

Submissions 101

Start of the Process:

Someone (from now onwards only called "the applicant") applies for a RC (Resource Consent) at the Council. Council will in some cases publicly notify it, that's when you see it in the paper (CO News for Central Otago). The RC application in the paper will give you an RC number (RC 008072 for example), the name of applicant and an address for service, a deadline for your application and a very very brief outline of what is applied for. You call Council and ask them to send you the complete RC application, which they will do free of charge. Once you have it, read through it, and then read through it again. Remember the application was written by the applicant, and he will not say things that are bad for him, but may include claims that are a misrepresentation of the situation.

Writing your submission (use "RMA form 13" which comes with the paperwork from Council)

Do:

- address specific points (e.g. "the proposed building is breaking the skyline when viewed from xx", "no information is supplied regarding effluent disposal", "The whole scenery will be ruined by this new road")
- keep it impersonal (refer to the owner as "the applicant", not as "Mr. Moneybags" or "JAFA")
- send a copy of your submission to the applicant (address for service is on submission form)
- keep it to the point so even tired (and sometimes bored) Councilors will understand what you say
- indicate at the bottom of your submission (on the form) that you will speak at the hearing. This gives you the opportunity to get your points across in person as well. And not only that it also allows you to rebut and discuss any changes that the applicant makes at the hearing (e.g. changing the dimensions of the dwelling from 606m2 to 320m2)
- indicate at the bottom of your submission (on the form) whether you do or do not support the application
- ask someone who is not really involved, or doesn't know a lot about the whole affair to read through your submission to test if they get the points you are trying to make.
- try to cover all points which you might want to talk about at the hearing. Even if you only say "weeds will be a problem" This will give you the chance to talk about any sort of plants at the hearing. If you don't put it in your written submission you can't talk about it at the hearing.
- ask for the applicant to supply more information (three stage eco-septic tank proposed, but no info supplied as to what it is exactly)
- put in conditions that you seek to limit the application if it does go ahead (e.g. no heli-pad, no planting of shelter belts, public access to lake)

Don't:

- write angry stuff ("it's a bloody stupid idea")
- run off on a tangent, keep it to the point
- get personal ("we all know what he's up to, he's got a history")

After submissions are with the Council and deadline is over you simply wait until you hear from them about the hearing date (Council will inform you if you have indicated that you want to speak at the hearing). During this time you will also receive a copy of the recommendations of the Council planner. It is a good sign if the planner recommends to Council to decline the application, but Councilors do not have

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to follow what the planner suggests (see Project Hayes). Planner will also recommend conditions that should be applied if RC is granted.

You can add to your submission or write a second one if you want to (for instance if you forgot something), as long as it is at Council before deadline.

You can sometimes email submission to make the deadline and put your written one in the mail (but call the Council and make sure they know there is an email coming, and get their OK first)

Council will ignore all submissions that are personal attacks - sexist, racist, etc.

At the hearing:

The chairman will ask all parties to identify themselves. You just put your hand up when he calls your name so he knows you there. The whole setup is not an inquisition, it is an exchange of evidence and opinions in which each side will try and influence Councilors with arguments, figures, pictures, slides, photos, computer graphics etc.

First the applicant and the applicant's experts will speak and do their "show and tell". They can only be questioned by Councilors, not by anyone else. You might get away with a chuckle at a really obviously convoluted and constructed point, but you can't interrupt them. What they can do, and almost always do is introduce new material, like change the size of the proposed building, the location, the colour, the access roads etc. So pay attention! You can very often clearly see what they are up to and you can then, when you give your evidence, make sure you tell Council why their proposed changes to application don't change anything or make things worse. After the applicant's side has finished, the submitters can have a say. First you introduce yourself. You can read your stuff off a piece of paper, just don't forget to take any proposed changes into account. It's no good if you go on and on about a 600m² building, when applicant has just a few minutes before told Council they will reduce size to 310m².

If you provide any written evidence - hand out any paper, copies etc. - you have to serve them to all Councilors and to the applicant (and you can give the press one too if you want to), so make 7 to 8 copies.

You can only speak about things you have already mentioned in your written submission, you can not suddenly talk about something that you haven't even touched on. However you *can* address the changes the applicant has made in their spoken evidence, and you *can* comment on the planner's recommendations.

After you have said your piece, the chairman will ask Councilors if they have questions, if they don't that's it. If they do, they'll ask you and you answer. The applicant can not ask you any questions (and you can't ask them any either).

Now the applicant has another turn to respond to what you said. They will often try to put you into a poor light, show you as someone who doesn't know what you're talking about, they may even try and ridicule your ideas/comments. They can't get personal, and neither can you. It is about facts and about perception of facts.

Then the Chairman will close the hearing, reserve decision and you'll receive their decision in the mail at some point in the future.

Up to this point you have only taken part in a local level democratic process. It was not a court sitting, just a hearing (where Council is hearing what applicant and public have to say). You do not have any liabilities or costs (apart from getting there and making copies). No one can sue you for having a say!

Any questions? Email us.