



Updated request from Waikato District Council for more time to complete the Intensification Streamlined Planning Process

Date submitted: 22 July 2024

Tracking number: BRF-4724

Security level: In-Confidence

MfE priority: Urgent

Actions sought from Ministers		
Name and position	Action sought	Response by
To Hon Chris BISHOP Minister Responsible for RMA Reform	Record decisions on recommendations Sign amended Direction and Gazette Notice	26 July 2024
CC Hon Penny SIMMONDS Minister for the Environment	No action required	N/A
CC Hon Chris BISHOP Minister for Housing		

Actions for Minister's office staff
<p>Return the signed briefing to the Ministry for the Environment (ministerials@mfe.govt.nz and RM.Reform@mfe.govt.nz).</p> <p>Ensure Direction and Gazette Notice are signed (if approved).</p> <p>Present Direction to the House of Representatives within 20 working days of being issued.</p>

Appendices and attachments
<p>Appendix 1: Letter from Waikato District Council requesting more time to complete the Intensification Streamlined Planning Process</p> <p>Appendix 2: Amended Direction for the Intensification Streamlined Planning Process to Waikato District Council – 13 week extension</p> <p>Appendix 3: Draft Gazette Notice – Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024 (No.2) – 13 week extension</p> <p>Appendix 4: Draft response to Waikato District Council – 13 week extension</p> <p>Appendix 5: Amended Direction for the Intensification Streamlined Planning Process to Waikato District Council – 5 month extension</p> <p>Appendix 6: Draft Gazette Notice – Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District</p>

Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024 (No.2) – 5 month extension
 Appendix 7: Draft response to Waikato District Council – 5 month extension
 Appendix 8: Impacted chapters and relevant appeals of Waikato District Council's Proposed District Plan

Key contacts at Ministry for the Environment

<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
Principal Author	Nathan Stocker		
Programme Director	Rebecca Scannell	s 9(2)(a)	✓

Minister's comments

Updated request from Waikato District Council for more time to complete the Intensification Streamlined Planning Process

Key messages

1. This briefing seeks your decision on whether to grant a request from Waikato District Council (Waikato) for more time to complete the Intensification Streamlined Planning Process (ISPP).
2. This advice supersedes an earlier version, sent on 11 April 2024 (BRF-4543 refers) which provided advice on requests from both Waikato and Waipā District Councils. Advice on Waipā District Council's request is provided in *BRF-4728: Request from Waipā District Council to amend Intensification Streamlined Planning Process direction*.
3. Waikato was directed by the previous Minister for the Environment under section 80L of the Resource Management Act 1991 (RMA) to complete its ISPP by 31 March 2024 (NZ Gazette Notice Number 2022-sl2034).
4. Waikato's Independent Hearings Panel (IHP) delivered its recommendations report to the council later than previously anticipated by Waikato. Shortly after receiving the IHP recommendations, Waikato requested a 13-week extension to 28 June 2024 to accommodate the delay by the IHP, manage implications of appeals on their Proposed District Plan, and update maps and its Proposed District Plan document. Waikato has since updated its request after further considering the implications of (and on) outstanding appeals and is now seeking an extension to 6 December 2024.
5. Section 80M of the Resource Management Act 1991 (RMA) allows the Minister for the Environment to amend an ISPP direction either on their own initiative or at the request of the relevant council. The Prime Minister has transferred responsibility for amending these directions to you, as Minister Responsible for RMA Reform.
6. We have identified three options:
 - i Declining the extension. As the existing required date has passed and Waikato will need time to consider the IHP recommendations and arrange for a council meeting, this would effectively result in continued non-compliance.
 - ii Granting the requested extension to 6 December 2024. This may preserve the simplicity, clarity and efficiency of Waikato's planning framework, but may not meet the 'expeditious' test, particularly if appeals are not resolved by then.
 - iii Granting an extension of approximately 13 weeks (from your decision), to 22 October 2024. This would unlikely result in the benefits of waiting until appeals are resolved but is more likely to achieve an expeditious planning process.

