

## Information on Resource Management Processes

This is one of a series of information sheets that provide an overview of processes under the Resource Management Act 1991 (RMA) for resource consents, deemed permitted boundary activities and plan-making. These information sheets reflect changes made to the RMA through the Resource Legislation Amendment Act 2017.

### Information on the streamlined planning process

This information sheet outlines the streamlined planning process (SPP) for interested persons, particularly those who may wish to participate in a SPP.

### Councils manage activities that might affect the environment through plans and policy statements

The RMA requires councils to create policy statements and plans that help them manage the environment within their region or district. These plans contain objectives, policies and rules to manage activities that might affect the environment. Participating in the development of these documents is the best way for you to influence the future of your environment.

The different documents that councils prepare are as follows.

- A **regional policy statement (RPS)** created by a regional council provides an overview of the resource management issues of that region; policies and methods (excluding rules) used to achieve integrated management of the natural and physical resources of the region.
- A **regional plan (RP)** created by a regional council concerns issues that affect the coast, air, water or land.
- A **district plan (DP)** created by a city or district council concerns the management of land use and subdivision in a city or district.
- A **unitary plan (UP)** created by a unitary council combines city or district council and regional council functions.
- A **combined plan** created by two or more city, district, unitary, or regional councils combines their respective resource management documents (eg, RPS, RP and/or DP) for their region and/or district.

Councils must review these plans every 10 years to make sure they are up-to-date with what's happening in communities across the district/region, and national direction set by central government. Councils can do a full plan review or make a series of changes. These different types of changes are referred to as:

- a **proposed policy statement, plan, plan change or variation**: These are documents prepared by a council in consultation with affected persons, iwi authorities and/or the community and is a proposal of council's policy position. To be 'proposed', a document must be notified so people can make submissions (ie, provide feedback)
- a **plan change**: This happens when a council changes an existing plan that is already being used (an 'operative' plan)
- a **plan variation**: When a council changes a plan that is still in the 'proposed stage' and has yet to be finalised.

Councils mainly decide when to make plan changes or variations, but individuals can also request that the council makes a plan change (but individuals can't request a plan variation).

See [An Everyday Guide to the RMA](#) for more information on plan-making and the RMA in general.

## When the SPP is used

The SPP is one of three processes<sup>1</sup> available under the RMA that councils can use to change their plans. Councils will choose a process depending on the type and scope of the issues, the nature of the environmental effects, the people affected by it and the urgency of the matter.

The SPP provides the opportunity for the plan making process and timeframes to be customised, rather than using the standard process set out in the RMA. This means that it can be comparatively faster and of a scale that reflects the issue(s) being addressed. SPP is different to the usual process as some steps do not automatically apply. The Minister for the Environment (the Minister) is the final decision-maker and generally no appeals can be made to the Environment Court<sup>2</sup>.

## How the council requests use of SPP

To use the SPP, the council must make a 'request' (ie, apply) to the Minister. There is no requirement for a council to consult the community before making this request. However, a local authority is free to talk to any persons/groups that they consider to be affected about the use of the SPP for the planning issue involved, before making a request, and may choose to do so.

In its application, the council must be satisfied that the proposed policy statement, plan, change or variation meets at least one of the set of entry criteria<sup>3</sup>, for example, whether the change is required to meet a significant community need, or whether it will implement national direction (eg, a National Environmental Standard, or a National Policy Statement).

The reason councils must justify the use of the SPP is because some of the usual plan-making steps outlined in the RMA (such as holding a hearing or the right to make a further submission) will not automatically apply, and there are generally no appeal rights to the Environment Court.

