businesses) use consultants to summarise and evaluate the environmental aspects of their proposed projects. Unfortunately, there is often a significant interest in playing down environmental impacts or not spending the time and money required to properly identify potential impacts.

There are also several errors that turn up all too often in impact assessments associated with projects. One example is to sample at the wrong place or the wrong time and draw conclusions based on misleading data. Another is to use information from circumstances that are not directly relevant.

Local residents and community groups often have the required information to correct these deficiencies. By identifying resources affected by a project, local residents can make project proponents properly accountable. Unfortunately, this information can be lost if the submission is not prepared well.

If you are moved to make a submission at a hearing, respect the process and the parties involved. This means prepare your points, be concise, avoid emotional or inflammatory statements, address the issue directly and clearly state the outcome you are looking for. Have someone read over the material to look for areas where the text may be unclear or poorly structured.

Photographs and similar proof of field observations is particularly effective. Without supporting evidence, a decision maker faces choosing between a consultant, typically with years of experience and a member of the public that disagree about that state of the environment. When this choice is made solely on the basis of which presenter is the more credible, the benefit of the doubt usually goes to the professional, even though there is a vested interest (e.g. they are being paid) to have a specific point of view.

The following is intended as a plan for making a submission at a hearing.

- 1) Get the information on the proposal from the Council. Note the key dates for submissions, presentations and hearings.
- 2) Identify the specific areas of the proposal that concern you. This should include the locations potentially affected and possibly the potential nature of the effects involved. This may suggest strategies to investigate to develop the submission.
- 3) Identify the effects you are most concerned with and the attention given to these effects in the proposal supporting information. Note specific shortcomings or areas not given appropriate treatment.
- 4) Get the text of the appropriate sections of the Resource Management Act or Regional Plan that is relevant to the issues you are concerned with. The local Council or public access law office should be contacted for advice as to the relevant sections of legislation, plans and policies. These must be linked back to the issues of concern in the submission. Focus on the key issues and do not include extra material. If it isn't essential, it's superfluous.
- 5) Visit the area (note that you cannot enter onto private property for this). Make photographs.

Take notes.

- 6) If possible, conduct some research. This may be seeking observations by neighbors, checking the library, phoning the Council or the University. This requires some judgment about how much value information might have, but this is also part of confirming your point of view is reasonable.
- 7) The public library of community law office may be able to help find relevant cases from court proceedings in New Zealand. Brookers and Salmon are the two major databases for this.
- 8) Jot down an outline of the main points you want to present. Focus on the strongest issues. The most effective submissions are focused and direct and lead the decision makers directly to the key points that need to be considered.
- 9) Write out your submission, citing the photographs and supporting evidence collected from field observations. The submission should be structured to state the following information:
  - The specific project or application being submitted on.
  - The specific parts of the application that the submission relates to.
  - The details of the submission.
  - The remedy or decision that you want the consent authority to make.
- 10) Get someone to read over what you have written. They need to critically evaluate your points. If this requires rewriting- rewrite it. If the submission is not clear, concise and to the point there is little point in presenting it. Small errors and structural problems have a huge effect on the credibility of a submission.
- 11) Contact the Council and determine how many copies are needed.
- 12) Make copies, attend the hearing and present the information.
- 13) Get suggestions after the hearing on how the presentation or evidence might be improved. All presentations can be improved in some way.

New Zealand is fortunate to have a public process for evaluating projects and consents. This is a unique form of environmental management and participatory democracy. This can be stressful and awkward, but it is a hugely important process. We cannot trust that our governments, business operators and their consultants will be able to fully understand and protect the resources in our local environment. They simply don't have the time, money and staff to be everywhere. Therefore we must be prepared to stand up and defend what is important to us. If we don't, how can we expect anyone else will?