Recommendations

We recommend that you:

1. Either

Decline extension request

- a) **agree** to decline Waikato District Council's extension request for more time to complete the Intensification Streamline Planning Process until 6 December 2024

Yes | No

- b) **direct** officials to prepare a draft letter from you to Waikato District Council rejecting their request

Yes | No

2. or

13-week extension

- a) **agree** to amend Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022 to require **Waikato District Council** to notify decisions on the intensification planning instrument Plan Change Variation 3 (Waikato District Council) by **22 October 2024** (instead of the currently directed timeframe of 31 March 2024)

Yes | No

- b) **sign** the Amended Direction in **Appendix 2**

- c) **sign** the Gazette Notice in **Appendix 3**

- d) **agree** to send Waikato District Council the letter in **Appendix 4**

- e) **note** the amended Direction will take effect on 16 August 2024

- f) **note** the signed amended Direction must be presented to the House of Representatives within 20 working days of being issued

Yes | No

3. Or

5-month extension

- a) **agree** to amend Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022 to require **Waikato District Council** to notify decisions on the intensification planning instrument Plan Change Variation 3 (Waikato District Council) by **6 December 2024** (instead of the currently directed timeframe of 31 March 2024)

Yes | No

- b) **sign** the Amended Direction in **Appendix 5**
- c) **sign** the Gazette Notice in **Appendix 6**
- d) **agree** to send Waikato District Council the letter in **Appendix 7**
- e) **note** the amended Direction will take effect on 16 August 2024
- f) **note** the signed amended Direction must be presented to the House of Representatives within 20 working days of being issued

Yes | No

4. **agree** this briefing will be released proactively on the Ministry for the Environment's website within the next eight weeks

Yes | No

Signatures



Rebecca Scannell

Programme Director - Environmental Management and Adaptation

22 July 2024

Hon Chris BISHOP

Minister Responsible for RMA Reform

Date:

Updated request from Waikato District Council for more time to complete the Intensification Streamlined Planning Process

Purpose

1. This briefing seeks your decision on whether to grant a request from Waikato District Council (Waikato) for more time to complete the Intensification Streamlined Planning Process (ISPP), until 6 December 2024.

Background

2. The Resource Management Act 1991 (RMA) requires Waikato to use the ISPP to prepare an intensification planning instrument (IPI). An IPI is a plan change or variation to incorporate the Medium Density Residential Standards (MDRS) and give effect to the intensification requirements of the National Policy Statement on Urban Development 2020 (NPS-UD).
3. Under Part 6, Schedule 1 of the RMA, timeframes for an ISPP and other matters may be set in a direction made by the Minister for the Environment. Any such direction is secondary legislation and must be published in the New Zealand Gazette.
4. You have been transferred the necessary powers under section 7 of the Constitution Act 1986 to make and amend directions under section 80L and 80M of the RMA.
5. On 14 May 2022, the Minister for the Environment directed Waikato to notify decisions on its Independent Hearings Panel's (IHP) recommendations by 31 March 2024. This is the last process step for a council to complete the ISPP. This Direction was published in the New Zealand Gazette on 25 May 2022.¹
6. Waikato's IHP completed its hearings in December 2023 and the council received the recommendation report from its IHP on 22 March 2024.
7. On 27 March 2024 Waikato wrote to you requesting a 13-week extension to notify decisions on the IHP's recommendations by 28 June 2024. This was to accommodate the delay by the IHP, manage implications of appeals on the Proposed District Plan (PDP), and update maps and its PDP document.
8. [Legally privileged] Since their request, Waikato has identified the unresolved PDP appeals (or parts) that will be impacted by the IHP's recommendations and received legal advice on how to treat those recommendations. After undertaking this work, Waikato wrote to you on 17 May 2024 to update their original request (**Appendix 1**). The

¹ The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022, <https://gazette.govt.nz/notice/id/2022-sl2034>.

updated request is for an extension to notify decisions on the IHP's recommendations by 6 December 2024.

