



PROACTIVE RELEASE COVERSHEET

Minister	Hon David Parker	Portfolio	Environment
Name of package	Briefings on ISPP extension requests from territorial authorities	Date to be published	09/11/2023

List of documents that have been proactively released

Date	Title	Author
24 March 2022	BRF-1087 Directions for the Streamlined Planning Process - Briefing #1	Ministry for the Environment
3 May 2022	BRF-1429 Directions for the Streamlined Planning Process - Briefing #2	Ministry for the Environment
1 December 2022	BRF-2471 Request from Tauranga City Council to amend the Intensification Streamlined Planning Process Direction	Ministry for the Environment
16 March 2023	BRF-2829 Application from Waimakariri District Council for an extension of time to issue decisions on Proposed District Plan and request to amend its Direction for the Intensification Streamlined Planning Process	Ministry for the Environment
5 April 2023	BRF-3025 Response to Auckland Council on request for more time to complete the Intensification Streamlined Planning Process	Ministry for the Environment
12 July 2023	BRF-3261 Requests from specified territorial authorities for more time to complete the intensification streamlined planning process	Ministry for the Environment
4 August 2023	BRF-3681: Requests from specified territorial authorities for more time to complete the intensification streamlined planning process	Ministry for the Environment
18 August 2023	BRF-3662: Application from Porirua City Council for extension of time to give its Proposed District Plan decisions and complete the Intensification Streamlined Planning Process	Ministry for the Environment
24 August 2023	BRF-3755: Further request from Tauranga City Council for more time to complete the intensification streamlined planning process for Variation 1: Tauriko West Urban Growth Area	Ministry for the Environment

Information redacted: YES

Any information redacted in these documents is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under the Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

Some information has been withheld for the reasons of protecting the privacy of natural persons.

Some information has been withheld from Appendix 3.4 of *BRF-3261 Requests from specified territorial authorities for more time to complete the intensification streamlined planning process* under section 9(2)(b)(ii) for the reasons of not unreasonably prejudicing the commercial position of the person who supplied or who is the subject of the information.

Some information has been withheld from *BRF-3025 Response to Auckland Council on request for more time to complete the Intensification Streamlined Planning Process* for the reasons of confidentiality of advice tendered by Ministers of the Crown and officials.



Directions for the Intensification Streamlined Planning Process – Briefing #1

Date Submitted:	24 March 2022	Tracking #: BRF-1087	
Security Level	Policy and Privacy In-Confidence	MfE Priority:	Not Urgent

	Action sought:	Response by:
Hon David PARKER, Minister for the Environment	Agree to issue Directions	11 April 2022
CC Hon Megan WOODS, Minister of Housing		

Actions for Minister's Office Staff	Return the signed report to MfE If agreed and the Directions are signed: Table Directions in House of Representatives
Number of appendices # 4	Appendix 1: Minister for the Environment's Direction for the Intensification Streamlined Planning Process to the first tranche of specified territorial authorities Appendix 2: Minister for the Environment's Direction for the Intensification Streamlined Planning Process to Auckland Council Appendix 3: Gazette notice – Direction for the Intensification Streamlined Planning Process to the first tranche of specified territorial authorities Appendix 4: Gazette notice – Direction for the Intensification Streamlined Planning Process to Auckland Council

Key contacts

Position	Name	Cell phone	1st contact
Principal Author	Fleur Rodway		
Responsible Manager	Rebecca Scannell	022 013 6139	✓

Directions for the Intensification Streamlined Planning Process – Briefing #1

Key Messages

1. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 introduced the Intensification Streamlined Planning Process (ISPP) to implement medium density residential standards and bring forward the implementation of the National Policy Statement on Urban Development.
2. The legislation prescribes the steps for, and other matters (for example, requirements to consult with iwi authorities) relating to, the ISPP. The Minister for the Environment may also prepare a direction for the ISPP setting additional requirements.
3. Officials from Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development and the Ministry for the Environment have engaged with specified territorial authorities¹ on the content for a direction. Specified territorial authorities have not requested additional requirements be included in a direction.
4. This briefing #1 recommends issuing two directions now:
 - a. one direction for the eight specified territorial authorities who have said they can complete the ISPP by 20 August 2023
 - b. a direction for Auckland Council which has said it can complete the ISPP by 31 March 2024.
5. Officials recommend these two directions prescribe only the date by which the specified territorial authorities must notify decisions on the independent hearings panels' recommendations. Unless the specified territorial authority disagrees with the panel's recommendations, the date decisions are notified essentially signals the completion of the ISPP.²
6. Officials will provide further advice on directions for Hamilton City Council, Waikato District Council, Waipā District Council, Tauranga District Council, and Wellington City Council as they requested more time to determine timeframes for their ISPPs. A future briefing will also provide advice on a direction for Rotorua District Council, which has recently been made a specified territorial authority.

¹Specified territorial authority means any of the following:

- (a) every tier 1 territorial authority (Auckland Council, Christchurch City Council, Hamilton City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Tauranga City Council, Upper Hutt City Council, Waikato District Council, Waimakariri District Council, Waipā District Council, Wellington City Council, Western Bay of Plenty District Council)
- (b) a tier 2 or 3 territorial authority that is required by regulations to prepare and notify an intensification plan change (currently Rotorua Lakes Council)

² If a specified territorial authority rejects one or more of an independent hearings panel's recommendations, the Minister for the Environment must make a decision on the recommendation(s) before those aspects of the ISPP can be completed and the new district plan provisions made operative.

Recommendations

We recommend that you:

Direction to first tranche of specified territorial authorities

- a. **Agree** to issue a Direction for the Intensification Streamlined Planning Process:
 - i. to the first tranche of specified territorial authorities (Christchurch City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Upper Hutt City Council, Waimakariri District Council, Western Bay of Plenty District Council)
 - ii. prescribing only the date by which the specified territorial authorities must notify decisions on the independent hearings panels' recommendations
 - iii. requiring the specified territorial authorities to notify decisions on the independent hearings panels' recommendations by 20 August 2023

Yes/No
- b. **Sign** the Direction for the Intensification Streamlined Planning Process to the first tranche of specified territorial authorities in Appendix 1

Yes/No
- c. **Sign** the Gazette Notice in Appendix 3

Yes/No
- d. **Note** the Direction for the Intensification Streamlined Planning Process to the first tranche of specified territorial authorities will take effect on the date it is published in the Gazette
- e. **Note** that your signed Direction for the Intensification Streamlined Planning Process to the first tranche of specified territorial authorities is required to be presented to the House of Representatives

Direction to Auckland Council

- f. **Agree** to issue a Direction for the Intensification Streamlined Planning Process:
 - i. to Auckland Council
 - ii. prescribing only the date by which Auckland Council must notify decisions on the independent hearings panel's recommendations
 - iii. requiring Auckland Council to notify decisions on the independent hearings panel's recommendations by 31 March 2024

Yes/No
- g. **Sign** the Direction for the Intensification Streamlined Planning Process to Auckland Council in Appendix 2

Yes/No
- h. **Sign** the Gazette Notice in Appendix 4

Yes/No
- i. **Note** the Direction for the Intensification Streamlined Planning Process to Auckland Council will take effect on the date it is published in the Gazette
- j. **Note** that your signed Direction for the Intensification Streamlined Planning Process to Auckland Council is required to be presented to the House of Representatives

Proactive release and second directions briefing

- k. **Agree** that this briefing and appendices will be released proactively on the Ministry for the Environment's website when the Directions are gazetted

Yes/No

- l. **Note** you will receive further advice on directions for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council, Tauranga District Council, Wellington City Council and Rotorua District Council.

Signature

Rebecca Scannell Manager Ministry for the Environment	
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Hon David PARKER, Minister for the Environment	
Date	

Purpose

8. This briefing provides advice on the content of directions for the Intensification Streamlined Planning Process (ISPP) to specified territorial authorities.
9. It seeks your agreement to issue two directions for the ISPP:
 - a. a direction to the first tranche of specified territorial authorities (Christchurch City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Upper Hutt City Council, Waimakariri District Council, Western Bay of Plenty District Council) to notify decisions on the independent hearings panels' (IHP) recommendations by 20 August 2023; and
 - b. a direction to Auckland Council to notify decisions on the IHP's recommendations by 31 March 2024.

Context

10. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act) introduced the ISPP to the Resource Management Act 1991 (RMA).
11. The ISPP is an expedited planning process, with opportunities for submissions and a hearing that will be run by an IHP. The ISPP sets the steps specified territorial authorities will use to progress plan changes to give effect to the intensification provisions in the National Policy Statement on Urban Development (NPS-UD) and to introduce the medium density residential standards (MDRS). All specified territorial authorities must notify their intensification plan changes³ by 20 August 2022, starting the ISPP process.
12. Section 80L enables the Minister for the Environment to prepare a direction for the ISPP prescribing requirements additional to those in the legislation. A key requirement which is not set out in the Amendment Act is the date by which specified territorial authorities must notify decisions on the IHP's recommendations. Unless the specified territorial authority disagrees with the panel's recommendations, the date decisions are notified essentially signals the completion of the ISPP. If this requirement is not included in a direction the ISPP may not achieve its intent of speeding up the implementation of the MDRS and NPS-UD.
13. The Minister for the Environment may also set other requirements in a Direction including:
 - a. timeframes (for individual stages of the ISPP)
 - b. IHP membership and expertise
 - c. reporting requirements
 - d. a statement of expectations.

³ Intensification plan changes are referred to in the RMA as intensification planning instruments or IPIs.

14. The Minister for the Environment may initiate and make an amendment to a direction as appropriate. A specified territorial authority may also request that the Minister amend a direction.

Feedback from specified territorial authorities

15. Officials asked specified territorial authorities for feedback on:
- a. time needed for each step of the ISPP (taking into account RMA minimum requirements)
 - b. including prescribed timeframes for the various stages of the ISPP
 - c. including other requirements in the direction.

Eight specified territorial authorities can meet an August 2023 deadline

16. The specified territorial authorities listed below are referred to in this briefing note as the first tranche of specified territorial authorities. They consider they can notify decisions on the IHPs' recommendations by 20 August 2023. This is based on their assessments of the time required for each stage of the ISPP:

- Christchurch City Council
- Kāpiti Coast District Council
- Hutt City Council
- Porirua City Council
- Selwyn District Council
- Upper Hutt City Council
- Waimakariri District Council
- Western Bay of Plenty District Council

Auckland Council feedback highlights scale and complexity of change required

17. Auckland Council have indicated that they are likely to be able to notify decisions on the IHP's recommendations between March and May 2024. They have based this advice on:
- a. the scale of the change they anticipate making to the Auckland Unitary Plan (AUP)
 - b. their experience using pre-notification measures to make the plan-making process more efficient
 - c. estimates of submission numbers
 - d. a comparison of the process against the AUP IHP process.
18. Auckland Council have stated that they may need to change 50 per cent of the text of the AUP. They also consider that 80 to 90 per cent of the properties in urban Auckland will be impacted. Furthermore, as a unitary authority, Auckland Council is required to change its regional policy statement (part of the AUP) to give effect to Policies 3 and 4 of the NPS-UD. This change must also be notified in August 2022.
19. At the time the Amendment Act was enacted Auckland Council also had 33 private plan change requests lodged. Auckland Council has said that some of these can be modified and notified alongside the intensification plan change and others can be incorporated into the intensification plan change.

Six specified territorial authorities require more time before setting direction

20. Hamilton City Council, Waikato District Council, Waipā District Council, Tauranga City Council and Wellington City Council asked that we delay issuing a direction for them. The reasons these specified territorial authorities requested delays are:
- a. Hamilton City Council – is working to understand the impact of private plan changes, include for Peacocke, on the scope of its intensification plan change
 - b. Waikato District Council – notified decisions on its Proposed District Plan on 17 January 2022 and is working through how any appeals might impact the content of its intensification plan change and therefore timeframes for the ISPP
 - c. Waipā District Council – is investigating options for holding joint hearings with two other Future Proof Partners (Hamilton City and Waikato District Councils), to facilitate this, the direction to these three Future Proof Partners should be issued at the same time
 - d. Tauranga City Council – is still preparing information to support its request for a post-20 August 2023 date for notifying decisions
 - e. Wellington City Council – intends to undertake a full district plan review and requests time to consider pursuing a streamlined planning process alongside its intensification plan change, so that the full plan review can continue.
21. Rotorua Lakes Council has recently been made a specified territorial authority. At the time of writing this briefing they had not been consulted on a direction for the ISPP and the focus was on the regulation to make the council a specified territorial authority.
22. Officials are supporting these six specified territorial authorities to determine appropriate timeframes for their ISPPs. Officials will provide you with further advice and seek your approval to issue their directions in subsequent briefings.

All specified territorial authorities sought flexibility within ISPP

23. All specified territorial authorities provided feedback highlighting the value of having some flexibility, within the constraints of the ISPP, to organise submissions and hearing processes. They also noted that IHP members have experience in determining appropriate timeframes for hearings and could be relied on to do so for the ISPP.
24. Several specified territorial authorities sought reassurance that a direction would not require IHP members to have experience or qualifications additional to those in the legislation. They were concerned that additional requirements could rule out some experienced decision-makers making it difficult to form a suitable panel.

Content for the Directions

Directions set requirements for only the completion date

25. Officials recommend the first two ISPP directions only set the date by which specified territorial authorities notify decisions on the IHP's recommendations, essentially completing their role in the ISPP.
26. The ISPP is modelled on the RMA streamlined planning process (SPP). However, directions play a different role in each process. The SPP can be tailored to a plan change, so the

direction needs to include detail on the various stages of the process as well as the outcomes sought. The stages of the ISPP and the outcomes sought are already included in the RMA, so this information does not need to be included in a direction.

27. Part 6 of Schedule 1 of the RMA includes detail on the steps of the ISPP. This includes the clauses of the standard RMA plan making process that apply, such as the requirements associated with Mana Whakahono ā Rohe, the relationship between the ISPP and iwi participation legislation and the requirements for consultation with iwi authorities.
28. Minimum timeframes to allow public participation in the ISPP process are set out in Part 6 of Schedule 1 of the RMA (for example 20 working days for submissions on a plan change) and will apply. This can include setting longer timeframes for considering submissions if, for example, there is a higher-than-expected level of public interest in the ISPP.
29. Subject to some exceptions, the permitted activity rules in the MDRS will have immediate legal effect from the date the intensification plan change is notified (20 August 2022). However, new provisions enabling the heights and densities required by the NPS-UD and other aspects of the intensification plan change will not have legal effect until the ISPP is completed. Setting the completion date will provide certainty about when all the new provisions will become operative.
30. There is uncertainty around how COVID-19 will impact specified territorial authority staff. Setting only the completion date provides some flexibility to accommodate short-term delays due to COVID-19 or other circumstances beyond the specified territorial authority's control.
31. Officials recommend that directions do not specify timeframes for the Minister for the Environment to make decisions on any rejected IHP recommendations. The time taken for this process is not within the control of the specified territorial authority. Including time for the Minister's decisions would further limit the time available for specified territorial authorities to complete their role in the ISPP.
32. The overall approach of only requiring a completion date will provide:
 - a. time for public participation and input from the IHP
 - b. certainty about when the all the new rules will become operative and ensure the intent of the Amendment Act is achieved
 - c. flexibility to accommodate minor changes to timeframes.

No additional requirements for independent hearings panel members

33. As noted above, some specified territorial authorities have specifically requested that a direction not include additional requirements, especially for the members of IHPs.
34. Part 6 of Schedule 1 of the RMA includes requirements for IHP members to be appointed following consultation with iwi authorities, detail on the powers of the IHP and processes for how recommendations from the IHP are to be provided to and considered by the specified territorial authority.
35. Fifteen ISPP processes will be running on similar timeframes, so there will be pressure on suitable members for IHPs. Including any specific recommendations would further restrict specified territorial authorities' ability to find suitable panel members. Many panel

members may also have conflicts because of their work for clients who may wish to submit on the intensification plan changes. Officials consider that the risks of including specific requirements for IHP members outweigh the benefits.

Amending directions and options if unable to meet deadline

36. Setting only the date by which the specified territorial authorities need to notify decisions will reduce the likelihood of changes being required to a direction and the administration associated with this. However, a specified territorial authority may still apply to the Minister for the Environment for an amendment to a direction if it anticipates that it will not comply. The Minister has discretion to amend the direction if and as they see fit.
37. Officials will work with all specified territorial authorities to support them in meeting the deadlines set in directions. Officials will inform you if we believe a specified territorial authority will be unable to comply with a direction and provide advice on a recommended course of action.

Issuing a single direction to the first tranche of specified territorial authorities

38. Eight specified territorial authorities⁴ said they could notify decisions on the IHP's recommendations by 20 August 2023. This gives these specified territorial authorities one year to complete their part in the ISPP; the longest time possible while still enabling you to make decisions (if required) before Parliament is dissolved prior to the 2023 general election. The Direction for the first tranche of specified territorial authorities is included in Appendix 1.
39. Any one of the specified territorial authorities named in the Direction may request an amendment to the Direction. If this occurs, the amendment will be made so it impacts only the specified territorial authority that requested the amendment. Text has been included in the Direction on this matter.

Issuing a direction for Auckland Council

40. Officials consider requiring Auckland Council to notify decisions on the IHP's recommendations by 31 March 2024 provides a balance between the need to speed up intensification in our largest urban area and the scale of change Auckland Council has said is required to achieve this. The Direction for Auckland Council is included in Appendix 2.

Next steps

41. To take effect the Directions need to be published in the New Zealand Gazette. Gazette notices for the Direction to the first tranche of specified territorial authorities and to Auckland Council are included in Appendices 3 and 4, respectively.
42. Once you have signed the Directions and the Gazette notices, officials will work with your office to table the Directions in the House of Representatives and publish the Gazette notices.

⁴ Christchurch City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Upper Hutt City Council, Waimakariri District Council and Western Bay of Plenty District Council.

43. The Directions will take effect on the date they are published in the New Zealand Gazette.
44. Should you issue the Directions in this briefing, officials will inform the relevant specified territorial authorities and provide you with key updates on their progress in implementing the ISPP.
45. If you would like to make different directions to any of those recommended in this briefing, officials suggest meeting with you to discuss any questions or issues you may have.
46. Officials will provide additional advice on directions for Hamilton City Council, Council, Waikato District Council, Waipā District Council, Wellington City Council and Rotorua Lakes Council.

Appendix 1: Minister for the Environment's Direction for the Intensification Streamlined Planning Process to the first tranche of specified territorial authorities

In accordance with section 80L of the Resource Management Act 1991 (RMA) the Minister for the Environment directs the first tranche of specified territorial authorities to notify decisions on the independent hearings panels' recommendations in accordance with clause 102 of Schedule 1 of the RMA by 20 August 2023.

The first tranche of specified territorial authorities that must comply with this direction are:

- a. Christchurch City Council
- b. Hutt City Council
- c. Kāpiti Coast District Council
- d. Porirua City Council
- e. Selwyn District Council
- f. Upper Hutt City Council
- g. Waimakariri District Council
- h. Western Bay of Plenty District Council

Dated at Wellington this ____ day of _____ 2022

Hon David Parker

Minister for the Environment

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 with 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. Any one of the specified territorial authorities named in this direction may, in accordance with section 80M of the RMA, apply in writing to the Minister for the Environment for an amendment to the Direction as it applies to that specified territorial authority.

Appendix 2: Minister for the Environment's Direction for the Intensification Streamlined Planning Process to Auckland Council

In accordance with section 80L of the Resource Management Act 1991 (RMA) the Minister for the Environment directs Auckland Council to notify decisions on the independent hearings panel's recommendations in accordance with clause 102 of Schedule 1 of the RMA by 31 March 2024.

Dated at Wellington this ____ day of _____ 2022

Hon David Parker

Minister for the Environment

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 with the ability to amend this Direction on their own initiative or following a request from Auckland Council.
- iv. Auckland Council may, in accordance with section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction.

Appendix 3: Gazette notice – Direction for the Intensification Streamlined Planning Process to the first tranche of specified territorial authorities

The Resource Management (Direction for the Intensification Streamlined Planning Process to the first tranche of specified territorial authorities) Notice 2022

Pursuant to section 80L of the Resource Management Act 1991, the Minister for the Environment gives the following notice.

Notice

1. Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to the first tranche of specified territorial authorities) Notice 2022.
- (2) This notice shall come into force on the date of publication.

2. Direction for the Intensification Streamlined Planning Process

Minister for the Environment’s Direction for the Intensification Streamlined Planning Process to the first tranche of specified territorial authorities

In accordance with section 80L of the Resource Management Act 1991 (RMA) the Minister for the Environment directs the first tranche of specified territorial authorities to notify decisions on the independent hearings panel’s recommendations in accordance with clause 102 of Schedule 1 of the RMA by 20 August 2023.

The first tranche of specified territorial authorities that must comply with this direction are:

- a. Christchurch City Council
- b. Hutt City Council
- c. Kāpiti Coast District Council
- d. Porirua City Council
- e. Selwyn District Council
- f. Upper Hutt City Council
- g. Waimakariri District Council
- h. Western Bay of Plenty District Council

Dated at Wellington this _____ day of _____ 2022.

Hon DAVID PARKER, Minister for the Environment.

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 with 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. Any one of the specified territorial authorities named in this direction may, in accordance with section 80M of the RMA, apply in writing to the Minister for the Environment for an amendment to the Direction as it applies to that specified territorial authority.

Appendix 4: Gazette notice – Direction for the Intensification Streamlined Planning Process to Auckland Council

The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Notice 2022

Pursuant to section 80L of the Resource Management Act 1991, the Minister for the Environment gives the following notice.

Notice

1. Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Notice 2022.
- (2) This notice shall come into force on the date of publication.

2. Direction for the Intensification Streamlined Planning Process

Minister for the Environment’s Direction for the Intensification Streamlined Planning Process to Auckland Council

In accordance with section 80L of the Resource Management Act 1991 (RMA) the Minister for the Environment directs Auckland Council to notify decisions on the independent hearings panel’s recommendations in accordance with clause 102 of Schedule 1 of the RMA by 31 March 2024.

Dated at Wellington this _____ day of _____ 2022.

Hon DAVID PARKER, Minister for the Environment.

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 with 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. Auckland Council may, in accordance with section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction.



Directions for the Intensification Streamlined Planning Process – Briefing #2

Date Submitted:	3 May 2022	Tracking #: BRF-1429	
Security Level	Policy and Privacy In-Confidence	MfE Priority:	Not Urgent

	Action sought:	Response by:
Hon David PARKER, Minister for the Environment	Agree to issue Directions	17 May 2022
CC Hon Megan WOODS, Minister of Housing CC Hon Phil Twyford, Associate Minister for the Environment	No action required.	

Actions for Minister's Office Staff	Return the signed report to MfE If agreed and Directions are signed: Table Directions in House of Representatives
Number of appendices and attachments # 4	Appendix 1: Minister for the Environment's Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council Appendix 2: Minister for the Environment's Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council Appendix 3: Gazette notice – Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council Appendix 4: Gazette notice – Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council

Key contacts

Position	Name	Cell phone	1st contact
Principal Author	Fleur Rodway		
Responsible Manager	Sarah McCarthy	027 418 6840	✓
Director	Lesley Baddon		

Directions for the Intensification Streamlined Planning Process – Briefing #2

Key Messages

1. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act) introduced the Intensification Streamlined Planning Process (ISPP) to implement medium density residential standards (MDRS) and bring forward the implementation of the National Policy Statement on Urban Development (NPS-UD).
2. The Amendment Act prescribes the steps for, and other requirements relating to, the ISPP (for example, requirements to consult with iwi authorities).
3. A key requirement for the ISPP that is not set out in the Amendment Act is the date by which a specify territorial authority must notify decisions on the independent hearings panel's recommendations. The date decisions are notified signals the completion of the ISPP unless the specified territorial authority disagrees with the panel's recommendations.
4. The Minister for the Environment may prepare a direction for the ISPP to prescribe this completion date and set other requirements. If the completion date is not included in a direction the ISPP may not achieve its intent of speeding up the implementation of the MDRS and NPS-UD.
5. This is the second of two briefings seeking your agreement to issue directions to specified territorial authorities for the ISPP. In briefing #1 (BRF-1087), you agreed that the first two directions prescribe only the completion date and to issue these two directions. Both directions have since been published in the Gazette:
 - a. a direction to the first tranche¹ of specified territorial authorities to notify decisions on the independent hearings panels' recommendations by 20 August 2023 (notice number 2022-sl1594)
 - b. a direction for Auckland Council to notify decisions on the independent hearings panel's recommendations by 31 March 2024 (notice number 2022-sl1599).
6. Six remaining specified territorial authorities sought more time to determine timeframes for their ISPPs. Officials from the Ministry for the Environment (MfE) and Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD) have consulted further with these specified territorial authorities. We advise setting two additional directions that take the same approach of setting only the completion date for the ISPP:
 - a. a direction to Tauranga City Council and Wellington City Council to notify decisions on the independent hearings panels' recommendations by 20 November 2023

¹ Christchurch City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Upper Hutt City Council, Waimakariri District Council, Western Bay of Plenty District Council

- b. a direction to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council to notify decisions on the independent hearings panels' recommendations by 31 March 2024.
- 7. MfE and HUD will continue to engage and work with all specified territorial authorities as they implement the ISPP.

Recommendations

We recommend that you:

Direction to the Tauranga City Council and Wellington City Council

- a. **Agree** to issue a Direction for the Intensification Streamlined Planning Process:
 - i. to Tauranga City Council and Wellington City Council
 - ii. prescribing only the date by which these specified territorial authorities must notify decisions on the independent hearings panels' recommendations
 - iii. requiring these specified territorial authorities to notify decisions on the independent hearings panels' recommendations by 20 November 2023

Yes/No
- b. **Sign** the Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council in Appendix 1

Yes/No
- c. **Sign** the Gazette Notice in Appendix 3

Yes/No
- d. **Note** the Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council will take effect on the date it is published in the Gazette
- e. **Note** that your signed Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council is required to be presented to the House of Representatives

Direction to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council

- f. **Agree** to issue a Direction for the Intensification Streamlined Planning Process:
 - i. to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council
 - ii. prescribing only the date by which these specified territorial authorities must notify decisions on the independent hearings panels' recommendations
 - iii. requiring these specified territorial authorities to notify decisions on the independent hearings panels' recommendations by 31 March 2024

Yes/No
- g. **Sign** the Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council in Appendix 2

Yes/No

- h. **Sign** the Gazette Notice in Appendix 4

Yes/No

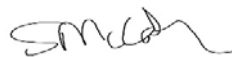
- i. **Note** the Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council will take effect on the date it is published in the Gazette
- j. **Note** that your signed Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council is required to be presented to the House of Representatives

Proactive release

- k. **Agree** that this briefing and appendices will be released proactively on the Ministry for the Environment's website when the Directions are published in the Gazette

Yes/No

Signature

Sarah McCarthy Acting Manager Ministry for the Environment	
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Hon David PARKER, Minister for the Environment	
Date	

Purpose

8. This briefing seeks your agreement to issue two directions that prescribe only the competition date for the Intensification Streamlined Planning Process (ISPP):
 - a. a direction to Tauranga City Council and Wellington City Council to notify decisions on the independent hearings panels' (IHP) recommendations by 20 November 2023
 - b. a direction to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council to notify decisions on the IHPs' recommendations by 31 March 2024.

Background

Recap of advice provided on content for the directions

9. Briefing #1 (BRF-1087) noted that the amendments to the Resource Management Act 1991 (RMA) made by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 enable the Minister for the Environment to prepare directions for the ISPP prescribing requirements additional to those in the RMA.
10. A key requirement which is not included in the RMA is the date by which a specified territorial authority must notify decisions on the IHP's recommendations (hereafter referred to as the completion date). While the direction may set other requirements, in briefing #1 you agreed the first two directions issued should prescribe only the completion date.
11. Officials recommend using the same approach to directions as set out in briefing #1. This approach is to:
 - a. only set the completion date. This is recommended because:
 - i. the stages of the ISPP and the outcomes sought are already prescribed in the legislation, so do not need to be included in a direction
 - ii. it provides some flexibility if there are short-term delays due to COVID-19 or other circumstances beyond a specified territorial authority's control
 - b. not include additional requirements for IHP members as there is already a limited pool of suitable members for IHPs and they will be in high demand with fifteen ISPP processes running on similar timeframes.
12. The RMA enables the Minister for the Environment to initiate and make an amendment to a direction as appropriate. A specified territorial authority may also request that the Minister amend a direction. This provides an option to avoid non-compliance should a specified territorial authority be unable to meet the deadline set in a direction.

Six specified territorial authorities required more time before issuing a direction

13. Briefing #1 outlined that Tauranga City Council, Wellington City Council, Hamilton City Council, Waikato District Council and Waipā District Council asked that officials delay issuing a direction for them.

14. At the time of writing briefing #1, Rotorua District Council had recently been made a specified territorial authority and had not been consulted on a direction for the ISPP.

Advice on ISPP completion dates

15. Officials have engaged with these six specified territorial authorities to determine appropriate completion dates for their ISPPs. Key points from this engagement are presented in Table 1 below. These points are accompanied by recommendations from officials on appropriate dates for completing each ISPP process.

Table 1: Recommended dates for completing the ISPP

Specified territorial authorities	Recommended date for completing the ISPP	Date proposed and rationale provided by the specified territorial authority	Officials' analysis
Tauranga City Council	20 November 2023	Date proposed November 2023 Rationale Tauranga City Council are considering the inclusion of greenfield sites in their intensification plan change (IPI) which would add complexity. Tauranga City Council's proposed timeframes are based on recent plan change experiences taking into account the anticipated complexity of the IPI and likely number of submissions.	Officials recommend the ISPP completion date proposed by Tauranga City Council given the rationale provided.
Wellington City Council	20 November 2023	Date proposed November 2023 Rationale Wellington City Council intends to undertake a full district plan review alongside its IPI. Council staff were initially considering pursuing a streamlined planning process alongside its IPI. However, this was not supported by Council, so they will be using the standard Schedule 1 plan-making process. The Council requests additional time to:	Officials recommend the ISPP completion date proposed by Wellington City Council given the rationale provided.

Specified territorial authorities	Recommended date for completing the ISPP	Date proposed and rationale provided by the specified territorial authority	Officials' analysis
		• accommodate the complexity of undertaking the ISPP and a Schedule 1 process concurrently • process the large number of submissions anticipated.	
Hamilton City Council Waipā District Council Waikato District Council	31 March 2024	Dates proposed All three councils propose August 2024 Rationale Hamilton City Council, Waikato District Council and Waipā District Council requested the same date for all three councils to undertake joint hearings and use the same IHP. All three councils have obligations to implement the MDRS and NPS-UD while giving effect to Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River. They consider additional time is needed in their ISPP to work through consideration of Te Ture Whaimana o Te Awa o Waikato as a qualifying matter and associated infrastructure implications. Councils consider that there is a limited pool of appropriate people to sit on an IHP with expertise on Te Ture Whaimana o Te Awa o Waikato. Waikato District Council also sought additional time to resolve outstanding appeals on their	Officials acknowledge the work required by councils to implement the MDRS and NPS-UD while giving effect to Te Ture Whaimana o Te Awa o Waikato. While there is no requirement to hold hearings sequentially or to use the same IHP, there are advantages to doing so. For example, enabling evidence by iwi and hapū on resource management issues relating to Te Ture Whaimana o Te Awa o Waikato to be presented to a single panel. While officials did not receive detailed project planning on how the councils plan to sequence joint hearings, we consider that the additional time recommended will enable the councils sufficient time to do so. Therefore, an ISPP completion date of 31 March 2024 is recommended. Waikato District Council notified decisions on their proposed district plan on 17 January 2022. Some parts of the proposed district plan have

Specified territorial authorities	Recommended date for completing the ISPP	Date proposed and rationale provided by the specified territorial authority	Officials' analysis
		proposed district plan which relate to qualifying matters.	been appealed. They are seeking additional time to resolve these appeals prior to hearings on their IPI. The IPI must be notified by 20 August 2022 as this date is set in the RMA. The Environment Court have asked Waikato District Council to prepare a memo on proposed timeframes for resolution of appeals on the proposed district plan. Appeals relevant to the IPI may be resolved by the IPI or through a variation to the proposed district plan. Officials will continue to support Waikato District Council to notify an IPI and comply with the RMA. The ISPP was designed to be a quicker plan making process than Schedule 1 which has a two-year timeframe. We consider that 31 March 2024 provides for a quicker process but still accommodates time to enable the councils and IHP to run sequential hearings and implement the MDRS and NPS-UD while giving effect to Te Ture Whaimana o Te Awa o Waikato.
Rotorua District Council	31 March 2024	Date proposed March 2024 Rationale	Officials recommend the ISPP completion date proposed by Rotorua District Council given the rationale provided.

Specified territorial authorities	Recommended date for completing the ISPP	Date proposed and rationale provided by the specified territorial authority	Officials' analysis
		Rotorua District Council have provided information on their planned approach to work collaboratively on their IPI with iwi and hapū. The Council considers March 2024 to be a workable timeframe to accommodate workshops and analysis as they work through complex and significant resource management matters, papakainga provisions, cultural qualifying matters and a marae protection overlay. Rotorua District Council requested (along with Te Arawa Lakes Trust and Te Tatau o te Arawa) to be included in the legislation, with the Order in Council made in March 2022.	

Next steps

16. To take effect the Directions need to be published in the New Zealand Gazette. Gazette notices for the Directions are included in Appendices 3 and 4. Once you have signed the Directions and Gazette notices, officials will work with your office to table the Directions in the House of Representatives and publish the Gazette notices. The Directions will take effect on the date they are published in the New Zealand Gazette.
17. Should you issue the Directions in this briefing, officials will inform the relevant specified territorial authorities.
18. Officials will also provide you with key updates on the specified territorial authorities' progress in implementing the ISPP.
19. If you would like to make different directions to any of those recommended in this briefing, officials suggest meeting with you to discuss any questions or issues you may have.
20. MfE and HUD have a work programme to engage with and support these territorial authorities as they progress their ISPPs.

**Appendix 1: Minister for the Environment's Direction for
the Intensification Streamlined Planning Process to
Tauranga City Council and Wellington City Council**

Minister for the Environment's Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council

In accordance with section 80L of the Resource Management Act 1991 (RMA) the Minister for the Environment directs Tauranga City Council and Wellington City Council to notify decisions on the independent hearings panels' recommendations in accordance with clause 102 of Schedule 1 of the RMA by 20 November 2023.

Dated at Wellington this ____ day of _____ 2022

Hon David Parker

Minister for the Environment

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 with 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. Any one of the specified territorial authorities named in this Direction may, in accordance with section 80M of the RMA, apply in writing to the Minister for the Environment for an amendment to the Direction as it applies to that specified territorial authority.

**Appendix 2: Minister for the Environment's Direction for
the Intensification Streamlined Planning Process to
Hamilton City Council, Waikato District Council, Waipā
District Council and Rotorua District Council**

Minister for the Environment's Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council

In accordance with section 80L of the Resource Management Act 1991 (RMA) the Minister for the Environment directs Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council to notify decisions on the independent hearings panels' recommendations in accordance with clause 102 of Schedule 1 of the RMA by 31 March 2024.

Dated at Wellington this ____ day of _____ 2022

Hon David Parker

Minister for the Environment

Notes

- i. This Direction must be complied with.
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- iv. Any one of the specified territorial authorities named in this Direction may, in accordance with section 80M of the RMA, apply in writing to the Minister for the Environment for an amendment to the Direction as it applies to that specified territorial authority.

**Appendix 3: Gazette notice – Direction for the
Intensification Streamlined Planning Process to Tauranga
City Council and Wellington City Council**

The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022

Pursuant to section 80L of the Resource Management Act 1991, the Minister for the Environment gives the following notice.

Notice

1. Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022.
- (2) This notice shall come into force on the date of publication.

2. Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council

In accordance with section 80L of the Resource Management Act 1991 (RMA) the Minister for the Environment directs Tauranga City Council and Wellington City Council to notify decisions on the independent hearings panels' recommendations in accordance with clause 102 of Schedule 1 of the RMA by 20 November 2023.

Dated at Wellington this _____ day of _____ 2022.

Hon David Parker

Minister for the Environment

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 with 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. Any one of the specified territorial authorities named in this Direction may, in accordance with section 80M of the RMA, apply in writing to the Minister for the Environment for an amendment to the Direction as it applies to that specified territorial authority.

**Appendix 4: Gazette notice – Direction for the
Intensification Streamlined Planning Process to Hamilton
City Council, Waikato District Council, Waipā District Council
and Rotorua District Council**

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

Pursuant to section 80L of the Resource Management Act 1991, the Minister for the Environment gives the following notice.

Notice

1. 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) Notice 2022.
- (2) This notice shall come into force on the date of publication.

2. Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council

In accordance with section 80L of the Resource Management Act 1991 (RMA) the Minister for the Environment directs Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council to notify decisions on the independent hearings panels' recommendations in accordance with clause 102 of Schedule 1 of the RMA by 31 March 2024.

Dated at Wellington this _____ day of _____ 2022.

Hon David Parker

Minister for the Environment

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 with 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. Any one of the specified territorial authorities named in this Direction may, in accordance with section 80M of the RMA, apply in writing to the Minister for the Environment for an amendment to the Direction as it applies to that specified territorial authority.



Request from Tauranga City Council to amend its Intensification Streamlined Planning Process Direction

Date Submitted:	1 December 2022	Tracking #: BRF-2471	
Security Level	In Confidence	MfE Priority:	Non-urgent

	Action sought:	Response by:
Hon David PARKER, Minister for the Environment	Respond to recommendations	13 December 2022
CC Hon Dr Megan WOODS, Minister of Housing CC Hon Phil TWYFORD, Associate Minister for the Environment	No action required	

Actions for Minister's Office Staff	Return the signed report to MfE if agreed and Direction is signed Table Direction in House of Representatives
Number of appendices and attachments #3	Appendix 1: Tauranga City Council letter – Request to Vary Intensification Planning Instrument Timeframes – Tauriko West Variation Appendix 2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council Appendix 3: Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2022

Key contacts

Position	Name	Cell phone	1st contact
Principal Author	Bridget Murdoch		
Responsible Manager	Sarah McCarthy	027 418 6840	✓

Request from Tauranga City Council to amend its Intensification Streamlined Planning Process Direction

Key Messages

1. The Resource Management Act 1991 (RMA) requires specified councils to prepare intensification planning instruments (IPI) using the Intensification Streamlined Planning Process (ISPP) to implement medium density residential standards (MDRS) and bring forward the implementation of the National Policy Statement on Urban Development 2020 (NPS-UD).
2. The RMA sets out the process steps for the ISPP and required councils to notify an IPI by 20 August 2022. The RMA also provides for:
 - the Minister for the Environment to prepare a direction for the ISPP setting additional requirements such as process step timeframes (section 80L)
 - a specified council to request that the Minister for the Environment amend a direction (section 80M(2)).
3. The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022 (the Direction) requires Tauranga City Council (TCC) to complete its IPI by 20 November 2023. TCC has notified its IPI, called Plan Change 33 - Enabling housing supply (Plan Change 33).
4. TCC have written to you stating that Plan Change 33 is on track to deliver widespread intensification throughout the city, but additional housing capacity is still needed. TCC therefore intend to notify Variation 1 to Plan Change 33: Tauriko West Urban Growth Area (Variation 1). TCC say Variation 1 is required because:
 - Plan Change 33 as notified will not be sufficient to meet the development capacity requirements of the NPS-UD
 - Variation 1 will deliver 3,000 to 4,000 homes from 2025.
5. In order to accommodate the process steps required, TCC are requesting an amendment to the Direction to provide seven more months to complete a variation to its IPI, by 30 June 2024 (Appendix 1: Tauranga City Council letter). The substantive IPI will still be completed by the original date of 20 November 2023.
6. Variation 1 intends to rezone Tauriko West from rural to residential and apply the MDRS to the area. Tauriko West has been identified as a Priority Development Area by the SmartGrowth Urban Growth Partnership.
7. TCC have said they were unable to include the rezoning of Tauriko West in the notified version of their IPI. However, upcoming Essential Freshwater 2022 Amendments: Wetland, Technical and Stock Exclusion Amendments [ENV-22-MIN-0051 refers] will

remove the current barriers and make it feasible for TCC to rezone and apply the MDRS to Tauriko West.