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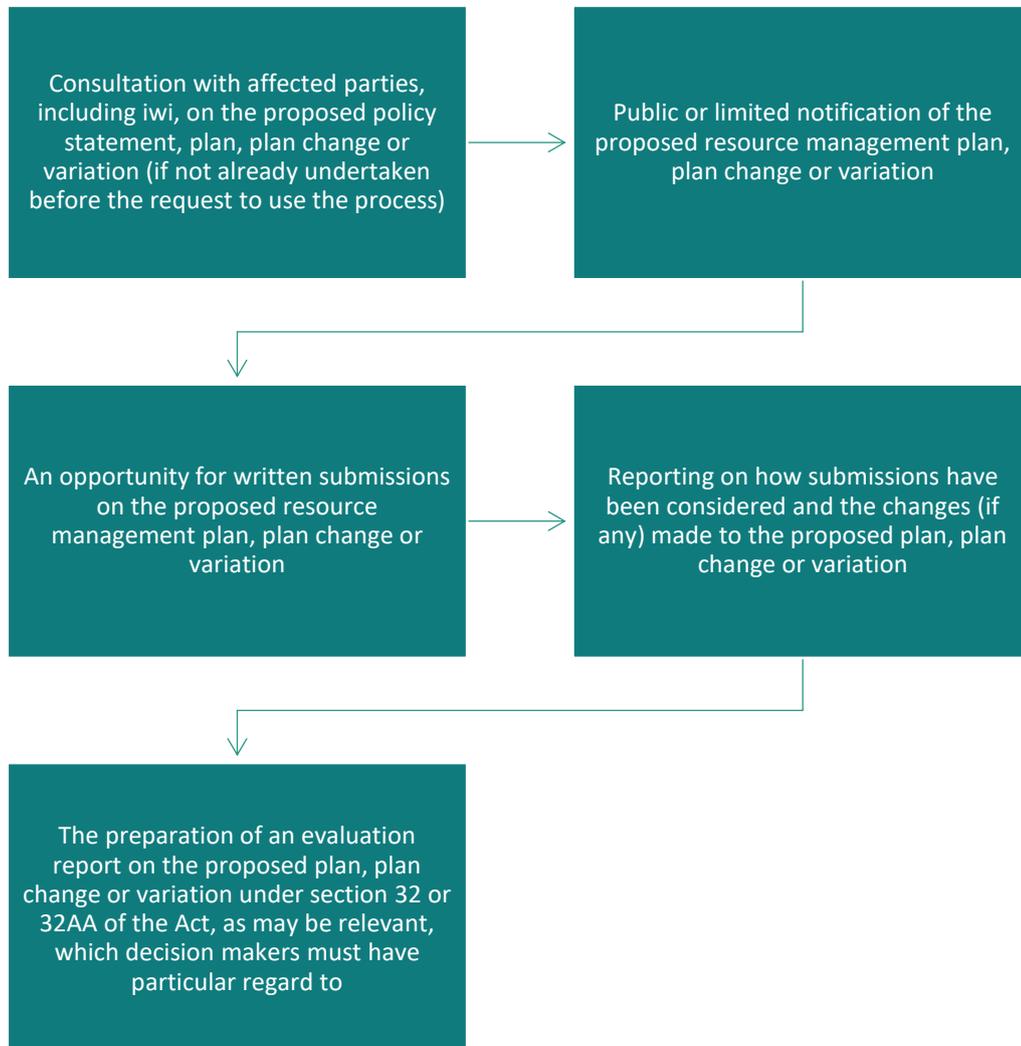
<sup>1</sup> The standard planning process (Part 1 and Part 2 of Schedule 1 of the RMA), the collaborative planning process (Part 4 of Schedule 1 of the RMA), or the streamlined planning process (Part 5 of Schedule 1 of the RMA).

<sup>2</sup> Except in relation to designations, notices of requirement and heritage protection orders. More information can be found in [Resource Legislation Amendments 2017 – Fact Sheet 5](#).

<sup>3</sup> Listed in section 80C(2) of the Resource Management Act 1991.

## The SPP process and opportunities for public participation

If the Minister approves council's application to use the SPP, the Minister will issue a 'direction' containing the process steps and timeframes to be followed. As a minimum, the direction must state an overall timeframe for the SPP to be completed, and also include the following process steps:



The Minister may include any other procedural or reporting requirements they see fit, and may direct additional steps, such as further submissions or a hearing, be undertaken depending on the scale and potential effect of the proposal.

The Minister must ensure that the SPP is not inconsistent with obligations under any relevant iwi participation legislation or Mana Whakahono ā Rohe arrangement.

If relevant, local authorities must still consult with applicable iwi authorities on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and the perspectives of local iwi or hapū.

If you want to participate in a SPP, you should speak to your council about the opportunities for doing so, as this will depend on what is provided for in the individual process. The council will also put the direction set by the Minister, which includes the process they have to follow, with timeframes and the opportunities to get involved, on their website.

## Making submissions on a plan through the SPP

Ensure you include all the points you want to make in your written submission, with all your reasons and any supporting evidence you have for your views. This is especially important as there is generally no further right of appeal to the Environment Court<sup>4</sup>.

Unless the direction says otherwise, there will be no opportunity for a further submission or for a hearing.

See [An Everyday Guide](#) for advice on writing submissions.

## The Minister makes the final decision on the proposed planning document

Once the council has undertaken the process outlined in the Minister's direction, it must submit its proposed policy statement, plan, plan change or variation (including any modifications made in response to submissions) to the Minister for approval, along with a number of other documents.

The Minister can approve the proposed policy statement, plan, plan change or variation or refer it back to the council for reconsideration (with or without any recommended changes), or decline to approve it<sup>5</sup>. If the Minister approves the proposal, they must refer it back to the council so that they can notify the public of the date on which it will become operative. If, however, the Minister declines to approve the proposed policy statement, plan, plan change or variation, they must notify the council, giving reasons for the decision, who in turn must notify the public of the Minister's decision to decline.

## There are generally no rights of appeal on the Minister's final decision

There are generally no rights of appeal on the Minister's decision to approve a proposed policy statement, plan, plan change or variation that has gone through the SPP process<sup>6</sup>. However, judicial review of decision-making remains available.

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<sup>4</sup> Except in relation to designations, notices of requirement and heritage protection orders. More information can be found in [Resource Legislation Amendments 2017 – Fact Sheet 5](#).

<sup>5</sup> In the case of a proposed district plan/ plan change, the Minister must also decide whether to approve any recommendations on any notices of requirement, designations or heritage protection order to be sent to the requiring authority or heritage protection authority for a decision.

<sup>6</sup> Except in relation to designations, notices of requirement and heritage protection orders. More information can be found in [Resource Legislation Amendments 2017 – Fact Sheet 5](#).

## Material in this series

This is one of a series of information sheets that provide an overview of resource consent, deemed permitted boundary activity, and plan-making processes under the Resource Management Act 1991 (RMA).

## Find out more

Contact the Ministry for the Environment by emailing [info@mfe.govt.nz](mailto:info@mfe.govt.nz), or visit [www.mfe.govt.nz/rma](http://www.mfe.govt.nz/rma).

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Aotearoa – he whenua mana kura mō te tangata

New Zealand Government