Analysis and advice

Waikato's reasons for requesting an extension

9. Waikato notified its IPI as Variation 3 to the PDP on 19 September 2022. Variation 3 is intended to work in conjunction with the rest of the PDP. When Variation 3 was notified, Waikato was concurrently managing 66 outstanding appeals against the underlying PDP (the appeal period closed on 1 March 2022).
10. The original PDP has 18 direct appeals and 21 appeals with consequential impacts remaining. These affect 114 provisions that Waikato consider integral to the implementation of Variation 3. Appendix 8 outlines the impacted chapters and relevant appeals.
11. If Waikato accepted the IHP's recommendations on Variation 3, they would become operative. However, other provisions that they rely on (such as definitions, natural hazard, and subdivision provisions) may not be operative, depending on whether they are under appeal. This would create an incomplete and complex planning framework. For instance, some rules would be operative but not connected with any operative objectives and policies, which are used to inform decision-making on resource consent applications.
12. While appealed provisions that are not yet operative could be considered under section 104(1)(b)(vi)² of the RMA (and given a weighting depending on particular circumstances), it would introduce complexity, increase resource consent processing times, and increase uncertainty around Waikato's planning framework.
13. A further risk is that the Variation 3 rules for managing flood risk may not function as intended because the Natural Hazard chapter of the PDP is still subject to appeal. Variation 3 contains qualifying matter provisions relating to flood plain management areas, however the definition of 'flood plain management area' is under appeal and not within the scope of Variation 3, which means that it cannot be made operative. While the definition can be considered in consent processing under section 104(1)(b)(vi) of the RMA, this increases the chance of MDRS-scale developments occurring on sites in flood risk areas.
14. Under a standard variation process (i.e. not an ISPP) the variation to a proposed plan would merge into the proposed plan process when they are at the same procedural stage (Clause 16B of Schedule 1 of the RMA). This normally prevents provisions in variations becoming operative before the underlying proposed plan.
15. [Legally privileged] Council's policy and consenting staff and legal advisers consider it is more efficient to defer all decisions on Variation 3 to a later date. Council staff consider this would enable more time for appeals impacting Variation 3 to be resolved, or at least

² *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to... any relevant provisions of... a plan or proposed plan*

significantly narrowed. This would ensure Variation 3 and PDP can work together to manage the effects of intensification,

Advice on setting and amending ISPP timeframes

16. You may make a direction under section 80L to direct ISPP requirements, including “1 or more periods of time within which the specified territorial authority must complete 1 or more stages of the ISPP” (RMA section 80L(1)(c)).
17. Amendments to directions under section 80M of the RMA require the same process as the original direction. In deciding the content of a direction, you must have regard to section 80D of the RMA which describes the purpose of the ISPP as being to provide an *expeditious planning process* for councils to use in preparing an intensification plan change. Sections 80L and 80M of the RMA set out additional requirements for setting and amending directions.

Appeals

18. Clause 107 of Schedule 1 of the RMA states that there is no right of appeal under the RMA on ISPPs. However, clause 36 of Schedule 12 of the RMA preserves appeals on the underlying proposed district plan.
19. [Legally privileged] Waikato’s legal advice (as per Appendix 1) is that:
 - i Pursuant to clause 107 of Schedule 1 of the Act, there is no right of appeal against Council’s decisions on an Intensification Planning Instrument (being Variation 3).
 - ii Clause 36(2) of Schedule 12 of the Act expressly states that any appeals against the underlying proposed district plan are not affected by clause 107 of Schedule 1.
 - iii Pursuant to clause 103 of Schedule 1 of the Act, if all or some of the IHP’s recommendations are accepted by Council, then upon notification of the decisions, those recommendations are incorporated into the PDP and the PDP (as altered by those recommendations) are deemed to have been approved and become operative in accordance with clause 20.
 - iv Once accepted recommendations (provisions) become operative upon public notification, there is no ability for the Environment Court to subsequently amend those operative provisions through the appeal process on the PDP.
 - v Therefore, the only mechanism in the Act to ensure the provisions affected by live appeals do not become operative on notification, and thereby preserve appeal rights as intended by clause 36, is for Council to reject the recommendations that impact the appeals.
20. It is likely that some appeals may be withdrawn if Council makes decisions on Variation 3 that grant the appellants the same, or similar, relief as sought through the appeal.