8. It is TCC's decision to notify a variation to its IPI, this includes any consideration of the scope and risk of the variation. It is your decision, in consideration of TCC's written request to amend the direction.
9. We recommend that you amend the Direction in part to enable TCC's variation to its IPI to be completed by 30 June 2024. The extension of time for Variation 1 will enable appropriate public engagement and consideration of the content by the independent hearing panel and Council.

Recommendations

We recommend that you:

- a. **Agree** to amend *The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022*:
 - i. to require Tauranga City Council to notify decisions on the independent hearings panel's recommendations for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area by 30 June 2024

Yes/No

- b. **Note** *The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022* will still require Tauranga City Council to notify decisions on the independent hearings panel's recommendations by 20 November 2023 for the remainder of the intensification planning instrument

- c. **Sign** the Amended Direction in Appendix 2

Yes/No

- d. **Sign** the Gazette Notice in Appendix 3

Yes/No

- e. **Note** the Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council will take effect on the date it is published in the New Zealand Gazette
- f. **Note** that your signed Amended Direction for the Intensification Streamlined Planned Process to Tauranga City Council is required to be presented to the House of Representatives

Signature

Sarah McCarthy Manager Urban – Implementation	
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Hon David PARKER Minister for the Environment	
[Date field]	

Purpose

10. This briefing provides advice following a written request from Tauranga City Council (TCC) to amend its Intensification Streamlined Planning Process (ISPP) direction under the Resource Management Act 1991 (RMA). It seeks your agreement to amend *The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022* (the Direction) to require:
 - a. TCC to notify decisions on the independent hearings panel's recommendations for Variation 1 to Plan Change 33 by 30 June 2024.

Context

11. The RMA requires certain councils to use the ISPP, to notify an intensification planning instrument (IPI) to implement the medium density residential standards (MDRS) and give effect to the National Policy Statement on Urban Development 2020 (NPS-UD).
12. The RMA sets out the process steps for the ISPP and required these councils to notify an IPI by 20 August 2022. Other timeframes for the ISPP can be prescribed through a 'direction', set by the Minister for the Environment.
13. In May 2022 [BRF-1429 refers] you agreed to issue the Direction to TCC requiring that it notify decisions on its independent hearings panel's recommendations by 20 November 2023, which in effect is the last process step for a council to complete to their IPI. The Direction was published in the New Zealand Gazette on 25 May 2022.
14. On 9 November, TCC wrote to you saying that it had notified an IPI, called Plan Change 33 - Enabling housing supply (Plan Change 33), that it is on track and will deliver widespread intensification across Tauranga City (Appendix 1: Tauranga City Council letter).
15. However, TCC note that due to acute housing challenges, additional capacity needs to be enabled. Part of its solution to address this is to notify a variation to its IPI called Variation 1 to Plan Change 33: Tauriko West Urban Growth Area (Variation 1). Variation 1 would rezone an area in Tauriko West from rural to residential, which is anticipated to deliver 3,000 to 4,000 homes from 2025.
16. TCC are seeking an amendment to the Direction to notify decisions on its independent hearings panel's recommendations for Variation 1 by 30 June 2024. Variation 1 would involve separate hearings and decisions processes from the notified content of Plan Change 33. The current completion date of 20 November 2023 would remain in place for the remainder of Plan Change 33.
17. The decision to notify a variation to its IPI, sits with TCC. Under section 80M(2) of the RMA a specified territorial authority may request in writing that the Minister for the Environment amend a direction made under section 80L that applies to that council, setting out the reasons for the request. Section 80M(3) enables the Minister for the Environment to amend the direction as the Minister thinks appropriate.

18. TCC intends to notify the Variation 1 by 30 June 2023 and complete it by 30 June 2024. TCC considers this will enable sufficient time to undertake the required steps in the ISPP and ensure public engagement and participation.

TCC considers that Tauriko West is necessary and appropriate for urban development

19. TCC recently completed an update on current and projected residential development capacity and housing affordability in Tauranga City as part of the development of its Housing and Business Capacity Assessment. The report shows that the housing shortage has worsened. It is now estimated that over the next 10 years new housing supply will be approximately 3,000 homes less than what is required under the NPS-UD to satisfy demand.
20. Tauriko West is located in the Western Corridor of Tauranga. It is identified as a key growth area by the SmartGrowth Urban Growth Partnership and is anticipated to deliver 3,000 to 4,000 homes from 2025. It was reaffirmed through the Smart Growth Urban Form and Transport Initiative process, which resulted in an amendment to the Smart Growth Partnership to become an urban growth partnership with the Crown. Some planning processes to enable the urban development of the area have occurred including amendments to the urban limits contained in the Bay of Plenty Regional Council Regional Policy Statement.
21. There are three major landowners in the area, one of which is Kāinga Ora and work is underway to provide public transport and active transport links between Tauriko West and the Tauranga CBD. An enabling works business case was developed by TCC and approved by the Waka Kotahi Board, this will enable the development of the first 2,000 houses.

Reason for the timeframe extension

22. TCC outlined in its letter to you (in Appendix 1) that the rezoning of Tauriko West was not part of notified Plan Change 33 due to the constraints in the National Policy Statement for Freshwater Management 2020 (NPS-FM) and the National Environmental Standards for Freshwater 2020 (NES-F).
23. Following the gazettal of the NPS-FM and NES-F in September 2020, a key issue for has been that developers were unable to apply for consents for urban development around natural wetlands for activities such as earthworks and vegetation clearance. This was because the ability to obtain these consents was only possible for urban development where it is listed in a regional plan under the definition of 'specified infrastructure'.
24. The Essential Freshwater 2022 amendments propose to provide a five-year window for urban development in areas identified in the SmartGrowth Urban Form and Transport Initiative even though these areas are not yet identified in the district plan. Tauriko West is an area identified in this initiative.
25. It is the intention of these policy changes to strike a balance between the necessity to protect 'natural wetlands' but also to provide for housing and urban development where appropriate. This will mean that where appropriate residential/urban zoning exists it will

be possible for developers to obtain resource consents for urban development within a 'natural wetland', or within 100m of a 'natural wetland' while also ensuring positive outcomes for streams and wetlands, due to environmental management controls.

26. The Cabinet Environment, Energy and Climate Committee has confirmed the Essential Freshwater 2022 Amendments: Wetland, Technical and Stock Exclusion Amendments [CAB-22-MIN-0539 refers] on 28 November 2022. The policy changes mean that TCC now consider it is timely to progress the rezoning of this Tauriko West from rural to residential as the amendments to the regulations will likely be in place by the time TCC notifies Variation 1 (June 2023).

Analysis and advice

Advice on ISPP variation completion date

27. For amendments to a direction, the same process is required as was followed for the original direction. The Minister for the Environment may make a direction under section 80L to direct 1 or more specified councils in relation to a number of ISPP requirements including "1 or more periods of time within which the specified territorial authority must complete 1 or more stages of the ISPP" (section 80L(1)(c)).
28. In deciding the content of the direction, you must have regard to providing "a process for the preparation of an IPI by a specified territorial authority in order to achieve an expeditious planning process" (sections 80L, 80M and 80D of the RMA).
29. Officials have engaged with TCC to understand an appropriate completion date for Variation 1. TCC's letter in Appendix 1 outlines its proposed timeline for Variation 1. Officials consider that 12 months will enable sufficient time to complete the ISPP.
30. TCC has advised you that it is confident that the hearings and decisions can be separate processes for Plan Change 33 and Variation 1. TCC consider they can still meet the completion date of 20 November 2023 for the already notified content of TCC's Plan Change 33. The timeframe extension for the variation will provide sufficient time to undertake the required steps in a variation, and allow for appropriate public engagement and consideration of the content by the independent hearing panel and Council.
31. Officials consider that amending the direction, setting the date for Variation 1 as requested by TCC, while retaining the earlier date for the remainder of TCC's notified Plan Change 33 would achieve an expeditious planning process.

Other considerations

Consultation and collaboration

32. Te Tūāpapa Kura Kāinga – the Ministry of Housing and Urban Development (HUD) has been consulted. They are supportive of the approach described in this briefing.

Risks and mitigations

33. TCC's letter to you is to amend the timeframe in the direction, your decision is not about whether the variation is within scope of the RMA or TCC's Plan Change 33. The scope of Variation 1 will be determined by TCC in line with the definition of what can be included in an IPI as set out in section 80E of the RMA. Officials therefore consider the risk of challenge around these issues sits with TCC.

Legal issues

34. As with any statutory decision, there is a risk of judicial review. Section 80G of the RMA only enables a council to notify one IPI, however, the intensification planning process also provides that a variation to an IPI can be notified by the council (cl95, Schedule 1 RMA).

35. There is a risk that supporting TCC to progress Plan Change 33 through two separate processes (for the substantive IPI and the variation) is perceived as Tauranga having two IPI's. However, the legislation allows for:

- a variation to the IPI (as noted above)
- the IPI to be made operative in part. (For example, in the case that the Minister for the Environment is the final decision-maker on any recommendations (under clause 105, Schedule 1 of the RMA), part of the IPI on which the council agrees with the IHP is made operative in advance of the remainder of the IPI (see cl104, Schedule 1 of the RMA).

36. Therefore, the risk of a successful judicial review of your decision on this timeframe extension for part of Tauranga's IPI is considered to be low.

Next steps

37. To take effect, the Direction needs to be published in the New Zealand Gazette. The Gazette notice for the Direction is included in Appendix 3. Once you have signed the Direction and Gazette notice, officials will work with your office to table the Direction in the House of Representatives and publish the Gazette notice. The Direction will take effect on the date it is published in the New Zealand Gazette.

38. Should you agree to issue the Direction in this briefing, officials will inform TCC. TCC has requested a decision on their request before the end of the year to enable time in early 2023 for it to prepare to notify Variation 1.

39. Officials from the Ministry for the Environment and HUD will continue to provide you with key updates on TCC and other specified councils progress in implementing the ISPP.

40. If you would like to make a different direction to the one recommended in this briefing, officials suggest meeting with you to discuss any questions or issues.

Appendix 1: Tauranga City Council letter – Request to Vary Intensification Planning Instrument Timeframes – Tauriko West Variation

E-MAILED



9 November 2022

Hon David Parker
Minister for the Environment

By email: david.parker@parliament.govt.nz

Dear Minister

Request to Vary Intensification Planning Instrument Timeframes – Tauriko West Variation

Background

As you are aware Tauranga City Council is progressing an Intensification Planning Instrument (IPI) to implement the government's recent RMA housing amendments to provide for the Medium Density Residential Standards and NPS-UD intensification outcomes. We are pleased to report that the IPI was notified by 20 August 2022 and is on track to deliver widespread intensification opportunity across our city.

This however will not be sufficient in itself to resolve the city's acute housing challenges, including non-compliance with the NPS-UD development capacity requirements given the scale of housing required and challenges constraining residential intensification.

TCC's Commissioners have previously written to you in relation to NPS-UD non-compliance issues and a further update is set out Attachment 1.

To address these housing challenges the SmartGrowth Urban Growth Partnership has identified a number of Priority Development Areas (PDAs). These provide the greatest opportunities to deliver housing at scale in reasonable timeframes.

One of these PDAs is Tauriko West which is a predominately residential growth area anticipated to deliver 3-4,000 homes starting in 2025. There are three major landowners in the area (including Kainga Ora) who are all experienced developers. They are keen to progress the development of the area and it is realistic to progress with pace. Work is also underway to provide public transport and active transport links between Tauriko and the CBD, with Stage 1 of Cameron Road under construction.

To date we have not been in a position to rezone Tauriko West from its current rural zoning to residential, in particular to enable the Medium Density Residential Standards. This is primarily due to the operative national direction for freshwater under the RMA. We were unable to include rezoning of Tauriko West in our notified IPI because of these issues.

Thankfully amendments to remedy these freshwater issues are well underway and we understand due to be completed by the end of this year. I believe we are collectively confident this will provide a pathway to enable urban development while also resulting in net positive

outcomes for streams and wetlands. Further information on Tauriko West is contained in Attachment 2 including progress to date on this project and the benefits and outcomes the project will deliver.

Zoning Tauriko West through an IPI Variation

We are seeking a planning pathway with high levels of certainty of outcome within defined and reasonable timeframes and intend to notify a variation to our IPI for Tauriko West to achieve this. Commissioners passed resolutions to this effect at our 7 November 2022 Council meeting.

We are confident that a variation to rezone Tauriko West would not delay the implementation of Council's IPI as notified which we have until 20 November 2023 to complete. This would involve having separate hearings and decisions processes for the notified plan change and the variation.

While the decision to notify a variation sits with Council, the timeframes for our IPI are set by you as the Minister. Under section 80M(2) of the Amendment Act TCC can request the Minister to amend a direction under section 80L. Section 80L provides the Minister of the Environment the power to amend timeframes for the IPI.

To enable sufficient time to undertake the required steps in a variation process, and ensure appropriate public engagement and participation in the process we are seeking an amendment to our IPI timeframes.

Attachment 3 outlines the currently agreed timeframes for the IPI and proposed timeframes to progress the Tauriko West variation. We accordingly seek your agreement to amend our direction to extend timeframes to 30 June 2024.

We have set out proposed timeframes for each stage of the variation in Attachment 3 to justify the proposed timeframes. We understand you only need to determine the date for a decision to be made.

The variation can be legally described as Variation 1 to Plan Change 33: Tauriko West Urban Growth Area.

We look forward to your response. I would be happy to engage with you directly on this matter. Any technical queries can be direct to:

s 9(2)(a)

Manager, City Planning & Growth

s 9(2)(a)

Yours sincerely



Marty Grenfell
Chief Executive

Attachment 1: Tauranga Housing Shortage Update

An update to Tauranga's housing shortage was recently prepared by staff and external consultants (Veros and NZIER). This was received at the 12 September 2022 Strategy, Finance & Risk Committee meeting. This shows a substantively worse picture than the last time Commissioners wrote to you on this matter.

The full report can be viewed at the following link noting the it is item 9.10 starting on pg108 https://infocouncil.tauranga.govt.nz/Open/2022/09/SFR_20220912_AGN_2419_AT.PDF.

The executive summary from the report is repeated below. In summary the housing outlook has continued to deteriorate. It now estimated that over the next 10 years new supply will be around 3,000 homes less than required under the NPS-UD to satisfy demand. This is up from around 1,500 homes which was our previous estimate. The increasing shortfall is primarily due to delay in the release of new large scale development opportunities (particularly the Te Tumu urban growth area).

In addition to this for the first time we have an estimate of the current underlying shortfall of housing in the city. NZIER estimate this to be between 4,300 and 5,300 homes. Combining this with the forecast shortfall over the next 10 years means that we are dealing with an overall housing supply shortage in the order of 8,000 homes affecting around 20,000 people.

Executive Summary

As required under the NPS on Urban Development (NPS-UD) a Housing and Business Capacity (HBA) is currently being prepared by SmartGrowth partner staff. The HBA will be completed in late 2022 in time to inform the Future Development Strategy (FDS) and 2024-34 Long Term Plan (LTP).

As part of the development of the HBA, housing capacity sufficiency tables have been prepared comparing projected housing demand with estimated realisable housing supply. A base scenario along with best and worst case sensitivity tests have been prepared which all estimate a housing sufficiency shortfall in the short to medium term (next 10 years) where required NPS-UD competitiveness margins (+20% added to demand projections) are included.

NZIER assessed the potential economic impacts of identified housing capacity supply shortfalls. NZIER estimate that with NPS-UD competitiveness margins included it could lead to foregone GDP of \$1.609 billion in 10 years, median house prices rising from \$1.000m to \$1.612m and weekly rent rising from \$620 to \$998 in ten years.

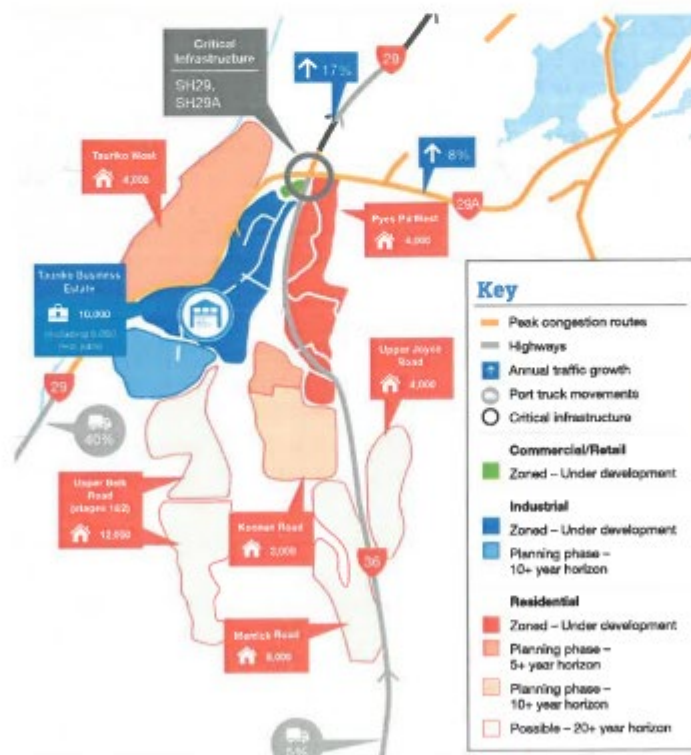
NZIER estimates that the housing market is not in equilibrium at present and there is an existing housing shortage at 2021 which ranges from 4,300 to 5,300 houses. This is in addition to forward estimates of housing shortages.

A survey of dwellings 185 new build dwellings listed for sale in Tauranga City in June 2022 found an average asking price of \$1.167 million.

The Infometrics housing affordability index shows worsening housing affordability across the Western BOP subregion.

Attachment 2: Further Information on Tauriko West

Tauriko West is located in the Western Corridor of Tauranga as shown in the aerial photo and plan below.



In 2016 SmartGrowth adopted Tauriko West as the next urban growth area for rezoning and development in Tauranga (alongside Te Tumu and a renewed focus on intensification).

Tauriko West was reaffirmed through the SmartGrowth Urban Form and Transport Initiative (UFTI) process which resulted in a sub-region wide transport business case being adopted by the Waka Kotahi Board as well as amendment to the SmartGrowth Partnership to become an urban growth partnership with the Crown involving Ministerial involvement at the governance level.

A number of planning processes (all publicly notified) have been completed to enable the development of Tauriko West including changes to the urban limits contained in the BOPRC Regional Policy Statement and a Local Government Commission led reorganisation process to bring land within Tauriko West into the TCC jurisdiction from WBOP District Council.

An enabling works transport business case for Tauriko West was developed by TCC and approved (including co-funding) by the Waka Kotahi Board. This enables development of the first 2,000 homes in Tauriko West as well as further development in the adjoining Tauriko Business Estate. The enabling works have been further developed under Waka Kotahi's leadership (due to investment on the State Highway network) to the point where procurement is programmed for early 2023 with construction commencing from mid-2023.

A multi-party funding package of circa \$250m has been developed to enable delivery of the enabling works transport and waters investment. This involves funding from:

- Development contributions
- Waka Kotahi
- Citywide IFF levy (via Crown Infrastructure Partners)
- Infrastructure Acceleration Funding of \$80m (IAF)
- A further \$60m of developer funding.

The IAF agreement is in its final stages and due to be announced in November this year.

Alongside the enabling works, Waka Kotahi is progressing a further transport business case focused on long term transport needs for the wider Tauriko area. This provides for the full development of Tauriko West as well as other development proposed in the Western Corridor. This business case is programmed to be reported to the Waka Kotahi Board for decision-making in the first quarter of 2023.

Recently Kāinga Ora acquired approximately 95 hectares within Tauriko West which provides the opportunity for the government to have much greater control on public and affordable housing outcomes, urban form and density. The Kāinga Ora land cannot be developed until Tauriko West is rezoned.

The remainder of Tauriko West is largely owned by two other experienced developers who are motivated to commence as soon as possible and committed to a step change in greenfield development especially around increased density and medium density development typologies such as duplexes and terraced housing. We will further seek to secure commitment to these outcomes via the provisions in our plan change and developer agreements as well as other means such as Housing Outcomes Agreements as part of our IAF funding.

Earlier this year TCC requested that Kāinga Ora undertake an assessment for a Specified Development Project covering the wider Western Corridor growth opportunity, inclusive of Tauriko West. The has been selected and Kainga Ora's assessment is now underway. We anticipate that an SDP would provide a more coordinated focus on enabling growth in the corridor and greater control to ensure outcomes align with local and central government policy direction. A decision whether to establish a SDP is anticipated around the middle of 2023.

In a wider sense development of Tauriko West and the wider western corridor has close alignment with government policy direction in key areas. For example, there is a balance of residential and employment opportunities which will reduce transport effects with 10,000+ jobs to be delivered in the adjoining Tauriko Business Estate.

In addition, Tauriko will be well connected with multi-modal transport options into the city centre including dedicated bus lanes and safe off-road cycleways. Investment in the first stage of this multimodal corridor is currently underway (Cameron Rd stage 1) and the IAF will support stage 2 of the Cameron Rd corridor which is currently in the design and business case stage.

We are working closely with the Ministry of Education to ensure schools are delivered in the right place at the right time and we are very happy with progress in this area. Combined with TCC long term plan investment in parks, reserves and community infrastructure means that we can deliver complete communities.

All of these factors add up to more sustainable growth that can better respond to our environmental challenges including climate change and emissions.

Attachment 3: IPI Timeframes (Current and Proposed Amendments)

ISPP Process Step	RMA Statutory Minimum or set out in the Act	Suggested timeframe by council (progress)	Indicative Date for Plan Change 33 – Enabling Housing Supply	Indicative date for Variation 1 to Plan Change 33 – Tauriko West Urban Growth Area
Notification of intensification planning instrument	By 20 August 2022	Completed no later than 20 August 2022 (was notified on 20 August)	By 20 August 2022	By 30 June 2023
Opportunity for written submissions	At least 20 working days (Clause 7(1) of Schedule 1 RMA)	Completed no later than 30 working days after public notification (completed)	20 August to 30 September 2022	Notification from 10 July to 4 August 2023 (4 weeks)
Summarise submissions for further submissions	No timeframe	Completed no later than 60 working days after close of submissions (underway)	By 16 January 2023	By 4 September 2023
Notify summary of submissions and call for further submissions	Further submissions to be received no later than 10 working days from the date the summary of submissions was notified (Schedule 1, clause 7(1)(c))	Completed no later than 20 working days after summary of submissions is notified (notification expected late October or early November)	16 January to 14 February 2023	8 September to 22 September 2023
Prepare section 42A officers report (including review and finalising)	No timeframe	Completed no later than 60 working days after close of further submissions	By 9 May 2023	By 30 November 2023
Notification of hearing	Must give at least 10 working days' notice of dates, times, place of hearing (clause 8B Schedule 1 RMA)	Completed not less than 10 working days prior to hearing commencing	By 12 June 2023	By 22 December 2023

Public hearing held	No timeframe	Commenced no later than 90 working days after the close of further submissions	26 June to 7 July 2023 Allows up to 2 weeks for hearing	5 February 2024 to 16 February 2024
Independent hearing panel (IHP) to prepare recommendations on the plan change including how submissions have been considered	No timeframe	Completed no later than 40 working days after the close of the public hearing	By 4 September 2023 Assumes close of hearing is by 7 July 2023, noting hearing could be adjourned and reconvened by IHP prior to closing	By 15 April 2024
Territorial authority to accept or reject recommendations of the IHP	No timeframe in the Amendment Act.	Completed no later than 40 working days after receipt of IHP recommendations, provided clarification from the IHP is not required. Where clarification is required a further 20 working days is to be allowed for.	By 30 October 2023 Assumes clarification from the IHP is not required	By 3 June 2024
Notification of Council decisions	No later than 5 working days (Section 102 requirement to notify decisions)	Completed no later than 5 working days from Council formally making its decisions	By 6 November 2023	By 30 June 2024
Minister for the Environment to decide on any recommendations rejected by Council or where Council recommends alternative wording (if required)	No timeframe in the Amendment Act.	Council decisions to be submitted to the Minister no later than 10 working days after the formal decision of Council.	No date	No date

Appendix 2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council

Minister for the Environment’s Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council

Pursuant to 80M of the Resource Management Act 1991, the Minister for the Environment gives notice of approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 25 May 2022, 2022-sl2033

The amendments are as follows:

In addition to the Direction published 25 May 2022, the Minister for the Environment directs Tauranga City Council to notify decisions on the independent hearings panel’s recommendations for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area by 30 June 2024.

This amendment takes effect on the date of publication of this notice.

This amendment only applies to Variation 1 to Plan Change 33: Tauriko West Urban Growth Area for Tauranga City Council.

Effect of this notice:

This notice amends “The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022”, published in the New Zealand Gazette, 25 May 2022, 2022-sl2033, only to the extent specified in this notice.

**Appendix 3 – Gazette notice – The Resource Management
(Direction for the Intensification Streamlined Planning
Process to Tauranga City Council and Wellington City
Council) Amendment Notice 2022**

The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2022

Pursuant to sections 80L and 80M of the Resource Management Act 1991, the Minister for the Environment gives the following notice.

Notice

1. Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2022.
- (2) This notice shall come into force on the date of publication.

2. Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council

In addition to the Direction published 25 May 2022, in accordance with section 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Tauranga City Council to notify decisions on the independent hearings panel's recommendations for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area in accordance with clause 102 of Schedule 1 of the RMA by 30 June 2024.

3. Principal notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022", published in the New Zealand Gazette, 25 May 2022, 2022-sl2033, only to the extent specified in this notice.

Dated at Wellington this _____ day of _____ 2022.

Hon David Parker

Minister for the Environment

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 with 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. Tauranga City Council may, in accordance with section with section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction.



Application from Waimakariri District Council for an extension of time to issue decisions on Proposed District Plan and request to amend its Direction for the Intensification Streamlined Planning Process

Date Submitted:	16 March 2023	Tracking #: BRF-2829	
Security Level	Policy and Privacy In-Confidence	MfE Priority:	Non-urgent

	Action sought:	Response by:
Hon David PARKER, Minister for the Environment	Record decision on recommendations in Appendix 1, Tables 2 and 3 Approve and sign letter in Appendix 4 Sign amended Direction and Gazette Notice	30/3/2023
CC Hon Dr Megan WOODS, Minister of Housing	No action required	

Actions for Minister's Office Staff	Return the signed report to the Ministry for the Environment. Send the signed approval letter (draft in Appendix 4) to Waimakariri District Council. Table Direction in the House of Representatives (draft in Appendix 5).
Number of appendices and attachments # 6	Titles of appendices and attachments: 1. Assessment of Waimakariri District Council's extension of time request under clause 10A of Schedule 1 of the RMA and request to amend its Direction for the Intensification Streamlined Planning Process 2. Application from Waimakariri District Council for extension of time on Proposed District Plan and request to amend its Direction of the Intensification Streamlined Planning Process 3. Further information from Waimakariri District Council to support their application

	4. Draft letter to Waimakariri District Council approving their timeframe extension requests 5. Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Waimakariri District Council 6. Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023.
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Key contacts

Position	Name	Cell phone	1st contact
Principal Author	Rueben Shim Bridget Murdoch		
Team Leader	Caterina Joseph Fleur Rodway	022 517 0100 027 281 2313	✓
Director	Caroline Hart		

Application from Waimakariri District Council for an extension of time to issue decisions on Proposed District Plan and to request to amend its Direction for the Intensification Streamlined Planning Process

Key Messages

1. This briefing seeks your decisions on an application from Waimakariri District Council (WDC) to allow WDC to align timeframes between their Proposed District Plan (PDP) and Intensification Planning Instrument (IPI). On 20 December 2022, WDC wrote to you requesting:
 - a. a 15-month extension to the two-year statutory timeframe set out under clause 10 of Schedule 1 of the Resource Management Act 1991 (RMA) to notify its decision on its PDP (decision currently due on 17 September 2023); and
 - b. a 16-month extension to notify decisions on its IPI by way of an amendment under section 80M of the RMA to the Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022 (the Direction).
2. Granting these extensions would mean WDC must notify decisions on both processes by 17 December 2024.
3. Since notification of the PDP in September 2021, the RMA has been amended. WDC was then required to prepare and notify an IPI by August 2022 to implement Medium Density Residential Standards (MDRS) and give effect to the intensification requirements of the National Policy Statement on Urban Development 2020 (NPS-UD). WDC notified its IPI on 13 August 2022, titled Variation 1: Housing Intensification (Rezoning) and Variation 2: Financial Contributions.
4. WDC must use the Intensification Streamlined Planning Process (ISPP) to complete its IPI. Section 80L of the RMA provides for you, the Minister for the Environment, to prepare a direction for the ISPP setting additional requirements such as timeframes. The Direction for WDC requires WDC to complete its IPI by 20 August 2023. The Direction was gazetted on 27 April 2022.
5. WDC considers that an extension for both the PDP process and the amendment to the Direction will allow the Council to hear submissions and make decisions on the PDP and the IPI together. In WDC's opinion, it will enable an integrated decision-making process

while providing a district plan review process that is achievable with the Council's current resources.

6. You may approve or decline the timeframe extension requested for the PDP.¹ There is no requirement for you to consult on your decision. You may amend the Direction to WDC as you think appropriate.²
7. We consider that WDC has met the statutory requirements for a PDP timeframe extension as set out in clause 10A of Schedule 1 of the RMA, and it is appropriate to approve an extension of time until 17 December 2024.
8. We also recommend that you amend the Direction to enable WDC to complete its IPI by 17 December 2024.
9. If you approve this application, your office will send WDC a letter advising that the extensions have been granted, and the new deadline for the decision on their PDP will become 17 December 2024. Officials will work with your office to table the Direction in the House of Representatives and publish the Gazette notice. The amended Direction will take effect on the date it is published in the New Zealand Gazette.

Signature

Caroline Hart Director – Implementation	
Date	15 March 2023

Hon David PARKER, Minister for the Environment	
Date	

¹ Schedule 1, clause 10A(4)(a) RMA.

² Section 80M(3) RMA.

Purpose

10. This briefing seeks your decision on Waimakariri District Council's (WDC):

- a. application to extend the timeframe allowed under clause 10A, Schedule 1 RMA to complete its Proposed District Plan (PDP); and
- b. request to amend its Direction for the Intensification Streamlined Planning Process (ISPP) under the Resource Management Act 1991 (RMA).

Timeline of WDC's processes

11. WDC have advised that their Intensification Planning Instrument (IPI) has impacted their ability to resource the PDP. They argue that are advantages of delaying both processes to allow for the two decisions to be made concurrently.

12. Table 1 below provides a timeline for WDC's PDP and ISPP processes. It illustrates how they have interacted each other, and how WDC have proposed to merge the two timeframes.

Table 1: Timeline of WDC's PDP and IPI processes

Date	WDC's PDP process	WDC's ISPP process
18 September 2021	PDP notified.	
21 November 2021	Submissions on PDP closed.	
21 December 2021		Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 enacted: WDC now required to notify an IPI to implement the MDRS and give effect to Policy 3 of the NPS-UD by 20 August 2022.
April 2022		You agreed to issue a direction to WDC (Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022) [BRF-1087 refers] requiring WDC to notify decisions on its Independent Hearings Panel's recommendations by 20 August 2023.

Date	WDC's PDP process	WDC's ISPP process
June 2022	Summary of submissions on PDP mostly complete, but further submissions delayed to align with further submissions on the IPI.	
13 August 2022		IPI notified.
9 September 2022		Submissions on the IPI closed.
November 2022	Further submissions on PDP and the IPI.	
20 December 2022	WDC requests two timeframe extensions until 17 December 2024 to align completing their PDP and IPI processes.	
20 August 2023	Due date to notify decisions on its Independent Hearings Panel's recommendations.	
17 September 2023	Due date for decisions on PDP due to statutory timeframe in clause 10 Schedule 1 RMA.	
17 December 2024	Date proposed in the request for an extension to issue decisions for both PDP and IPI processes.	

13. WDC considers that to ensure sufficient time to complete the hearings together two extensions are required:

- a. a time extension, under Schedule 1, clause 10A of the RMA, of 15 months (to 17 December 2024) to notify decisions on the PDP; and
- b. a time extension by way of amendment to their ISPP Direction under section 80M of the RMA to 17 December 2024 to notify decisions on their IPI. This is to align with the requested PDP deadline.

14. Further reasons for the extension explained by WDC are outlined and assessed in Appendix 1.

Legislative framework for your decision-making

Requirements for applying for timeframe extension to Schedule 1 process are set out in RMA

15. Under clause 10(4)(a) of Schedule 1 of the RMA, a local authority must give a decision on a proposed plan change within two years from the date of notification.

16. If this statutory timeframe is unlikely to be met, clause 10A of Schedule 1 sets out how a local authority can apply to you, as the Minister for the Environment, for a timeframe

extension. When applying for an extension under clause 10A, local authorities must consider matters stated in clause 10A (1) to (3). These matters are summarised in Table 1 in Appendix 1.

17. The Minister for the Environment may approve or decline the timeframe extension requested. However, in response to a clause 10A application, the Minister does not have discretion to address the content of the plan change or approve a different time period of extension to that requested.

The RMA also sets out how ISPP directions can be amended

18. Under section 80M(2) of the RMA a specified territorial authority may request in writing that the Minister for the Environment amend a direction made under section 80L that applies to that authority, setting out the reasons for the request. Section 80M(3) enables the Minister to amend the direction as the Minister thinks appropriate. The Minister has discretion to amend a direction as they see fit. In BRF-1087 officials advised the overall approach for requiring a completion date and the matters that were considered when setting the initial timeframes was to provide time for public participation and input from the IHP, and flexibility to accommodate minor changes to timeframes.

19. When making a decision the Minister should also consider the purpose of Subpart 5A of the RMA as expressed in section 80D, that is to provide a process for the preparation of an IPI in order to achieve an expeditious planning process.

Your timeframe for making a decision

20. There is no statutory timeframe for you to approve or decline either of the application requests. However, section 21 of the RMA requires you to avoid any unreasonable delay in making a decision under the RMA.

Your options to grant or decline this application for extending the timeframes

For the clause 10A application

21. We consider that WDC has met the statutory requirements of clause 10A of Schedule 1 and it is appropriate to grant the extension of time until 17 December 2024.
22. We recommend this because:
 - a. WDC has met the statutory requirements for an application under Schedule 1, clause 10A of the RMA;
 - b. WDC has advised that an extension until 17 December 2024 is needed to complete the PDP process; and

- c. Granting an extension until 17 December 2024 provides a reasonable timeframe for WDC to complete and issue its decisions on the PDP and will provide procedural certainty for the remainder of the plan change process.

A full assessment of WDC's application is contained in Appendix 1.

- 23. If you choose to decline the clause 10A timeframe extension application, WDC may continue to progress the PDP review and exceed its two-year statutory timeframe.
- 24. The RMA does not include any specific powers or consequences if the local authority does not meet its two-year statutory timeframe under clause 10(4)(a). However, if a council exceeds this timeframe, you may wish to consider its performance. There are also reputational risks to the council for not achieving the statutory timeframes. We can provide advice in this scenario including your engagement and intervention options, and considerations for relevant Ministerial powers under the RMA.

For the section 80M request

- 25. We consider that it is appropriate to amend the Direction to align the timeframes suitably. This will align the IPI's timeframe with the PDP's timeframe to simplify WDC's decision-making process, providing procedural certainty. It will also allow an integrated decision on the PDP and IPI (which, as indicated by WDC, are interrelated), as well as more time for better-quality decision-making on the IPI.
- 26. If you choose to decline the section 80M amendment of direction request, WDC could continue to progress their IPI (potentially separately from their PDP process, if you choose to approve their PDP timeframe extension request), despite the risk of exceeding its statutory timeframe. WDC cannot withdraw their IPI per section 80G(1)(c) of the RMA.

Other considerations

Consultation and collaboration

- 27. This advice has been jointly prepared by the Ministry for the Environment's Urban - Implementation team and the RM Systems team.
- 28. We have consulted with Te Tūāpapa Kura Kāinga – the Ministry of Housing and Urban Development (HUD) and they are supportive of the approach described in this briefing.

Legal issues

- 29. A judicial review risk exists when any statutory decision-making power is exercised. Officials consider, in this instance, that the risk of a successful judicial review is low if you grant the extensions, given the wide scope of your decision-making criteria for extensions under clause 10A, schedule 1 RMA. The risk in relation to the clause 10A extension can be mitigated by ensuring that the criteria have been met and that the reasons for granting the application are sound.

30. Officials consider that in relation to amending a Direction for a decision on an IPI under section 80M, the risk of a successful judicial review is low, given the wide scope of your discretion and decision-making powers, as the decision on these amendments is at your discretion with no further caveats.

Next steps

For the clause 10A application

31. A draft decision letter to approve the timeframe extension requested by WDC is attached in Appendix 4 for your signature. If you agree to sign the timeframe extension, your office will send the final version of the letter to WDC.

For the section 80M request

32. To take effect, the amendment to the Direction needs to be published in the New Zealand Gazette. The Gazette notice for the Direction is included in Appendix 6. Once you have signed the Direction and Gazette notice, officials will work with your office to table the Direction in the House of Representatives and publish the Gazette notice. The Direction will take effect on the date it is published in the New Zealand Gazette.
33. Should you agree to amend the Direction in this briefing, officials will inform WDC officials via email.
34. Officials from the Ministry for the Environment and HUD will continue to provide you with key updates on WDC and other councils' progress in implementing the ISPP.
35. If you are considering not granting the timeframe extensions or would like to make a different direction to the one recommended in this briefing, officials suggest meeting with you to discuss any questions or issues.