Treaty of Waitangi/Te Tiriti o Waitangi analysis

21. No Treaty of Waitangi/Te Tiriti o Waitangi issues have been identified in relation to the proposals in this briefing, however we have not undertaken a comprehensive analysis of possible issues.

Other considerations

Consultation and engagement

22. MfE officials consulted the Ministry of Housing and Urban Development/Te Tūāpapa Kura Kāinga (HUD) on this briefing.

Risks and mitigations

23. There is an option to not grant the extension request. Waikato is currently non-compliant with the RMA and this option would retain its non-compliance. This option could increase the risk of judicial review proceedings being brought against Waikato as a result of not notifying by the directed date. This is a risk for the council to manage and may incentivise completion of its plan change process as fast as possible. However, there is also a risk this option could result in an incoherent plan if the IPI is finalised before all appeals on the PDP are resolved.
24. If you grant the extension, there is a risk that it is not an expeditious planning process if the relevant appeals are not resolved in time for the 6 December 2024 date. Waikato have advised that the length of the requested extension is predicated on appeals being resolved without Environment Court hearings.
25. The timeframe for resolving appeals is partially dependent on factors outside of Waikato's control. If the extension is granted and all relevant appeals are not resolved by 6 December 2024, then either Variation 3 decisions could be made anyway (with fewer issues than at present if the number/scope of appeals has been reduced) or Waikato could seek a further extension.

Legal issues (legally privileged)

26. s 9(2)(h)

27.

28.

29.

30. s 9(2)(h)

31.

32.

33.

s 9(2)(h)

34. s 9(2)(h)

Options

35. We have identified three options:

- i Declining the extension. As the existing required date has passed and Waikato will need time to consider the IHP recommendations and arrange for a council meeting, this would effectively result in continued non-compliance until Waikato can make decisions.
- ii Granting the requested extension to 6 December 2024. This would preserve the simplicity, clarity and efficiency of Waikato's planning framework, but may not meet the 'expeditious' test, particularly if appeals are not resolved by then.
- iii Granting an extension of approximately 13 weeks (from your decision), to 22 October 2024. This would unlikely result in the benefits of waiting until appeals are resolved but is more likely to ensure an expeditious planning process.

Next steps

36. If you agree to an extension, you will need to sign the relevant amended Direction and Gazette notice. There is also a choice to not agree to an extension, in which case officials can prepare a letter to Waikato setting out your decision to not grant an extension.

37. Any updated Direction would need to be published in the New Zealand Gazette. If you sign a Direction and Gazette notice, officials will work with your office to present the Direction to the House of Representatives and publish the Gazette notice. Officials propose that any updated Direction would take effect on 16 August 2024, which would give sufficient time for it to be published in the New Zealand Gazette.

38. If you agree to an extension, we also recommend you send Waikato the letter in **Appendix 4 or 7**. Officials will also inform the council staff of your decision.

s 9(2)(h)

39. If you would like to make a different Direction to those provided in this briefing or to clarify any matters, officials suggest meeting with you to discuss.

Appendix 1: Letter from Waikato District Council requesting more time to complete the Intensification Streamlined Planning Process

[Attached to cover email.]

17 May 2024

Hon Chris Bishop
Minister for Housing and RMA reform
Private Bag 18 888
Parliament Buildings
Wellington 6160

Hon Penny Simmonds
Minister for the Environment
Private Bag 18 888
Parliament Buildings
Wellington 6160

Email: Chris.Bishop@parliament.govt.nz; Penny.Simmonds@parliament.govt.nz

Dear Ministers,

New Request for extension to notify Intensification Planning Instrument

As you may be aware, Variation 3 to the Proposed Waikato District Plan (Variation 3) is Waikato District Council's (Council) Intensification Planning Instrument under section 80E of the Resource Management Act 1991 (Act).

On 27 March 2024 I wrote to you seeking an amendment to a direction issued by the former Minister on 14 May 2022 under section 80L of the Act, which required Council to notify its decisions on the independent hearing panel's (IHP) recommendations by 31 March 2024. Council sought an extension to notify its decisions by 28 June 2024. The key reason for the extension was that there was insufficient time to complete the necessary actions identified in the letter prior to notification as the Council only received the IHP's recommendations on Friday 22 March (being five working days before the due notification date).

The purpose of this letter is to seek a further extension to 6 December 2024. I understand that MfE officials have requested a pause on any decision-making in anticipation of receiving this further request. Accordingly, please treat this letter as a new request to amend the direction under section 80M of the Act.

Council's letter of 27 March was sent three working days after receiving the IHP's recommendations. The letter identified that Council was progressing Variation 3 concurrently with managing a high number of appeals on the Proposed Waikato District Plan (PDP). This parallel process was identified as an important reason for requiring further time before making decisions on Variation 3.

Since then, staff have had time to consider the recommendations and have carefully identified the unresolved PDP appeals (or parts) that will be impacted by the recommendations. Council has also sought legal advice on how to treat (accept or reject) those recommendations that impact on unresolved appeals. In undertaking this careful analysis, Council has written to all affected appellants and met with

a number of them to explain the implications of making decisions on recommendations that are impacted by unresolved appeals.

In summary, Council's legal advice is that:

- Pursuant to clause 107 of Schedule 1 of the Act, there is no right of appeal against Council's decisions on an Intensification Planning Instrument (being Variation 3).
- Clause 36(2) of Schedule 12 of the Act expressly states that any appeals against the underlying proposed district plan are not affected by clause 107 of Schedule 1.
- Pursuant to clause 103 of Schedule 1 of the Act, if all or some of the IHP's recommendations are accepted by Council, then upon notification of the decisions, those recommendations are incorporated into the PDP and the PDP (as altered by those recommendations) are deemed to have been approved and **become operative** in accordance with clause 20.
- Once accepted recommendations (provisions) become operative upon public notification, there is no ability for the Environment Court to subsequently amend those operative provisions through the appeal process on the PDP.
- Therefore, the only mechanism in the Act to ensure the provisions affected by live appeals do not become operative on notification, and thereby preserve appeal rights as intended by clause 36, is for Council to reject the recommendations that impact the appeals.
- This is because clause 103 only applies to the recommendations that are accepted by Council.
- Rejected recommendations will need to be referred to the Minister with a request that a decision be deferred on those matters pending the Environment Court's determination on the appeals so as to preserve appeal rights.

The Council received 66 appeals in total and has been working diligently to resolve the appeals, whilst also advancing Variation 3 through the Intensification Streamlined Planning Process. A number of appellants on the PDP also lodged submissions on Variation 3. Council worked with those parties, where possible, to ensure consistency across both the PDP and Variation 3 outcomes. However, not all appellants were submitters on Variation 3 and the IHP's jurisdiction was limited to making recommendations on matters within the scope of section 80E of the Act.

Whilst significant progress has been made, appeals remain on a number of PDP chapters that are of significance to Variation 3. These include appeals on the Definitions, Strategic Direction, Water wastewater and stormwater, Te Ture Whaimana, Natural Hazards and climate change, Subdivision, Earthworks, Town Centre Zone, Commercial Zone, and Medium Density residential zone and General Residential zone chapters.

Council has decided that if it were to reject the Variation 3 recommendations (provisions) impacted by appeals and notify the balance of the provisions at this stage, it would result in an incomplete framework that would not deliver on enabling MDRS development in the towns subject to Variation 3. This is because the land most likely to be developed for intensification is greenfield areas which will require subdivision consent. However, Variation 3 subdivision rules cannot be notified as the entire subdivision chapter is subject to appeals. The appeal on the Subdivision chapter is awaiting a determination from the Environment Court on another matter which will provide guidance to Council on progressing the appeal. A further risk is that the Variation 3 rules for managing flood risk cannot be notified because the Natural

Hazard chapter is still subject to appeal. This means 3 dwellings on a site could be permitted in a flood risk area.