Appendix 1: Assessment of Waimakariri District Council’s extension of time request under clause 10A of Schedule 1 of the RMA and request to amend its Direction for the Intensification Streamlined Planning Process

Table 1: Assessment of Waimakariri District Council’s request against statutory requirements in clause 10A of Schedule 1 and our assessment of their application

Statutory Requirements of clause 10A		Submission of WDC	Assessment of WDC’s application against clause 10A
Clause 10A(1) a local authority must apply for an extension of time before the statutory timeframe for giving a decision lapses		i. WDC submitted its application for an extension of time on 20 December 2022.	The application was received before the statutory deadline of 17 September 2023, hence the criterion is met.
Clause 10A(2) a local authority must set out:	(a) the reasons for the request for an extension,	ii. WDC submitted that the reason for the request for a timeframe extension of their PDP process was because the Enabling Housing Supply Amendment came into effect during their PDP process. As a tier 1 local authority under the NPS-UD, WDC is required to prepare and notify an IPI to implement the MDRS as required under section 80F of the Enabling Housing Supply Amendment. iii. Subsequently, WDC shifted resources to prepare their IPI as Variations 1 and 2 to the PDP to give effect to the Enabling Housing Supply Amendment. This delayed the overall PDP process such that it could not be completed within the two-year statutory timeframe. Prior to the release of the Amendment, WDC was on-track to issue a decision on the PDP within the two-year statutory timeframe. iv. WDC also explained that an extension would: a. allow a single integrated decision that considers the variations in the same hearings structure as the PDP;	Overall, we consider that delays in the PDP process following the introduction of the Enabling Housing Supply Amendment meant that the PDP process likely requires more time than the statutory two-year timeframe for integrated decision-making, and the request for an extension is reasonable. We also note that there are a number of other consequential benefits from the extensions, as considered by WDC (eg. better quality process and decision-making).

		b. enable them to conduct the hearing in a logical order for hearing and making decisions on topics within the district plan (decisions on strategic topics are made before the detail of zones, and the intensification planning instrument is considered at the most logical step in the hearings process); c. implement Schedule 12, clause 33 RMA which requires variations to proposed district plans (where they exist), which, as a consequence, routes intensification planning instruments into existing hearing processes for proposed district plans; d. mean that submitters do not need to attend additional hearings; e. sufficient time is provided for decision writing after the hearings have finished; and one set of recommendations is presented to councillors, noting the difference between approval pathways for Schedule 1 content versus the intensification streamlined planning process.	
	(b) the duration of the extension required	v. WDC stated that it requires a 15-month extension of time until 17 December 2024 for the completion of the PDP with the new variations.	A timeframe extension until 17 December 2024 is appropriate given the nature of the work required to carry out the PDP in the context of the IPI processes. The timeframe extension to align both processes' timeframes also means that one set of recommendations can be provided to councillors. This may enable a release of concurrent decisions, which would provide greater certainty and integration of the PDP and IPI.
Clause 10A(3)-before applying for an extension, a local authority must take into account:	(a) the interests of any person who, in its opinion, may be directly affected by the extension, and	vi. WDC in its application stated that it has taken into account the interests of any person, who, in its opinion may be directly affected by an extension. All persons who submitted on the PDP and the two variations may be directly affected by the extension of time sought. vii. However, it noted that it does not consider any individual submitters to be more affected by the delay than any other submitter. WDC considers that this issue affects all submitters on the plan, both those seeking to support the enabling provisions and those seeking changes.	WDC have provided limited information regarding the persons it considers in its opinion to be directly affected by an extension. They have considered (at a very high level) that all submitters may be affected equally. Clause 10A(3) requires that the council must take into account those who are, in its opinion, directly affected. WDC's opinion is that submitters to the PDP are directly affected.

		viii. WDC also noted that it has received no submissions or deputations requesting a faster decision-making process.	Although WDC's analysis was not in-depth, we consider that on balance, it satisfies the requirement under this provision.
	(b) the interests of the community in achieving adequate assessment of the effects of the proposed policy statement or plan or change to a policy statement or plan, and	ix. WDC in its application stated that it has taken into account the interests of the community in achieving adequate assessment of the effects of the proposed plan. It is considered that a single hearings process, with a 15-month extension, will result in better quality and integrated decision-making and plan, which will better serve the interests of the community than the alternatives. WDC considers that the provisions of Variation 1 cannot be separated from the overall plan, and that a lesser extension will result in the inferior planning outcomes.	We consider that WDC has taken into account the interests of their community in ensuring adequate assessment of the effects of their PDP.
	(c) its duty under section 21 to avoid unreasonable delay	x. WDC in its application stated that it has taken into account its duty to avoid all unreasonable delay under section 21 RMA. It explained that the request for a time extension is not an unreasonable delay because the additional time needed is what it considers to be the minimum to provide for a careful, integrated and well-considered decision-making process for their PDP and IPI. WDC considers that the most effective approach is to hear submissions and make decisions on their PDP and IPI together. WDC also considers it is reasonable to make up for the additional time required to prepare its IPI as required. It has also analysed and considered all the other options available to it before requesting a time extension. xi. WDC is confident that these revised timeframes are appropriate and will be met. xii. WDC also noted that it has received no submissions or deputations requesting a faster decision-making process.	The 15-month timeframe extension to the PDP process is reasonable considering the IPI process context and does not conflict with WDC's duty under section 21 to avoid unreasonable delay. We note that WDC has added some extra time between hearings and for decisions to be made, but in our view, it is better to allow this contingency to enable potentially better-quality process and decisions (and decrease the likelihood of further requests for extensions of time).

Table 2: Assessment of Waimakariri District Council's request against statutory requirements in clause 10A of Schedule 1 under the RMA and recommendations

Assessment by MfE on options to grant or decline the clause 10A application		Recommendations on clause 10A application	Minister's decisions
Option 1: Granting the clause 10A application for extension of time	Option 2: Declining the clause 10A application for extension of time		
Analysis We consider that it is appropriate to approve an extension to the two-year statutory timeframe for WDC to release a decision on their PDP, until 17 December 2024, for the following reasons: - we consider that WDC has met the statutory requirements for an application under clause 10A of Schedule 1 of the RMA (Table 1 above). - WDC has advised that an extension until 17 December 2024 is needed to complete the PDP process. - granting an extension until 17 December 2024 provides a reasonable timeframe for WDC to complete and issue its decisions on the PDP and will provide procedural certainty for the remainder of the plan change process. Legal implications A risk of judicial review exists when any statutory decision-making power is exercised. Officials consider that under this option, the risk of a successful judicial review is low, given the wide scope of your decision-making powers in relation to extensions under clause 10A, and we consider that WDC has met the statutory requirements for a clause 10A application. This risk can be mitigated by ensuring that the criteria have	Analysis If you choose to decline this application for an extension of time, WDC could continue to progress the PDP and its variations under the Enabling Housing Supply Amendment, despite the risk of exceeding its statutory timeframe. As Variation 1 is an IPI, WDC cannot withdraw it per section 80G(1)(c) of the RMA. Legal implications Officials consider that under this option, the risk of a successful judicial review is also low, though note that it is slightly higher than for Option 1, given that we consider WDC has broadly met the statutory requirements for a clause 10A application. Risks WDC may likely exceed its two-year statutory deadline on 17 September 2023. Should you choose to decline this clause 10A application, there is a risk to the procedural certainty of the PDP for all parties.	Either: (a) Agree to grant Waimakariri District Council an extension of time for their Proposed District Plan process, until 17 December 2024, to issue decisions on their Plan for the Waimakariri District (i.e. Option 1) (recommended) (b) Agree that your reasons for granting approval are: - Waimakariri District Council has met the statutory requirements for an application under Schedule 1, clause 10A of the Resource Management Act 1991. - Waimakariri District Council has advised that an extension until 17 December 2024 is needed to complete the Proposed District Plan process. - granting an extension until 17 December 2024 provides a reasonable timeframe for Waimakariri District Council to	Yes/No

been met and that the reasons for granting the application are sound. Risks WDC provided limited details of the analysis conducted to support the requirement under clause 10A(3) that, prior to the application, they had taken into the interests of any persons who, in their opinion, would be affected by an extension. They have considered that all submitters to the PDP and the variations may be affected by the extension. WDC themselves are satisfied that in their opinion they have adequately considered those people affected – as is required by clause 10A(3). We consider that on balance, it satisfies the requirement under this provision.		complete and issue its decisions on the Proposed District Plan and will provide procedural certainty for the remainder of the plan change process. OR (c) agree to meet with officials (i.e. Option 2)	Yes/No Yes/No
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Table 3: Analysis of Waimakariri District Council’s information provided in support of their request under RMA section 80M and recommendations.

Approving the section 80M request to amend WDC’s IPI Direction	Recommendations on section 80M request	Minister’s decisions
Analysis We consider that it is appropriate to approve WDC’s request to amend their IPI Direction to provide for a timeframe extension until 17 December 2024 alongside an extended timeframe for the PDP. This is because it will align the IPI’s timeframe with the PDP’s timeframe to simplify WDC’s decision-making process, providing procedural certainty. It will also allow an integrated decision on the PDP and IPI (which, as indicated by WDC, are interrelated), as well as more time for better-quality decision-making on the IPI. WDC requires sufficient hearing time to enable an integrated decision to be made on the PDP and IPI, given the complexity of the matters and the logical order in which matters must be heard. The PDP contains many district-wide matters, such as strategic directions (including development capacity), earthworks, energy and infrastructure, natural hazards and coastal provisions, which sit alongside the more specific and directive provisions related to housing density and have implications for them. WDC has advised us that their PDP contains an updated and more comprehensive set of natural hazard provisions to cover the District’s flooding hazards. Officials requested further information from WDC on the impact the delay could have on development capacity and overall policy intent. WDC advised that through the Covid-19 fast-track process the EPA approved the rezoning of Bellgrove 1 to residential, and this increase in land supply, along with existing capacity within subdivisions currently in process has contributing to reducing the short-term development demands of the district. We agree that there will be little to no impact from the delay on development capacity as the 2021 Housing and Business Capacity Assessment showed a small surplus in the short-term and the primary issues sit within the medium to long term development capacity. The ISPP provides a process for the preparation of an IPI by a specified territorial authority to achieve an expeditious planning process (section 80D RMA). While the amendment to the Direction will grant WDC an additional 16-months to complete their IPI Officials note that IPI process does not allow for appeals so no further delay will occur in that respect. In addition, the implementation of the bulk and location standards of the MDRS are already underway with immediate legal effect, and section 77M already provides for the assessment of MDRS matters in consenting. Officials consider that amending the Direction will still achieve an expeditious planning process.	Either: (d) Agree to amend <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022</i> to require Waimakariri District Council to notify decisions on the independent hearings panel’s recommendation for Variation 1: Housing Intensification and Variation 2: Financial Contributions by 17 December 2024 (recommended) (e) Sign the Amended Direction in Appendix 5 (f) Sign the Gazette Notice in Appendix 6 (g) Note the Amended Direction for the Intensification Streamlined Planning Process to Waimakariri District Council will take effect on the date it is published in the New Zealand Gazette (h) Note that your signed Amended Direction for the Intensification Streamlined Planning Process to Waimakariri District Council is required to be presented to the House of Representatives. OR	Yes/No

Legal implications A risk of judicial review exists when any statutory decision-making power is exercised. Officials consider that under this option, the risk of a successful judicial review is low, given the wide scope of your discretion and decision-making powers, that the decision is at your discretion with no further caveats, in relation to amendments under section 80M. Precedent There is a risk of a precedent effect with a delay, however WDC are in a unique position regarding the stage they were at with the PDP when they had to prepare and notify the IPI. Officials understand that the majority of councils in a similar position (an IPI process in relation to a proposed plan) are either at an early stage of notification or are already within the proposed district plan hearings process. You agreed to amend the direction for Tauranga City Council [BRF-2471] to allow more time. However, this was to allow them to complete a variation to its IPI and the substantive IPI will be completed by the original date of their Direction. We are aware that there may be requests for further extensions of time from Auckland Council and Christchurch City Council. However, we consider the risks of a precedent effect are mitigated as your decisions on any requests for an extension of time are made on a case-by-case basis and are dependent upon the evidence provided.	(i) agree to meet with officials (j) If you have agreed to (a), (b) and (e), sign and send to WDC, the letter attached in this briefing (Appendix 4), serving notice of your decision as required under clause 10A(5) of Schedule 1 of the Resource Management Act 1991. Signed Hon David Parker Minister for the Environment Date:	Yes/No
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Appendix 2: Application from Waimakariri District Council for extension of time on Proposed District Plan and request to amend its Direction of the Intensification Streamlined Planning Process

Our Reference: / 221122202693

20 December 2022

Hon David Parker
Minister for the Environment
PO Box 18 888
Parliament Buildings
WELLINGTON, 6160

Email: d.parker@ministers.govt.nz

Dear Minister

Waimakariri District Council Proposed District Plan – Application for Extension of Time on proposed District Plan Review and Intensification Planning Instrument

Introduction

1. We are writing to you to request an extension of time for making decisions on the Proposed Waimakariri District Plan (**PDP**), and the Intensification Planning Instrument which was notified as Variation 1 to the PDP (**Variation 1**).
2. The Waimakariri District Council (**Council**) is currently reviewing the Waimakariri District Plan. The district plan was made operative in 2005. In the time since being made operative the district has grown substantially and faces new resource management challenges, including implementing the national planning standards, to reflect the updated development context of the district, and to simplify and reduce plan complexity. Accordingly, a replacement plan, the Proposed District Plan ("**PDP**") was prepared from 2016-2021 and notified on 17 September 2021. The 17 September 2021 notification date coincided with the issue of an Environment Court decision that subdivision and land use rules providing for a 20 ha minimum lot size in the general rural zone in the PDP have immediate legal effect.¹ Submissions closed on 26 November 2021.
3. Prior to the enactment of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("**Amendment Act**") the Council intended to proceed to the further submission stage in early 2022 followed by hearings commencing in the second half 2022.
4. The passing of the Amendment Act required the Council, as a tier 1 territorial authority, to incorporate the medium density residential standards (**MDRS**) in relevant residential zones across the district, and give effect to policy 3 of the National Policy Statement on Urban Development (NPS-UD) across its urban zones, as well as re-enabling the use of financial contributions. The Amendment Act required Council to proceed with processing the intensification planning instrument as a variation to its proposed district plan (sch 12, cl 33 RMA)

¹ [2021] NZEnvC 142.

5. Based on guidance from MFE and in reference to the more recent and responsive section 32 evaluations completed prior to notification of the PDP, Council decided that the most appropriate way to implement the MDRS and policy 3 of the NPS-UD was by way of two variations to the PDP: Variation 1 (housing intensification – the intensification planning instrument), and Variation 2 (financial contributions).
6. A summary of submissions to the PDP was largely complete in mid-June 2022, with the plan to notify and invite further submissions in July 2022. However, this was postponed to allow for alignment with the submission process for Variations 1 and 2 in order to minimise confusion for submitters. Variations 1 and 2 took four months for the Council to draft, and were notified on 13 August 2022. This was in advance of the required notification date of 20 August 2022.
7. Following the completion of the notification process, submissions on Variations 1 and 2 were summarised. The further submission process for Variations 1 and 2 occurred simultaneously with the further submission process for the PDP, ending on 21 November 2022.
8. The Council is now ready to proceed with hearings on the PDP and the two variations.
9. However, the RMA² requires decisions on a proposed plan to occur within two years from when a proposed plan is notified. This would require decisions to be made by 17 September 2023. For reasons to be provided below and in the appendices to this letter, the Council will not be able to make decisions by 17 September 2023. A time extension of 15 months to 17 December 2024 is sought for decisions to be made on the PDP³. As currently scheduled, hearings will run until May 2024, with recommendations from the hearings panel and decisions by the local authority expected in the second half of 2024.
10. The Council has also been directed to notify decisions on the independent hearings panel's recommendations on the Intensification Planning Instrument (**IPI**) by 20 August 2023, pursuant to clause 2 of Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022 (**Gazette Notice**). The Council also applies, under section 80M of the RMA, for an amendment to the direction in the Gazette Notice, to extend the time for making decisions in Variations 1 and 2 until 17 December 2024.

Assessment of time extension

11. To inform your consideration of a time extension, Appendix 1 sets out the number of hearing days that are proposed for the wider review process, including Variations 1 and 2. The proposed timetable is considered to balance the need for efficiency within the process while providing a manageable district plan review process that is achievable with the Council's current resources (internal staff and availability of external consultants).
12. The proposed timeframe has been prepared in consultation with staff and the hearings panel, while also considering timeframes for other district plan review processes by comparable Councils across the country. Council acknowledges that the timeframe set out in Appendix 1 may be conservative in terms of the number of hearing days; however, while the number of hearing days may reduce, the overall starting point for each hearing stream will need to occur at the earliest

² Sch 1, cl 10(4)(a) RMA

³ Sch 1, cl 10A RMA

date set out given the need to establish a timeframe for s42A reports to be circulated. This means that while the number of hearing dates may reduce, that the overall end date is fixed.

13. Accordingly, the Council seeks the following specific extensions:

- A time extension, under schedule 1, clause 10A, sch 1 of the Resource Management Act 1991, of 15 months (to 17 December 2024) to notify decisions on the PDP.
- A time extension, and/or further direction, under s80L of the Resource Management Act to 17 December 2024 to notify decisions on the intensification planning instrument (variation 1). This is to align with the requested PDP deadline.

14. The proposed timeframe and approach has been discussed with the hearing panel chairperson, Commissioner Gina Sweetman. She agrees that the timeframe requested is appropriate, particularly given the inter-related and integrated nature of submissions on the PDP with Variations 1 and 2. Her view is that it would be problematic to issue a separate decision on Variations 1 and 2 in advance of the wider consideration of submissions on the PDP.

15. As part of your consideration, the Act requires an assessment of the effects of an extension on specific persons, the community, and a consideration of the reasonableness of the delay. The Council has undertaken an assessment of the likely effects of the time extension on the interests of people and the community, in accordance with cl 10A, schedule 1, RMA. This assessment is detailed in Appendix 2. Appendix 2 assesses the advantages and disadvantages of three options for the hearings process, and recommends that option 1 (a 15 month time extension) is granted.

16. Council considers that the time extension request of 15 months is consistent with the time requirement to analyse, draft, and notify its intensification planning instrument. The timeframe for hearings on the PDP has not extended in duration, apart from the additional hearing slots required for Variations 1 and 2.

17. In making the request for an extension, the Council has taken into account its duty to avoid unreasonable delay under section 21 of the RMA. Specifically, the Council has considered the minimum amount of time needed to meet its functions under section 31 of the RMA. The request for a time extension is not considered an unreasonable delay because the additional time needed is what Council considers to be the minimum to provide for a careful, integrated and well-considered decision-making process for the PDP and Variations 1 and 2. The Council considers that the most effective approach is to hear submissions and make decisions on the PDP and Variations 1 and 2 together. The Council also considers it is reasonable to make up for the additional time required to prepare its intensification planning instrument as required, and has analysed and considered all the other options available to it before requesting a time extension.

18. Variation 1 was the result of a mandatory direction from Central Government over which Council had no control of the timing. Council records that it is currently underway with a proposed district plan that it considers responded to the housing capacity challenges that the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act sought to address, while balancing appropriate change in the district's existing urban environments. The Council specifically notes that the legislation required Council to notify a plan change or variation incorporating the required medium density residential standards, and to progress that variation through to a decision.

19. There may be further developments arising from the Greater Christchurch Partnership in the next year which will require consideration, including through the district plan hearings process.
20. We are willing and available to further discuss these matters with you.

Yours faithfully



Dan Gordon
Mayor



Jeff Millward
Acting Chief Executive

Appendix 1 – Proposed Hearing Dates



Provisional Hearing Dates



As at: 14/12/2022

Report ID	S42a Report	Start	Finish	Duration	Stream Duration
S01 - R1	Part 1, General Matters, Cross Plan issues, Definitions, NDI	Mon 15/05/2023	Mon 15/05/2023	0.5	2.5
S01 - R2	Overarching S42a Report (TBC?)	Mon 15/05/2023	Mon 15/05/2023	0.5	
S01 - R3	Interpretation & Cross-cutting Definitions	Tue 16/05/2023	Tue 16/05/2023	0.5	
S01 - R4	Strategic Directions	Tue 16/05/2023	Tue 16/05/2023	0.5	
S01 - R5	Urban Form & Development	Wed 17/05/2023	Wed 17/05/2023	0.5	
S02 - R1	Mana Whenua	Wed 17/05/2023	Wed 17/05/2023	0.5	1.5
S02 - R2	Sites & Areas of Significance to Maori	Thu 18/05/2023	Thu 18/05/2023	0.5	
S02 - R3	Special Purpose Kainga Nohoanga	Thu 18/05/2023	Thu 18/05/2023	0.5	
S03 - R1	Hazardous Substances	Wed 14/06/2023	Wed 14/06/2023	0.5	3.0
S03 - R2	Contaminated Land	Wed 14/06/2023	Wed 14/06/2023	0.5	
S03 - R3	Natural Hazards	Thu 15/06/2023	Fri 16/06/2023	2.0	
S04 - R1	Coastal Environment	Mon 17/07/2023	Mon 17/07/2023	1.0	5.0
S04 - R2	Ecosystems and Indigenous Biodiversity	Tue 18/07/2023	Wed 19/07/2023	2.0	
S04 - R3	Natural Character of Freshwater bodies	Thu 20/07/2023	Thu 20/07/2023	0.5	
S04 - R4	Natural Features and Landscapes	Thu 20/07/2023	Thu 20/07/2023	0.5	
S04 - R5	Public Access	Fri 21/07/2023	Fri 21/07/2023	0.5	
S04 - R6	Activities on surface of water	Fri 21/07/2023	Fri 21/07/2023	0.5	
S05 - R1	Earthworks	Mon 14/08/2023	Mon 14/08/2023	0.5	5.0
S05 - R2	Noise	Mon 14/08/2023	Mon 14/08/2023	0.5	
S05 - R3	Light	Tue 15/08/2023	Tue 15/08/2023	0.5	
S05 - R4	Signs	Tue 15/08/2023	Tue 15/08/2023	0.5	
S05 - R5	Historic Heritage	Wed 16/08/2023	Wed 16/08/2023	0.5	
S05 - R6	Notable Trees	Wed 16/08/2023	Wed 16/08/2023	0.5	
S05 - R7	Energy and Infrastructure	Thu 17/08/2023	Thu 17/08/2023	1.0	
S05 - R8	Transport	Fri 18/08/2023	Fri 18/08/2023	0.5	
S05 - R9	Temporary Activities	Fri 18/08/2023	Fri 18/08/2023	0.5	
S06 - R1	Rural	Mon 09/10/2023	Thu 12/10/2023	4.0	5.0
S06 - R2	Open Space Zones (3)	Fri 13/10/2023	Fri 13/10/2023	1.0	
S07 - R1	Residential	Wed 22/11/2023	Fri 24/11/2023	3.0	8.0
S07 - R2	Large Lot Residential	Mon 27/11/2023	Mon 27/11/2023	1.0	
S07 - R3	V1 - Intensification	Tue 28/11/2023	Thu 30/11/2023	3.0	
S07 - R4	V2 - Financial Contributions	Fri 01/12/2023	Fri 01/12/2023	1.0	
S08 - R1	Subdivision - Residential	Mon 29/01/2024	Mon 29/01/2024	1.0	2.0
S08 - R2	Subdivision - Excl Residential	Tue 30/01/2024	Tue 30/01/2024	1.0	
S09 - R1	Commercial and Industrial	Wed 31/01/2024	Fri 02/02/2024	3.0	3.0
S10 - R1	SPZ - Kaiapoi Regeneration	Wed 21/02/2024	Wed 21/02/2024	0.5	3.0
S10 - R2	SPZ - Pines Beach and Kairaki	Wed 21/02/2024	Wed 21/02/2024	0.5	
S10 - R3	SPZ - Pegasus Resort	Thu 22/02/2024	Thu 22/02/2024	0.5	
S10 - R4	SPZ - Museum & Conference	Thu 22/02/2024	Thu 22/02/2024	0.5	
S10 - R5	SPZ - Hospital	Fri 23/02/2024	Fri 23/02/2024	0.5	
S10 - R6	Future Development Areas (FUDA)	Fri 23/02/2024	Fri 23/02/2024	0.5	
S11 - R1	Designations	Wed 13/03/2024	Wed 13/03/2024	1.0	3.0
S11 - R2	Wrap up Hearing	Thu 14/03/2024	Fri 15/03/2024	2.0	
S12 - R1	Rezoning Requests Pt 1	Wed 10/04/2024	Fri 12/04/2024	3.0	14.0
S12 - R2	Rezoning Requests Pt 2	Mon 29/04/2024	Tue 30/04/2024	2.0	
S12 - R3	Rezoning Requests Pt 3	Mon 06/05/2024	Thu 09/05/2024	4.0	
S12 - R4	Rezoning Requests Pt 4	Mon 20/05/2024	Fri 24/05/2024	5.0	

Appendix 2 – Assessment of effects of time extension options

Planning process to date:

Policy development:

- Council's operative District Plan dates to 2004
- Council agreed to undertake a full review of the District Plan in 2017.
- The PDP was drafted to be consistent with the new National Planning Standards (2019).
- The PDP was notified on 18 September 2021
- Environment Court decision issued on 18 September 2021 giving immediate legal effect to subdivision and land use rules providing for a 20 ha minimum lot size in the general rural zone
- Submissions closed on 21 November 2021
- 450 submissions were received
- Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 - in force from 21 December 2021
- Variation 1 and Variation 2 drafted from January 2022-June 2022.
- Variation 1 and Variation 2 notified 13 August 2022
- Submissions closed 9 September 2022
- Further submissions (on PDP, Variation 1, Variation 2) opened on 5 November 2022
- Further submissions closed on 21 November 2022.

Hearing and decision-making:

- Council has appointed a pool of six commissioners: Gina Sweetman (Chair), Gary Rae (Deputy Chair), Allan Cubitt, Megen McKay, Cr Niki Mealings, Cr Neville Atkinson
- Hearings are proposed to take approximately 60 days of sitting time
- Commissioners have indicated a preference for each hearing stream to be preceded by three weeks for provision and reading of Council's s42A report and submitter evidence, followed by the sitting schedule (outlined in Appendix 1 above)
- Hearing sitting will finish in May 2024, with decision-writing expected to take up to two months following the close of hearings. This leaves one month remaining for recommendations to be considered by Council, followed by public notification of the decisions reached.
- There are two pathways for this notification of decision –
 1. under cl 11, sch 1 RMA for the PDP (with appeal rights to the Environment Court), and
 2. cl 102, sch 1 RMA for variation 1 (the intensified streamlined planning process), which does not have appeal rights.

Option 1 – 15 month timeframe extension to 17 December 2024 (preferred option)

Advantages of Option 1	Disadvantages of Option 1
• Allows a single integrated decision that considers variation 1 and variation 2 in the same hearings structure as the proposed district plan. • Conduct hearing in a logical order for hearing and making decisions on topics within the district plan. Decisions on strategic topics are made before the detail of zones, and the intensification planning instrument is considered at the most logical step in the hearings process. • Implements Sch 12, cl 33 RMA which requires variations to proposed district plans (where they exist), which, as a consequence, routes intensification planning instruments into existing hearing processes for proposed district plans. • Submitters do not need to attend additional hearings. • Sufficient time is provided for decision-writing after the hearings have finished. • One set of recommendations is presented to councillors, noting the difference between approval pathways for Schedule 1 content vs the intensification streamlined planning process.	• Decisions are delayed longer than anticipated by the RMA, noting that in part the delay has been to implement changes required by the RMA as an integrated package.

Option 2 – Six month timeframe extension to 17 March 2024

Advantages of Option 2	Disadvantages of Option 2
• In addition to the advantages listed above for Option 1: • Minimises the time extension.	• A six month extension will require reducing the hearing and decision-writing and decision-making time, adversely affecting the quality of submitters input into the hearing and the quality of the decision-making. • Compressed timeframes also impose higher workload on Council planners, submitters and their representatives, which may result in sub-standard evidence and section 42A reports, and lead to an inferior plan and outcomes for the community.

	• A shortened process could force a rush of hearings and decision making, resulting in potential breach of natural justice and fairness requirements for a hearings process. • Less than optimum, inferior and/or non-integrated planning outcomes are likely to result in an increase in appeals to the Environment Court, and possibly plan changes, thus more costs to Council and the community. • There are many substantial requests for rezoning. The time required to hear these cannot be reasonably reduced.
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Option 3 – Hear variation 1 separately from the proposed District Plan

Advantages of Option 3	Disadvantages of Option 3
• Variation 1 may be able to be heard (through the intensification streamlined planning process) separately to the proposed district plan and with recommendation issued separately. • Assuming Council approval, decisions on variation 1 could be made and publicly notified by the deadline of 20 August 2023	• If decisions on variation 1 are made before district-wide issues, some of which are qualifying matters, are considered, Council risks a poor quality and non-integrated district plan. It is a requirement of s31 RMA to integrate decision making, and to review objectives, policies, and methods to ensure sufficient development capacity in the district beyond just the medium density residential standards. • Less than optimum, inferior and/or non-integrated planning outcomes are likely to result in an increase in appeals to the Environment Court, and possibly plan changes, thus more costs to Council and the community. • Separate processes may breach natural justice and fairness requirements for a hearings process. • Submitters may have to appear multiple times • Staff do not believe it is possible to fully sever variation 1 content from the proposed district plan, which may result in some MDRS matters being heard before submitters have the opportunity to give submissions on the underlying framework of the proposed plan.

Affected Persons and Interests of Communities

Pursuant to clause 10A(3) of Schedule 1 of the Act, before applying for an extension, Council must take into account:

- a) The interests of any person, who, in its opinion, may be directly affected by an extension; and
 - b) The interests of the community in achieving adequate assessment of the effects of these proposed plans; and
 - c) Its duty under Section 21 to avoid unreasonable delay
- In relation to clause (a) above, Council has taken into account the interests of any person, who, in its opinion may be directly affected by an extension. All persons who submitted on the Proposed District Plan and the two variations may be directly affected by the extension of time sought. However, the Council does not consider any individual submitters to be affected by the delay than any other submitter. This issue affects all submitters on the plan, both those seeking to support the enabling provisions and those seeking changes.
 - Council has taken into account all persons who submitted on the proposed District Plan and the two variations and whether any person is considered to be directly affected by this extension of time sought.
 - Council has, in particular taken into account the interests of the communities who have worked with Council to develop the Proposed District Plan, particularly the areas where there is a need to increase development capacity.
 - Council has also considered the interests of those affected by the Environment Court decision on the immediate legal effect of the rural subdivision 20 ha standard. There are a range of views on this issue, but the primary consideration for Council is the need to make an integrated decision that will also take into account the new requirements of the NPS for Highly Productive Land.
 - In relation to clause (b), Council has taken into account the interests of the community in achieving adequate assessment of the effects of the proposed plan. It is considered that a single hearings process, with a 15 month extension, will result in better quality and integrated decision-making and plan, which will better serve the interests of the community than the alternatives. Council considers that the provisions of variation 1 cannot be separated from the overall plan, and that a lesser 6 month extension will result in the inferior planning outcomes as described above.
 - In relation to clause (c), Council has taken into account its duty to avoid all unreasonable delay under section 21. Council has considered the minimum extension of time required to enable it to meet its functions under section 31 RMA.
 - Council has received no submissions or deputations requesting a faster decision-making process.
 - Council considers it is appropriate to continue to hear both variations and the proposed district plan together, noting the differing requirements for panel makeup, decision-making, and approval of variation 1 (the intensification planning process).
 - Council is confident that these revised timeframes are appropriate and will be met.

Appendix 3: Further information from Waimakariri District Council to support application

Bridget Murdoch

From: s 9(2)(a)
Sent: Tuesday, 28 February 2023 4:29 pm
To: Bridget Murdoch
Cc: s 9(2)(a)
Subject: RE: Acknowledgement of Request Dan Gordon WDC, District Plan and IPI

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Dear Bridget

Please find an answer to your questions below. I note that WDC will provide you with a formal letter of this response, this is provided to you to aid your internal staff level analysis.

I hope this assists.

s 9(2)(a)

1) The application outlines that a 15-month extension is required largely due to the hearings period. Prior to the release of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act), Waimakariri District Council were progressing well with the plan review. It would be helpful to understand what matters have been considered in reaching the decision that a 15-month extension of time is appropriate, including why 15 months are requested rather than a shorter or longer period.

Council notified the PDP on 24 September 2021. Submissions closed on 26 November 2021, and the enabling housing amendment act came into force on 21 December 2021. As such, Council reallocated resource from summarising submissions and preparing for hearings and began work to draft variation 1 (the IPI). This work occupied the first 8 months of the year (with the remainder of the year progressing the summary of submissions process), delaying the commencement of hearings by about 12 months.

As stated in the examples provided in the original letter, Council requires sufficient hearing time to enable an integrated decision to be made on the PDP and two variations, given the complexity of the matters and the logical order in which matters must be heard. The PDP contains many district-wide matters, such as strategic directions (including development capacity), earthworks, energy and infrastructure, natural features/character/landscape, and coastal provisions, which sit alongside the more specific and directive provisions related to housing density. Effective integrated decision-making that gives effect to the principles of the RMA requires that these wider matters are considered first. Two specific examples are below:

Consideration of natural hazards.

The PDP contains an updated and more comprehensive set of natural hazard provisions to cover the District's flooding hazards. These should be considered and determined before any IPI qualifying matter that may impose a natural hazard constraint or control on medium density housing. To decide on the MDRS qualifying matters in isolation from the wider PDP hazard provisions and any supporting technical evidence would risk poor decisions that would fail to give effect to Part 2, in particular s 6(h) – the management of significant risks from natural hazards.

Consideration of development capacity

One of the concerns with the time extension may be the effect on development capacity in the district in the resulting time before decisions are made. The EPA approved the rezoning of Bellgrove 1 to residential through the Covid-19 fast-track process, and this increase in land supply, along with the existing capacity within subdivision currently in progress has contributing to reducing the short-term development demands of the district. The Council also notes that implementation of the bulk and location standards of the MDRS are already underway, and s77M RMA already provides for the assessment of MDRS matters in consenting.

Council has assessed the likely outcomes of the PDP and variation 1 provisions on development capacity in accordance with the NPS-UD timeframes (short, medium, and long term), and the conclusion of this assessment (attached in Appendix 1) has outlined that factors outside plan provisions and land supply drive development across most of the Waimakariri District.

Precedent effect of delay

Council has also considered how an extension to the timeframes may impact on other IPI processes underway within Tier 1 Council's. Council understands that the majority of Councils in a similar position (an IPI process in relation to a proposed plan) are either at an early stage of notification (Wellington City Council) or are already within the proposed District Plan hearings process. Council is not aware of any other plan process that is at a similar stage in the process.

2) Appendix 1 of your application provides a timeline in which hearings are anticipated to conclude in May 2024. Appendix 2 notes that following hearings, an additional two months would be required for the write up of decisions and an additional month for recommendations to be considered by Council and public notification, which would be to August 2024. It would be helpful to understand the reasoning behind the proposed schedule and why the request is for an extension through to 17 December 2024, an additional four months from August 2024. Could you provide a copy of the original hearings timetable scheduled prior to the release of the Amendment Act, as well as a detailed work programme for the 15-month extension period.

The Panel intend to deliver their recommendations to the Council in a timely fashion and anticipate that the four months they have given themselves will be more than sufficient. However, the events of the last two years have shown that the unexpected can arise, disrupting even the best intent. The Panel has therefore sought additional time in case such events arise again, without the need to ask the Minister for a further extension. The Council also note that there was no

This six-month timeframe thus includes an additional two months for unanticipated events, as below:

Hearings complete	Friday 24 May 2024
Deliberations and decision-writing	Monday 27 May 2024-early November 2024 (or before)
Council deliberations and decision-making	Late November 2024 or before
Public notification of decision	By 17 December 2024 or before

The hearings calendar includes gaps between hearing streams and hearing days. This is to provide resilience in the weekly hearing schedule for potential events like transport disruptions and submitter unavailability, and there are also gaps between the hearing streams. This is to enable deliberations and writing of decisions after each hearing, thus potentially reducing the amount of time required for a decision following the conclusion of hearings.

Appendix 1 – summary of intensification assessment conclusions

Memo, s 9(2)(a) (Formative consulting) to WDC, 16 March 2022

Conclusion

The key findings of the intensification feasibility research and the module are as follows. In summary, most intensification case study sites that were tested in the Intensification Feasibility Model are currently infeasible, but that the feasibility improves with time.

This suggests that from a pure commercial viability perspective, most of the existing land that is proposed for intensification development is unlikely to be developable over the coming decade. In summary, the existing urban areas are unlikely to provide much additional capacity for residential intensification even if the district plan was changed to provide for significant increases in density.

Broadly, the housing stock in Waimakariri is mostly old and sited on larger parcels of land, relative to other urban areas in New Zealand. This means that the improvement value is relatively low compared to land value in the district, which indicates that redevelopment may become feasible soon. Also, over time the improvement values will decrease, as the buildings age and naturally depreciate. Additionally, the land values are expected to increase, which will be driven by the expected growth in the economy and community. Therefore, intensification is expected to become more commercially feasible in the district over coming decade.

Also at this time, greenfield developments in the district can be developed to provide dwellings at a price that is comparatively affordable and is commercially feasible. This situation will not always be the case, in the future when prices of greenfield increase then intensification will start to become a viable alternative.

Most dwelling types that were tested in the Intensification Feasibility Model are not currently feasible, also that the feasibility improves with time:

Appendix 4: Draft letter to Waimakariri District Council approving their timeframe extension requests

Dan Gordon
Mayor
cc Jeff Millward
Acting Chief Executive
Waimakariri District Council
215 High Street
Private Bag 1005
Rangiora 7440, New Zealand

[DATE]

Tēnā koe Mayor Gordon

Approval of Waimakariri District Council's request for an extension of time under clause 10A, Schedule 1 of the Resource Management Act 1991, and request for an amendment to their Direction under section 80M of the Resource Management Act 1991

On 20 December 2022, Waimakariri District Council (WDC) lodged an application for an extension of time (under Clause 10A Schedule 1 of the Resource Management Act 1991 (RMA)) until 17 December 2024 to issue decisions on its Proposed District Plan Review for the Waimakariri District. I agree to this extension for the Proposed District Plan Review process to be completed under Clause 10A(4)(a) of Schedule 1 of the RMA. Decisions on the Proposed District Plan Review must be made on or before 17 December 2024. The reasons for my decision are:

- a) WDC has met the statutory requirements for an application under Schedule 1, clause 10A of the RMA
- b) WDC has advised that an extension until 17 December 2024 is needed to complete the PDP process
- c) granting an extension provides a reasonable timeframe for WDC to complete and issue its decisions on the PDP and will provide procedural certainty for the remainder of the plan change process.

In accordance with clause 10A(6) of Schedule 1 of the RMA, you are now required to publicly notify this extension.

WDC also applied for an amendment of their Intensification Planning Instrument (IPI) Direction for an extension of time (under section 80M of the RMA) until 17 December 2024 to issue decisions on their IPI. I also agree to this timeframe extension for the IPI. Decisions on the IPI must be made on or before 17 December 2024. The reason for my decision is that the timeframe extension will enable WDC to align timeframes between their PDP and IPI for an integrated decision with procedural certainty for all parties involved.

I wish you well for the remainder of your plan-making process.

Yours sincerely

Hon David Parker

Minister for the Environment

Appendix 5: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Waimakariri District Council

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Waimakariri District Council

Pursuant to section 80M of the Resource Management Act 1991, the Minister for the Environment gives notice of approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 27 April 2022, 2022-sl1594

The amendments are as follows:

The Minister for the Environment directs Waimakariri District Council to notify decisions on the Independent Hearings Panel's recommendations for Variation 1: Housing Intensification and Variation 2: Financial Contributions by 17 December 2024.

This amendment takes effect on the date of publication of this notice.

This amendment only applies to Variation 1: Housing Intensification and Variation 2: Financial Contributions for Waimakariri District Council.

Effect of this notice:

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022" published in the New Zealand Gazette, 27 April 2022, 2022-sl1594, only to the extent specified in this notice.

Signed

Hon David Parker

Minister for the Environment

Date:

Appendix 6: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023

The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023

Pursuant to sections 80L and 80M of the Resource Management Act 1991, the Minister for the Environment gives the following notice.

Notice

1. Title and Commencement

(1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023.

(2) This notice shall come into force on the date of publication.

2. Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Waimakariri District Council

In accordance with sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Waimakariri District Council to notify decisions on the Independent Hearings Panel's recommendations for Variation 1: Housing Intensification and Variation 2: Financial Contributions in accordance with clause 102 of Schedule 1 of the RMA by 17 December 2024.

3. Principal notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022", published in the New Zealand Gazette, 27 April 2022, 2022-sl1594, only to the extent specified in this notice.

Date at Wellington this ____ day of _____ 2023.

Hon David Parker

Minister for the Environment

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 with 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. Waimakariri District Council may, in accordance with section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applies to them.