To ensure the Variation 3 recommendations and PDP provisions can best work together in an integrated way to manage the effects of intensification, Council's policy and consenting staff and legal advisers consider it is more efficient to defer *all* decisions on Variation 3 to a later date to enable more time for the critical appeals impacting Variation 3 to be resolved, or at least significantly narrowed so that a more complete framework can be notified and made operative.

Council considers an extension to 6 December 2024 is required to advance the overlapping appeals taking into account:

- The number of appeals and parties involved (18 appeals and over 20 s274 parties).
- The complex nature of some appeals (appeals against entire chapters).
- Council's resources.
- The Court's limited availability for court assisted mediation.
- Time delays in obtaining technical advice from experts.
- Time required to prepare consent documentation and obtain all parties' signatures.
- Complying with various Court directions.
- The Court's timeframes which are beyond our control (including issuing consent orders).
- The responsiveness of parties and their experts which is outside Council's control.

This timeframe assumes the relevant appeals will be resolved by consent order and that no hearing will be required. Council is confident the majority of impacted appeals can be resolved within this timeframe and will focus its resources on the overlapping appeals.

Accordingly, Council respectfully requests that the timeframe for notification of the Council's decisions on Variations 3 be extended to 6 December 2024. If you require any further information, we will be happy to provide it.

We look forward to hearing from you at your earliest convenience.

Yours sincerely



Tony Whittaker
Acting Chief Executive
email: Tony.Whittaker@waidc.govt.nz

**Appendix 2: Amended Direction for the Intensification
Streamlined Planning Process to Waikato District Council –
13 week extension**

Minister Responsible for RMA Reform’s Amended Direction for the Intensification Streamlined Planning Process to Waikato District Council

The Minister Responsible for RMA Reform (under section 7 of the Constitution Act 1986) makes the following direction pursuant to sections 80L and 80M of the Resource Management Act 1991 (RMA). The direction is secondary legislation for the purpose of the Legislation Act 2019 and is administered by the Ministry for the Environment.

Commencement

(1) The direction comes into force on 16 August 2024.

Minister Responsible for RMA Reform’s amended Direction for the Intensification Streamlined Planning Process to Waikato District Council (made under section 7 of the Constitution Act 1986)

(2) In accordance with sections 80L and 80M of the RMA, the Minister Responsible for RMA Reform directs Waikato District Council to notify its decisions on the independent hearing panel’s recommendations for Plan Change Variation 3 in accordance with clause 102 of Schedule 1 of the RMA by no later than 22 October 2024.

Principal notice amended

(3) This direction amends “The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022” published in the New Zealand gazette, 25 May 2022, 2022-s/2034, as it applied to Waikato District Council.

Signed

Hon Chris Bishop

Minister Responsible for RMA Reform

Date

Notes

- i. This direction must be complied with.
- ii. Part 6 of Schedule 1 of the RMA specifies the requirements of any Intensification Streamlined Planning Process.
- iii. Section 80M of the RMA provides the Minister the ability to amend this direction on their own initiative or following a request from one or more of the specified territorial authorities named in this direction.
- iv. Waikato District Council may, in accordance with Section 80M of the RMA, apply in writing for an amendment to the direction.

**Appendix 3: Draft Gazette Notice – Resource Management
(Direction for the Intensification Streamlined Planning
Process to Hamilton City Council, Waikato District Council,
Waipā District Council and Rotorua District Council)
Amendment Notice 2024 (No.2) – 13 week extension**

The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024 (No.2)

The Minister Responsible for RMA Reform (under section 7 of the Constitution Act 1986) gives notice of the following direction made pursuant to sections 80L and 80M of the Resource Management Act 1991 (RMA). The direction is secondary legislation for the purposes of the Legislation Act 2019 and is administered by the Ministry for the Environment.

Title and Commencement

(1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024 (No.2).

(2) The direction comes into force on 16 August 2024.

Minister Responsible for RMA Reform's Amended Direction for the Intensification Streamlined Planning Process to Waikato District Council

In accordance with sections 80L and 80M of the RMA, the Minister Responsible for RMA Reform directs Waikato District Council to notify its decisions on the independent hearing panel's recommendations for Plan Change Variation 3 in accordance with clause 102 of Schedule 1 of the RMA by no later than 22 October 2024.

Principal Notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022" published in the *New Zealand Gazette, 25 May 2022, Notice No. 2022-s/2034* only to the extent specified in this notice.

Dated at _____ this _____ day of July 2024.

Hon Chris Bishop

Minister Responsible for RMA Reform

Notes

- i. This direction must be complied with.
- ii. Part 6 of Schedule 1 of the RMA specifies the requirements of any Intensification Streamlined Planning Process.
- iii. Section 80M of the RMA provides the Minister the ability to amend this direction on their own initiative or following a request from one or more of the specified territorial authorities named in this direction.
- iv. Waikato District Council may, in accordance with section 80M of the RMA, apply in writing for an amendment to the direction.

**Appendix 4: Draft response to Waikato District Council – 13
week extension**

Gavin Ion
Chief Executive
Waikato District Council
gavin.ion@waidc.govt.nz

Dear Gavin Ion

Approval of Waikato District Council's request for an amendment to its Direction under section 80M of the Resource Management Act 1991

On 17 May 2024 I received a letter from Waikato District Council (the Council) requesting an amendment to The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022.

I am granting a shorter extension than requested. My Direction extends the timeframe for Waikato District Council to notify decisions on the Independent Hearings Panel's recommendations for its intensification planning instrument to 22 October 2024.

My officials are confident that you have the legal ability to make decisions (to accept or reject recommendations) while the appeals are still active. My officials are willing to continue supporting and engaging with your officials on the process going forward.

I consider that this extension will enable the Council to expeditiously complete its intensification streamlined planning process and notify decisions on Variation 3.

The amended Direction will take effect on 16 August 2024.

Thank you for all your work to date. Housing supply is a critical issue for the Government and I encourage council staff to continue to work with government officials on this issue.

Yours sincerely

Hon Chris Bishop
Minister Responsible for RMA Reform

Appendix 5: Amended Direction for the Intensification Streamlined Planning Process to Waikato District Council – 5 month extension

Minister Responsible for RMA Reform’s Amended Direction for the Intensification Streamlined Planning Process to Waikato District Council

The Minister Responsible for RMA Reform (under section 7 of the Constitution Act 1986) makes the following direction pursuant to sections 80L and 80M of the Resource Management Act 1991 (RMA). The direction is secondary legislation for the purpose of the Legislation Act 2019 and is administered by the Ministry for the Environment.

Commencement

(1) The direction comes into force on 16 August 2024.

Minister Responsible for RMA Reform’s amended Direction for the Intensification Streamlined Planning Process to Waikato District Council (made under section 7 of the Constitution Act 1986)

(2) In accordance with sections 80L and 80M of the RMA, the Minister Responsible for RMA Reform directs Waikato District Council to notify its decisions on the independent hearing panel’s recommendations for Plan Change Variation 3 in accordance with clause 102 of Schedule 1 of the RMA by no later than 6 December 2024.

Principal notice amended

(3) This direction amends “The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022” published in the New Zealand gazette, 25 May 2022, 2022-s/2034, as it applied to Waikato District Council.

Signed

Hon Chris Bishop

Minister Responsible for RMA Reform

Date

Notes

- i. This direction must be complied with.
- ii. Part 6 of Schedule 1 of the RMA specifies the requirements of any Intensification Streamlined Planning Process.
- iii. Section 80M of the RMA provides the Minister the ability to amend this direction on their own initiative or following a request from one or more of the specified territorial authorities named in this direction.
- iv. Waikato District Council may, in accordance with Section 80M of the RMA, apply in writing for an amendment to the direction.