BRF-3025 Response to Auckland Council on request for more time to complete the Intensification Streamlined Planning Process

Date Submitted:	5 April 2023	Tracking #: BRF-3025	
Security Level	Policy and Privacy Confidential	MfE Priority	Urgent

	Action sought:
To Hon David Parker, Minister for the Environment	Provide feedback on recommendations
Forward to Hon Dr Megan Woods, Minister of Housing	For noting only

Actions for Minister's Office Staff	Forward this briefing to the Office of Hon Dr Megan Woods Send the final signed letter to Auckland Council Return the signed report to MfE
Number of appendices and attachments #2	Titles of appendices and attachments (ie separate attached documents): 1. Appendix 1: Letter from Auckland Council requesting a time extension 2. Appendix 2: Response to Auckland Council's request for a time extension

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Fleur Rodway		
Director	Lesley Baddon	021 738 357	✓

BRF-3025 Response to Auckland Council on request for more time to complete the Intensification Streamlined Planning Process

Purpose

1. This briefing:
 - a. provides advice on a request from Auckland Council for more time to complete the Intensification Streamlined Planning Process (ISPP)
 - b. recommends granting the request for more time
 - c. provides a draft letter for you to approve and send to Auckland Council informing them of your decision.

Analysis and advice

Auckland Council's request for more time to consider natural hazards

2. On 17 March 2023, Auckland Council wrote to you requesting a one-year extension to complete the Intensification Streamlined Planning Process (ISPP) for its intensification planning instrument (Plan Change 78). This request means the Council would issue decisions on the recommendations of its Independent Hearings Panel no later than 31 March 2025. This written request is attached (see Appendix 1).
3. Auckland Council's rationale for the request is to enable the Council to provide, and their Independent Hearings Panel to consider, additional information on matters relating to natural hazards, stormwater management, and infrastructure provision.
4. Auckland Council is requesting a prompt decision from you as their Independent Hearings Panel will continue to work to comply with the current timeframes set for the ISPP until it gets confirmation that you have agreed to an extension. A draft response to Auckland Council is included in Appendix 2.
5. There are a number of reasons for Auckland Council's request for an extension. The Council is facing several challenges following the significant flooding and landslides caused by extreme weather during Auckland Anniversary weekend and Cyclone Gabrielle. You are also looking at options to reduce the amount of development that occurs in high risk/multiple hazards areas until national direction on natural hazards is developed.
6. For the extension to take effect you, as the Minister for the Environment, need to amend The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Notice 2022. If you agree, Officials will provide the necessary documents to enable this, including an amended direction and Gazette notice.

Auckland Council is required to enable intensification in the Auckland Light Rail corridor

7. Auckland Council has excluded a large area of central Auckland from their intensification planning instrument (Plan Change 78) for the Auckland Light Rail (ALR) corridor. This exclusion does not comply with the intensification requirements in the Resource Management Act 1991 (RMA).
8. Ministry for the Environment officials have been working with Auckland Council staff on a proposed solution which would involve the Council notifying an intensification variation to Plan Change 78. Officials consider it would be appropriate to seek confirmation from Auckland Council that it will notify a variation to Plan Change 78.

9. An extension will provide additional time for the Council and Government to work together on developing appropriate intensification options in the ALR corridor area.

Resource Management Act 1991 requirements for granting extra time

10. The RMA provides for:
 - a. the Minister for the Environment to prepare a direction for the ISPP setting additional requirements such as timeframes (section 80L)
 - b. a specified territorial authority to request that the Minister for the Environment amend a direction (section 80M(2)).
11. You initially issued a direction to Auckland Council to complete the ISPP by 31 March 2024 (BRF-1087 refers). Auckland Council provided advice on a date by which they could likely complete the ISPP. The date set was the earliest date the Council considered achievable.
12. Amendments to the direction must follow the same process used to set the original direction. In deciding the content of the direction, you must have regard to providing “a process for the preparation of an intensification planning instrument by a specified territorial authority¹ in order to achieve an expeditious planning process” (sections 80L, 80M and 80D of the RMA).
13. Officials consider that an additional year will enable Auckland Council sufficient time to complete the ISPP while taking into account additional information on matters relating to natural hazards, stormwater management, and infrastructure provision and still achieve an expeditious planning process.

Highlighting opportunities from urban development

14. The Auckland Council letter includes your request to highlight the multiple benefits that can arise from urban development such as intensification, resilience to natural hazards (including managed retreat), and access to green space (see Appendix 2, paragraph 4).
15. The letter also encourages the Council to review its approach to intensification in non-floodable areas whilst developing blue green corridors in flood-prone areas. Taking a water sensitive design (‘sponge city’) approach to urban development will enable better management of local and catchment wide flood risk, whilst having many positive health and environmental benefits in the form of recreation spaces, improved water quality, and increased biodiversity.
16. The PCE report *‘Are we building harder, hotter cities? The vital importance of urban green spaces’* highlights concerns about a lack of reserve contributions (and reserve provision) in brownfield areas (page 81). The PCE considers that some Councils are not retrofitting new public space into existing urban areas, and that the reserves that are provided are “*arguably also poorly designed, with the contribution being levied often bearing little relationship to the quantity of on-site green space that is preserved*”. Similar concerns are raised about a lack of parks provisions in greenfield development areas, and the need for councils to be “*more explicit about their expectations regarding parks provision prior to up-zoning rural land*”.
17. More integrated planning approaches such as masterplanning (or ‘structure planning’) could guide development and protection of these areas to ensure more certain

¹ Specified territorial authority means any of the following:

- a. every tier 1 territorial authority (Auckland Council, Christchurch City Council, Hamilton City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Tauranga City Council, Upper Hutt City Council, Waikato District Council, Waimakariri District Council, Waipā District Council, Wellington City Council, Western Bay of Plenty District Council)
- b. a tier 2 or 3 territorial authority that is required by regulations to prepare and notify an intensification plan change (currently Rotorua Lakes Council).

development outcomes that integrate reserves, housing, walking and cycling provision, network infrastructure and other urban development. This would occur alongside funding tools such as development contributions for the upfront provision of the blue green network and the required flood defence and other mitigation measures.

18. The letter also asks Auckland Council that these initiatives work alongside stronger Auckland Unitary Plan (AUP) controls around limiting high building site coverage and preventing large impermeable areas such as driveways, carpads and terraces in new development, as well as the creation of new impermeable areas on existing sites. The Council has also been encouraged to consider using non-regulatory measures to encourage increased site permeability through private and community-based re-vegetation schemes.
19. If you wanted to also provide formal guidance to Auckland Council on this matter you could include a statement of expectations in the amended direction (as per section 80L(2) of the RMA). Auckland Council and the Independent Hearings Panel would need to have regard to this statement.
20. However, using a statement of expectations to influence the content of Auckland Council's Plan Change 78 or variation would carry risk of challenge (more so than a direction on procedural matters (such as a statement setting timeframes for different stages of the ISPP)).
21. Furthermore, a substantive statement would not be able to modify or add to the requirements in the legislation. This means it would need to be a high-level policy direction. If you would like to include formal guidance to Auckland Council, we will provide you with further advice on appropriate wording for a statement of expectations.

Potential implications for Auckland Light Rail

22. Officials understand that Ministers plan for Cabinet to make a final investment decision (FID) for Auckland Light Rail in mid-2024, following the completion of the Detailed Business Case.
23. ALR Crown officials are providing two separate pieces of advice to the Ministers of Finance, Housing and Transport in due course. This advice relates to:
 - a. potential options to address barriers to urban development in the ALR corridor, including whether the Crown could consider pursuing other planning options (such as a Specified Development Project under the Urban Development Act) to increase certainty of planning outcomes in the corridor; and
 - b. s 9(2)(f)(iv)

24. s 9(2)(f)(iv)

Next Steps

25. To take effect, the amendment to the Direction needs to be published in the New Zealand Gazette and the Direction tabled in the House of Representatives. The Direction will take effect on the date it is published in the New Zealand Gazette.
26. If you agree to grant Auckland Council additional time, we will provide you with the appropriate documentation to amend The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Notice 2022.

Recommendations

We recommend that you:

- a. **Agree** to grant Auckland Council an extra year to publicly notify decisions on the Independent Hearings Panel's recommendations on the Council's intensification planning instrument
Yes/No
- b. **Agree** to send to Auckland Council the letter in Appendix 2: Response to Auckland Council's request for a time extension
Yes/No
- c. **Agree** to seek further advice from officials on appropriate text for a statement of expectations to Auckland Council
Yes/No
- d. **Agree** to share your decisions and the letter in Appendix 2: Response to Auckland Council's request for a time extension with Auckland Light Rail Ministers
Yes/No
- e. **Note** we will provide you with the appropriate documentation to amend The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Notice 2022.

Signature



Lesley Baddon
Director
Urban and Infrastructure Policy

Date 5 April 2023

Hon David Parker
Minister for the Environment

Date

Appendix 1: Letter from Auckland Council requesting a time extension

[Attached to cover email]

17 March 2023

Honourable David Parker
Minister for the Environment
david.parker@parliament.govt.nz

Tēnā koe Minister,

Extension of time request: for Auckland Council to publicly notify its decisions on the recommendations of the Independent Hearings Panel on the Council's intensification planning instrument

1. On 11 April 2022, as Minister for the Environment, you issued a direction under section 80L of the RMA requiring the Auckland Council (**Council**) to notify its decisions on the IHP's recommendations on submissions in accordance with clause 102 of Schedule 1 of the RMA by 31 March 2024¹.
2. The Council publicly notified Plan Change 78 – Intensification (the Council's intensification planning instrument) (**Plan Change 78**) on 18 August 2022. Plan Change 78 incorporates the medium density residential standards (**MDRS**) into relevant residential zones and gives effect to Policies 3 and 4 of the National Policy Statement on Urban Development 2020 (**NPSUD**) as required by the Resource Management Act 1991 (**RMA**).
3. The Council has appointed an Independent Hearings Panel (IHP) to hear submissions on Plan Change 78 and to provide recommendations to the Council. The Council provided all clause 97, Schedule 1, RMA documentation for Plan Change 78 to the IHP on 7 February 2023.
4. As you will know, extreme rainfall during Auckland Anniversary weekend caused significant flooding and landslides throughout the Auckland region with devastating impact on Aucklanders, public infrastructure, and homes across the region. Cyclone Gabrielle quickly followed bringing further rain and high winds, adding to the impact on the community and infrastructure.
5. On 9 February 2023 my committee (Planning, Environment and Parks Committee) requested that staff urgently prepare a scope of work to 'investigate the regional and localised impacts of flooding, and the implications for land use planning, regulatory, current plan changes to the Auckland Unitary Plan (including Plan Change 78), infrastructure and other policy settings' and to agree this scope of work. That scope has been agreed.
6. The scope of work sanctioned by the committee includes a review of the Qualifying Matters² applied in Plan Changes 78 and 80³, including relating to stormwater management, flood-prone areas and land

¹ The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Notice 2022.

² The Council, as a specified territorial authority, may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the following qualifying matters in s77I of the RMA.

³ Plan Change 80 - RPS Well-Functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters.

stability. While there is a significant amount of technical work to be undertaken, the underlying consideration for the Council is whether or not the risk appetite for development and infrastructure provision as articulated through existing policy settings has, in fact, changed.

7. To provide the necessary time for staff to undertake this work, we have requested that the IHP not schedule the consideration of matters relating to natural hazards, stormwater management and infrastructure provision until such time as officers have reported back to the Planning, Environment and Parks Committee so that Council can provide their position on these matters. This request was communicated to the IHP by way of a memorandum, dated 3 March 2023 (copy **attached**).
8. For the council to comply with its obligations to publicly notify its decisions on the Independent Hearings Panel's recommendations on Plan Change 78 and to enable the council to provide, and the Independent Hearings Panel to consider, additional essential information as referred to in the preceding paragraphs (matters relating to natural hazards, stormwater management and infrastructure provision), the committee resolved on 2 March 2023 that I write to you to request an extension of time for council to publicly notify its decisions on Plan Change 78. Given the complexity involved in evaluating the impacts of the severe weather events and implications for Plan Change 78, the immediate requirement to focus on the needs of our communities who are still severely impacted by the weather events, and the critical importance of ensuring we do all that we can to deal with future severe weather events, I request a full year extension from 31 March 2024 to 31 March 2025.
9. I strongly urge you to consider this extension of time which will enable the notification of the Council's decisions on IHP recommendations, and that results in a plan that is fit for purpose for Aucklanders, that realises the government's housing ambitions for additional housing in Auckland through the incorporation of MDRS in relevant residential zones, provides for additional height and density as required by Policy 3 of the NPSUD, and which takes into account the latest information on Auckland's changing climate future for the benefit of its current and future citizens.
10. Given that the IHP has held pre-hearing conferences and is trying to finalise its hearing schedule, we would appreciate your urgent consideration of this matter so that all parties have certainty as to timing and process.
11. Please do not hesitate to contact me or **s 9(2)(a)** **s 9(2)(a)** for further information.

Ngā mihi



Councillor Angela Dalton
Deputy Chair, Planning Environment and Parks Committee
Auckland Council

Appendix 2: Response to Auckland Council's request for a time extension

Angela Dalton
Deputy Chair, Planning Environment and Parks Committee
Auckland Council
Angela.Dalton@aucklandcouncil.govt.nz

s 9(2)(a)
Head of Strategy
Auckland Council

s 9(2)(a)

Dear Councillor Dalton

Extension of time request: for Auckland Council to publicly notify decisions on the Independent Hearings Panel's recommendations on the Council's intensification planning instrument

Thank you for your letter of 17 March 2023 requesting an amendment to The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Notice 2022 to give Auckland Council an extra year to complete the intensification streamlined planning process (ISPP).

I acknowledge that Auckland Council is facing a number of challenges following the significant flooding and landslides caused by extreme weather during Auckland Anniversary weekend and Cyclone Gabrielle. I understand why, in these circumstances, a further year would be needed to ensure the city is resilient to future severe weather events.

I note that this extension is to enable staff to prepare a scope of work to investigate flooding impacts and its implications for land-use planning, infrastructure and other policy settings. I expect this scope to include a review of the Council's approach to intensification in non-floodable areas, and the development of blue green corridors in flood-prone areas. Taking a water sensitive design ('sponge city') approach to urban development will enable better management of local and catchment wide flood risk, whilst having many positive health and environmental benefits in the form of recreation spaces, improved water quality, and increased biodiversity.

I would encourage the Council to consider the findings of the Parliamentary Commissioner for the Environment in his report titled '*Are we building harder, hotter cities? The vital importance of urban green spaces*'. I concur with the concerns raised about the amount and quality of reserve and open spaces being provided in existing urban areas and greenfield throughout the country.

More integrated planning approaches such as masterplanning (or 'structure planning') could guide development and protection of these areas to ensure more certain development outcomes that integrate reserves, housing, walking and cycling provision, network infrastructure and other urban development. This would occur alongside funding tools such as development contributions for the upfront provision of the blue green network, and required flood defence and other mitigation measures.

The Council should also consider using stronger Auckland Unitary Plan (AUP) controls to limit site coverage, and prevent large impermeable areas such as driveways, carpads and terraces in new and existing sites. These controls should be used alongside non-regulatory measures to encourage increased site permeability through private and community-based re-vegetation schemes.

The Government is committed to both improving housing affordability and ensuring our cities are resilient. I note that the National Policy Statement on Urban Development 2020 and the Medium Density Residential Standards are still at an early stage, and so it is unlikely that development enabled by these instruments will have been affected by the floods. However, we can point to some excellent examples of recent development at density by Kāinga Ora where well designed and specified stormwater infrastructure performed well through the recent severe weather events.

There are opportunities for urban development patterns to achieve multiple outcomes. Enabling higher levels of intensification in resilient areas places less pressure on hazard prone areas, allowing these areas to function as accessible green and natural spaces for the community.

Therefore, I expect that any extra time Auckland Council takes to complete the ISPP will also be used to prioritise planning decisions that improve housing affordability. This will enable more people to live and work in areas close to centres and public transport, and where density is supported by appropriate stormwater infrastructure to ensure communities are safe and resilient to the impacts of climate change.

I understand that Government officials have been working with Auckland Council staff to enable the Council to implement the intensification provisions in the Auckland Light Rail Corridor area. My expectation is that the planned variation to Plan Change 78 will be a comprehensive variation that will support the urban development outcomes that the Crown and Council are seeking to deliver through investment in Auckland Light Rail, and that this will proceed within the same timeframes as the substantive plan change. My approval to extend the timeframe should ensure this is possible.

As improving housing affordability and resilience are both critical issues for the Government and for Auckland, I am granting the Council the time extension requested. We need to keep working together to ensure Auckland has enough housing at the right price and in the right places to meet the needs of its current and future citizens.

Yours sincerely

Hon David Parker

Minister for the Environment



BRF-3261 Requests from specified territorial authorities for more time to complete the intensification streamlined planning process

Date Submitted:	12 July 2023	Tracking #: BRF-3261	
Security Level:	In confidence	MfE Priority:	Non-Urgent

	Action sought:	Response by:
To Hon David Parker Minister for the Environment	Record decision on recommendations Sign amended Direction and Gazette Notice	24 July 2023
Forward to Hon Dr Megan Woods Minister of Housing	No action required	

Actions for Minister's Office Staff	Return the signed report to MfE if agreed Ensure Directions and Gazette Notices are signed Table Directions in House of Representatives Forward this report to the office of Hon Dr Megan Woods
Number of appendices and attachments #22	Titles of appendices and attachments (ie, separate attached documents): - Appendix 1.1: Matters requiring your decisions on Councils' requests for more time to complete the intensification streamlined planning process - Appendix 2.1: Final letter from Christchurch City Council requesting more time to complete the intensification streamlined planning process - Appendix 2.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Christchurch City Council - Appendix 2.3: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No. 2) - Appendix 2.4: Response to Christchurch City Council's request for a time extension - Appendix 3.1: Letter from Tauranga City Council requesting more time to complete the intensification streamlined planning process - Appendix 3.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council - Appendix 3.3: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023 - Appendix 3.4: Letter from Tauranga commissioners notifying you of insufficient development capacity in Tauranga - Appendix 3.5: Response to Tauranga City Council's request for a time extension - Appendix 4.1: Letter from Western Bay of Plenty District Council requesting more time to complete the intensification streamlined planning process - Appendix 4.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Western Bay of Plenty District Council - Appendix 4.3: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.3)



14. Appendix 4.4: Response to Western Bay of Plenty District Council's request for a time extension
15. Appendix 5.1: Letter from Hamilton City Council requesting more time to complete the intensification streamlined planning process
16. Appendix 5.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Hamilton City Council
17. Appendix 5.3: Draft Gazette notice – 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 2023
18. Appendix 5.4: Response to Hamilton City Council's request for a time extension
19. Appendix 6.1: Letter from Hutt City Council requesting more time to complete the intensification streamlined planning process
20. Appendix 6.2: Minister for the Environment's Amended Direction or the Intensification Streamlined Planning Process to Hutt City Council
21. Appendix 6.3: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.4)
22. Appendix 6.4: Response to Hutt City Council's request for a time extension

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Leah Clark Lucy Knowles		
Responsible Manager	Linley Wilkinson	022 493 0144	✓

BRF-3261 Requests from specified territorial authorities for more time to complete the intensification streamlined planning process

Key Messages

1. This briefing seeks your decisions on applications from Christchurch City Council, Tauranga City Council, Western Bay of Plenty District Council, Hamilton City Council and Hutt City Council to amend the relevant directions to allow more time to complete the intensification streamlined planning process (ISPP).
2. The Resource Management Act 1991 (RMA) provides for:
 - a. the Minister for the Environment to prepare a direction for the ISPP setting additional requirements such as reporting requirements (section 80L)
 - b. a specified territorial authority to request that the Minister for the Environment amend a direction (section 80M(2)).
3. Officials recommend granting these extension requests and including a requirement for councils to report progress with the ISPP (excluding Hutt City Council as its extension is only for one month). This will ensure councils remain on track and signals that implementation of the National Policy Statement on Urban Development 2020 (NPS-UD) and medium density residential standards (MDRS) remains a priority.
4. To date, including the requests in this briefing, seven of the 15 specified territorial authorities required to implement the MDRS and NPS-UD intensification requirements have requested more time to complete the ISPP. An additional two councils have indicated to officials that they will request more time.
5. We note that councils are seeking certainty on the timeframes to complete the ISPP, particularly for independent hearings panel processes.

Recommendations

6. We recommend that you:
 - a. **Either agree** to the specific recommendations in Appendix 1.1, indicating your decisions in Appendix 1.1

Yes/No
 - b. **Or meet** with officials to discuss the contents of this briefing

Yes/No
 - c. **Note** the Amended Directions for the Intensification Streamlined Planning Process will take effect on the date they are published in the New Zealand Gazette
 - d. **Note** that your signed Amended Directions for the Intensification Streamlined Planned Process are required to be presented to the House of Representatives
 - e. **Agree** that this briefing and appendices will be released proactively on the Ministry for the Environment's website within the next eight weeks

Yes/No

Signature



Linley Wilkinson
Manager
Urban Implementation

Date 11 July 2023

Hon David Parker
Minister for the Environment

Date

BRF-3261 Requests from specified territorial authorities for more time to complete the intensification streamlined planning process

Supporting material

Purpose

7. This briefing seeks your agreement to grant requests from Christchurch City Council (CCC), Tauranga City Council (TCC), Western Bay of Plenty District Council (WBOP), Hamilton City Council (Hamilton CC) and Hutt City Council (Hutt CC) for more time to complete the intensification streamlined planning process (ISPP).
8. Our advice and recommendations are provided in Appendix 1.1.

Context

9. The Resource Management Act 1991 (RMA) requires specified territorial authorities¹ to use the ISPP to notify an intensification planning instrument (IPI) to incorporate the medium density residential standards (MDRS) into their district plans and give effect to the intensification requirements in the National Policy Statement on Urban Development 2020 (NPS-UD).
10. The RMA sets out the process steps for the ISPP and requires these councils to notify an IPI by 20 August 2022. Other timeframes for the ISPP can be prescribed through a regulation called a 'direction', set by the Minister for the Environment.
11. You have granted an extension to:
 - a. Auckland Council to 31 March 2025² [BRF-3025 refers]
 - b. TCC (for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area (Variation 1)) to 30 June 2024 [BRF-2471 refers]
 - c. Waimakariri District Council to 17 December 2024 [BRF-2829 refers].
12. Wellington City Council and Porirua City Council have indicated to officials that they intend to write to you to request more time to complete the ISPP in due course.

Analysis and Advice

Advice on the ISPP completion dates

13. For amendments to a direction, the same process is required as was followed for the original direction. The Minister for the Environment may make a direction under section 80L to direct one or more specified territorial authorities in relation to a number of ISPP

¹ Specified territorial authority means any of the following:

- a. every tier 1 territorial authority (Auckland Council, Christchurch City Council, Hamilton City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Tauranga City Council, Upper Hutt City Council, Waikato District Council, Waimakariri District Council, Waipā District Council, Wellington City Council, Western Bay of Plenty District Council).
- b. a tier 2 or 3 territorial authority that is required by regulations to prepare and notify an intensification plan change (currently Rotorua Lakes Council).

² A statement of expectations will be confirmed with you before the amended Direction is Gazetted.

requirements including “matters on which the specified territorial authority must report to the Minister” (section 80L(1)(d)).

14. In deciding the content of a direction, you must have regard to providing “a process for the preparation of an IPI by a specified territorial authority in order to achieve an expeditious planning process” (sections 80L, 80M, and 80D of the RMA).
15. Officials have previously recommended that ISPP directions set only the date by which specified territorial authorities must notify decisions on the IHP’s recommendations [BRF-1087 refers]. This was because unlike the RMA streamlined planning process (which the ISPP is modelled on), the stages of the ISPP are included in the RMA. However, we recommend including a requirement in ISPP directions for councils to report their progress with the ISPP. We consider this would be a useful mechanism to ensure councils seeking extensions remain on track to complete the ISPP, and to signal that implementation of the NPS-UD and MDRS remains a priority.
16. Officials do not recommend including reporting requirements in Hutt CC’s amended direction as its extension request is only for one additional month.
17. Officials’ advice and recommendations are provided in Appendix 1.1.

Consultation and collaboration

18. MfE officials consulted Te Tūāpapa Kura Kāinga – The Ministry of Housing and Urban Development (HUD). HUD is supportive of the approach and recommendations in this briefing.

Risks and mitigations

19. If these extensions are not granted, CCC, TCC, WBOP, Hamilton CC, and Hutt CC will not meet the existing timeframes for completing the ISPP and will be non-compliant with the RMA.
20. Officials consider the risks of a precedent effect are mitigated as your decisions on any requests for an extension of time are made on a case-by-case basis and are dependent upon the evidence provided.
21. A further mitigation is the ability to include a requirement to report progress on the ISPP.

Legal issues

22. As with any statutory decision, there is a risk of judicial review. Officials consider that in relation to amending a direction for a decision on an IPI under section 80M and providing for reporting requirements under section 80L, the risk of a successful judicial review is low, given the wide scope of your discretion.

Next Steps

23. To take effect, the Directions need to be published in the New Zealand Gazette. Once you have signed the Directions and Gazette notices, officials will work with your office to table the Directions in the House of Representatives and publish the Gazette notices. The Directions will take effect on the date they are published in the New Zealand Gazette.
24. Should you agree to issue the Directions in this briefing, we recommend you send CCC, TCC, WBOP, Hamilton CC and Hutt CC the letters in Appendices 2.4, 3.5, 4.4, 5.4, and 6.4 respectively. Officials will also inform each council of your decision.

25. Officials will continue to work closely with these specified territorial authorities to ensure they are reporting progress on the ISPP and will meet the completion date set in the relevant directions.
26. Officials from MfE and HUD will continue to provide you with key updates on specified territorial authorities' progress on implementing the ISPP.
27. If you would like to make a different direction to the ones recommended in this briefing, officials suggest meeting with you to discuss any questions or issues.

Appendix 1.1: Matters requiring your decisions on Councils' requests for more time to complete the intensification streamlined planning process

Specified territorial authority	Original completion date for the ISPP	Extension date requested	Context and reason for the extension	Advice	Recommendations
Christchurch City Council (CCC)	20 August 2023 Direction title: <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022</i> (the 'original CCC Direction')	Originally requested 15 May 2024, but the final letter CCC sent you included an updated request with an extension date of 12 September 2024	Context CCC was the only specified territorial authority whose Council initially voted not to notify an IPI. The Council, via the former Mayor, wrote to you in September to request a bespoke solution for Christchurch [BRF-2185 refers]. Following CCC's decision on 8 September 2022 not to notify an IPI, you directed an investigation into the performance of its functions, powers, or duties in relation to notifying an IPI. The investigator, John Hardie, provided his report on the findings of the investigation to you on 13 April 2023. CCC notified an IPI (Plan Change 14) on 17 March 2023. Reasons for the extension request - The IPI was notified late due to the previous Council's decision to not notify the IPI. - The issues related to the IPI are complex and will require updates to the district plan and associated maps after the independent hearings panel's (IHP) decisions. - The IPI has a wide public interest; CCC have received over 900 submissions. - CCC expect that the assessment of submissions, preparation of evidence and the hearings process will be complex.	We recommend that you amend the original CCC Direction to: - include reporting requirements to ensure CCC is on track to completing the ISPP - enable CCC to complete the ISPP by 12 September 2024. Officials consider that an additional 13 months will enable sufficient time to complete the ISPP, including to enable sufficient time to consider submissions, and support a robust hearings process. This would give CCC 18 months from notification to completion. This is a comparable timeframe to those originally given to other larger councils including Auckland Council and Hamilton City Council.	1. Agree to amend <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022</i> , to require Christchurch City Council to: a. provide a report to the Ministry for the Environment every three months from the date of the direction on its progress with the intensification streamlined planning process b. notify decisions on the independent hearings panel's recommendations for the intensification planning instrument, Plan Change 14, by 12 September 2024 Yes/No 2. Sign the Amended Direction in Appendix 2.2 Yes/No 3. Sign the Gazette Notice in Appendix 2.3 Yes/No 4. Agree to send Christchurch City Council the letter in Appendix 2.4 Yes/No
Tauranga City Council (TCC)	20 November 2023 Direction title: <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022</i> (the 'original TCC Direction')	30 June 2024	Context On 9 December 2022, you agreed to amend the original TCC Direction to require TCC to notify decisions on the IHP's recommendations for Variation 1 by 30 June 2024 [BRF-2471 refers]. The original date to complete the substantive part of Plan Change 33 remained as initially directed (20 November 2023). TCC's current extension request only relates to the substantive part of its IPI and not Variation 1. In its letter to you of 5 May 2023, TCC signalled that it will request a separate extension for Variation 1 in the near future once key technical work has been completed. In accordance with clause 3.7 of the NPS-UD ³ , the Tauranga commissioners notified you on 4 April 2023 that the recently completed Housing and Business	We recommend that you amend the original TCC Direction to: - include reporting requirements to ensure TCC is on track to completing the ISPP - enable TCC to complete the substantive part of its IPI by 30 June 2024. Officials consider that an additional seven months will provide sufficient time to undertake the required steps in the ISPP, including the necessary technical work and additional expert conferencing.	5. Agree to amend <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022</i> , to require Tauranga City Council to: a. provide a report to the Ministry for the Environment every three months from the date of the direction on its progress with the intensification streamlined planning process b. notify decisions on the independent hearings panel's recommendations for the intensification planning instrument, Plan Change 33 (excluding Variation 1 to Plan Change 33: Tauriko West Urban Growth Area) by 30 June 2024

³ Clause 3.7 of the NPS-UD requires that where a local authority determines that there is insufficient development capacity over the short, medium and long term, it must immediately notify the Minister for the Environment, change its RMA documents (if the insufficiency is wholly or partly a result of RMA documents, and consider other options to increase development capacity and enable development.

			Development Capacity Assessment (HBA) shows insufficient development capacity in Tauranga (Appendix 3.4). Progress towards completing the IPI, including Variation 1, forms part of the broader suite of actions to address the housing shortfalls in Tauranga. Officials consider that the RMA planning response to implement the NPS-UD and the MDRS via the IPI is on track to provide sufficient plan-enabled development capacity. Therefore, no further action from you is required under the RMA at this stage. Acknowledgement of the recently completed HBA and the actions being undertaken to address the development capacity insufficiency is included in the response letter in Appendix 3.5. Reasons for the extension request To provide sufficient time: - To complete the necessary technical work in preparing the TCC staff report on submissions under section 42A of the RMA. - For additional expert conferencing.		Yes/No 6. Sign the Amended Direction in Appendix 3.2 Yes/No 7. Sign the Gazette Notice in Appendix 3.3 Yes/No 8. Agree to send Tauranga City Council the letter in Appendix 3.5 Yes/No
Western Bay of Plenty District Council (WBOP)	20 August 2023 Direction title: <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022</i> (the 'original WBOP Direction')	1 March 2024	Context In accordance with clause 3.7 of the NPS-UD, WBOP notified you on 5 May 2023 that its recently completed HBA identified insufficient development capacity in the Western Bay of Plenty subdistrict in the short, medium, and long term. WBOP is progressing a number of actions through its IPI (Plan Change 92) and the SmartGrowth partnership to address the shortfalls. You responded to the Mayor of the Western Bay of Plenty, Mayor James Denyer, on 26 May 2023. Although WBOP has reported a shortfall for housing in its HBA, it considers the extension will have a limited impact on housing supply because the MDRS has legal effect in most of Te Puke and Ōmokoroa. Reasons for the extension request - The IPI received a high volume of submission points, and more time is required to appropriately consider these ahead of a hearing. - To provide sufficient time to coordinate the hearing and recommendation of a Notice of Requirement for a reserve in Ōmokoroa with the IPI hearings. - WBOP has limited staff resourcing. - WBOP was struggling to appoint an IHP member with tikanga Māori expertise, but since writing the request this member has been appointed.	We recommend that you amend the Direction to: - include reporting requirements to ensure WBOP is on track to completing the ISPP - enable WBOP to complete the ISPP by 1 March 2024. Officials consider that approximately seven additional months will enable sufficient time to complete the ISPP, including appropriate consideration of submissions and coordination with other hearings processes.	9. Agree to amend <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022</i>, to require Western Bay of Plenty District Council to: - provide a report to the Ministry for the Environment every three months from the date of the direction on its progress with the intensification streamlined planning process - notify decisions on the independent hearings panel's recommendations for the intensification planning instrument, Plan Change 92, by 1 March 2024 Yes/No 10. Sign the Amended Direction in Appendix 4.2 Yes/No 11. Sign the Gazette Notice in Appendix 4.3 Yes/No 12. Agree to send Western Bay of Plenty District Council the letter in Appendix 4.4 Yes/No
Hamilton City Council (Hamilton CC)	31 March 2024 Direction title:	20 December 2024	Context Currently, Hamilton CC's flood hazard mapping only covers 14 per cent of the city. Hamilton CC is updating its flood hazards modelling and expects this to be	We recommend that you amend the original Hamilton CC Direction to: include reporting requirements to ensure Hamilton CC is on track to completing the ISPP	13. Agree to amend <i>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>, to

	<i>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> (the 'original Hamilton CC Direction')		complete in late 2023 and will inform the IPI, Plan Change 12, and a separate plan change, Plan Change 14. Hamilton CC notes that under section 80E of the Resource Management Act 1991 (RMA), the IHP may amend or include related provisions that “support or are consequential” on the MDRS and Policy 3. In Hamilton CC’s view, this will not enable the IHP to introduce new plan provisions into Plan Change 12 that protect against newly identified flood hazards. Hamilton CC notes that this may present issues of natural justice as this new flood hazard information will affect property owners who are not submitters on Plan Change 12. Reasons for the extension request - To ensure that any decisions made in respect of the IPI, Plan Change 12, is fully informed by sufficiently robust and complete flood hazard information. - This process will allow Plan Change 14 to “catch-up” with Plan Change 12 and be considered in the IHPs recommendations.	enable Hamilton CC to complete its IPI by 20 December 2024. Officials consider that an additional nine months will provide sufficient time to undertake the required steps in the ISPP including the work to update the flood hazards modelling.	require Hamilton City Council to: - provide a report to the Ministry for the Environment every three months from the date of the direction on its progress with the intensification streamlined planning process - notify decisions on the independent hearings panel’s recommendations for the intensification planning instrument, Plan Change 12 by 20 December 2024 Yes/No 14. Sign The Amended Direction in Appendix 5.2 Yes/No 15. Sign the Gazette Notice in Appendix 5.3 Yes/No 16. Agree to send Hamilton City Council the letter in Appendix 5.4 Yes/No
Hutt City Council (Hutt CC)	20 August 2023 Direction title: <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022</i> (the 'original Hutt CC Direction')	22 September 2023	Context Hutt CC notified an IPI (Plan Change 56) on 18 August 2022. Hutt CC has made significant progress with Plan Change 56 and staff expect to receive the IHP’s report with recommendations in late July. Officials consider that this extension will not impact development capacity as it only extends the process by one month. Reasons for the extension request - The first full Council meeting following the release of the IHP’s report in late July is not until 30 August 2023. - Hutt CC staff need three weeks following the Council meeting to complete notification of decisions.	We recommend that you amend the original Hutt CC Direction to enable Hutt CC to complete the ISPP by 22 September 2023. Officials consider that an additional month will enable sufficient time to complete the ISPP, including the notification of HCC’s decisions. Officials do not recommend including reporting requirements in Hutt CC’s direction because the extension is so short.	17. Agree to amend <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022</i>, to require Hutt City Council to: notify decisions on the independent hearings panel’s recommendations for the intensification planning instrument, Plan Change 56, by 22 September 2023 Yes/No 18. Sign the Amended Direction in Appendix 6.2 Yes/No 19. Sign the Gazette Notice in Appendix 6.3 Yes/No 20. Agree to send Hutt City Council the letter in Appendix 6.4 Yes/No

Appendix 2.1: Final letter from Christchurch City Council requesting more time to complete the intensification streamlined planning process

[Attached to cover email]

7 June 2023

Hon David Parker
PO Box 18 888
Parliament Buildings
Wellington, 6160

03 941 8999

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Christchurch 8013

PO Box 73012
Christchurch 8154

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Tēnā koe Minister,

Proposed Intensification Planning Instrument – Plan Change 14 – Request for modification of timeframe under section 80M(2) of the Resource Management Act

In May 2022 the Minister's direction under s80L(1) of the Resource Management Act 1991 (Act) required specified territorial authorities, including this Council, to issue a decision on their Intensification Planning Instruments (IPI) by 20 August 2023. Due to a delay in notifying the IPI because of Council and community concerns with the draft proposal, it is now not reasonably possible for the Council to comply with that direction. The purpose of this letter is to respectfully request that the Minister exercise his power under s80M to amend the s80L direction and provide the extended date of **12 September 2024** by which the Council must decide on the IPI.

The Council acknowledges that this is a longer period from notification of the IPI than the Minister provided for in his direction; however, the Council respectfully submits that this longer period is warranted for the following reasons:

- the complexity of the issues involved;
- the number and breadth of submissions received and need for sufficient hearing time to enable submitters to be heard;
- scarcity of resources needed for processing the IPI; and
- the lack of any tangible impact a longer timeframe will have on housing supply.

The Independent Hearings Panel (IHP) appointed by the Council to hear submissions and make recommendations to the Council on the IPI have issued their first Minute to help inform this decision. Minute 1 by the IHP Chair is attached as **Attachment 1**.

Background

On 17 March 2023, Christchurch City Council publicly notified its Intensification Planning Instrument (IPI) – Proposed Plan Change 14 (Housing and Business Choice) – to implement Medium Density Residential Standards (MDRS) and Policies 3 and 4 of the National Policy Statement on Urban Development, giving effect to s77G and s80E of the Resource Management Act (the Act).

Following Council's decision in the 8 September 2022 meeting not to notify the staff recommended IPI, and the Associate Minister's appointment of an investigator under s24A of the Act, the Council undertook significant work to produce a plan change proposal that addressed concerns expressed by Council and the community. This has been received positively by Council, resulting in the decision on 1 March 2023 to approve notification of the proposed plan change. This proposed plan change includes a consideration of large-scale qualifying matters, with two specific matters taking a city-wide lens to their application,

Sunlight Access and Low Public Transport Accessibility:

- The Sunlight Access qualifying matter necessitates lesser development than provided for in the MDRS due to the district's sunlight and climate characteristics.
- The Low Public Transport Accessibility qualifying matter necessitates lesser development than provided for in the MDRS due to the inappropriateness of MDRS development where there is poor access to public transport. This better achieves a development pattern more aligned to the objectives of the NPS-UD, concentrating growth in and around centres and along corridors, and in doing so, supports the uptake of public transport and a low-carbon future.

The proposed plan change has attracted over 900 submissions. Assessment of submissions, preparation of evidence and hearing arrangements are likely to be complex and time consuming. QMs proposed by the Council have a considerable impact in the short term and are likely to increase resourcing across the community, the Independent Hearings Panel, and Council staff. Most notably, the nature of the proposed IPI will mean:

- no immediate legal effect of MDRS density standards under s86BA(3)(a), by virtue of all relevant residential zones being considered within a 'qualifying matter area' under the Act;
- a large degree of influence of qualifying matters across the city, increasing complexity and evaluative requirements; and
- the necessity of a six-week (30 working day)¹ submission period to consider these matters, having regard to the number and complexity of the proposals and wide public interest.

It is worth noting, however, that whilst the notification of qualifying matters that apply to all sites in the relevant residential zones means that the MDRS provisions do not take immediate legal effect (s86BA), this is unlikely to have a tangible impact on market delivery for housing as our 2017 District Plan introduced a number of medium density areas across the city, which are seeing year-on-year increases in the amount of medium density housing delivered. The current sufficiency of zoning has been validated through the 2021 Housing Capacity Assessment (HBA Update), which demonstrated that there would likely be a surplus of 60,000 dwellings over the long-term period (2021-2051) in Christchurch.

Modified timetable for Plan Change 14

Under s80M(2), Council requests that the Minister grant a modification of the ISPP timeframe under s80L(1)(C) of the Act.

Minute 1, issued by the IHP, outlines a preliminary timeframe for an expeditious ISPP process, noting that it was prepared without an understanding of the number of submissions. This sets a date of 26 February 2024 on which the IHP would provide its Recommendation Report to the Council. Under Clause 101 of the First Schedule, the Council is required to make a decision on the recommendation of the IHP.

Having received over 900 submissions on the notified plan change and with an understanding of the number of submitters wishing to be heard (approximately 260), the Council considers there is a high risk that the time allocated for hearings in October and November as per the IHP's first minute (**Attachment 1**) will not be sufficient to hear all submitters and further submitters.

¹ Please note that this submission period was subsequently extended on 2 May due to an error in the online submission form. As a result the submission period was 7.5 weeks, ending on 12 May 2023.

The Council subsequently requested the IHP advise of their availability for extending the hearings. Due to the availability of the panellists, any additional time for hearing submissions would be in a period over late January to mid-February 2024, with the IHP's report including its recommendations likely delivered to Council by 30 April 2024. (Refer to **Attachment 2**, an email from s 9(2)(a), Director IHP, dated 1 June 2023)

Having regard to the IHP's likely timing for their recommendations to Council, the Council has prepared a timetable for the plan change, included as **Attachment 3** to this letter.

Given the uncertainty caused by the breadth and complexity of issues raised in submissions and the unknown quantum of further submissions (with further submissions invited from late June), there is a risk that additional time will be required for hearing submissions and, thereafter, for the IHP to make their recommendations. An additional 4-week contingency has therefore been allowed for after the 30 April 2024. This means the IHP would have until 28 May 2024 to deliberate and report to Council with their recommendations. In time, the IHP will have a better understanding of factors that will have an impact on its timeframes including, crucially, whether the hearing time is sufficient to enable all submitters to be heard. We therefore propose to keep MfE officials informed as the IHP process unfolds.

After receipt of the IHP's recommendations, time has been allowed for analysis of the recommendations to suitably inform both Council and Executive Leadership and lead-in requirements for meeting agendas and the schedule of Council meetings. A date of 21 August 2024 has been estimated for a Council meeting to consider its decision on IHP recommendations. We therefore request a final completion date of 12 September 2024 to enable required changes to be made to ePlan, easing the effect of immediate operative status, and to communicate the Council's decision to submitters, stakeholders, and Plan users.

The extension sought to the time period for Council to make its decision would also allow any required scale mapping changes to be made, and to brief the Executive Leadership Team and the Council on the recommendations before the final public meeting to either accept or reject the decision in accordance with the Act.

To date, mapping has been one of the most significant issues with drafting the IPI. The sheer complexity of multiple operative and new layers means it is imperative that the Council thoroughly check the accuracy of information before the plan change becomes operative. The Council has made a submission on the Plan Change with mapping being a key feature of the submission due to omissions and errors found after notification. Not having sufficient time to be able to accurately incorporate the recommendations from the IHP risks similar errors resulting in added confusion and complexity for Plan users, reducing the effectiveness of the expedited ISPP.

Similarly, the time between the Council Meeting on recommendations (21 August 2024) and the requested final completion date of 12 September allows staff to update ePlan to ensure the Plan is functional from day one and allows for public notification of the decision at least 5 working days before it become operative, in accordance with the Resource Management Act, clause 102(6) of Schedule 1.

The Council considers that the time provided for the various steps in the process is necessary for producing good quality assessment of issues, public participation and quality decision making.

The following provides an overview of the prerequisite considerations for such an application in accordance with s80L(3), being Sub-part 5A and Part 6 of the First Schedule of the Act.

Consideration of Sub-part 5A:

- (a) Proposed a plan change to incorporate MDRS and Policies 3 and 4 of the NPS-UD, increasing the medium density areas by 257% and high density areas by 966%, which is anticipated to provide in excess of 100,000 commercially feasible residential units.
- (b) Incorporated a variety of more enabling controls to support a competitive consenting framework that incentivises greater levels of uptake and intensification.
- (c) Provides additional related provisions to compliment MDRS density standards, including financial contributions for tree canopy cover to reduce the current and future effects of climate change.
- (d) Proposes a variety of well-considered qualifying areas in areas inappropriate for medium and high density development.
- (e) Council staff initially intended to notify the IPI on 8 September 2022 (following a delay due to Covid-related illness), and after Council voted not to notify the plan change, developed a comprehensive alternative proposal that was notified on 17 March 2023.
- (f) Material produced is well-justified under the Act and is clearly detailed and argued in our 7 Part, 900-page s32 Evaluation Report, including several thousand pages of appendices.

Consideration of Part 6 of Schedule 1:

- (g) Save for having missed the 20 August 2022 notification requirement, Council has produced an Intensification Planning Instrument and initiated an ISPP in accordance with the requirements of the Act.
- (h) Council established an IHP in mid-2022, incorporating the views of Te Rūnanga o Ngāi Tahu, and it first convened on 2 September 2022. The IHP consists of five members, with one being appointed by mana whenua, and Cindy Robinson as Panel Chair.
- (i) In accordance with the Act, s32 evaluation reporting and associated content have been made publicly available on Council's webpage.

To acknowledge the complexity of the proposal and the high degree of interest in the proposed plan change to date, the Council approved an extended notification period of 30 working days (to 3 May 2023)². This took account of the significant scale and impact of city-wide qualifying matters that the Council has considered to be appropriate for the Christchurch context. The submissions period was extended further to the 12 May following issues experienced by some submitters with making their submission using an online form. To this end, an extended timeframe is necessary to enable both the Panel and the public to consider the proposed plan change.

The Council considers that the delay in the operative status of the IPI will not adversely affect the overall supply of housing across Christchurch, as ample medium density housing and development opportunities remain available under the operative 2017 District Plan.

Effect of city-wide qualifying matters considered

Despite the significant capacity enabled, there is still likely to be a negative effect on expectations within the housing market due to the proposed QMs, with many anticipating immediate legal effect of MDRS at notification. Council has been proactive in evaluating options to address this, as outlined below.

- Not including the Sunlight Access qualifying matter in the IPI notification package and submitting with the qualifying matter instead. This was not considered appropriate because:

² Ibid.

- it would be disingenuous to introduce a qualifying matter after notification, raising issues of fairness to the public and those submitting; and
- risks going beyond the scope of the notified plan change. Consequently, a variation to the IPI may have been needed, further delaying the process.
- Requesting the IHP to make an early recommendation on the IPI. This remains a possibility, however:
 - the IHP is autonomous and not required to approve such a Council request; and
 - its recommendations and the Council's decision may not materially increase speed of housing as the ISPP process still anticipates an expedited plan-making process.
- Declaration sought from the Environment Court. This was not considered appropriate because:
 - it is unlikely that there would be an advantage to overall timeframes;
 - such action could be seen to conflict with the direction given by Council; and
 - the Environment Court would likely defer to the Act (s771/O/J/L), whilst noting that it is for the IHP to make a determination on QMs, rather than the Environment Court.
- Include the Sunlight Access qualifying matter in the notification package, increasing guidance for post-notification consenting, introducing consenting fee discounts or waivers for activities otherwise permitted under MDRS. This was not considered appropriate because:
 - it would be potentially difficult to provide guidance material that would not compromise the Council's independence as a consenting authority by seemingly pre-empting decision making and not being reflective of the situational variability across sites; and
 - it would compromise the cost-recovery model of the resource consenting unit.

To this end, we have notified the plan change and continue to provide as much guidance as practicable. The Council is providing clear messaging, with the monthly Consenting Newsletter providing detailed information on the current status of the plan change to stakeholders and weighting given to provisions.

We welcome the opportunity to discuss this request in further detail with you or Ministry for the Environment staff.

Yours sincerely,

s 9(2)(a)

s 9(2)(a)

Head of Planning & Consents

Attachment 1 – Minute 1 from Independent Hearings Panel Chair, Cindy Robinson

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 14 Housing and
Business Choice pursuant to Part 5, subpart
5A and Part 6 of Schedule 1 of the Resource
Management Act 1991

MINUTE 1: PRELIMINARY DIRECTIONS

Introduction

- [1] This is the first procedural Minute to be issued by the Independent Hearings Panel (IHP) established by the Christchurch City Council (the Council) to conduct the hearing of submissions on proposed Plan Change 14 Housing and Business Choice (PC 14) notified by the Council and to make recommendations to the Council, after the hearing of submissions is concluded, pursuant to Part 5, subpart 5A and Part 6 of Schedule 1, of the Resource Management Act 1991 (RMA).
- [2] The purpose of this Minute is to set out the proposed timetable, and specific directions, for the hearing of submissions and preparation of the IHP Recommendations Report.
- [3] The Minute makes directions to the Christchurch City Council to:
- (a) Provide information to the IHP required by Schedule 1, clause 97 of the RMA,
 - (b) File reports prepared pursuant to section 42A of the RMA, and file evidence pursuant to section 41B of the RMA.
 - (c) Attend a pre-hearing meeting.
- [4] Further this Minute includes directions for the filing of expert evidence on behalf of submitters pursuant to section 41B of the RMA in anticipation of their participation in the hearing of PC14.

Timelines

- [5] To support an expeditious planning process, the IHP has prepared a preliminary timeline to support the hearing of submissions and the preparation of the IHP Recommendation Report pursuant to Part 6 of Schedule 1 of the RMA as follows:

Dates	Action
30 June 2023	Council to provide IHP with Plan Change documentation required by Schedule 1, clause 97
14 July 2023	Council to provide IHP with further submissions and an updated summary of submissions document.
19 and 21 July 2023	IHP to undertake preliminary site visits/general location orientation

20 July 2023	Pre-hearing meeting (procedural matters). Venue tbc. Agenda and draft procedures available by 7 July.
4 August 2023	Filing and service of s42A reports and Council evidence in chief.
8 September 2023	Filing and service of submitter expert evidence in chief. Note lay evidence is not required to be pre circulated.
11 – 22 September 2023	Expert witness conferencing – specific directions to follow prehearing meeting on 20 July 2023.
29 September 2023	Filing of expert joint statements summarising agreed and not agreed matters.
9 October 2023	Filing and service of brief opening legal submissions by all parties (10-page limit).
9 October – 30 November 2023	Independent Hearings Panel Hearings final dates to be confirmed once number of submissions known. IHP to sit Tuesdays, Wednesdays, and Thursdays. Monday and Fridays of each week reserved for further possible expert conferencing and/or procedural matters and pre reading of evidence. Venue: Crown Plaza Christchurch, 764 Colombo Street, Christchurch Central City
8 December 2023	Filing of Submitter written closing legal submissions.
15 December 2023	Filing of Council closing legal submission including any updated agreed provisions and s42A reporting officer recommended amendments to provisions in reply to submissions.
30 November - 22 December 2023	IHP deliberations and preparation of IHP Recommendations Report
22 December – 15 January 2024	Holiday period.
15 January 2024 – 23 February 2024	IHP preparation and finalising of IHP Recommendations Report.
26 February 2024	IHP Recommendations Report delivered to Council in accordance with Schedule 1, clause 99.

Specific directions to the Council

[6] The IHP directs that the Council:

- (a) File with the IHP Secretariat electronic copies of the following information on or before **4pm on 30 June 2023**:
 - (i) PC14 as publicly notified:
 - (ii) Any variation made under clause 16A Schedule 1 RMA:

- (iii) The Council's s32 report(s):
 - (iv) Submissions received by the closing date for submissions:
 - (v) The Council's summary of decisions requested by submitters (Summary of Submissions):
 - (vi) Submissions received after the closing date for submissions (late submissions):
 - (vii) Information about when the late submissions were received, and any reasons given for lateness:
 - (viii) Iwi Management Plans lodged with the Council:
 - (ix) Documentation relevant to any obligations arising under any relevant iwi participation legislation, joint management agreement, or Mana Whakahono ā Rohe:
 - (x) Any other relevant information.
- (b) File with the IHP Secretariat on or before **4pm on 14 July 2023**:
- (i) Further Submissions received by the closing date for further submissions;
 - (ii) Further Submissions received after the closing date for submissions (late further submissions):
 - (iii) Information about when the late further submissions were received and any reasons given for lateness:
 - (iv) An updated Summary of Submissions incorporating further submissions.
- (c) File with the IHP Secretariat and serve on all submitters and further submitters electronic copies of the Council's s42A report and evidence in chief by **4pm on 4 August 2023**.

- (d) Be represented at a pre-hearing meeting on **20 July 2023 (agenda available 7 July 2023)**.

Specific directions to Submitters and Further Submitters

- [7] The IHP directs all submitters and further submitters wishing to be heard and who intend to present expert evidence¹ in support of their submissions to:
- (a) File with the IHP Secretariat and serve on the Council electronic copies of their expert evidence on or before **8 September 2023**.
 - (b) Attend, if practical in person or by representative, a pre-hearing meeting on **20 July 2023 (agenda available on 7 July 2023)**. *Note: attendance is not compulsory for submitters and further submitters, however, directions may be made in your absence so having someone attend who is familiar with your submission may assist.*
- [8] A Minute recording the outcomes of the pre-hearing meeting will be available on the IHP website following the meeting.

Directions to expert witnesses

- [9] The IHP expects that Council s42A reporting officers, and other Council and Submitter expert witnesses to confer and cooperate with the narrowing of issues at all stages of the hearing process.
- [10] The IHP has scheduled two weeks from 11 to 22 September 2023 for facilitated expert witness conferencing, however there is an expectation that expert witnesses will not wait until that time before they engage with each other, and they should conduct informal conferencing to narrow issues wherever possible.
- [11] Further directions regarding facilitated expert witness conferencing will be considered at the pre-hearing meeting on 20 July 2023.

¹ **expert** means a person who has specialised knowledge or skill based on training, study, or experience
expert evidence means the evidence of an expert based on the specialised knowledge or skill of that expert and includes evidence given in the form of an opinion. Expert witnesses must adhere to the Environment Court Code of Conduct as set out in section 9 of the Environment Court Practice Note January 2023. All references to the Environment Court are to be read as if they apply to the IHP.
<https://environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>

Issues arising from the timeline and these directions.

[12] The timeline and directions are of a preliminary nature and if any party wishes to raise any issue with regard to the timeline and directions set out above, then this must be done in writing either by formal memorandum or in an email for the attention of the Chair of the Independent Hearings Panel Proposed Plan Change 14 addressed to the Director IHP Proposed Plan Change 14 Housing and Business Choice Secretariat info@chch2023.ihp.govt.nz.

[13] Unless modified by further direction of the Chair, the Council and Submitters should assume the directions in para [6] and [7] are final.

Dated 31 March 2023



Cindy Robinson

Chair

for Independent Hearings Panel

Attachment 2 – Email from s 9(2)(a), Director IHP, dated 1 June 2023

From: s 9(2)(a)
Sent: Thursday, 1 June 2023 10:58 am
To: s 9(2)(a)
Subject: e

Kia ora s 9(2)(a)

Further to our conversation regarding IHP hearings on PC14 and the risk that scheduled hearing time in October and November 2023 is not sufficient to hear all submitters and further submitters who wish to be heard. The IHP has identified six reserve hearing dates in late January and mid-February 2024 where hearings could reconvene if they are not able to be completed during the scheduled time in 2023. If hearings reconvene in 2024, and are completed by mid-February, the IHP recommendations report would likely be delivered to the Council by 30 April 2024.

I anticipate in July the IHP will review its preliminary timeline, as detailed in Minute 1 – Preliminary directions, and communicate any changes to Council and submitters as soon as practical.

Ngā mihi
s 9(2)(a)

s 9(2)(a)
and Electoral Officer
Planning & Strategic Transport, Planning & Consents

 s 9(2)(a)
 s 9(2)(a)
 Te Hononga Civic Offices, 53 Hereford Street, Christchurch
 PO Box 73016, Christchurch 8154
 ccc.govt.nz

Attachment 3 – Council proposed timeframe for Plan Change 14

Timing	Decision/Milestone	Involving
17 March 2023	Notification [complete]	Council
Closed 12 May 2023	Submissions period (40 working days) [complete]	
3 May - 28 June 2023	Summarising of submissions (8 weeks)	Council
30 June 2023 (TBC)	Summary of Submissions notified	Council
30 June – 14 July 2023	Further submissions period (10 working days)	
4 August 2023	Council files and serve s42A reports and evidence	Council
8 Sept 2023	Submitters file and serve expert evidence Note, Lay evidence is not required to be pre-circulated.	Submitters
11 Sept –22 Sept 2023	Expert witness conferencing	Council & submitters
29 September 2023	Filing of expert joint statements	Council & submitters
9 October 2023	Opening legal submissions filed and served by all parties	Council & submitters
9 Oct – 30 November 2023	Independent Hearings Panel Hearings (8 weeks)	IHP
30 Nov - 22 Dec 2023	IHP deliberations (4 weeks)	IHP
22 Dec – 15 January 2024	Holiday period	
15 Jan – 23 Feb 2024	Hearings Reconvened – 6 x reserve hearing dates TBC (mid-Jan to Mid-Feb)	IHP
23 Feb - 28 May 2024	IHP deliberations and preparation of report (14 weeks)	IHP
28 May 2024	IHP Report and Recommendations delivered to Council	IHP
28 May – 18 June 2024	Council staff review IHP recommendations (3 weeks)	Council
18 June – 5 July 2024	Required Mapping Updates (2.5 weeks)	Council
11 July 2024	ELT report on IHP recommendations	Council

16 July 2024	Council briefing (internal) on IHP recommendations	Council
30 July 2024 (TBC)	Supplementary Council briefing (internal) on IHP recommendations	Council
21 August 2024 (TBC)	Council Meeting (public) for Decision on IHP recommendations	Council
21 Aug – 4 Sept 2024	Required updates to ePlan to prepare for operative effect & stakeholder engagement	Planning staff
12 Sept 2024	Full Operative Effect	Planning staff

Appendix 2.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Christchurch City Council

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Christchurch City Council

Pursuant to section 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives notice of approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 27 April 2022, 2022-sl1594.

The amendments are as follows:

The Direction published 27 April 2022, as it applied to Christchurch City Council is amended and, the Minister for the Environment directs Christchurch City Council to notify decisions on the independent hearings panel's recommendations for Plan Change 14 by 12 September 2024.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Christchurch City Council

In accordance with clause 80L(1)(d) of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Christchurch City Council to provide a report to the Ministry for the Environment every three months from the date of this notice about its progress of the intensification streamlined planning process for Plan Change 14.

This amendment takes effect on the date of publication of this notice.

This amendment only applies to Plan Change 14 for Christchurch City Council.

Effect of this notice:

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022" published in the New Zealand Gazette, 27 April 2022, 2022-sl1594, only to the extent specified in this notice.

Signed

Hon David Parker

Minister for the Environment

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. Christchurch City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applied to them.

Appendix 2.3: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.2)

The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.2)

Pursuant to sections 80L and 80M of the Resource Management Act 1991, the Minister for the Environment gives the following notice.

Notice

1) Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.2).
- (2) This notice shall come into force on the date of publication.

2) Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Christchurch City Council

In accordance with sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Christchurch City Council to notify decisions on the independent hearings panel's recommendations for Plan Change 14 in accordance with clause 102 of Schedule 1 of the RMA by 12 September 2024.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Christchurch City Council

In accordance with clause 80L(1)(d) of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Christchurch City Council must provide a report to the Ministry for the Environment every three months from the date of this notice about its progress of the intensification streamlined planning process for Plan Change 14.

3) Principal notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022" published in the New Zealand gazette, 27 April 2022, 2022-sl1594, only to the extent specified in this notice.

Dated at Wellington this ____ day of _____ 2023.

Hon David Parker
Minister for the Environment

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) Christchurch City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applied to them.

Appendix 2.4: Response to Christchurch City Council's request for a time extension

Phil Mauger
Mayor
Christchurch City Council
mayor@ccc.govt.nz

s 9(2)(a)

Head of Planning & Consents
Christchurch City Council

s 9(2)(a)

Dear Mayor Phil Mauger

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

On 11 April 2023 I received an initial letter from Christchurch City Council (the Council) requesting an amendment to The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022. I received an updated letter from the Council on 7 June 2023 to increase the extension request to 12 September 2024. This amendment would give the Council an extra 13 months to complete the Intensification Streamlined Planning Process (ISPP).

I am granting this extension request. Once the amended direction notice is published in the New Zealand Gazette, Christchurch City Council will be required to notify decisions on the Independent Hearings Panel's recommendations for its intensification planning instrument by 12 September 2024. Ministry for the Environment officials will let you know when the amended direction takes effect. This timeframe extension will enable sufficient time to consider submissions, and support a robust hearings process.

Interestingly, a recent report by the Auckland University Business School looked at the impacts of the 2016 upzoning changes to the Auckland Unitary Plan on housing costs. The report findings emphasise the importance of enabling intensification in New Zealand's main urban centres. This report is available here: <https://cdn.auckland.ac.nz/assets/business/about/our-research/research-institutes-and-centres/Economic-Policy-Centre--EPC--WP016.pdf>

I encourage Council staff to continue to engage with Government officials during the preparation of the intensification planning instrument. I wish you well in the remainder of your plan change process.

Yours sincerely

Hon David Parker
Minister for the Environment

Appendix 3.1: Letter from Tauranga City Council requesting more time to complete the intensification streamlined planning process

[Attached to cover email]

5 May 2023



Hon David Parker
Minister for the Environment
Private Bag 18041
Parliament Buildings
WELINGTON 6160

Email: d.parker@ministers.govt.nz

Dear Minister

Request to Vary Intensification Streamlined Planning Process Timeframes

Background

As you are aware Tauranga City Council is progressing an Intensification Planning Instrument (IPI) to implement the Government's housing amendments to the RMA to provide for the Medium Density Residential Standards and intensification provisions in the NPS-UD. The IPI for Tauranga City Council was notified by 20 August 2022.

In December 2022, you amended the direction to require Tauranga City Council to notify decisions on the independent hearings panel recommendations for the Tauriko West variation. We are currently working on finalising the technical work to notify the variation to rezone and apply the Medium Density Residential Standards to Tauriko West. This letter does not deal with the Tauriko West variation, and we will write to you separately around the timeframes for the variation in the near future which also require extension due to delays in technical workstreams, plan drafting, s32 reporting and Tangata Whenua engagement being face to face.

From the date of public notification of the substantive IPI, legal effect applied if the rule authorised the construction and use of a residential unit in a relevant residential zone in accordance with the Medium Density Residential Standards. Tauranga City Council do not have any proposed qualifying matters that apply to all properties in a relevant residential zone. Therefore, the Medium Density Residential Standards have applied as permitted to many properties since public notification of the IPI. While we have seen a reduction in resource consents and building consents over the last 12 months, there has been a noticeable increase in multi-unit development applications.

Significant progress has been made toward getting the IPI to a hearing to meet the timeframe set out in our directions. The closing date for lodging submissions was 23 September 2022. A total of 403 submissions were received. The summary of decisions requested was notified for further submissions on 28 November 2022. Further submissions closed on 9 December 2022. A total of 205 further submissions were received.

Expert conferencing was held between 21 March and 29 March 2023 covering transportation, commercial centres and planning and urban design topic areas.

Current timeframes require the release of the s.42A report by 26 May 2023 and the hearing to commence on 3 July 2023. In preparing the s.42A report, there are nearly 5000 submission points to respond to and many of these submission points are complex, which require further technical work. The most significant being the outcomes of the commercial centres expert conferencing which requires further external technical work for commercial centres and a revised development capacity assessment. There was also a strong desire from those attending to have further expert conferencing when all of this technical work can be shared. It is not possible to complete all the technical work and expert conferencing prior to 26 May 2023. We consider this work critical to completing the s.42A report and giving effect to Policy 3 in the NPS-UD. Therefore, the timeframes to meet current directions have been revisited.

Options considered

With this in mind we have considered options to best progress the IPI to decisions. We have considered continuing with one hearing in July, splitting the submission topics into two hearings or delaying the entire hearing to a later date.

In considering the options to progress the IPI, discussions have been held with the Council appointed Independent Hearings Panel (IHP) and technical experts on the timeframes to complete technical work and attend hearings. Availability is a key consideration for the timeframes given that all tier 1 councils are progressing their IPI at the same time and there is significant commonality of IHP membership and expert witnesses.

Continuing with the current timeframes to proceed with one hearing in July will result in an incomplete s.42A report. This is because technical work is unable to be completed within these timeframes and the timeframes will not enable further expert conferencing on commercial centres and how we give effect to Policy 3 in the NPS-UD. There is significant risk of an incomplete s.42A report and the hearing being adjourned until the technical work is completed if we continue on current timeframes.

The second option to split the topics over two hearing dates, would involve a strategic hearing in July and the substantive hearing in early October. Having a split hearing will enable technical work to be completed and further expert conferencing on the commercial centres work. It also retains the current scheduled hearing date in July to respond to key topics such as scope and statutory considerations.

The last option would delay the hearing from July to October. As set out above, it allows for the completion of technical work and expert conferencing, but does delay the consideration of all submission points to the last quarter of 2023.

To enable the IPI to progress within realistic timeframes, but as efficiently as possible, we consider the most appropriate response is to progress with two hearings in July and October 2023.

Request to vary ISPP timeframes

Attachment 1 outlines the proposed variation to timeframes for the IPI. This requires an amendment to our direction to extend beyond November 2023, where we seek until 30 June 2024 to complete the substantive IPI. It is considered that the proposed variation will have limited impact on development capacity, given MDRS provisions already have legal effect and that demand is lower due to current economic and property market conditions.

We have set out proposed timeframes for each stage of the SPP in Attachment 1 to justify the proposed timeframes. The revised timeframes were prepared with the appointed IHP to ensure availability for the hearings and sufficient timeframes for the preparation of the IHP recommendations. We understand you only need to make a decision on the date for Council to make a decision on the recommendations of the IHP.

Under section 80M(2) of the Amendment Act, a specified territorial authority may request the Minister to amend a direction under section 80L. Section 80L provides the Minister of the Environment the power to amend timeframes for the IPI. We request that you approve an amended timeframe to required decisions on the IPI.

We look forward to your response. I would be happy to engage with you directly on this matter and technical queries between your officials and our staff should be direct to:

s 9(2)(a)
Manager: City Planning & Growth

s 9(2)(a)

s 9(2)(a)
Team Leader: City Planning

s 9(2)(a)

Yours sincerely



Marty Grenfell
Chief Executive
Tauranga City Council

Attachment 1: IPI Timeframes (Progress and Proposed Amendments)

ISPP Process Step	RMA Statutory Minimum or set out in the Act	Suggested timeframe by council (progress)	Indicative Date
Notification of intensification planning instrument	By 20 August 2022	Completed no later than 20 August 2022	Completed by 20 August 2022
Opportunity for written submissions	At least 20 working days (Clause 7(1) of Schedule 1 RMA)	Completed no later than 30 working days after public notification	Completed - 20 August to 30 September 2022
Summarise submissions for further submissions	No timeframe	Completed no later than 60 working days after close of submissions	Completed by 28 November 2022
Notify summary of submissions and call for further submissions	Further submissions to be received no later than 10 working days from the date the summary of submissions was notified (Schedule 1, clause 7(1)(c))	Completed no later than 20 working days after summary of submissions is notified	Completed – 28 November 2022 to 9 December 2022
Expert conferencing directed by IHP		Completed 2 months prior to s.42A being notified	Completed – 21 March 2023 to 29 March 2023 Further expert conferencing on commercial centres – week of 17 July 2023
Prepare section 42A officers report (including review and finalising)	No timeframe	Underway and on track for two hearings	By 26 May 2023 for Strategic hearing By 25 August 2023 for substantive hearing
Notification of hearing	Must give at least 10 working days' notice of dates, times, place of hearing (clause 8B Schedule 1 RMA)	Hearing Directions and Procedures released on 26 January 2023 (including the 3 July hearing date) IHP Directions required prior to 3 July hearing date to advise of two hearings.	By 26 May 2023 for Strategic hearing By 15 September 2023 for substantive hearing

Public hearing held	No timeframe	Timeframes set out to enable a second session of expert conferencing commercial centres Strategic hearing 2 months after expert conferencing is complete Substantive hearing 2 months after second session of expert conferencing is complete	3 July 2023 for Strategic hearing Allows 1 week for hearing 2 October 2023 for substantive hearing Allows 2 weeks for hearing
Independent hearing panel (IHP) to prepare recommendations on the plan change including how submissions have been considered	No timeframe	Completed 3 months after the close of the public hearing	By February 2024
Territorial authority to accept or reject recommendations of the IHP	No timeframe in the Amendment Act.	Completed 2 months after receipt of IHP recommendations, provided clarification from the IHP is not required.	By May 2024 Assumes clarification from the IHP is not required
Notification of Council decisions	No later than 5 working days (Section 102 requirement to notify decisions)	Completed no later than 5 working days from Council formally making its decisions	By May 2024
Minister for the Environment to decide on any recommendations rejected by Council or where Council recommends alternative wording <i>(if required)</i>	No timeframe in the Amendment Act.	Council decisions to be submitted to the Minister no later than 10 working days after the formal decision of Council.	No date

Appendix 3.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council

Pursuant to section 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives notice of approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 25 May 2022, 2022-sl2033.

The amendments are as follows:

The Direction published 25 May 2022, as it applied to Tauranga City Council is amended and, the Minister for the Environment directs Tauranga City Council to notify decisions on the independent hearings panel's recommendations for Plan Change 33 (excluding Variation 1 to Plan Change 33: Tauriko West Urban Growth Area) by 30 June 2024.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Tauranga City Council

In accordance with clause 80L(1)(d) of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Tauranga City Council to provide a report to the Ministry for the Environment every three months from the date of this notice about its progress of the intensification streamlined planning process for Plan Change 33 (excluding Variation 1 to Plan Change 33: Tauriko West Urban Growth Area).

This amendment takes effect on the date of publication of this notice.

This amendment only applies to Plan Change 33 for Tauranga City Council.

Effect of this notice:

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022" published in the New Zealand Gazette, 25 May 2022, 2022-sl2033, only to the extent specified in this notice.

This notice does not amend "The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2022" published in the New Zealand Gazette, 16 December 2022, 2022-sl5566

Signed

Hon David Parker
Minister for the Environment

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. Tauranga City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applied to them.

Appendix 3.3: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023

The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023

Pursuant to sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives the following notice.

Notice

1) Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023.
- (2) This notice shall come into force on the date of publication.

2) Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council

In accordance with sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Tauranga City Council to notify decisions on the independent hearings panel's recommendations for Plan Change 33 (excluding Variation 1 to Plan Change 33: Tauriko West Urban Growth Area) in accordance with clause 102 of Schedule 1 of the RMA by 30 June 2024.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Tauranga City Council

In accordance with clause 80L(1)(d) of the RMA, the Minister for the Environment directs Tauranga City Council to provide a report to the Ministry for the Environment every three months from the date of this notice about its progress of the intensification streamlined planning process for Plan Change 33 (excluding Variation 1 to Plan Change 33: Tauriko West Urban Growth Area).

3) Principal notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022" published in the New Zealand gazette, 25 May 2022, 2022-sl2033, only to the extent specified in this notice.

This notice does not amend "The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2022" published in the New Zealand Gazette, 16 December 2022, 2022-sl5566

Date at Wellington this ____ day of _____ 2023.

Hon David Parker
Minister for the Environment

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. Tauranga City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applied to them.

Appendix 3.4: Letter from Tauranga commissioners notifying you of insufficient development capacity in Tauranga

[Attached to cover email]

4 April 2023



Hon David Parker
Minister for the Environment

By email: d.parker@ministers.govt.nz

Copy to: Hon Megan Woods m.woods@ministers.govt.nz
Hon Michael Wood m.wood@ministers.govt.nz
Hon Kieran McAnulty k.mcanulty@ministers.govt.nz

Dear Minister

Updated Housing & Business Assessment Reconfirms Tauranga's Growth Challenge

As the Commissioners appointed by the Government to manage the governance of Tauranga City Council (TCC) we wrote to you on 2 September 2021 to advise that Tauranga City had insufficient residential development capacity to meet the requirements of the NPS-UD.

You were copied to a further letter from ourselves to Ministers dated 11 February 2022 advising that despite our collective efforts the situation was deteriorating, and seeking government intervention to assist.

We have now completed a revised Housing & Business Assessment (HBA) covering residential development capacity and also non-residential development capacity.

Residential development capacity

The outcomes of the revised HBA reinforce the significant and growing shortage of residential development capacity in the short, medium and long-term. The HBA also identifies shortages in the Western Bay of Plenty District which adjoins Tauranga City and is part of the same Tier 1 growth area. The outcomes for Tauranga City are summarised as follows with numbers rounded to the nearest 100 and shortages shown as negative numbers in red text:

Period	Year	Housing shortage / surplus within each period	Cumulative housing shortage from today
Existing	0	-4,300 to -5,300	-4,300 to -5,300
Short term	1-3	-1,400	-5,700 to -6,700
Medium term	4-10	-1,600	-7,300 to -8,300
Long term	11-30	2,000	-5,300 to -6,300
Total	0-30	-5,300 to -6,300	

Housing shortages are now shown to extend into the long-term period when previously we had assessed that they could be resolved before the end of the medium term.

It is important to note that there are significant risks that the housing shortfall will be greater than anticipated. In particular, early indications are that intensification across the Te Papa peninsula will be less than projected given rising costs of vertical construction and associated commercial, resource consent and buildability risks.

Unsurprisingly the housing pressures in Tauranga have created significant house price escalation and unaffordability, including an extreme house price to income ratio of approximately 11 which is higher than Auckland and any other location in New Zealand. There have been some modest price declines of late but not to the extent seen in places like Auckland and Wellington.

Non-residential development capacity

The revised HBA also identifies medium and long-term industrial and commercial/retail land shortages for Tauranga City. The following table summarises this.

Tauranga Sufficiency Based on Vacant Land		Surplus/Deficit Range (ha)	
		Local Densities	General Densities
<i>Including competitiveness margin</i>			
Short-term	Commercial and retail	10	10
	Industrial	70	70
Medium-term	Commercial and retail	-20	-20
	Industrial	10	-10
Long-term	Commercial and retail	-60	-60
	Industrial	-220	-270

While the industrial land shortages are not immediate, they are being felt today due to the long lead time to zone, service and develop industrial land into completed industrial sections ready to build on.

Within Tauranga City we have 100ha of land identified for industrial development as an extension to the Tauriko Business Estate. Constraints on the State Highway network are limiting the development of about 60ha of this land.

Beyond this there are no suitable sites for further industrial development within Tauranga City's small and highly constrained jurisdictional boundaries, and these shortages will have to be accommodated in the adjoining western Bay District or further afield. SmartGrowth is currently investigating locational options. Due to the specific requirements of industrial land requiring large flat greenfield sites close to key transport routes and an available workforce, it is safe to say that options will be few. Some of these options will also be constrained by limitations in the State Highway network, particularly SH29.

In terms of the commercial / retail shortages we primarily intend to address these by rezoning land for new commercial centres as new greenfield areas are progressed.

Inaction contributing to insufficiency

Our previous letters have addressed in some detail the many actions and projects underway to address Tauranga's development capacity shortage and we have not repeated them in this letter.

In our letter of 11 February 2022, we set out the case for decisive intervention at a ministerial level and a commitment to a collaborative 'all of government' approach to addressing these challenges. Unfortunately, over a year on this is not what we have experienced.

Some initiatives continue to drag on like Waka Kotahi's Tauriko Network Connections business case investigations for transport solutions for SH29 and 29A to unlock the wider Western Growth Corridor. Even when complete there is the prospect of funding shortfalls and an incremental staged delivery approach to contend with, which will only impede development outcomes and put further pressure on the key freight route to and from the Port of Tauranga, New Zealand's biggest Port. The delays are creating significant commercial feasibility challenges for developers who have no certainty that they will be able to develop their landholdings.

Other initiatives like Kainga Ora's Western Corridor SDP investigations were touted as a mechanism to get action quickly. It too has become a long and complex process, with recognition of late that it an SDP is unlikely to provide any substantive assistance to growth in the 0-10 year period.

In other areas, government policy continues to place more challenges in front of growth projects, like the need to demonstrate a substantive reduction in vehicle kilometres travelled at an aggregate level in spite of ongoing population and economic growth.

s 9(2)(b)(ii)

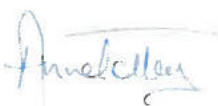
Concluding remarks

While we understand there are challenges and constraints the government must work within, there are pressing issues in Tauranga that require your immediate and urgent attention, and that of your ministerial colleagues.

Without your attention and assistance, the NPS-UD requirements will become meaningless and unachievable for a city like Tauranga and the narrative of these letters will continue through to the next HBA, the one after that and so on. At the same time Tauranga City Council will also continue to lose the 'social license' to continue to support population and urban growth in Tauranga due to the negative effects of growth outweighing the positive.

We would be happy to meet with you and your colleagues to further discuss these matters.

Yours sincerely



Anne Tolley
Commission Chair
Tauranga City Council



Bill Wasley
Commissioner
Tauranga City Council



Shadrach Rolleston
Commissioner
Tauranga City Council



Stephen Selwood
Commissioner
Tauranga City Council

Appendix 3.5: Response to Tauranga City Council's request for a time extension

Hon Anne Tolley
Commission Chair
Tauranga City Council
anne.tolley@tauranga.govt.nz

Marty Grenfell
Chief Executive
Tauranga City Council
marty.grenfell@tauranga.govt.nz

Dear Hon Anne Tolley

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

On 5 May 2023 I received a letter from Tauranga City Council officials requesting an amendment to The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022. This amendment would give the Council an extra seven months to complete the Intensification Streamlined Planning Process (ISPP).

I am granting this extension request. Tauranga City Council is now required to notify decisions on the independent hearings panel's recommendations for its intensification planning instrument (IPI), excluding Variation 1 to Plan Change 33: Tauriko West Urban Growth Area, by 30 June 2024. This timeframe extension will enable sufficient time to complete the necessary technical work and additional expert conferencing.

Interestingly, a recent report by the Auckland University Business School looked at the impacts of the 2016 upzoning changes to the Auckland Unitary Plan on housing costs. The report findings emphasise the importance of enabling intensification in New Zealand's main urban centres. This report is available here: <https://cdn.auckland.ac.nz/assets/business/about/our-research/research-institutes-and-centres/Economic-Policy-Centre--EPC-/WP016.pdf>

I encourage Council staff to continue to engage with Government officials during the preparation of the IPI. I wish you well in the remainder of your plan change process.

Acknowledgement of most recent Housing and Business Development Capacity Assessment

I also want to acknowledge and thank the Tauranga Commissioners and Council officials for the work undertaken to complete the Housing and Business Development Capacity Assessment (HBA). This was an important step to meet relevant requirements under the National Policy Statement on Urban Development 2020 (NPS-UD).

The Government recognises the growth challenges in Tauranga City. I thank the Commissioners and Council officials for your bold leadership on the work being undertaken to address the capacity insufficiencies through the IPI and the SmartGrowth Partnership. These actions are critical to address the district's shortfalls identified in the HBA.

I expect that you will continue to work jointly with the Western Bay of Plenty District Council to provide increased development capacity to assist in addressing the projected shortfalls. I understand the Priority Development Area taskforce within the SmartGrowth partnership will continue to help identify and overcome funding, financing or infrastructure barriers which are preventing pace and scale in housing delivery.

Regarding the need for growth-enabling infrastructure in the region, one of the five objectives of the resource management reforms is to better enable development within natural environmental limits including a significant improvement in housing supply, affordability and choice, and timely provision of appropriate infrastructure including social infrastructure.