**Appendix 6: Draft Gazette Notice – Resource Management
(Direction for the Intensification Streamlined Planning
Process to Hamilton City Council, Waikato District Council,
Waipā District Council and Rotorua District Council)
Amendment Notice 2024 (No.2) – 5 month extension**

The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024 (No.2)

The Minister Responsible for RMA Reform (under section 7 of the Constitution Act 1986) gives notice of the following direction made pursuant to sections 80L and 80M of the Resource Management Act 1991 (RMA). The direction is secondary legislation for the purposes of the Legislation Act 2019 and is administered by the Ministry for the Environment.

Title and Commencement

(1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024 (No.2).

(2) The direction comes into force on 16 August 2024.

Minister Responsible for RMA Reform's Amended Direction for the Intensification Streamlined Planning Process to Waikato District Council

In accordance with sections 80L and 80M of the RMA, the Minister Responsible for RMA Reform directs Waikato District Council to notify its decisions on the independent hearing panel's recommendations for Plan Change Variation 3 in accordance with clause 102 of Schedule 1 of the RMA by no later than 6 December 2024.

Principal Notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022" published in the *New Zealand Gazette, 25 May 2022, Notice No. 2022-s/2034* only to the extent specified in this notice.

Dated at _____ this _____ day of July 2024.

Hon Chris Bishop


Minister Responsible for RMA Reform

Notes

- v. This direction must be complied with.
- vi. Part 6 of Schedule 1 of the RMA specifies the requirements of any Intensification Streamlined Planning Process.
- vii. Section 80M of the RMA provides the Minister the ability to amend this direction on their own initiative or following a request from one or more of the specified territorial authorities named in this direction.
- viii. Waikato District Council may, in accordance with section 80M of the RMA, apply in writing for an amendment to the direction.

Appendix 7: Draft response to Waikato District Council – 5 month extension

s 9(2)(g)(i)



Appendix 8: Impacted chapters and relevant appeals of Waikato District Council's Proposed District Plan

Chapter	Appeals and potential consequential amendments ⁷
Definitions	73 (WRC), 86 (TSC)
Strategic direction	51 (Federated Farmers), 55 (Middlemiss Farms), 87 (Hynds), C42 (Fonterra), C29 (Metcalf)
Water, wastewater and stormwater	78 (Anna Noakes), C85 (NZT Operations)
Natural Hazards and Climate Change	43 (Horticulture NZ), 51 (Federated Farmers), 78 (Anna Noakes), C43 (Horticulture NZ), C73 (WRC), C51 (Federated Farmers)
Te Ture Whaimana - Vision and Strategy	C51 (Federated Farmers), C63 (Meridian Energy), C73 (WRC)
Subdivision	45 (Blue Wallace), 55 (Middlemiss Farms), 64 (John Rowe), 70 (Greig Holdings), 74 (Transpower), 78 (Anna Noakes), 85 (TSC), 86 (TSC), C29 (Metcalf), C30 (Upton), C30 (Upton), C42 (Fonterra), C45 (Blue Wallace), C47 (Bathurst), C51 (Federated Farmers), C58 (CSL Trust), C64 (John Rowe), C64 (John Rowe), C72 (Havelock Village), C74 (Transpower), C81 (WEL Networks), C84 (Pokeno West), C87 (Hynds)
Earthworks	C30 (DOC), C47 (Bathurst)
Commercial Zone	C42 (Fonterra), C87 (Hynds)
Medium density residential zone	30 (Upton), 45 (Blue Wallace), 58 (CSL Trust), 59 (Top End Properties), 69 (Rangitahi), 74 (Transpower), 78 (Anna Noakes), 84 (Pokeno West), 86 (TSC), 87 (Hynds), C30 (Upton), C42 (Fonterra), C45 (Blue Wallace), C47 (Bathurst), C58 (CSL Trust), C64 (John Rowe), C69 (Rangitahi), C72 (Havelock Village), C87 (Hynds)

⁷ 'C' indicates those appellants which are identified in Proposed Waikato District Plan – Appeals Version as having consequential amendments.