The Spatial Planning Bill and Natural and Built Environments Bill will ensure more efficient planning and delivery of infrastructure by requiring strategically important infrastructure to be determined through Regional Spatial Strategies and more efficient designation and consenting processes. This will remove the barriers regions face in providing growth-enabling infrastructure by giving certainty and clarity to regional and local authorities, and developers, through front-loaded regional plans. MfE officials will work closely with councils during implementation of the new system and provide clear guidance on infrastructure provisions contained within the Bills.

The Environment Select Committee has provided its final reports on both Bills to the Government. Ministers will consider the advice of the Select Committee before the Bills become law. You can read the Select Committee's reports here:
<https://selectcommittees.parliament.nz/v/6/fc337f49-c6ce-440e-a35f-08db7cfc5483>
<https://selectcommittees.parliament.nz/v/6/edb8dbdd-4ad7-450f-1272-08db7699b093>

I encourage Council officials to continue working with the Ministry for the Environment (the Ministry) and Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development (HUD) to discuss the ongoing process to implement your IPI.

Yours sincerely

Hon David Parker
Minister for the Environment

Appendix 4.1: Letter from Western Bay of Plenty District Council requesting more time to complete the intensification streamlined planning process

[Attached to cover email]

11 May 2023

Hon David Parker
Minister for the Environment
Private Bay 18041
Parliament Buildings
Wellington 6160

By email: d.parker@ministers.govt.nz

Dear Minister Parker

Application for Amendment of the Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities (notice number 2022-s11594)

As a tier 1 Council, Western Bay of Plenty District Council (WBOPDC) notified an Intensification Planning Instrument ("plan change") on 20 August 2022 in accordance with the RMA and directions issued pursuant to 80L of the RMA. Having since progressed through the submission phase it is apparent further time is required ahead of a hearing to adequately address the issues raised. In addition, sufficient time is required to appoint a hearings panel including a nominated member with an understanding of tikanga Māori and of the perspectives of local iwi or hapū.

The outcomes this planning process will have on our Ōmokoroa and Te Puke communities in particular are significant and Council seeks to ensure we get this right.

WBOPDC seeks an amendment to the direction to allow further time to notify decisions on the independent hearings panel's recommendations in accordance with clause 102 of Schedule 1 of the RMA. A request to extend the timing for decisions beyond 20 August 2023 to 1 March 2024 is made for the following reasons.

To enable the sufficient consideration of submission points including key strategic issues ahead of a hearing

Given the nature of this intensification plan change across the District's two largest urban environments, the submissions received cross a wide range of topics. The volume of submissions is proportionately high for Western Bay and staff are not only needing to consider a wide range of topics but also seeking to resolve some significant strategic issues. To date, staff have met with those submitters who have fundamental concerns with the plan change. While this approach has been welcomed by submitters and has on the whole been a success, it has taken some considerable time and there are issues that remain outstanding and contact remains open with those submitters. From a strategic

perspective the main areas of dispute sit with:

- Financial Contributions – Including Yield & Infrastructure
- NZTA road alignment and timing

To have a clear and sound position on these critical matters further consideration is necessary.

Financial Contributions and Development Yield

Financial contributions and development yield are directly linked. Understanding and determining development yield is a fundamental aspect of the plan change. It ensures each urban town can effectively deliver medium density housing with sufficient infrastructure in place.

Submissions received have challenged the setting of minimum yields. The submission from Kainga Ora questions the basis from which Council determined yield and recommend the minimum yield is increased. Kainga Ora and Waka Kotahi submit that high density zones are required in both Ōmokoroa and Te Puke.

Any change to yield requires an assessment against infrastructure capacity. That in turn requires financial contributions to be re-calculated.

The plan change and related submissions have brought into question the appropriateness of the Financial Contribution model for Council for a number of reasons. Western Bay of Plenty District Council do not collect Development Contributions under the Local Government Act 2002 and rather are wholly reliant on Financial Contributions under the Resource Management Act to fund growth related infrastructure.

In this respect we need a full understanding of the matters relating to the financial model, which may impact Council's responsibilities under both the RMA and related LGA provisions. Financial contributions are a key contributor to Councils revenue and funding. It is imperative for both land developers and Councils ratepayers that the financial contributions are set accurately and fairly across those that will benefit.

Waka Kotahi: Ōmokoroa Interchange & Walkable Catchments for Ōmokoroa & Te Puke

Waka Kotahi, NZTA have made a submission to the plan change. The submission is in support of the plan change in principle, but raises matters which require further consideration – notably the need for an Integrated Transport Assessment in relation to the safety and capacity of the proposed Ōmokoroa / State Highway 2 intersection and wider State Highway 2 road network.

Waka Kotahi also considers that high-density residential zones within walkable catchments surrounding the town centres of Ōmokoroa and Te Puke are required and that the necessary accessibility study should be undertaken to determine this.

The State highway interchange design and location have progressed since the plan change was notified. Waka Kotahi seeks assurance and adequate 'protection' of land required to construct and establish the interchange. A changed location would require assessment to determine the surrounding zoning and that land use proposed is adequate and responsive to a new alignment. Immediately adjacent to the highway is industrial zoned land which a number of landowners have submitted in opposition to. Changes to the road layout could have knock on effects regarding the location and extent of industrial zoning.

To ensure an appropriate Independent Hearing Panel is appointed

With an originally proposed hearing date in the first week of May, Council had confirmed three commissioners who had availability to be appointed to an independent hearings panel. Consultation was also underway to determine an additional member to represent relevant iwi with an understanding of tikanga Māori and of the perspectives of local iwi or hapū.

Council is currently consulting with Ngāti Ranginui, Pirirākau, Ngāti Taka, Tapuika and Waitaha to determine a member to appoint. This engagement requires sufficient time particularly when taking into account the resourcing and capacity of iwi and hapū. In addition, the process of understanding what is required by the commissioner and identifying an appropriate representative with availability has already taken some time to progress.

Ensuring there is an appropriate level of involvement in the 'decision making' aspects of this plan change process for iwi and hapū is imperative.

To provide adequate timeframes that reflect resourcing capacity and availability

Technical Specialists

At the time of notifying the plan change in August 2022, Council lost a number of key project expertise and lead roles from the organisation. This required the sourcing of additional staff new to the project and procurement of consultants to support the process. New project roles and responsibilities were confirmed. While progress on the plan change continued during this period, additional time was required to bring new personnel up to speed with the background and key topics and issues. For Ōmokoroa in particular, some of these matters and engagement with submitters have been in play since 2018. There has been an efficiency and informational loss in this regard.

Independent Commissioners

There has been difficulty in securing commissioners with the appropriate expertise for the planned hearing dates. This was mainly an issue that arose in July 2022 when we confirmed a chair for the panel. While we were seeking to confirm the panel nine months ahead of the hearing, we were unable to secure other panel members from the Council's Independent Commissioners Policy list. An effort was also made at that time, to request involvement from other commissioners with local experience who were not on our list, and

again, there were availability shortages.

From that point, compounded somewhat by changes in staffing, and the confirmation that a commissioner to represent relevant iwi was also to be appointed staff have needed to enquire even further afield for commissioners.

Without a hearings panel confirmed it is difficult to give the necessary certainty and procedural direction to all parties on pre-hearing and hearing processes.

To provide for the consideration and recommendation of the associated Notice of Requirement

Alongside and supporting the plan change, Council notified a Notice of Requirement for Active Reserve in Ōmokoroa. In this instance the Western Bay of Plenty District Council is the Requiring Authority. The purpose of the designation is to establish an Active Reserve to provide additional recreational facilities to serve the projected population growth associated with the medium density growth of Ōmokoroa.

The Notice of Requirement received submissions, and those submitters wish to be heard. Some parties made submissions on both the Notice of Requirement and the plan change. The two planning processes are interlinked and where it was deemed appropriate to notify them together, it is also seen as relevant that hearing and recommendation processes are aligned. This does, however, require another degree of coordination and consideration of the appropriate statutory requirements through the designation process in contrast to those set out for the Intensification Streamlined Planning Process.

For these reasons Council is planning to coordinate the hearing and recommendation of the Notice of Requirement with the plan change process itself.

In conclusion

Council in making this application has considered the implications of this delay for the district and sub-region. As one of the fastest growing districts, enabling housing is of utmost importance and a strategic priority for Council.

The rules permitting residential units (subject to meeting all density standards) have legal effect over the majority of the Te Puke and the Ōmokoroa urban areas given the relevant residential zoning already in place. In greenfield areas proposed to be rezoned to residential (Ōmokoroa Stage 3 and Te Puke Seddon Street) where those same rules do not yet have legal effect, resource consents have been made to Council which are aligned with the new planning provisions. Council is aware of and continues to work closely with other land developers in the Ōmokoroa greenfield area (Stage 3) yet to submit resource consents for comprehensive developments. A planning decision is important, particularly for the Stage 3 greenfield area in Ōmokoroa, although there is currently a consenting pathway available. We already have three significant applications for comprehensive residential development in Ōmokoroa Stage 3 (139 lots plus 2 super lots and 153 retirement villas, 41 apartments, care home and facilities) and Seddon Street (145 lots) which are all on track to be approved. This demonstrates that developers are not

discouraged from progressing housing under the current consenting pathway. In this regard, while the extended timing to notify decisions on the plan change will prolong the uncertainty of developing with both operative and proposed rules in place, it is not deemed significant enough to impact Council's short, medium or long term housing supply. We consider the extended time taken now will lead to better housing and infrastructure outcomes for future generations.

We are proposing to set a new hearing date for the week beginning the 11th of September 2023. We consider this will provide adequate time to conclude our dispute resolution phase and appoint an independent hearings panel. The steps following the hearing are projected below and would conclude on or before 1st December 2023.

IHP Hearing	Beginning 11 September 2023
IHP recommendation	18 September – 19 October 2023
Council recommendation & decision	24 October – 23 November 2023
Notification to minister etc.	24 November 2023 onwards

These timeframes meet the statutory timing set within the RMA (where applicable) and aim for a most expedient process. The timeframes have been communicated to hearing commissioners we are seeking to appoint, and our proposed chair has helped inform the timing. While Council will strive to meet this timeframe, taking into account the potential for an unforeseen issue arising over the coming 7 months, Council seeks a revised date of 1 March 2024 in accordance with clause 102 of Schedule 1 of the RMA. This should ensure there is a sufficient contingency buffer should additional time be required beyond 24 November 2023. A contingency of 3 additional months is sought, given the timing of the year in which they fall, particularly the non-working day period from 20 December 2023 to 10 January 2024.

In conclusion the Western Bay of Plenty District Council seeks the direction be amended to notify decisions on the independent hearings panel's recommendations in accordance with clause 102 of Schedule 1 of the RMA to 1 March 2024.

Yours sincerely



James Denyer

Mayor

Western Bay of Plenty District Council

Appendix 4.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Western Bay of Plenty District Council

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Western Bay of Plenty District Council

Pursuant to section 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives notice of approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 27 April 2022, 2022-sl1594.

The amendments are as follows:

The Direction published 27 April 2022, as it applied to Western Bay of Plenty District Council is amended and, the Minister for the Environment directs Western Bay of Plenty District Council to notify decisions on the independent hearings panel's recommendations for Plan Change 92 by 1 March 2024.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Western Bay of Plenty District Council

In accordance with clause 80L(1)(d) of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Western Bay of Plenty District Council to provide a report to the Ministry for the Environment every three months from the date of this notice about its progress of the intensification streamlined planning process for Plan Change 92.

This amendment takes effect on the date of publication of this notice.

This amendment only applies to Plan Change 92 for Western Bay of Plenty District Council.

Effect of this notice:

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022" published in the New Zealand Gazette, 27 April 2022, 2022-sl1594, only to the extent specified in this notice.

Signed

Hon David Parker

Minister for the Environment

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. Western Bay of Plenty District Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applied to them.

Appendix 4.3: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.3)

The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No. 3)

Pursuant to sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives the following notice.

Notice

1) Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No. 3).
- (2) This notice shall come into force on the date of publication.

2) Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Western Bay of Plenty District Council

In accordance with sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Western Bay of Plenty District Council to notify decisions on the independent hearings panel's recommendations for Plan Change 92 in accordance with clause 102 of Schedule 1 of the RMA by 1 March 2024.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Western Bay of Plenty District Council

In accordance with clause 80L(1)(d) of the RMA, the Minister for the Environment directs Western Bay of Plenty District Council to provide a report to the Ministry for the Environment every three months from the date of this notice about its progress of the intensification streamlined planning process for Plan Change 92.

3) Principal notice

"The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022" published in the New Zealand Gazette, 27 April 2022, 2022-sl1594, only to the extent specified in this notice.

Date at Wellington this ____ day of _____ 2023.

Hon David Parker

Minister for the Environment

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. Western Bay of Plenty District Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applied to them.

Appendix 4.4: Response to Western Bay of Plenty District Council's request for a time extension

James Denyer
Mayor
Western Bay of Plenty District Council
James.Denyer@westernbay.govt.nz

s 9(2)(a)

Environmental Planning Manager
Western Bay of Plenty District Council

s 9(2)(a)

Dear Mayor James Denyer

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

On 2 May 2023 I received your letter requesting an amendment to The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022. This amendment would give the Council an extra seven months to complete the Intensification Streamlined Planning Process (ISPP).

I am granting this extension request. Once the amended direction notice is published in the New Zealand gazette, Western Bay of Plenty District Council will be required to notify decisions on the independent hearings panel's recommendations for its intensification planning instrument by 1 March 2024. Ministry for the Environment officials will inform you when the amended direction takes effect.

This timeframe extension will enable council staff to appropriately consider submissions, coordinate a hearing for the Notice of Requirement alongside the intensification planning instrument (IPI) hearing, and accommodate limited staff resourcing.

Interestingly, a recent report by the Auckland University Business School looked at the impacts of the 2016 upzoning changes to the Auckland Unitary Plan on housing costs. The report findings emphasise the importance of enabling intensification in New Zealand's main urban centres. This report is available here: <https://cdn.auckland.ac.nz/assets/business/about/our-research/research-institutes-and-centres/Economic-Policy-Centre--EPC-/WP016.pdf>

I encourage Council staff to continue to engage with Government officials during the preparation of the IPI. I wish you well in the remainder of your plan change process.

Yours sincerely

Hon David Parker
Minister for the Environment

Appendix 5.1: Letter from Hamilton City Council requesting more time to complete the intensification streamlined planning process

[Attached to cover email]



OFFICE OF THE MAYOR
HAMILTON

12 June 2023

To: Hon David Parker, Minister for the Environment

From: Mayor Paula Southgate, Hamilton City Council

CC: Councillor Ryan Hamilton, Chair Strategic Growth and District Plan Committee
David Hill, Independent Hearing Panel Chair, Hamilton City Council ISPP
s 9(2)(a) [REDACTED], General Manager Growth, Hamilton City Council

Dear Minister,

Hamilton City Council is making good progress advancing our Intensification Planning Instrument (IPI) in accordance with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act. The IPI for Hamilton City Council (**Plan Change 12**) was notified on the 19th August 2022 and Hearings for the IPI commenced on the 14th February 2023.

As per your 25th May 2022 Directions, Hamilton City Council is required to make decisions on the IPI by March 31st 2024. The purpose of this letter is to request an extension to the March 31st 2024 decision deadline. The reason for seeking an extension is to ensure that any decision made in respect of Plan Change 12 is fully informed by sufficiently robust and complete flood hazard information. Reaching a decision on further housing intensification in Hamilton without properly reflecting flooding and inundation risks may lead to an outcome where housing intensification is enabled in areas of the City which are at risk of flooding.

Currently, flood hazard mapping only covers 14% of the City and the Operative District Plan reflects this limitation. So too does Plan Change 12, which recognises these areas as flood hazard qualifying matters. While this is positive, it is the remaining 86% of the City not addressed in Plan Change 12 which is of concern.

Hamilton City Council is working hard to complete its updated flood hazard modelling, and expects to have that information complete in late 2023, after which it will notify Plan Change 14 to update the Operative District Plan to reflect this more complete flood information. Once Plan Change 14 is notified, its rules will have immediate legal effect, and this will assist in informing residential intensification under Plan Change 12.

Background

While Hamilton was fortunate that the extreme weather events that affected Auckland did not fully reach Hamilton, we have had our own localised flooding. It is vital that the learnings from Auckland are considered and proactively implemented across all Tier 1 metropolitan cities, ensuring Hamilton provides for growth in a manner that is resilient to natural hazards and the impacts of climate change.

In a Waikato context, we also have to ensure we meet our legal obligations to enhance the health and wellbeing of the Waikato River, its tributaries and catchments in accordance with Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River). This places heightened importance on “green infrastructure” techniques which improve the quality and quantity of urban run-off.

We are in the process of updating our flood modelling data, currently 70% of the City is now GIS mapped and we expect to have 90-95% of the city GIS mapped by late- 2023. Meanwhile, we are also updating our management

s 9(2)(a) [REDACTED]

Email paula.southgate@council.hcc.govt.nz

Postal Address Private Bag 3010, Hamilton 3240, New Zealand

regime under the district plan which will respond to this new flood modelling data. Together, we refer to this body of work as Plan Change 14.

The notified version of Plan Change 12 provides for significant intensification within areas affected by new flood hazard information. The updated flood modelling information indicates that large areas of the city will be affected by low, medium or high flood hazards (100-year event), and / or be affected by overland flow paths or flood depression areas.

We believe it is critical that new intensification rules and development rights respond to natural hazard information related to flooding. Accordingly, decisions related to intensification must rely on the most up-to-date flood hazard information and corresponding management techniques such as the requirement for water sensitive design including stormwater management devices, blue-green corridors and preserving overland flow paths.

We have carefully considered how Plan Change 12 can respond to this updated flood hazard information. What we have found is that while the Independent Hearing Panel under s 80E of the Amendment Act is permitted to amend or include related provisions that “support or are consequential” on the MDRS and Policy 3 (s 80E(1)(b)(iii)) this will not enable the Panel to introduce new plan provisions into Plan Change 12 that protect against newly identified flood hazards. To do so presents issues of natural justice as this new flood hazard information will affect property owners who are not submitters on Plan Change 12.

In addition, when HCC notified Plan Change 12 the updated flood mapping was not complete and no new district plan controls were introduced to address flooding. The procedural challenges are compounded by the fact that the Amendment Act only allows for the single notification of the IPI, so the pathway of re-notifying flood hazards as part of Plan Change 12 is not available to us.

So to summarize, if a decision on Plan Change 12 is required to be made by 31st March 2023 it risks enabling housing intensification in areas that are now known to be flood prone.

Way forward

HCC request an extension to the timeframes for making a decision on the IPI in order to complete its flood hazard GIS mapping and publicly notify Plan Change 14. Upon notification the rules in Plan Change 14 will have immediate legal effect under s 86B of the RMA. The decision makers on Plan Change 12 will then have the benefit of that updated flood hazard information, which will then be used to inform Plan Change 12.

This process will allow Plan Change 14 to “catch-up” with Plan Change 12 and be taken account of in the IHPs recommendations.

Accordingly, we request that the decision deadline by Council on the IPI be extended to 20th December 2024.

We acknowledge the intent of the Amendment Act to increase the enabled supply of zoned land for housing. The 2021 Future Proof Housing and Business Capacity Assessment found that in the short term (1-3 years) Hamilton City had a recorded 18,800 market feasible supply versus a housing demand of 4,200 dwellings. As such, we do not consider this extension will materially impact the supply of market feasible housing for Hamilton.

Under section 80M(2) of the Amendment Act, a specified territorial authority may request the Minister to amend a direction under section 80L. Section 80L provides the Minister for the Environment the power to amend timeframes for the IPI. We request that you approve an amended timeframe to required decisions on the IPI.

s 9(2)(a)

Email paula.southgate@council.hcc.govt.nz

Postal Address Private Bag 3010, Hamilton 3240, New Zealand

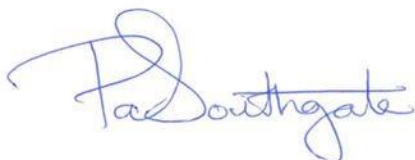
We look forward to your response. I would be happy to engage with you directly on this matter and technical queries between your officials and our staff should be direct to:

s 9(2)(a)

City Planning Manager

s 9(2)(a)

Warm regards

A handwritten signature in blue ink that reads "Paula Southgate". The signature is fluid and cursive, with the first name "Paula" and last name "Southgate" clearly legible.

Paula Southgate
Mayor of Hamilton

s 9(2)(a)

Email paula.southgate@council.hcc.govt.nz

Postal Address Private Bag 3010, Hamilton 3240, New Zealand

Appendix 5.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Hamilton City Council

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Hamilton City Council

Pursuant to section 80M of the Resource Management Act 1991, the Minister for the Environment gives notice of approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 25 May 2022, 2022-sl2034.

The amendments are as follows:

The Direction published 25 May 2022, as it applied to Hamilton City Council is amended and, the Minister for the Environment directs Hamilton City Council to notify decisions on the independent hearings panel's recommendations for Plan Change 12 by 20 December 2024.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Hamilton City Council

In accordance with clause 80L(1)(d) of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Hamilton City Council must provide a report to the Ministry for the Environment every three months from the date of this notice about its progress of the intensification streamlined planning process for Plan Change 12.

This amendment takes effect on the date of publication of this notice.

This amendment only applies to Plan Change 12 for Hamilton City Council.

Effect of this 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, 2022-sl2034, only to the extent specified in this notice.

Signed

Hon David Parker
Minister for the Environment

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. Hamilton City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applied to them.

Appendix 5.3: Draft Gazette notice – 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 2023

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 2023

Pursuant to sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives the following notice.

Notice

1) 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 2023.
- (2) This notice shall come into force on the date of publication.

2) Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Hamilton City Council

In accordance with sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Hamilton City Council to notify decisions on the independent hearings panel's recommendations for Plan Change 12 in accordance with clause 102 of Schedule 1 of the RMA by 20 December 2024.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Hamilton City Council

In accordance with clause 80L(1)(d) of the RMA, the Minister for the Environment directs Hamilton City Council to provide a report to the Ministry for the Environment every three months from the date of this notice about its progress of the intensification streamlined planning process for Plan Change 12.

3) 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, 2022-sl2034, only to the extent specified in this notice.

Date at Wellington this ____ day of _____ 2023.

Hon David Parker
Minister for the Environment

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. Hamilton City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applied to them.

Appendix 5.4: Response to Hamilton City Council's request for a time extension

Paula Southgate
Mayor
Hamilton City Council
paula.southgate@council.hcc.govt.nz

s 9(2)(a)

City Planning Manager
Hamilton City Council

s 9(2)(a)

Dear Mayor Paula Southgate

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

On 12 June 2023 I received your letter 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. This amendment would give the Council an extra seven months to complete the Intensification Streamlined Planning Process (ISPP).

I am granting this extension request. Once the amended direction notice is published in the New Zealand Gazette, Hamilton City Council will be required to notify decisions on the independent hearings panel's recommendations for its intensification planning instrument by 20 December 2024. Ministry for the Environment officials will inform you when the amended direction takes effect.

This timeframe extension will enable sufficient time to complete flood hazards modelling and ensure that any decisions made in respect of the intensification planning instrument (IPI), Plan Change 12, is fully informed by sufficiently robust and complete flood hazard information.

Interestingly, a recent report by the Auckland University Business School looked at the impacts of the 2016 upzoning changes to the Auckland Unitary Plan on housing costs. The report findings emphasise the importance of enabling intensification in New Zealand's main urban centres. This report is available here: <https://cdn.auckland.ac.nz/assets/business/about/our-research/research-institutes-and-centres/Economic-Policy-Centre--EPC-/WP016.pdf>

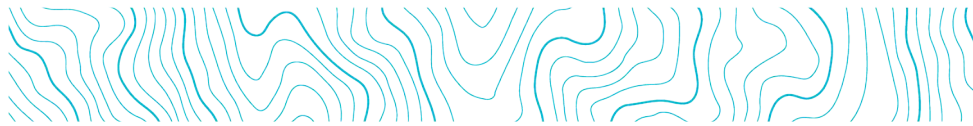
I encourage Council staff to continue to engage with Government officials during the preparation of the IPI. I wish you well in the remainder of your plan change process.

Yours sincerely

Hon David Parker
Minister for the Environment

Appendix 6.1: Letter from Hutt City Council requesting more time to complete the intensification streamlined planning process

[Attached to cover email]



3 July 2023

Hon David Parker

Minister for the Environment

By email – d.parker@ministers.govt.nz

Dear Minister Parker

Request for extension of time to complete the Intensification Streamlined Planning Process for the Hutt City Council Intensification Planning Instrument

Hutt City Council notified Proposed District Plan Change 56 in August 2022. Plan Change 56 is Council's Intensification Planning Instrument (IPI).

An independent hearing for the proposed plan change was held in April 2023. The hearing panel is now preparing its report with recommendations. This will be released in late July. The first full Council meeting following this will be on 30 August 2023.

As set out in the Gazette Notice issued by the Minister for the Environment on 11 April 2022, Hutt City Council is required to notify decisions on the independent hearings panel's recommendations by 20 August 2023. Council will not be able to meet this date due to the date of the Council meeting referred to above.

On behalf of Hutt City Council, I am therefore writing to you to request a small extension to the 20 August 2023 date on the basis that the Council meeting on 30 August 2023 is the first available meeting for Council to make a decision on the panel's recommendations.

We expect following the 30 August meeting that we will need three weeks to complete the decision notification requirements set out in clause 102 of Schedule 1 of the RMA. We therefore request that the extension is given until 22 September 2023.

We anticipate that there will be no issue with this request given the significant progress made by Council on the IPI and the very minor nature of the extension request. We would be grateful to receive a swift confirmation on this.

Yours sincerely

s 9(2)(a)

s 9(2)(a)

Head of Planning

Appendix 6.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Hutt City Council

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Hutt City Council

Pursuant to section 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives notice of approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 27 April 2022, 2022-sl1594.

The amendments are as follows:

The Direction published 27 April 2022, as it applied to Hutt City Council is amended and, the Minister for the Environment directs Hutt City Council to notify decisions on the independent hearings panel's recommendations for Plan Change 56 by 22 September 2023.

This amendment takes effect on the date of publication of this notice.

This amendment only applies to Plan Change 56 for Hutt City Council.

Effect of this notice:

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022" published in the New Zealand Gazette, 27 April 2022, 2022-sl1594, only to the extent specified in this notice.

Signed

Hon David Parker
Minister for the Environment

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. Hutt City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applied to them.

Appendix 6.3: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.4)

The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.4)

Pursuant to sections 80L and 80M of the Resource Management Act 1991, the Minister for the Environment gives the following notice.

Notice

1) Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.4).
- (2) This notice shall come into force on the date of publication.

2) Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Hutt City Council

In accordance with sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Hutt City Council to notify decisions on the independent hearings panel's recommendations for Plan Change 56 in accordance with clause 102 of Schedule 1 of the RMA by 22 September 2023.

3) Principal notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022" published in the New Zealand gazette, 27 April 2022, 2022-sl1594, only to the extent specified in this notice.

Dated at Wellington this ____ day of _____ 2023.

Hon David Parker
Minister for the Environment

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) Hutt City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applied to them.

Appendix 6.4: Response to Hutt City Council's request for a time extension

Campbell Barry
Mayor
Hutt City Council
Campbell.Barry@huttcity.govt.nz

s 9(2)(a)
Head of Planning
Hutt City Council
s 9(2)(a)

Dear Mayor Campbell Barry

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

On 3 July 2023 I received your letter requesting an amendment to The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022. This amendment would give the Council an extra month to complete the Intensification Streamlined Planning Process (ISPP).

I am granting this extension request. Once the amended direction notice is published in the New Zealand Gazette, Hutt City Council will be required to notify decisions on the independent hearings panel's recommendations for its intensification planning instrument by 22 September 2023. Ministry for the Environment officials will inform you when the amended direction takes effect.

Interestingly, a recent report by the Auckland University Business School looked at the impacts of the 2016 upzoning changes to the Auckland Unitary Plan on housing costs. The report findings emphasise the importance of enabling intensification in New Zealand's main urban centres. This report is available here: <https://cdn.auckland.ac.nz/assets/business/about/our-research/research-institutes-and-centres/Economic-Policy-Centre--EPC-WP016.pdf>

I encourage Council staff to continue to engage with Government officials during the preparation of the intensification planning instrument. I wish you well in the remainder of your plan change process.

Yours sincerely

Hon David Parker
Minister for the Environment



BRF-3681: Requests from specified territorial authorities for more time to complete the intensification streamlined planning process

Date submitted: 4 August 2023

Tracking number: BRF-3681

Security level: Policy and Privacy

MfE priority: Urgent

Actions sought from Ministers		
<i>Name and position</i>	<i>Action sought</i>	<i>Response by</i>
To Hon David PARKER Minister for the Environment	Record decisions on recommendations Sign Amended Directions and Gazette notices	7 August 2023
Forward to Hon Dr Megan Woods Minister of Housing	No action required	

Actions for Minister's office staff
Forward this briefing to the office of Hon Dr Megan Woods Return the signed briefing to the Ministry for the Environment (ministerials@mfe.govt.nz) and RM.Reform@mfe.govt.nz Ensure Directions and Gazette Notices are signed Table Directions in the House of Representatives

Appendices and attachments

1. Appendix 1.1 Matters requiring your decisions on Councils' requests for more time to complete the intensification streamlined planning process
2. Appendix 2.1: Letter from Wellington City Council requesting more time to complete the intensification streamlined planning process and supplementary information
3. Appendix 2.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Wellington City Council
4. Appendix 2.3: Draft Gazette Notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023 (No.2)
5. Appendix 2.4: Response to Wellington City Council's request for a time extension
6. Appendix 3.1: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Auckland Council
7. Appendix 3.2: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Amendment Notice 2023
8. Appendix 3.3: Letter sent to Auckland Council on 6 April 2023 granting more time to complete the intensification streamlined planning process
9. Appendix 3.4: Response to Auckland Council in relation to the statement of expectations
10. Appendix 4.1: Letter from Upper Hutt City Council requesting more time to complete the intensification streamlined planning process
11. Appendix 4.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Upper Hutt City Council
12. Appendix 4.3: Draft Gazette Notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.5)
13. Appendix 4.4: Response to Upper Hutt City Council's request for a time extension

Key contacts at Ministry for the Environment

Position	Name	Cell phone	First contact
Principal Authors	Leah Clark Lucy Knowles		
Responsible Manager	Linley Wilkinson	022 493 0144	✓
Director	Rebecca Scannell		

Minister's comments

[illegible]

BRF-3681: Requests from specified territorial authorities for more time to complete the intensification streamlined planning process

Key messages

1. This briefing seeks your agreement to:
 - i grant requests from Wellington City Council (WCC) and Upper Hutt City Council (UHCC) for more time to complete the intensification streamlined planning process (ISPP)
 - ii sign Auckland Council's (AC) amended direction to finalise its ISPP extension request.
2. The Resource Management Act 1991 (RMA) provides for:
 - i the Minister for the Environment to prepare a direction for the ISPP setting additional requirements such as reporting requirements (section 80L)
 - ii a direction to include the Minister for the Environment's statement of expectations for the specified territorial authority (section 80L(2))
 - iii a specified territorial authority to request that the Minister for the Environment amend a direction (section 80M(2)).
3. Officials recommend you grant the extension requests from WCC and UHCC, and sign AC's amended direction to finalise its ISPP extension request.
4. You have previously advised AC that you were granting its request for more time to complete the ISPP, until 31 March 2025 [BRF-3025 refers].
5. This briefing actions our commitment to provide you with advice on amending AC's direction. In AC's amended direction, officials recommend you:
 - i provide a statement of expectations regarding the impacts of flooding and landslides on its intensification planning instrument (IPI), and whether a variation to its IPI, Plan Change 78, is required in relation to natural hazards
 - ii include a requirement for AC to provide quarterly progress reports to the Ministry for the Environment on its progress with the ISPP.
6. We do not recommend these requirements for WCC and UHCC due to the length of the extensions (four months).
7. In total, including the requests in this briefing, ten of the 15 specified territorial authorities have requested more time to complete the ISPP.

Recommendations

We recommend that you:

a. **agree to:**

- i **either** the specific recommendations in Appendix 1.1 by indicating your decisions in Appendix 1.1

Yes | No

- ii **or meet** with officials to discuss this briefing

Yes | No

- b. **note** the Amended Directions for the Intensification Streamlined Planning Process will take effect on the date they are published in the New Zealand Gazette

- c. **note** that your signed Amended Directions for the Intensification Streamlined Planning Process are subject to disallowance and are required to be presented to the House of Representatives

- d. **note** that if the amended directions are not able to be presented to the House of Representatives before it rises on 31 August 2023, they will need to be presented to the House of Representatives as soon as possible after the formation of the 54th Parliament

- e. **agree** that this briefing and appendices will be released proactively on the Ministry for the Environment's website within the next eight weeks

Yes | No

Signatures



Linley Wilkinson

Manager, Urban Implementation

Matapopore

3 August 2023

Hon David PARKER

Minister for the Environment

Date

BRF-3681: Requests from specified territorial authorities for more time to complete the intensification streamlined planning process

Purpose

8. This briefing seeks your agreement to:
 - i grant requests from Wellington City Council (WCC) and Upper Hutt City Council (UHCC) for more time to complete the intensification streamlined planning process (ISPP)
 - ii sign Auckland Council's (AC) amended direction to finalise its ISPP extension request.
9. Our advice and recommendations are provided in Appendix 1.1.

Background

10. The Resource Management Act 1991 (RMA) requires specified territorial authorities¹ to use the ISPP to notify an intensification planning instrument (IPI). This allows incorporation of the medium density residential standards (MDRS) into their district plans and gives effect to the intensification requirements in the National Policy Statement on Urban Development 2020 (NPS-UD).
11. The RMA sets out the process steps for the ISPP and requires specified territorial authorities to notify an IPI by 20 August 2022. Other timeframes for the ISPP can be prescribed through a regulation called a 'direction', set by the Minister for the Environment.
12. You have granted an extension to:
 - i Tauranga City Council (for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area (Variation 1)) to 30 June 2024 [BRF-2471 refers], and in relation to the substantive portion of its IPI to 30 June 2024 [BRF-3261 refers]
 - ii Waimakariri District Council to 17 December 2024 [BRF-2829 refers]
 - iii Christchurch City Council to 12 September 2024 [BRF-3261 refers]

¹ Specified territorial authority means any of the following:

- a. every tier 1 territorial authority (Auckland Council, Christchurch City Council, Hamilton City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Tauranga City Council, Upper Hutt City Council, Waikato District Council, Waimakariri District Council, Waipā District Council, Wellington City Council, Western Bay of Plenty District Council).
- b. a tier 2 or 3 territorial authority that is required by regulations to prepare and notify an intensification plan change (currently Rotorua Lakes Council).

- iv Western Bay of Plenty District Council to 1 March 2024 [BRF-3261 refers]
 - v Hamilton City Council to 20 December 2024 [BRF-3261 refers]
 - vi Hutt City Council to 22 September 2023 [BRF-3261 refers].
13. You have previously advised AC that you were granting its request for more time to complete the ISPP, until 31 March 2025 [BRF-3025 refers].
14. Porirua City Council (PCC) wrote to you on 12 July 2023 to request more time for the Independent Hearings Panel (IHP) to make recommendations on the intensification planning instrument (IPI), and to make decisions on the proposed district plan. We will provide you with advice on PCC's request in late August 2023.

Analysis and advice

Advice on the ISPP completion dates

15. Amendments to a direction follow the same process as the original direction. The Minister for the Environment may make a direction under section 80L of the RMA to direct one or more specified territorial authorities in relation to a number of ISPP requirements including "matters on which the specified territorial authority must report to the Minister" (section 80L(1)(d)).
16. The RMA also provides for a direction to include the Minister for the Environment's statement of expectations for the specified territorial authority (section 80L(2)).
17. In deciding the content of a direction, you must have regard to providing "a process for the preparation of an IPI by a specified territorial authority in order to achieve an expeditious planning process" (sections 80L, 80M, and 80D of the RMA).
18. Officials' advice and recommendations are provided in Appendix 1.1.

Other considerations

Consultation and engagement

19. MfE officials consulted Te Tūāpapa Kura Kāinga - The Ministry of Housing and Urban Development (HUD). HUD is supportive of the approach and recommendations in this briefing.

Risks and mitigations

20. If these extensions are not granted, WCC, AC and UHCC will not meet the existing timeframes for completing the ISPP and will be non-compliant with the RMA.
21. Officials consider the risks of a precedent effect are mitigated as your decisions on any requests for an extension of time are made on a case-by-case basis and are dependent upon the evidence provided.

22. To ensure Auckland Council remains on track to complete ISPP, a further mitigation is the ability to include a requirement to report progress, and the ability to provide a statement of expectations.

Legal issues

23. As with any statutory decision, there is a risk of judicial review. Officials consider that in relation to amending a direction for a decision on an IPI under section 80M and providing for reporting requirements and a statement of expectations under section 80L, the risk of a successful judicial review is low, given the wide scope of your discretion.

Next steps

24. The Directions need to be published in the New Zealand Gazette. Once you have signed the Directions and Gazette notices, officials will work with your office to table the Directions in the House of Representatives and publish the Gazette notices. The Directions will take effect on the date they are published in the New Zealand Gazette.
25. We note that the Amended directions for the Intensification Streamlined Planning Process are subject to disallowance and need to be presented to the House of Representatives. If the amended directions are not able to be presented to the House before it rises on 31 August 2023, they will need to be presented after the formation of the 54th Parliament.
26. Should you agree to issue the directions in this briefing, we recommend you send WCC, AC and UHCC the letters in Appendices 2.4, 3.4 and 4.4 respectively. Officials will also inform each council of your decision.
27. Officials will continue to work closely with these specified territorial authorities to ensure they are reporting progress on the ISPP and will meet the completion date set in the relevant directions.
28. Officials from MfE and HUD will continue to provide you with key updates on specified territorial authorities' progress on implementing the ISPP.
29. If you would like to make a different direction to the ones recommended in this briefing, officials suggest meeting to discuss any questions or issues.

Appendix 1.1: Matters requiring your decisions on Councils' requests for more time to complete the intensification streamlined planning process

Specified territorial authority	Original completion date for the ISPP and Direction title	Extension date requested	Context and reason for the extension	Advice	Recommendations
Wellington City Council (WCC)	20 November 2023 <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022 (the 'original WCC Direction')</i>	20 March 2024	Context WCC is progressing an entire proposed district plan with a portion following the ISPP and the rest following a Schedule 1 process. WCC considers this extension will have a limited impact on development capacity due to the length of the extension (four months). The medium density residential standards (MDRS) already have legal effect in all residential zones and there are existing consent pathways for intensification proposals. Reasons for the extension request WCC has informed officials that hearings have taken longer than expected due to the number of submissions and the complexity of issues raised. This has resulted in insufficient time for IHP deliberation and report writing, and for WCC to consider recommendations.	We recommend you amend the original WCC Direction to enable WCC to complete the ISPP by 20 March 2024. Given the length of time of the extension (four months), officials consider amending the direction would achieve an expeditious planning process. Officials consider approximately four additional months will enable sufficient time to complete the ISPP, including appropriate deliberation and report writing by the IHP, and time for WCC to consider the IHP's recommendations.	Agree to amend The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022, to require Wellington City Council to: - notify decisions on the independent hearings panel's recommendations for the relevant parts of the proposed district plan by 20 March 2024 Yes No Sign the Amended Direction in Appendix 2.2 Yes No Sign the Gazette Notice in Appendix 2.3 Yes No Agree to send Wellington City Council the letter in Appendix 2.4 Yes No
Auckland Council (AC)	31 March 2024 <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Notice 2022 (the 'original AC Direction')</i>	31 March 2025 (you wrote to AC on 6 April 2023 granting this extension) [BRF-3025 refers]	Context You have previously advised AC that you were granting its request for more time to complete the ISPP, until 31 March 2025 [BRF-3025 refers]. This briefing actions our commitment to provide you with advice on amending AC's direction. In BRF-3025, we noted that if you wanted to provide formal guidance to Auckland Council on its IPI, you could include a statement of expectations in the amended Direction (as per section 80L(2) of the RMA). These proposed expectations have previously been signalled to AC in your letter to the Council dated 6 April 2023 and included in Appendix 3.3. AC and the IHP would need to have regard to this statement.	Reporting requirements In the amended direction, we recommend including a requirement for AC to provide quarterly reports to the Ministry for the Environment to report its progress with the ISPP. We consider this would be a useful mechanism to ensure AC remains on track to complete the ISPP, and to signal to them that implementation of the NPS-UD and MDRS remains a priority for the Government. Statement of expectations BRF-3025 notes that using a statement of expectations to influence the content of AC's Plan Change 78 or variation would carry risk of challenge, more so than a direction on procedural matters (such as a statement setting timeframes for different stages of the ISPP). A statement of expectations would not be able to modify or add to the requirements in	Agree to amend The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Notice 2022, to require Auckland Council to: - provide a report to the Ministry for the Environment every three months from the date of the direction on its progress with the intensification streamlined planning process - notify decisions on the independent hearings panel's recommendations for Plan Change 78 by 31 March 2025 Yes No Agree to include the statement of expectations wording in Appendix 3.1 in the Amended Direction Yes No Sign the Amended Direction in Appendix 3.1

				the RMA, nor provide detailed or highly directive or substantive content. It can however state expectations about high-level policy direction, timeframes and procedural processes, for example. On balance, we recommend that you include a statement of expectations in the amended direction (Appendix 3.1) in relation to your expectations that AC: - investigates the impacts arising from the significant flooding and landslides caused by extreme weather during Auckland Anniversary weekend and Cyclone Gabrielle in 2023, and the implications for land-use planning, infrastructure, and other policy settings - determines if a variation to Plan Change 78 is required in relation to natural hazards. Achieving an expeditious planning process In BRF-3025, officials noted that we consider an additional year will enable Auckland Council sufficient time to complete the ISPP while taking into account additional information on matters relating to natural hazards, stormwater management, and infrastructure provision and still achieve an expeditious planning process.	Yes No 8. Sign the Gazette Notice in Appendix 3.2 Yes No 9. Agree to send Auckland Council the letter in Appendix 3.4 Yes No
Upper Hutt City Council (UHCC)	20 August 2023 <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022</i> (the 'original UHCC Direction')	20 December 2023	Context UHCC notified an IPI on 18 August 2022 and has made significant progress with this plan change to date. UHCC consider this extension will have a limited impact on development capacity due to the length of the extension (four months). The MDRS already have legal effect in all residential zones. Reasons for the extension request The hearing was delayed due to the availability of IHP members and witnesses, and limited council resourcing. Due to delays to the hearing, the IHP does not have enough time to finalise deliberations and write its recommendations report.	We recommend you amend the original UHCC Direction to enable UHCC to complete the ISPP by 20 December 2023. Given the length of time of the extension (four months), officials consider amending the direction would achieve an expeditious planning process. Officials consider that approximately four additional months will enable sufficient time to complete the ISPP, including appropriate deliberation and report writing by the IHP, and time for UHCC to consider the IHP's recommendations.	10. Agree to amend The Resource Management (Direction for the Intensification Streamlined Planning Process to The First Tranche of Specified Territorial Authorities) Notice 2022, to require Upper Hutt City Council to: a. notify decisions on the independent hearings panel's recommendations for the IPI by 20 December 2023 Yes No 11. Sign the Amended Direction in Appendix 4.2 Yes No 12. Sign the Gazette Notice in Appendix 4.3 Yes No 13. Agree to send Upper Hutt City Council the letter in Appendix 4.4 Yes No

Appendix 2.1: Letter from Wellington City Council requesting more time to complete the intensification streamlined planning process and supplementary information

[Attached to cover email].

28 June 2023

File ref: PDP-RISPP

Hon. David Parker
Minister for the Environment
Private Bag 18888
Parliament Buildings
Wellington 6160

CC Ministry for the Environment

Dear Minister Parker

Re: Extension to the Intensification Streamline Planning Process for Wellington City - Schedule 1 Clause 10A RMA

I am writing on behalf of Wellington City Council to request an extension for the Council to notify decisions of the Intensification Streamline Planning Process (ISPP) from 20 November 2023 to 20 March 2024.

Wellington City Council (WCC) began the process of a comprehensive District Plan review and replacement in 2018. During this process WCC was required to adopt the Medium Density Residential Standard and enter into the Intensification Streamlined Planning Process to give effect to the NPS-UD 2020 and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act. WCC is unique in notifying an entire proposed plan with a portion delegated to the ISPP and the rest of the plan following the part 1 schedule 1 process.

A list of topics were delegated into the ISPP as follows:

- Strategic Direction
- Residential Zones (MRZ, HRZ and LLRZ)
- Commercial Zones (CCZ, MCZ, LCZ, NCZ, COMZ, MUZ)
- Historic Heritage
- Viewshafts
- Sites and areas of significance to Māori
- Natural Hazards and Coastal Hazards
- Earthworks
- Subdivision
- Three Waters
- Design Guides

In making this request, Council has considered the interests of persons and parties who may be affected by this extension of time, the interests of the community in terms of adequate assessment of the IPI, and the duty under Section 21 RMA to avoid unreasonable delay as set out by clause 10A of Schedule 1. Council has considered the effect of the delay and have considered that all potentially affected parties that submitted on the topics listed in accordance with clause 6 of schedule 1. concluding there will be greater adverse effects if inadequate assessment of the effects of the proposed plan is conducted. With rushed decision making that could potentially occur if inadequate amount of time is provided for IHP for deliberation and recommendation report with integrated decisions for the Council to consider and notify. This is confirmed by IHP Chairperson Trevor Robinson in the letter attached.

The requested 4-month extension until 20 March 2024 is to ensure decisions are released in accordance with the Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 27 April 2022, issued pursuant to Section 80L RMA.

Thank you for your consideration

Yours sincerely



Councillor Tamatha Paul
Chairperson, Kōrau Tūāpapa: Environment and Infrastructure Committee
Wellington City Council

26 July 2023

File ref: PDP-RISPP

The Hon. David Parker
Minister for the Environment
PO Box 10362
Wellington 6143

Dear Minister Parker

Re: Supplementary Information for the Extension to the Intensification Streamline Planning Process for Wellington City - Schedule 1 Clause 10A RMA

Supplementary to the information provided in the request for an extension Environment Ministry Officials have indicated they would like to understand the effect an extension might have on Development Capacity and on which parts of the plan have immediate legal effect.

Impact on development capacity

Further to feedback from MfE staff, we have also considered the impact of the requested extension on development capacity. After consideration, we do not believe it will have any effect on development capacity for the following reasons:

- The Medium Density Residential Standards (MDRS) have had legal effect in all residential zones in Wellington since July 2022 and are being implemented;
- The highly enabling policy and rule framework set out in the ISPP, coupled with the comparatively small number of submissions opposing the level of intensification proposed, means development proposals consistent with intensification policies could be advanced with a high degree of certainty prior to decisions being notified; and
- The extension is for only 4-months. A delay of this length of time may result in some development proposals being delayed for a very short period, although this is mitigated by the above points.

As per s86E of the RMA, the following sections of the Proposed District Plan (PDP) have immediate legal effect:

- Ecosystems and Indigenous Biodiversity;
- Historic Heritage;
- Sites and Areas of Significance to Māori;
- Infrastructure;
- Renewable Electricity Generation;
- Signs;
- Subdivision;
- Earthworks; and
- Medium Density Residential Standards.

This is 9 out of 61 chapters in the PDP that have immediate legal effect.

Yours sincerely

s 9(2)(a)

s 9(2)(a)

Manager - Strategic Planning

s 9(2)(a)

Appendix 2.2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Wellington City Council

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Wellington City Council

Pursuant to sections 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 25 May 2022, 2022-sl2033.

The amendments are as follows:

The Direction published 25 May 2022, as it applied to Wellington City Council is amended and, the Minister for the Environment directs Wellington City Council to notify decisions on the independent hearings panel's recommendations for those parts of the Proposed District Plan subject to the intensification streamlined planning process in accordance with clause 102 of Schedule 1 of the RMA by 20 March 2024.

This amendment takes effect on the date of publication of the Gazette notice.

This amendment only applies to those parts of the Proposed District Plan subject to the intensification streamlined planning process for Wellington City Council.

Signed

Hon David Parker

Minister for the Environment

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. Wellington City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction.

Appendix 2.3: Draft Gazette Notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023 (No.2)

The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023 (No.2)

Pursuant to sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives the following notice.

Notice

1) Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023 (No.2).
- (2) This notice shall come into force on the date of publication.

2) Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Wellington City Council

In accordance with sections 80L and 80M of the RMA, the Minister for the Environment directs Wellington City Council to notify decisions on the independent hearings panel's recommendations for those parts of the Proposed District Plan subject to the intensification streamlined planning process in accordance with clause 102 of Schedule 1 of the RMA by 20 March 2024.

3) Principal notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022" published in the New Zealand gazette, 25 May 2022, 2022-sl2033, only to the extent specified in this notice.

This notice does not amend "The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2022" published in the New Zealand Gazette, 16 December 2022, 2022-sl5566.

This notice does not amend "The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023" published in the New Zealand Gazette, [date], [reference number].

Date at Wellington this ____ day of _____ 2023.

Hon David Parker

Minister for the Environment

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. Wellington City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction.

Appendix 2.4: Response to Wellington City Council's request for a time extension

Tamatha Paul
Councillor
Wellington City Council
Tamatha.Paul@wcc.govt.nz

s 9(2)(a)

Strategic Planning
Wellington City Council

s 9(2)(a)

Dear Councillor Tamatha Paul

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

On 25 July 2023, I received your letter from Wellington City Council (the Council) requesting an amendment to The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022. This amendment would give the Council an extra four months to complete the Intensification Streamlined Planning Process (ISPP).

I am granting this extension request. Once the amended direction notice is published in the New Zealand Gazette, WCC will be required to notify decisions on the Independent Hearings Panel's recommendations for its intensification planning instrument by 20 March 2024. Ministry for the Environment officials will let you know when the amended direction takes effect. This timeframe extension will enable sufficient time for the Independent Hearings Panel's (IHP) deliberation and report writing, and the Council's consideration of the IHP's recommendations.

Interestingly, a recent report by the Auckland University Business School looked at the impacts of the 2016 upzoning changes to the Auckland Unitary Plan on housing costs. The report findings emphasise the importance of enabling intensification in New Zealand's main urban centres. This report is available here: <https://cdn.auckland.ac.nz/assets/business/about/our-research/research-institutes-and-centres/Economic-Policy-Centre--EPC-WP016.pdf>

I encourage Council staff to continue to engage with Government officials during the development of the intensification planning instrument. I wish you well in the remainder of your plan review process.

Yours sincerely

Hon David Parker
Minister for the Environment

Appendix 3.1: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Auckland Council

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Auckland Council

Pursuant to section 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 27 April 2022, 2022-sl1599.

The amendments are as follows:

The Direction published 27 April 2022, as it applied to Auckland Council is amended and, the Minister for the Environment directs Auckland Council to notify decisions on the independent hearings panel's recommendations for Plan Change 78 in accordance with clause 102 of Schedule 1 of the RMA by 31 March 2025.

In addition, pursuant to section 80L of the RMA, the Minister for the Environment directs Auckland Council as follows:

Minister for the Environment's Statement of Expectations for the Intensification Streamlined Planning Process for Auckland Council

In accordance with clause 80L(2) of the RMA, the Minister for the Environment's expectations for Auckland Council are that in the extended period by which Auckland Council must notify decisions on the independent hearings panel's recommendations, the Council will:

1. Investigate impacts arising from the significant flooding and landslides caused by extreme weather during Auckland Anniversary weekend and Cyclone Gabrielle in 2023, and the implications for land-use planning, infrastructure, and other policy settings;
2. Determine if a variation is required in order to:
 - a. Apply qualifying matters to recognise and provide for matters of national importance, in particular the management of significant risks from natural hazards.
 - b. Ensure that through its intensification planning instrument, intensification is enabled in low natural hazard risk areas and ensure new development is avoided in high natural hazard areas unless the level of risk can be reduced to a tolerable level.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Auckland Council

In accordance with clause 80L(1)(d) of the RMA, the Minister for the Environment directs Auckland Council to provide a report to the Ministry for the Environment every three months from the date of this notice about its progress of the intensification streamlined planning process. The report shall demonstrate how the Council is having regard to the statement of expectations and identify any issues which may affect the Council's ability to comply with the Minister's Direction.

This amendment takes effect on the date of publication of the Gazette notice.

This amendment only applies to Plan Change 78 for Auckland Council.

Signed

Hon David Parker

Minister for the Environment

Date

Notes

- i. This Direction must be complied with (other than in respect of the Minister's statement of expectations included in the direction which must be had regard to).
- 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. Auckland Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction.

Appendix 3.2: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Amendment Notice 2023

The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Amendment Notice 2023

Pursuant to sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives the following notice.

Notice

1) Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Amendment Notice 2023.
- (2) This notice shall come into force on the date of publication.

2) Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Auckland Council

In accordance with sections 80L and 80M of the RMA, the Minister for the Environment directs Auckland Council to notify decisions on the independent hearings panel's recommendations for Plan Change 78 in accordance with clause 102 of Schedule 1 of the RMA by 31 March 2025.

Minister for the Environment's Statement of Expectations Additional Direction for the Intensification Streamlined Planning Process for Auckland Council

In accordance with clause 80L(2) of the RMA, the Minister for the Environment's expectations for Auckland Council are that in the extended period by which Auckland Council must notify decisions on the independent hearings panel's recommendations, the Council will:

1. Investigate impacts arising from the significant flooding and landslides caused by extreme weather during Auckland Anniversary weekend and Cyclone Gabrielle in 2023, and the implications for land-use planning, infrastructure, and other policy settings;
2. Determine if a variation is required in order to:
 - a. Apply qualifying matters to recognise and provide for matters of national importance, in particular the management of significant risks from natural hazards.
 - b. Ensure that through its intensification planning instrument, intensification is enabled in low natural hazard risk areas and ensure new development is avoided in high natural hazard areas unless the level of risk can be reduced to a tolerable level.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Auckland Council

In accordance with clause 80L(1)(d) of the RMA, the Minister for the Environment directs Auckland Council to provide a report to the Ministry for the Environment every three months from the date of this notice about its progress of the intensification streamlined planning process. The report shall demonstrate how the Council is having regard to the statement of expectations and identify any issues which may affect the Council's ability to comply with the Minister's Direction.

3) Principal notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Notice 2022" published in the New Zealand gazette, 27 April 2022, 2022-sl1599, only to the extent specified in this notice.

Date at Wellington this ____ day of _____ 2023.

Hon David Parker

Minister for the Environment

Notes

- i. This Direction must be complied with (other than in respect of the Minister's statement of expectations included in the direction which must be had regard to).
- 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. Auckland Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction.

Appendix 3.3: Letter sent to Auckland Council on 6 April 2023 granting more time to complete the intensification streamlined planning process

[Attached to cover email].



6 April 2023

CORM-1375

Angela Dalton
Deputy Chair, Planning Environment and Parks Committee
Auckland Council
angela.dalton@aucklandcouncil.govt.nz

s 9(2)(a)
Chief of Strategy
Auckland Council

s 9(2)(a)

Dear Councillor Dalton

Extension of time request: for Auckland Council to publicly notify decisions on the Independent Hearings Panel's recommendations on the Council's intensification planning instrument

Thank you for your letter of 17 March 2023 requesting an amendment to The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Notice 2022 to give Auckland Council an extra year to complete the intensification streamlined planning process (ISPP).

I acknowledge that Auckland Council is facing a number of challenges following the significant flooding and landslides caused by extreme weather during Auckland Anniversary weekend and Cyclone Gabrielle. I understand why, in these circumstances, a further year is needed.

I note that this extension is to enable staff to investigate flooding impacts and its implications for land-use planning, infrastructure and other policy settings. I expect this scope to include a review of the Councils approach to intensification in non-floodable areas, and the development of blue green corridors in flood-prone areas. Taking a water sensitive design ('sponge city') approach to urban development will enable better management of local and catchment wide flood risk, whilst having many positive health and environmental benefits in the form of recreation spaces, improved water quality, and increased biodiversity.

I would encourage the Council to consider the findings of the Parliamentary Commissioner for the Environment in his report titled '*Are we building harder, hotter cities? The vital importance of urban green spaces*'. I concur with the concerns raised about the amount and quality of reserve and open spaces being provided in both existing urban areas and greenfield developments.

More integrated planning approaches such as masterplanning (or 'structure planning') could guide development and protection of these areas to ensure more certain development outcomes that integrate reserves, housing, walking and cycling provision, network infrastructure and other urban development. This would occur alongside funding tools such as development contributions for the upfront provision of the blue green network, and required flood defence and other mitigation measures.

The Council should also consider using stronger Auckland Unitary Plan (AUP) controls to prevent large impermeable areas such as driveways, carpads and terraces in new and existing sites. These controls should be used alongside non-regulatory measures to encourage increased site permeability through private and community-based re-vegetation schemes.

The Government is committed to both improving housing affordability and ensuring our cities are resilient. I note that implementation of the National Policy Statement on Urban Development 2020 and the Medium Density Residential Standards is still at an early stage, and so it is very unlikely that development enabled by these instruments had any effect on the floods. However, we can point to some excellent examples of recent development at density by Kāinga Ora where well designed and specified stormwater infrastructure performed well through the recent severe weather events.

There are opportunities for urban development patterns to achieve multiple outcomes. Enabling higher levels of intensification in resilient areas places less pressure on hazard prone areas, allowing these areas to function as accessible green and natural spaces for the community.

Therefore, I expect that any extra time Auckland Council takes to complete the ISPP will also be used to prioritise planning decisions that improve housing affordability. This will enable more people to live and work in areas close to centres and public transport, and where density is supported by appropriate stormwater infrastructure to ensure communities are safe and resilient to the impacts of climate change.

I understand that Government officials have been working with Auckland Council staff to enable the Council to implement the intensification provisions in the Auckland Light Rail Corridor area. My expectation is that the planned variation to Plan Change 78 will be a comprehensive variation that will support the urban development outcomes that the Crown and Council are seeking to deliver through investment in Auckland Light Rail, and that this will proceed within the same timeframes as the substantive plan change. My approval to extend the timeframe should ensure this is possible.

As improving housing affordability and resilience are both critical issues for the Government and for Auckland, I am granting the Council the time extension requested. My officials will liaise with you as to any further clarification that may be desirable.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Parker', with a stylized, flowing script.

Hon David Parker
Minister for the Environment

Appendix 3.4: Response to Auckland Council in relation to the statement of expectations

Angela Dalton
Deputy Chair, Planning Environment and Parks Committee
Auckland Council
angela.dalton@aucklandcouncil.govt.nz

s 9(2)(a)
Chief of Strategy
Auckland Council

s 9(2)(a)

Dear Councillor Dalton

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

Further to my letter of 6 April 2023 approving Auckland Council's request for more time to complete the Intensification Streamlined Planning Process (ISPP), I have included a statement of expectations in the amended Direction in accordance with section 80L(2) of the Resource Management Act 1991 (RMA).

I expect the extra time Auckland Council takes to complete the ISPP will be used to investigate impacts arising from the significant flooding and landslides caused by extreme weather during Auckland Anniversary weekend and Cyclone Gabrielle in 2023, and the implications for land-use planning, infrastructure, and other policy settings.

I also expect Auckland Council to determine if a variation to its intensification planning instrument (IPI), Plan Change 78, is required in order to apply qualifying matters to recognise and provide for matters of national importance, in particular the management of significant risks from natural hazards. I also expect that through the IPI, intensification is enabled in low natural hazard risk areas and new development is avoided in high natural hazard risk areas unless the level of risk can be reduced to a tolerable level.

I reiterate that improving housing affordability and resilience are both critical issues for the Government and for Auckland. My officials will liaise with you if further clarification is required.

Yours sincerely

Hon David Parker
Minister for the Environment

Appendix 4.1: Letter from Upper Hutt City Council requesting more time to complete the intensification streamlined planning process

[Attached to cover email].

Hon David Parker
Minister for the Environment
Freepost Parliament
Private Bag 18 888
Parliament Buildings
Wellington 6160

31 July 2023

Delivered by email: d.parker@ministers.govt.nz

Tēnā koe Minister Parker,

**UPPER HUTT CITY COUNCIL REQUEST FOR EXTENSION OF TIMEFRAME FOR THE INTENSIFICATION
STREAMLINED PLANNING PROCESS**

Upper Hutt City Council (the 'Council') is seeking an extension of time to make a decision under the Minister's Direction authorised by Section 80L of the Resource Management Act 1991 (the 'Act') on the Intensification Planning Instrument (IPI) to the Upper Hutt District Plan.

The Council seeks an extension of 4 months from 20 August 2023 to 20 December 2023 to make a decision on the IPI. The Council requests an amendment is made to the Minister's Direction issued in 2022 to extend the timeframe for making a decision on the IPI under Section 80M of the Act.

The Council is unable, or likely to be unable to meet the requirement of the regulation for the following reasons:

1. Difficulties associated with the timing of the hearing and availability of the Hearing Panel. The hearing was originally scheduled to take place in March 2023 but was delayed due to resourcing difficulties of Council to provide the Section 42A Report in time to meet the original hearing dates. Due to accepting other commitments, the Hearing Panel were unavailable to hold a hearing until late April / early May 2023. The last hearing day was held on 12 May 2023.
2. Since adjourning the hearing, the Hearing Panel have required Council officers provide specific information on various issues and for the urban design witnesses to caucus on design-related matters. Due to witness availability, the Joint Witness Statement and amended provisions were not made available to the Hearing Panel until the week of 10 July. Once they have received the required information, the Hearing Panel will need to fully consider this information and formally close the hearing.
3. Due to other resource management and personal commitments since the hearing was adjourned, all three Commissioners have had limited time available to finalise their deliberations and to complete the Recommendation Report.

This extension of time is requested to allow sufficient time for the Hearing Panel to fully evaluate the complexity of the issues involved and to provide appropriate recommendations to the Upper Hutt City Council.

The Council formally requests the 4-month extension of time to make the IPI operative by 20 December 2023.

The Council has considered the interests of persons who may be directly affected by an extension, and the interests of the community in achieving adequate assessment of the effects of the IPI. Consideration of the issues, especially related to urban design, need careful deliberation in relation to making appropriate recommendations and should not be rushed to meet the short timeline for the plan change.

The Council has considered its duty to avoid unreasonable delay under Section 21 of the Act and considers that the 4-month delay to the IPI to evaluate the complex issues and to make appropriate recommendations is reasonable.

If you require any further information, please contact planning@uhcc.govt.nz. The Council looks forward to formal confirmation of receipt and a decision on this request.

Ngā mihi nui,

s 9(2)(a)

s 9(2)(a)

Director of Planning and Regulatory Services
Te Kaunihera o Te Awa Kairangi ki Uta | Upper Hutt City Council

**Appendix 4.2: Minister for the Environment's Amended
Direction for the Intensification Streamlined Planning Process
to Upper Hutt City Council**

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Upper Hutt City Council

Pursuant to section 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 27 April 2022, 2022-sl1594.

The amendments are as follows:

The Direction published 27 April 2022, as it applied to Upper Hutt City Council is amended and, the Minister for the Environment directs Upper Hutt City Council to notify decisions on the independent hearings panel's recommendations for its IPI in accordance with clause 102 of Schedule 1 of the RMA by 20 December 2023.

This amendment takes effect on the date of publication of the Gazette notice.

This amendment only applies to the IPI for Upper Hutt City Council.

Signed

Hon David Parker

Minister for the Environment

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. Upper Hutt City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction.

Appendix 4.3: Draft Gazette Notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.5)

The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.5)

Pursuant to sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives the following notice.

Notice

1) Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.5).
- (2) This notice shall come into force on the date of publication.

2) Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Upper Hutt City Council

In accordance with sections 80L and 80M of the RMA, the Minister for the Environment directs Upper Hutt City Council to notify decisions on the independent hearings panel's recommendations in accordance with clause 102 of Schedule 1 of the RMA by 20 December 2023.

3) Principal notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022" published in the New Zealand gazette, 27 April 2022, 2022-sl1594, only to the extent specified in this notice.

Dated at Wellington this ____ day of _____ 2023.

Hon David Parker

Minister for the Environment

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. Upper Hutt City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction.

Appendix 4.4: Response to Upper Hutt City Council's request for a time extension

Wayne Guppy
Mayor of Upper Hutt
wayne.guppy@uhcc.govt.nz

s 9(2)(a)

ing and Regulatory Services

Upper Hutt City Council

s 9(2)(a)

Dear Mayor Wayne Guppy

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

On 31 July 2023 I received a letter from Upper Hutt City Council officials (the Council) requesting an amendment to The Resource Management (Direction for the Intensification Streamlined Planning Process to The First Tranche of Specified Territorial Authorities) Notice 2022. This amendment would give the Council an extra four months to complete the Intensification Streamlined Planning Process (ISPP).

I am granting this extension request. Once the amended direction notice is published in the New Zealand Gazette, Upper Hutt City Council will be required to notify decisions on the Independent Hearings Panel's recommendations for its intensification planning instrument by 20 December 2023. Ministry for the Environment officials will let you know when the amended direction takes effect. This timeframe extension will enable sufficient time for IHP deliberation and report writing, and UHCC's consideration of IHP recommendations.

Interestingly, a recent report by the Auckland University Business School looked at the impacts of the 2016 upzoning changes to the Auckland Unitary Plan on housing costs. The report findings emphasise the importance of enabling intensification in New Zealand's main urban centres. This report is available here: <https://cdn.auckland.ac.nz/assets/business/about/our-research/research-institutes-and-centres/Economic-Policy-Centre--EPC-/WP016.pdf>

I encourage Council staff to continue to engage with Government officials during the development of the intensification planning instrument. I wish you well in the remainder of your plan review process.

Yours sincerely

Hon David Parker
Minister for the Environment



Briefing: Application from Porirua City Council for extension of time to give its Proposed District Plan decisions and complete the Intensification Streamlined Planning Process

Date submitted: 18 August 2023

Tracking number: BRF-3662

Security level: Policy and Privacy, In-Confidence

MfE priority: Urgent

Actions sought from Ministers		
<i>Name and position</i>	<i>Action sought</i>	<i>Response by</i>
To Hon David PARKER Minister for the Environment	Record decisions on recommendations in appendix 2. Sign (if approving) notice of decisions letter in appendix 3. Sign (if approving) amended Direction in appendix 4. Sign (if approving) draft Gazette notice in appendix 5.	25 August 2023
Cc Hon Dr Megan WOODS Minister of Housing	No action required	n/a

Actions for Minister's office staff
Return signed briefing to MfE (ministerials@mfe.govt.nz and RM.Reform@mfe.govt.nz). Ensure amended Direction and Gazette notice are signed (if agreed). Send attached notice of decisions letter (if signed). Table attached amended Direction in the House of Representatives.

Appendices and attachments
Appendix 1 - Application by Porirua City Council Appendix 2 - Statutory framework for making decisions Appendix 3 - Draft notice of decisions letter to Porirua City Council Appendix 4 - Draft amended Direction Appendix 5 - Draft amended Direction for gazettal

Key contacts at Ministry for the Environment			
<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
Principal Authors	Stephanie McNicholl Lucy Knowles		

Responsible Managers	Matthew Barbati-Ross Linley Wilkinson	022 010 2147 022 493 0144	✓
Director	Caroline Hart	027 270 8535	

Minister's comments

Application from Porirua City Council for extension of time to give its Proposed District Plan decisions and complete the Intensification Streamlined Planning Process

Key messages

1. This briefing seeks your decisions on the application received from Porirua City Council (PCC) to request an extension of time to give decisions on its Proposed District Plan (PDP) and recommendations on its intensification planning instrument (IPI). A copy of the application is in appendix 1.
2. PCC is requesting a four-month extension of time until 14 December 2023 to give its decisions on the:
 - i. PDP under clause 10A, schedule 1 of the Resource Management Act 1991 (RMA), and
 - ii. IPI under section 80M of the RMA to The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022 (the Direction).
3. On 7 October 2022, you granted an initial extension to the two-year statutory timeframe for PCC to give its decisions on the PDP (BRF-2068 refers) by an additional ten-months until 20 August 2023 to enable recommendations to be made alongside the IPI, as PCC consider integrated decision-making on the PDP and IPI will provide a more efficient process and be less complex for all parties. On 12 July 2023, PCC lodged an application for a further extension of the PDP timeframe, along with a request to amend the IPI timeframe, so both extended timeframes aligned.
4. Since the PDP was notified, the RMA has been amended to require PCC to prepare and notify an IPI to implement the Medium Density Residential Standards (MDRS) and give effect to the intensification requirements of the National Policy Statement on Urban Development 2020 (NPS-UD). PCC notified its IPI on 11 August 2022.
5. PCC must use the Intensification Streamlined Planning Process (ISPP) to complete its IPI. Section 80L of the RMA enables you, as Minister for the Environment, to prepare a direction for the ISPP setting additional requirements such as timeframes. The original Direction requires PCC to complete its IPI by 20 August 2023. The Direction was published in the New Zealand Gazette on 27 April 2022.
6. PCC requests these extensions to allow sufficient time for the independent hearing panel (IHP) to draft decisions and recommendations, and to enable integrated decision-making for the PDP and IPI, followed by approval by the council.
7. We consider there is no direct impact of this further extension of time for the PDP decisions and amended timeframe for completing the IPI process. You may approve or

decline the request for an extension of time to notify the decision on the PDP.¹ There is no requirement for you to consult on your decision. You may amend the IPI direction as you consider appropriate.²

8. We consider that PCC has met the statutory requirements of the RMA in relation to clause 10A of schedule 1 for an extension of time and section 80M for an amendment of direction. We recommend you approve the extension and request until 14 December 2023.

Recommendations

We recommend that you:

a. **agree to:**

- a. **either** record your decisions in tables 2 and 3 of appendix 2

Yes | No

- b. **or meet** with officials to discuss

Yes | No

- b. **sign** the letter to Porirua City Council (attached in appendix 3)

Yes | No

- c. **sign** the amended Direction (attached in appendix 4)

Yes | No

- d. **sign** the draft Gazette notice (attached in appendix 5)

Yes | No

- e. **note** the Amended Directions for the Intensification Streamlined Planning Process will take effect on the date they are published in the New Zealand Gazette

- f. **note** that your signed Amended Directions for the Intensification Streamlined Planning Process are subject to disallowance and are required to be presented to the House of Representatives

¹ Schedule 1, clause 10A(4)(a) RMA.

² Section 80M(3) RMA.

- g. **note** that if the Amended Directions are not able to be presented to the House of Representatives before it rises on 31 August 2023, they will need to be presented to the House of Representatives as soon as possible after the formation of the 54th Parliament
- h. **require** the Ministry for the Environment to publish your decisions on the Ministry for the Environment's website.

Yes | No

Signatures



Matthew Barbati-Ross
Manager – RM Systems
Policy, Implementation and Delivery
18 August 2023



Linley Wilkinson
Manager – Urban Implementation
Matapopore
17 August 2023

Hon David PARKER
Minister for the Environment

Date

Application from Porirua City Council for extension of time to give its Proposed District Plan decisions and complete the Intensification Streamlined Planning Process

Purpose

9. This briefing seeks your decision on Porirua City Council's (PCC):
 - i. application to extend the timeframe allowed under clause 10A, schedule 1 RMA to complete its Porirua District Plan (PDP) process; and
 - ii. request to amend its Direction for the Intensification Streamlined Planning Process (ISPP) under the Resource Management Act 1991 (RMA).
10. Our advice and recommendations are provided in appendix 2.

Background

Key statutory considerations

11. Clause 10(4)(a) schedule 1 of the RMA requires that a local authority must give its decisions on its proposed plan within two years from the date of notification.
12. If the timeframe is unable to be met, a local authority can apply to you for an extension of time addressing the matters in clause 10A(1) to (3).
13. You may decide to approve or decline the application. There are no specific criteria you need to consider and no requirement to consult when making your decision.
14. The statutory criteria are outlined and addressed in appendix 2 – table 1.

Intensification streamlined planning process

15. The RMA requires specified territorial authorities³ to use the ISPP to notify an intensification planning instrument (IPI). This allows incorporation of the medium density residential standards (MDRS) into their district plans and gives effect to the intensification requirements in the National Policy Statement on Urban Development 2020 (NPS-UD).

³Specified territorial authority means any of the following:

- a) every tier 1 territorial authority (Auckland Council, Christchurch City Council, Hamilton City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Tauranga City Council, Upper Hutt City Council, Waikato District Council, Waimakariri District Council, Waipā District Council, Wellington City Council, Western Bay of Plenty District Council).
- b) a tier 2 or 3 territorial authority that is required by regulations to prepare and notify an intensification plan change (currently Rotorua Lakes Council).

16. The RMA sets out the process steps for the ISPP and requires specified territorial authorities to notify an IPI by 20 August 2022. Other timeframes for the ISPP can be prescribed through a regulation called a 'direction', set by the Minister for the Environment.
17. In deciding the content of a direction, you must have regard to providing "a process for the preparation of an IPI by a specified territorial authority in order to achieve an expeditious planning process" (sections 80L, 80M, and 80D of the RMA).

Key reasons for the request

18. The revised hearings schedule to incorporate the RMA (Enabling Housing Supply and Other Matters) Amendment Act 2021 and align the IPI into the process has been completed. The scope of the IPI was much greater than anticipated, covering 50 topics and chapters.
19. PCC consider that decisions on the PDP and recommendations on the IPI should be given at the same time to achieve integrated decision making and consistency to properly understand the implications of each part. Additional time is required for this to be achieved. PCC have engaged the same independent hearings panel to give decisions on the PDP and make recommendations on the ISPP but note their experience and expertise on multiple panels has resulted in limited capacity. Further, PCC intend to workshop the draft decisions with elected members, and to factor in the council process for approval of the decisions prior to notification.
20. Detailed assessment of PCC's application and request against the statutory criteria is contained in appendix 2 – table 1.

Analysis and advice

21. We consider PCC has taken into account the interests of any person who, in its opinion, may be directly affected by this extension and the interests of the community in achieving an adequate assessment of the effects.
22. We consider the request and reasons for the extension are sound, and the time requested to complete both the PDP and IPI will enable PCC to consider the implications of each instrument together.
23. We consider that PCC has met the statutory requirements and recommend approving an extension of time and amended direction, to give its decisions on the PDP and complete its ISPP by 14 December 2023.

Te Tiriti analysis

24. We have not identified any Treaty partners, parties, iwi, hapū or Treaty settlements applicable to this area that may be affected by the extension of time and amended direction proposal in this briefing. You have no requirement to consult or engage.

Other considerations

25. We have consulted with Te Tūāpapa Kura Kāinga – the Ministry of Housing and Urban Development, who are supportive of the approach and recommendations in this briefing.

Risks and mitigations

26. The Direction requires PCC to complete its IPI by 20 August 2023. PCC have indicated the timeframe will not be met. We note PCC will still be able to continue completion of the IPI, though its notice of decisions will be overdue, for which there are no consequences under the RMA.
27. Risks and mitigations are addressed in appendix 2 – table 2.

Legal issues

28. Legal implications are addressed in appendix 2 – tables 2 and 3.

Financial, regulatory and legislative implications

29. There are no financial implications considered associated with this briefing.
30. Regulatory and legislative implications are addressed in appendix 2 – table 2.

Next steps

PDP - extend timeframe

31. If you are considering approving this application, a draft letter to agree to PCC's request is attached in appendix 3 for your signature and for your office to send to PCC.
32. If you are considering declining this application, we suggest meeting to discuss with officials.

IPI - amend direction

33. If you decide to approve the request, you must sign the amended Direction. The Direction will take effect on the date it is published in the New Zealand Gazette.
34. We have attached a draft Gazette notice for the amended Direction (refer appendix 4) based on our recommendations. Once you have signed the Direction and Gazette notice, we will assist your office to:
- i. table the direction in the House of Representatives and publish the Gazette notice, and
 - ii. inform PCC by email that on the date published, the Direction will take effect.

35. We note that the amended Direction for the ISPP is subject to disallowance and needs to be presented to the House of Representatives. If the amended Direction is not presented before the House rises on 31 August 2023, it will need to be presented after the formation of the 54th Parliament.
36. If you would like to make a different direction to the one recommended in this briefing, officials suggest meeting to discuss any questions or issues.

Appendix 1: Application from Porirua City Council under clause 10A of schedule 1 and section 80M of the Resource Management Act 1991

[Attached to cover email].



Hon David Parker
Minister for the Environment
PO Box 10362
Wellington 6143

12 July 2023

Dear Minister Parker,

Application for an extension of time for notifying decisions on the Proposed Porirua District Plan (PDP) and Intensification Streamlined Planning Process (ISPP) until 14 December 2023

Council was grateful for the extension granted until 20 August 2023 for notifying decisions on the PDP, as confirmed in your letter of 7 October 2022. In the interests of notifying an integrated and comprehensive set of decisions on the PDP, this was timed to coincide with the date for notifying decisions on Council's ISPP, as gazetted on 27 April 2022.

Reasons for the extension request

Unfortunately Council is no longer in a position to notify decisions on the PDP or ISPP by 20 August 2023. The reasons for this are as follows:

1. Although the hearings for the PDP and ISPP have been completed as scheduled, the Independent Hearings Panel (IHP) making decisions on the PDP and recommendations on the ISPP have confirmed that they are unable to complete their decision and recommendation reports in time to meet this date.
2. One of the main reasons for this is the commissioners that make up the Porirua IHP are from a small pool of suitably qualified and experienced commissioners fit for the role. With several other Tier-1 Council's going through the same process at the same time, these commissioners have been in high demand and have been appointed in some cases to multiple IHPs. Unfortunately, this means for some commissioners that their available time for drafting decisions and recommendations on the Porirua process has been compromised, and they are unable to draft reports in time to meet the deadline. This is disappointing but inevitable given the competing demands on their time.
3. The uncertainty created by the RMA (Enabling Housing Supply) Amendment Act has also resulted in the ISPP being much bigger and more complex in scope than envisioned. Although Council has kept to the revised hearing schedule with all Council obligations now met, the breadth of submission points and potential for legal challenge means the IHP have a bigger job in making recommendations than first thought. This has necessitated longer deliberations and a consequential delay in releasing reports.
4. Porirua is also unique in that decisions on the ISPP need to be notified at the same time as decisions on the full PDP. With decisions on over 50 separate topics and chapters being released at the same time, this is a major undertaking in terms of integrated decision making, and there is a need for careful review by both the IHP and Council officers prior to notifying decisions. Workshopping the draft decisions with elected members and preparation for the Council meeting

where the notification of decisions will be approved also needs to be factored in. This all adds time to the decision-making process and is another reason why an extension is required.

Revised date requested for notifying decisions

As a result, a revised programme and timeframe for notifying decisions is now proposed. Based on the expected delivery of draft decisions and recommendations from the IHP, and the lead in time required for Council decision making, Council request an extension until **Thursday 14 December 2023** for notifying decisions on the PDP and ISPP. This request is made pursuant to C10A RMA and section 80M RMA.

In making this request, Council has considered the interests of persons and parties who may be affected by this extension of time, the interests of the community in terms of adequate assessment of the ISPP, and the duty under Section 21 RMA to avoid unreasonable delay. In this respect, the assessment included in our letter of 31 August 2022 is still relevant and is included as **Attachment 1**.

A letter in support of this request from the Chair of the Porirua IHP, Trevor Robinson, is also included as **Attachment 2**.

Impact on development capacity

Further to feedback from Ministry for the Environment staff, we have also considered the impact of the requested extension on development capacity. After consideration, we do not believe it will have any effect on development capacity for the following reasons:

- The Medium Density Residential Standards (MDRS) have had legal effect in all residential zones in Porirua since August 2022 and are being implemented;
- The highly enabling policy and rule framework set out in the ISPP, coupled with the comparatively small number of submissions opposing the level of intensification proposed, means development proposals consistent with intensification policies could be advanced with a high degree of certainty prior to decisions being notified; and
- The extension is for only 4 months. A delay of this length of time may result in some development proposals being held up for a very short period, although this is mitigated by the above points.

We look forward to receiving notice in writing confirming the acceptability or otherwise of this request.

Ngā mihi,



Wendy Walker
Chief Executive
Kaiwhakahaere Matua



Wendy Walker
Chief Executive
Porirua City Council
Wendy.walker@porirua.govt.nz

Hon David Parker
Minister for the Environment
PO Box 10362
Wellington 6143

31 August 2022

Dear Minister Parker,

Re: Response to questions regarding a request for an extension of time - Proposed Porirua District Plan - Clause 10A Schedule 1 RMA

Thank you for your letter of 15 August 2022 acknowledging our request for an extension of time under Clause 10A Schedule 1 RMA to issue decisions on the Proposed Porirua District Plan (PDP). You also requested further information in order to make your decision.

Firstly, after considering your questions in the letter of 15 August, we realise that we omitted to inform you in our letter of 2 August 2022 that Council has delegated decisions on the PDP to an Independent Hearings Panel (IHP). Ultimately it is therefore the IHP that has the authority to release or withhold decisions on the PDP for reasons as it sees fit.

In this respect, I **attach** a letter from the Chair of our IHP, Trevor Robinson, which confirms the IHP's position with respect to the timing of the release of decisions on the PDP.

I can advise that the Council and Chair of the IHP work in collaboration with respect to PDP procedural matters. We agree that an extension is necessary to ensure effective, efficient and integrated decision making on the PDP and Variation 1. To help facilitate that outcome, Council has determined that the same IHP should be appointed to hear submissions on Variation 1 as has been appointed to make decisions on the PDP.

With consideration of the above, I provide the below responses to your questions.

a. How the Council has considered the interests of persons who may be directly affected by the extension, per clause 10A(3)(a) RMA. Detail is needed on whether there are specific persons directly affected by this extension, and the significance of this delay on these parties. It would be useful for the Minister's statutory decision-making if you are able to provide a copy of your assessment.

Council has considered the effect of the delay on parties who may be directly affected by the extension on a topic-by-topic basis, as the PDP is being heard through a series of topic-based hearing streams. The analysis has taken into account the extent to which each topic is affected by Variation 1, and therefore, the potential for decisions on the PDP to be re-considered through decisions on Variation 1.

Council is also mindful of Clause 99(2)(a) Schedule 1A of the RMA which establishes very wide scope and discretion on the matters the IHP can make recommendations on with respect to Variation 1. The only limits are that it must be a matter appropriate for an Intensification Planning Instrument (IPI) as defined by s80E. In turn, s80E itself provides a wide scope.

Clause 99(2)(a) and (b) state as follows:

The recommendations made by the independent hearings panel—

(a) must be related to a matter identified by the panel or any other person during the hearing; but

(b) are not limited to being within the scope of submissions made on the IPI.

As such, releasing decisions on the PDP could create a jurisdictional issue as decisions released on the PDP could be appealed to the Environment Court, whilst those issued under the IPI could not. An issue could arise whereby the IHP may use their discretion under Clause 99(2)(a) and (b) to make recommendations on IPI provisions that have already been the subject of decisions on the PDP. In such circumstances, there would be uncertainty as to the status of any appeals on PDP decisions re-considered through the IPI. This would be costly and complex for the Environment Court, Council, appellants and other interested parties to resolve.

Table 1 - assessment of effects of releasing decisions on parties

Topics (based on National Planning Standards and hearing streams)	Extent affected by Variation 1	Effect on parties of an extension to decision making timeframes
Strategic directions - Centres, Employment and industry - Eastern Porirua - Natural Environment - Tangata Whenua - Functioning City - Resilience, Efficiency and Energy - Historic and Cultural Heritage - Housing opportunities - Rural Environment - Urban Form and Development - Housing Opportunities Definitions	Almost all strategic directions (SDs) will either be within scope or require consideration as part of decision making on Variation 1. Many cross-cutting definitions are potentially affected also. Those SDs that relate to urban environments are wholly within scope, while others that relate primarily to qualifying matters and overlays are also potentially within scope on account of Clause 99(2)(a) to Schedule 1A of the RMA.	Given the potential for change in some or all strategic directions as a result of Variation 1, and given the broad scope of recommendations afforded to the IHP, all potentially affected parties will benefit from integrated decisions on SDs. Two sets of decisions will cause confusion and uncertainty, and result in unnecessary complexity with respect to appeals. This is not considered an optimal outcome for affected parties, submitters or Council.
Natural Environment Values - Ecosystems and Indigenous Biodiversity - Natural Character - Natural Features and Landscapes - Public Access Historic and Cultural Values - Tangata Whenua - Māori Purpose Zone (Hongoeka) - Papakāinga - Historic and Cultural Heritage - Historic Heritage - Notable Trees - Sites and Areas of Significance to Māori	Natural Environmental Values and Cultural Values are overlays and/or qualifying matters that need to be considered with respect to Variation 1. As such, they will either be within scope or require consideration as part of decision making on Variation 1 on account of Clause 99(2)(a) to Schedule 1A of the RMA.	Given the potential for Natural Environmental Values and Cultural Values to be within the scope of Variation 1, all potentially affected parties will benefit from integrated decisions on these provisions. Two sets of decisions will cause confusion and uncertainty, and result in unnecessary complexity with respect to appeals. This is not considered an optimal outcome for affected parties, submitters or Council.
Energy, Infrastructure and Transport - Infrastructure - Renewable Energy Generation - Three Waters	District wide matters are within the scope of Variation 1, and can also be considered qualifying matters with respect to intensification in certain circumstances.	Given the potential for District Wide matters to be within the scope of Variation 1, all potentially affected parties will benefit from integrated decisions on these provisions.

Topics (based on National Planning Standards and hearing streams)	Extent affected by Variation 1	Effect on parties of an extension to decision making timeframes
- Transport General District-Wide Matters - Amateur Radio - Earthworks - Light - Noise - Signs Temporary Activities	As such, they will either be within scope or require consideration as part of decision making on Variation 1 on account of Clause 99(2)(a) to Schedule 1A of the RMA.	Two sets of decisions will cause confusion and uncertainty, and result in unnecessary complexity with respect to appeals. This is considered a sub-optimal outcome for affected parties and Council.
Subdivision Future Urban Zone Open Space and Recreation Zones - Open Space Zone - Sport and Active Recreation Zone Special Purpose Zones - BRANZ - Hospital Zone	Subdivision, the Future Urban Zone, Open Space and Recreation Zones and Special Purpose Zones have the potential to be within scope of Variation 1 as qualifying matters, or through reconsideration of provisions that have the potential to influence intensification. As such, they will require consideration as part of decision making on Variation 1 on account of Clause 99(2)(a) to Schedule 1A of the RMA.	Given the potential for Subdivision, the Future Urban Zone, Open Space and Recreation Zones and Special Purpose Zones to be within the scope of Variation 1, all potentially affected parties will benefit from integrated decisions on these provisions. Two sets of decisions will cause confusion and uncertainty, and result in unnecessary complexity with respect to appeals. This is not considered an optimal outcome for affected parties, submitters or Council
Residential Zones - General Residential Zone - Medium Density Residential Zone Commercial and Mixed-Use Zones - Neighbourhood Centre Zone - Local Centre Zone - Large Format Retail Zone - Mixed Use Zone - City Centre Zone - Industrial Zone	Residential and Commercial Zones are wholly within the scope of Variation 1, with the current PDP provisions substantially re-written through the Variation drafting process. As such, they will be subject to decision making on Variation 1 on account of Clause 99(2)(a) to Schedule 1A of the RMA.	Given these provisions have been substantially re-written, all potentially affected parties will benefit from integrated decisions on these provisions. Two sets of decisions will cause confusion and uncertainty, and result in unnecessary complexity with respect to appeals. This is not considered an optimal outcome for affected parties, submitters or Council
Designations and Notices of Requirement	Designations and NORs have the potential to be within the scope of Variation 1 as qualifying matters that have the potential to influence intensification. As such, they will require consideration as part of decision making on Variation 1 on account of Clause 99(2)(a) to Schedule 1A of the RMA.	Given the potential for Designations and NORs to be within the scope of Variation 1, all potentially affected parties will benefit from integrated decisions on these provisions. Two sets of decisions will cause confusion and uncertainty, and result in unnecessary complexity with respect to appeals. This is not considered an optimal outcome for affected parties, submitters or Council
Rural Zones - General Rural Zone - Rural Lifestyle Zone	Rural Zones generally have limited potential to be considered or influenced by decision making on Variation	In the interests of integrated decision making and clarity of process, releasing decisions on Rural Zones separately from all

Topics (based on National Planning Standards and hearing streams)	Extent affected by Variation 1	Effect on parties of an extension to decision making timeframes
o Settlement Zone	1. One submission on the General Rural Zone however (seeking up-zoning to Future Urban Zone) has a clear potential to be influenced by Variation 1.	other decisions is not considered beneficial. The PDP panel may also wish to revisit the rules framework in the rural zones after they have heard evidence in the Variation 1 hearings. This would be to ensure that land uses in rural zones are managed in a way that they support a well-functioning urban environment. Two sets of decisions will cause confusion and uncertainty, and result in unnecessary complexity with respect to appeals. This is not considered an optimal outcome for affected parties, submitters or Council

b. What and how matters have been considered to reach your conclusion that a 12-month extension of time is justified (including why 12 months is requested rather than a shorter or longer period of time). In particular, we are unclear of the process that is to occur between 29 August 2022 and 20 August 2023, and how it will impact on any delegated responsibilities of the hearings panel.

The requested 12-month extension until 20 August 2023 is to ensure decisions are released in accordance with the Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 27 April 2022, issued pursuant to Section 80L RMA.

Council is optimistic that an integrated set of decisions on the PDP and Variation 1 will be issued earlier than this. However, it is considered prudent to seek a full 12-month extension in case there are complications in decision making. In particular, if Council does not agree with any of the recommendations of the IHP with respect to Variation 1, this will trigger a process involving the Minister for the Environment. In this case, adequate time will be required to allow the decision making process to be completed.

We look forward to your response.

Ngā Mihi

Wendy Walker
CE Porirua City Council

Attachment – Letter from the Chair of the PDP Independent Hearing Panel

TREVOR ROBINSON

— Barrister —

30 August 2022

Hon David Parker
Minister for the Environment
PO Box 10362
Wellington 6143

Dear Minister

Porirua Proposed District Plan

I am writing in my capacity as Chair of the Independent Hearing Panel hearing submissions and further submissions on the Proposed Porirua District Plan (**PDP**). The Council has asked that I provide comment on its application pursuant to clause 10A of the First Schedule of the Resource Management Act 1991 to extend the time for making decisions on the Proposed District Plan. The Hearing Panel has been delegated with the power to make decisions, and so the Council's application has effectively been made on behalf of the Hearing Panel.

Prior to introduction of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, the Hearing Panel was working on the basis that it would complete its hearings by the end of June 2022. While I considered that it would be a challenge to complete our decisions before 28 August (the 2 year anniversary of notification), I considered it doable.

After the introduction of that Bill, I issued a Minute forewarning parties to the PDP that the hearing considering urban zone provisions in the PDP was unlikely to proceed as originally planned (in early June), but that until the Bill passed through the Parliamentary process, the Hearing Panel was unable to formulate a clear plan of action.

On 16 December, the Council made application to defer hearing of two hearing streams then scheduled for hearing in March and April, among other grounds, in order that Council officers might consider the implications of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act for their recommendations. The Hearing Panel directed that the Council's application be circulated so all parties could provide comment. A number did so, and the Hearing Panel issued a lengthy Minute that I have attached. That Minute

s 9(2)(a)

summarises the feedback received from submitters, and sets out the Panel's reasoning as to why the Council's application should be granted. At that point, while we knew the Council would of course be varying the PDP to insert the MDRS, it was still considering what parts of the PDP would require amendment as consequential changes. In summary, the Panel saw no point (and considerable inefficiency) in hearing matters that might be overtaken by the Variation required by the 2021 Amendment Act, and need to be reheard.

Among other things, our Minute noted (at paragraph 24) that there was no possibility that the PDP hearing process would be completed by August 2022, as originally envisaged.

That remains the position. While we now have greater clarity as to what aspects of the PDP are affected by the Variation, the latter was only notified on 11 August, and so the Hearing Panel are still working through its implications for the PDP hearings that have already been completed. That task alone is likely to take some time. Submissions close on the Variation close in mid September and it appears highly likely to me that a number of parties will identify additional aspects of the PDP that they consider require amendment as a consequence of the Variation, adding to the complexity of the position. The Hearing Panel has already given one party leave to file additional evidence/ legal submissions where it accepted there was potential for that party's case (seeking upzoning of multiple blocks of General Rural Zoned land (some 114ha) to Future Urban Zone) to be influenced by the Variation. That further input is not due to be received in the first week of October- the timing was deliberately delayed so that the submitter concerned can align the case it presents to us on the PDP with the submission it lodges on the Variation. There is also the possibility, as the Council has noted, that the IHP will exercise the jurisdiction to recommend amendments to the Variation that extend its ambit to address matters that emerge at the hearing of the Variation.

Last not least, we still need to schedule, hear and determine submissions on those parts of the urban zones that are not amended by the Variation. The Variation takes the form of an underline/ strike out version of the urban zones. Some zone chapters have been entirely or almost entirely replaced. Some have been amended in minor respects. And some fall in between. At present, I do not know how many submissions remain on the unamended text, and therefore how extensive the task still to be completed is.

However, I see no utility in hearing those submissions in advance of the hearing of Variation because of the extent to which the Variation affects the balance of the urban zones, the confusion that would result were the Hearing Panel to attempt to do so, and the need in practice to ensure that our decisions on the PDP provisions as notified are integrated with the recommendations on the Variation, so that the end result 'works'.

The Hearing Panel members have been advised that the Council wishes them to hear the Variation on its behalf and to make recommendations in accordance with the ISPP provisions in the amended Act. I believe that will reduce the procedural complexities we face because the Hearing Panel will be able to issue integrated reports. The task before the Hearing Panel will nevertheless be extremely challenging because of the need to manage two different processes applying to essentially to the same overall set of issues.

The Council has requested an extension to August 2023, to coincide with the deadline for completion of the Variation process. I do not regard that as excessive in the circumstances.

I am happy to provide more information/ comment if that would assist.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'T. Robinson', with a large loop at the end.

Trevor Robinson
Barrister

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing of Submissions
and Further Submissions
on the Proposed Porirua
District Plan

Minute 19 – Hearing Timetable for Streams 5-6

1. On 16 December, the Hearing Panel received a Memorandum from the Council seeking that the previously advised timetabling for Hearing Streams 5 and 6 be amended so that the Stream 5 hearing would commence no earlier than 2 May and that a minimum of five weeks be provided between the conclusion of the Stream 5 hearing and the commencement of Stream 6, along with consequential changes to all related hearing dates.
2. The reasons stated for the requested change were primarily related to the unavailability of experts required to provide input into preparation of the Section 42A Reports required for those Hearing Streams, but also to provide time for Officers to consider the implications of the Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021 ("the Amendment Act") with respect to their recommendations on submissions.
3. The Council's Memorandum noted the Council's intention to notify the Intensification Planning Instrument (IPI) required by the Amendment Act by mid-2022, but advised that a definitive date would only be able to be confirmed after further work was undertaken in the New Year.
4. Council's Memorandum expressed the hope that the IPI might be able to be heard by late 2022, noting that it would incorporate and extend the topics proposed to be heard in Stream 7.
5. The Chair requested that the Hearing Administrator circulate Council's Memorandum to submitters inviting comment by close of 14 January.
6. Six substantive responses have been received:

- (i) Waka Kotahi NZ Transport Agency and Kāinga Ora advised that they had no comments or concerns with the amendments Council had proposed;
- (ii) Ms Robyn Smith filed a detailed Memorandum indicating concern about the Council's suggestion that the provisions of the Amendment Act might colour the content of Section 42A Reports, suggesting that if this is correct, the Amendment Act might equally colour what submitters may have said in their submissions if given the opportunity. However, the suggested timetabling amendments would not provide the same opportunity for submitters as for Council Officers. She suggests that this is contrary to the principles of natural justice and that if the Amendment Act in fact has implications for Streams 5 and 6, the relevant aspects of the PDP need to be withdrawn and considered via the Variation (i.e. the IPI) the Amendment Act requires. Ms Smith also expresses concern about such an important judgment call being made by Council Officers and suggests that the Panel might usefully seek independent legal advice.
- (iii) Mr John Cody provided initial comment that was more in the nature of a series of questions about the process from here. Mr Cody queried, in particular, what has happened to the requirement to complete the First Schedule process within two years of notification that the Panel had previously referred to, how the IPI relates to the previously foreshadowed Variation to address aspects of the NPSUD 2020 that are not covered in the PDP, and how that Variation and the IPI fit in with the work of the current Hearing Panel? As regards the latter, Mr Cody queried whether both the IPI and the Variation will be notified with the opportunity for interested parties to make submissions, whether they would be notified separately or together, and whether the Variations would refer to the current PDP or to a future District Plan adopted by the Council. Mr Cody followed up with advice that he opposed a substantive change from the previously advised hearing process on the basis that this would provide a 'firm reference' for the IPI Variation. Mr Cody also suggested a need for communication between the Chair and the Mayor/Councillors, because the substantive matters at issue require political leadership and discussion between residents.

- (iv) Mr Officer responded on behalf of Titahi Bay Amateur Radio Club suggesting that the varied height requirements for residential development in the Amendment Act would have implications for amateur radio antenna configurations and that Stream 4 should be delayed also, or alternatively, if Stream 4 is not delayed, Streams 5 and 6 should proceed as currently directed.
7. We suspect that Mr Cody is not alone in being unclear about the procedural complexities the Amendment Act has created. The Hearing Panel cannot answer all of the questions Mr Cody poses, but his queries are a useful starting point to consideration of the Council's request.
8. The first point to make is that as Mr Cody notes, there is a legislative requirement (in Clause 10(4)(a) of the First Schedule to the RMA) requiring that decisions on submissions and further submissions should be made no later than two years after notification of a Proposed District Plan.
9. The PDP was notified on 28 August 2020 and accordingly the two year period expires 28 August 2022 (not June 2022 as Mr Cody suggests – the Hearing Panel's desire to complete its hearings by June was driven by the need to have a window following that for preparation of its decisions).
10. In his email to the Hearing Administrator, Mr Cody noted that it was not clear what would happen if the two year time limit was not met. That is a fair observation. Like a number of other RMA time limits, the Act does not prescribe what happens if the time limit is not met. Clause 10A however, gives the Minister for the Environment the discretion to extend the two year time limit if a Council is unable to meet it.
11. Mr Cody is correct that a number of the procedural decisions the Hearing Panel have made to date have focussed on the two year time limit and the need to ensure that it is met if at all possible, and if not, that any extension required to be sought from the Minister is as short as possible.
12. The Hearing Panel, however, recognised that its ability to meet the two year timeframe was complicated by the NPSUD 2020 having been gazetted virtually contemporaneously with notification of the PDP. Council has previously advised its intention to implement the NPSUD 2020 by way of a Variation that it proposed to notify in late 2021, in order that it might 'catch-up' with the PDP procedurally. The way in which hearing topics were divided,

with submissions related to Urban Zones not heard until late in the hearing process (in Stream 7), was largely motivated by the need to accommodate the proposed Variation, and the desirability of avoiding a situation where the same or substantially similar matters needed to be heard twice.

13. The resulting timeline was 'tight' to say the least, but any prospect of being able to complete the hearings and issue decisions by end August 2022 was effectively derailed by introduction of the Bill that ultimately became the Amendment Act in October 2020. That Bill foreshadowed substantive amendments to the NPSUD 2020 that the proposed Variation Council had in mind was seeking to implement. The potential for the Bill to be further amended before enactment meant also that there was little point trying to resolve how to proceed until the 'goalposts' stopped moving.
14. The Amendment Act was enacted and took effect on 21 December 2021. Although the broad direction of the Bill remained unchanged in the enacted version there were important differences from the Bill as introduced. Among other things, the Amendment Act broadened the potential scope of the IPI it required from what had been foreshadowed in the Bill to enable inclusion of changes that are consequential or support the required urban intensification. As a result, it does not appear likely that there will need to be two variations, one following the Intensification Streamlined Planning Process (ISPP) directed by the Amendment Act, and one following the normal First Schedule process. That will not, however, be confirmed until the Council has scoped out in much greater detail the IPI Variation that it will need to notify before August 2022, in compliance with the Amendment Act.
15. What is clear, however, is that once the IPI Variation is notified, all interested parties will have the opportunity to make submissions on it and those submissions will be heard by a separate Hearing Panel appointed by the Council pursuant to the provisions of the Amendment Act. The process the ISPP follows will also be different in important respects, with potential for cross examination and no right of appeal to the Environment Court (among other things).
16. We do not know at this point whether the Hearing Panel appointed to oversee the ISPP will have any overlap in membership with the current Hearing Panel. The Minister for the Environment will direct what qualifications the new Hearing Panel will need to have, and how many Panel Members will serve. The Council then determines who will be appointed. In any event, the

differences in hearing process cause us to doubt how 'firm' a reference point the existing Hearing Panel's decisions would provide for the new Panel.

17. We also need to factor in the inefficiency of embarking on a hearing of matters we know will be reconsidered afresh in the ISPP.
18. It is also noted that the Amendment Act retains most of the normal requirements for consultation in relation to the IPI Variation and so the Hearing Panel anticipates that interested parties will have the opportunity to provide feedback to Council before the notified version of the IPI Variation is settled. That is the process the RMA provides for the dialogue Mr Cody seeks.
19. As regards his suggestion of a need for communication between the Chair on the one hand, and the Mayor and Councillors on the other, this would not be appropriate. The Council has delegated the job of hearing and deciding submissions on the PDP. That includes management of the process. The Hearing Panel will exercise the powers delegated to it to the best of its ability, seeking feedback from the parties to the process (including but not limited to the Council) as appropriate, on a transparent basis. The Council can, however, shift the goal posts by withdrawing parts of the PDP and/or notifying Variations to it. These are ultimately political decisions (albeit constrained by the statutory framework) in which neither the Chair nor the Hearing Panel as a whole has any role.
20. The Hearing Panel's reading of the Amendment Act suggests that the IPI Variation will be a variation to the PDP. The Council has indicated that it will likely incorporate and extend the topics proposed to be heard in Hearing Stream 7.
21. Less clear is how the IPI Variation will fit in with the work of the current Hearing Panel (another of Mr Cody's questions).
22. It appears to us that the role of the current Hearing Panel will be to determine the final form of provisions that are not the subject of the IPI Variation. It may be that the Hearing Panel will need to take independent legal advice to confirm that, as Ms Smith suggests, but in the Hearing Panel's view, it would be premature to do so before the Council settles the final form of its IPI Variation.
23. Until the content of the latter is confirmed, we do not know how big (or small) a task determining the form of the balance of the PDP will be.

24. What can be said with greater certainty is that there is now no possibility that the PDP hearing process will be completed by August 2021. As the Council has foreshadowed, the best case scenario is that the IPI Variation might be able to be heard by late 2022, with the recommendations of the Hearing Panel appointed as part of the ISPP released in the first half of 2023. In practice, the Minister will determine the exact timing via the discretion he/she has under the new section 80L to direct the time within which the ISPP is completed.
25. Turning to Ms Smith's Memorandum, the Hearing Panel has considerable sympathy for the concerns that she raises. Normally, when legislative amendments are made affecting statutory processes, transition provisions provide that actions commenced under the pre-existing legislation are completed as if the legislative change had not been made. That is not the case in this instance. The Amendment Act took effect on 21 December 2021. To the extent that it directs amendments to the NPSUD 2020 or is relevant to the PDP hearing process in some other respect, the Hearing Panel must give effect to those amendments in its decisions on submissions and further submissions.
26. While unusual, however, this situation is not unique. There have been examples of First Schedule processes where changes to higher order planning documents have occurred part way through the process. The direction of the High Court has been that the decision-maker needs to give effect to the changed higher order document to the extent that that is possible within its jurisdiction¹.
27. Ms Smith suggests natural justice requires that if the Amendment Act has implications for future hearing streams, the relevant aspects of the PDP need to be withdrawn and considered via the IPI Variation.
28. Irrespective of the merits of that view, that is not an option open to us. The procedural powers delegated to the Hearing Panel did not include the power to withdraw parts of the PDP. That is a decision the Council would need to make. We note, however, that whereas the Bill as introduced provided for withdrawal of proposed plan provisions overtaken by the intensification provisions (directing that occur if hearing of the proposed plan provisions had

¹ See e.g. *Hawke's Bay and Eastern Fish and Game Councils v Hawke's Bay Regional Council*
[2014] 1 NZLR 340.

not been completed), those provisions do not appear in the Amendment Act. That change might arguably indicate a changed Parliamentary intent.

29. We observe also that Council Officers do not have the option of not taking account of the Amendment Act, to the extent that it is relevant to formulation of Section 42A Reports they are writing. Equally, however, their view is not determinative. Submitters in future hearing streams can dispute Officers' analysis, and we will make our own decisions, based on the material before us.
30. We can also envisage a situation where, as the Council develops its IPI Variation, it may identify aspects of Stream 5 that should sensibly be deferred in order that they can be considered as part of the ISPP, just as Ms Smith suggests.
31. Against that complex procedural background, we turn to consider the substantive request the Council has made, namely to defer the timelines for Hearing Streams 5 and 6.
32. The principal reason Council provides for a deferral is the unavailability of expert advisers to provide input for the Section 42A writers. While it is important that the Section 42A Reports be robust as possible, that factor alone might not have weighed sufficiently with the Hearing Panel to justify an effective two month deferral had we been focussed on completing hearings by end June and decisions by end August 2022 (as previously).
33. As it is, however, with the overlay of the procedural complexities created by the Amendment Act, that timing consideration is no longer a meaningful factor. We consider, rather, that the priority needs to be on identifying a sensible and efficient hearing process in the changed circumstances we are addressing. We do not consider it would be either sensible or efficient to rush into a Stream 5 hearing if there is potential for the IPI Variation to include matters currently scheduled for hearing as part of Stream 5.
34. In terms of the obligation Section 21 of the RMA imposes on us, we consider that a pause to understand the full implications of the Amendment Act and to plot out a course that implements a direction is reasonable in the circumstances.
35. As to how long that pause should be, we consider it unwise to direct an alternative timetable at this point. Rather, we direct that Stream 5 Section 42A Reports will not be required to be circulated before 21 March 2022 and

that the Stream 5 hearing will not commence before 2 May 2022. PDP participants should, however, treat those days as indicative of what the Panel currently has in mind i.e. as being 'pencilled in'.

36. We will aim to issue another minute confirming the Stream 5 timetable before the end of February.
37. The timing of Stream 6 will obviously reflect the directions we make for the Stream 5 hearing but, indicatively, we will aim to convene that hearing in mid-June.
38. Mr Officer has sought that Stream 4 be delayed if Streams 5 and 6 are going to be delayed, and vice versa.
39. We do not think it follows that Streams 5 and 6 should not be delayed if Stream 4 proceeds on 8 February, as currently planned. The reverse proposition – that all three are delayed, does, however, have some logic.
40. That said, we consider that there are important differences between the different streams. Preparation for the Stream 4 hearing is well advanced. The Section 42A Reports were issued on 3 December. That timing was put in place at the request of submitters to enable their expert evidence to be substantially completed before Christmas, so we anticipate that many parties will have invested considerable time and resources already in preparation for the hearing. By contrast, Section 42A reports have not been prepared, much less released for the later streams, and so the balance of advantage and disadvantage is much more clearly in favour of deferral in that case.
41. Mr Officer has told us that the altered height standards directed by the Amendment Act has implications for amateur radio installations. We accept that may be so, but the height requirements it specifies are clear, so we have difficulty understanding what the problem is anticipating implementation of those standards.
42. In summary, we find that with the Section 42A Reports for the Stream 4 hearing already circulated and submitters' expert evidence due to be filed at the end of this week, it should proceed generally as previously directed. The Hearing Panel expects that Stream 4 parties will address the relevance of the Amendment Act (if any) as part of the case they present. If that poses a particular problem for any party, we can address how that might best be addressed at the hearing.

43. In conclusion as regards Stream 4, we note that we have recently learned that due to an administrative error, Firstgas Limited was not advised of the availability of the Stream 4 Section 42A Reports and only downloaded them on 14 January. It asks for an extension of the deadline for filing expert evidence in consequence, to 28 January.
44. While we are surprised that the submitter did not investigate it not receiving formal advice of the availability of the Section 42A Reports when expected, we accept that it has been prejudiced by an administrative error within the Council, and ought to have more time to finalise its expert evidence.
45. We direct that Firstgas Ltd has until 1pm on 28 January to file its expert evidence. If that extension causes issues for any other party, they are requested to advise the Hearing Administrator and we will consider what consequential orders need to be made to address any prejudice.
46. There is one final procedural issue that we should address. As above, the Amendment Act has directed changes to the NPSUD 2020 with immediate effect. The Hearing Panel will need to give effect to those changes, to the extent that it has jurisdiction to do so, in all of its decisions, including in relation to the Hearing Streams that have already concluded. It may be that there are other changes to the RMA in the Amendment Act that would impact on our decisions also.
47. If any party to Streams 1-3 considers that its submissions are affected by the changes contained in the Amendment Act, they are requested to advise the Hearing Administrator of same by 1pm on 4 February, identifying the submission points concerned and the reasons (in summary) why it considers the Amendment Act relevant to determination of those submission points. The Hearing Panel will consider the process for addressing such matters and issue further directions thereafter.
48. In conclusion, we apologise for the long and complex discussion set out above. It is probably longer and more complex than it needs to be to answer the Council's request, but we considered it would be helpful if we set out in

some detail our thinking as we grapple with the changed legislative situation we are operating under.

Dated 18 January 2022

A handwritten signature in blue ink, consisting of a stylized 'T' followed by a series of loops and a horizontal line.

**Trevor Robinson
Chair
For the Proposed Porirua District Plan Hearings Panel**

TREVOR ROBINSON

— Barrister —

15 June 2023

Porirua City Council
PO Box 50248
Porirua 5240

Attention: s 9(2)(a)

By email: s 9(2)(a)

Dear s 9(2)(a)

Proposed District Plan Timetabling Issues

1. Further to our verbal discussions, I write to confirm my advice that the Hearing Panel will not be able to complete its Decision/Recommendation Reports in sufficient time to allow Council Decisions on those Reports by 20 August 2023.
2. The reasons for this situation in part relate to competing demands on the Hearing Panel's time, and in part to the complexity of the issues involved in the intensification planning instrument that is the subject of Variation 1 to the Proposed District Plan and Plan Change 19 to the Operative District Plan.
3. As regards the former, the effect of the December 2021 amendments to the RMA is that all of the Tier 1 Councils (in the Wellington region, in addition to Porirua City Council, Kāpiti Coast District Council, Upper Hutt City Council, Hutt City Council and Wellington City Council) are undertaking substantive Plan changes (in the case of Wellington City a complete Plan)) in the same time window. There are a relatively small number of Commissioners with the skills and experience to sit on those Hearing Panels and as a result, the ability of the Hearing Panel to devote 100% of its time to completing its Porirua Reports has been compromised by the demands of the other processes. In particular, I am the Chair of the Wellington City Hearing Panel. Commissioner McMahon is sitting on both that Panel and that of Hutt City.
4. It is fair to say also that the Intensification Planning Instrument component of each Plan Change has proven to be much more complex and contentious than certainly I had anticipated.
5. Focussing on the Porirua situation, the scope of Variation 1 and Plan Change 19 is extensive. The inter-relationship between those documents and the

s 9(2)(a)

notified PDP is complex, particularly as regards the treatment of submissions on the urban provisions of the notified PDP that are now deemed to be on the Variation. Presentation of the Council's case on them occupied just short of three hearing days. We heard also a very substantial case from Kāinga Ora in particular that included both legal submissions and five briefs of expert evidence challenging that Council's approach on a number of points that will require careful consideration by the Hearing Panel.

6. The Hearing Panel has only just completed its deliberations on those matters this week and now faces the task of writing up its recommendations to Council. You have advised that the Council will require not less than one month to consider our recommendations, which would equate to a delivery date of mid-July. As discussed, the number and nature of the range of issues the Panel has to address means that it will simply not be possible to achieve that deadline.
7. Having said that, I do not believe that the further delay required to complete the exercise will be extensive. In particular, it should certainly be able to be completed within the 2023 calendar year. Taking account of the administrative steps that will be required to be undertaken by Council, about which you will have a much better idea than I, I would recommend a revised deadline of mid-December.
8. If you have any queries about the position as the Hearing Panel sees it, please advise.

Yours sincerely



Trevor Robinson

Chair of the Independent Hearing Panel for the Porirua City Proposed District Plan

Appendix 2: Statutory framework for making decisions – Porirua City Council

Table 1: Statutory framework under clause 10A, schedule 1 of the RMA – extension of time

Statutory requirements		Application information	Assessment
Clause 10A(1) a local authority must apply for an extension of time for giving a decision before the timeframe		PCC's application for an extension of time for giving a decision on its PDP was first extended on 7 October 2022 until 20 August 2023. This second extension request was lodged on 12 July 2023.	The statutory timeframe for giving a decision has not lapsed. The application has been lodged within time.
Clause 10A(2) a local authority must set out	(a) the reasons for the request for an extension; and	The reasons given by PCC for no longer being able to meet the due date of 20 August 2023 are summarised: – The independent hearings panel (panel) delegated to make decisions on the PDP and IPI have completed the scheduled hearings but confirm being unable to give their decision and recommendation reports within the required timeframe. – The panel are from a small pool of suitably qualified and experienced commissioners fit for the role. With several other Tier 1 Council's going through the same process at the same time, these commissioners have had competing demands, which has affected their availability to draft decisions and recommendations in the Porirua process. – The RMA (Enabling Housing Supply) Amendment Act resulted in the ISPP being much bigger and more complex than envisioned. The analysis has taken into account the extent to which each topic is affected by Variation 1 and the potential for decisions on the PDP to be re-considered through decision on Variation 1. The breadth of submission points and potential for legal challenge has necessitated longer deliberations and consequential delays in completing reports. – PCC's decisions on the ISPP need to be notified at the same time as decisions on the full PDP. With 50 separate topics and chapters released at the same time, this is a major undertaking in terms of integrated decision making, with a need for careful review by all parties (panel, council staff, elected members) prior to notifying decisions.	We note PCC have set out reasons for the request for extension and must use the schedule 1 process for their proposed district plan process. The availability of the panel has resulted in PCC not being able to meet the 20 August 2023 deadline. We note since the initial ten-month extension, the revised hearing schedule has been completed. The additional four-month extension needed to deliberate, draft, and give the decisions is a relatively short duration in the overall process. PCC have delegated their PDP decisions and completion of their ISPP process to the panel. Although the decisions can be made separately, PCC advise the council and panel work in collaboration with respect to procedural matters. As such, PCC are seeking to notify the PDP and ISPP decisions at the same time. This means the progress of the ISPP will be affected by the timing of the PDP. Issuing decisions at the same time will provide consistency, enabling PCC to consider and address each instrument together, achieving an

Statutory requirements		Application information	Assessment
			integrated decision making process, resulting in less complexity for all participants.
	(b) the duration of the extension required	PCC seek an extension of four months until 14 December 2023.	
Clause 10A(3)-before applying for an extension, a local authority must take into account:	(a) the interests of any person who, in its opinion, may be directly affected by the extension, and	PCC have provided analysis on a topic-by-topic basis and have not identified any persons or parties likely to be directly affected by the extension of time. PCC has considered the potential for Strategic Directions, Historic and Cultural Values to be within the scope of Variation 1, and conclude all potentially affected parties, including tangata whenua, will benefit from integrated decisions on these provisions. PCC consider two sets of decisions will cause confusion and uncertainty, and result in unnecessary complexity with respect to appeals. This is not considered an optimal outcome for affected parties, submitters or Council	We consider the application satisfies the requirement under this provision. Although PCC's analysis was not in-depth, particularly in relation to the interests of iwi, PCC considered the interests of those who in its opinion may be directly affected by the extension. Interested parties or submitters to matters covered by the PDP are likely to experience some uncertainty due to the further delay to decision-making for activities they may be seeking to undertake. However, the integrated decision-making on the PDP and IPI will provide a more efficient process and be less complex for all parties.
	(b) the interests of the community in achieving adequate assessment of the effects of the proposed policy statement or plan or change to a policy statement or plan, and	The decisions on the PDP were delegated to a panel and the ISPP to the same panel to achieve a fully integrated planning instrument. PCC considered that until the PDP and IPI are integrated, the implications of each instrument will not be properly understood which is essential to achieving an adequate assessment of the effects of the PDP.	We consider the application satisfies the requirement under this provision.
	(c) its duty under section 21 to avoid unreasonable delay	PCC considers there is a potential risk of unreasonable delay if PDP decisions were released first, as these could be appealed to the Environment Court, whereas those issued under the IPI could not. The panel could use their discretion to make recommendations on IPI provisions that have already been decided on the PDP. This could create uncertainty on any appeals on PDP decisions re-considered through the IPI.	PCC have provided a considered outline from both the CEO and panel chair of the process to date, which demonstrates endeavours to move matters forward in a timely manner.

Statutory requirements		Application information	Assessment
		PCC consider the process currently being facilitated, is the most efficient way to avoid any unreasonable delay.	We note PCC seeking to notify the PDP and ISPP decisions at the same time, is not contrary to the provision.

Table 2: Assessment of options arising from clause 10A, Schedule 1 of the RMA

Option 1: Approve the extension of time	Option 2: Decline the extension of time	Recommendations
Analysis If you decide to approve, PCC will meet the timeframe for giving their decisions on the PDP. We recommend approving the extension as requested until 14 December 2023, for the following reasons: i. PCC has met the statutory requirements of clause 10A of schedule 1 of the RMA (Table 1). ii. PCC will be able to complete and give integrated decisions. We consider this will provide better procedural alignment and consistency of implementation for plan users. Legal implications With any statutory decision, there is a risk of judicial review. We consider the risk is low, the scope of decision making for extensions of time under clause 10A is broad, and the statutory requirements are met. We consider the reasons for approving are sound and the extension period of four-months is relatively short. Risks There are no foreseeable risks under this option.	Analysis If you decide to decline, PCC will not meet the timeframe⁴ for giving their decisions on the PDP, previously extended by 10-months until 20 August 2023. There are no specific consequences under the RMA if the local authority does not meet the two-year statutory timeframe under clause 10(4)(a). Where a local authority does not meet the RMA timeframe, you may decide to consider a review of their performance. We can provide advice on this, including engagement and intervention options. PCC will likely progress to give its decisions on the PDP. Legal implications PCC could bring a judicial review claim against any decision to decline. We consider the risk is low and given the four-month duration requested, this would be unlikely. Risks If you decline the timeframe extension, PCC will likely progress to give its decisions on the PDP with some procedural uncertainty for all parties in the meantime.	EITHER: (a) agree to an extension of time for Porirua City Council to give its decisions on the Proposed District Plan until 14 December 2023. Yes / No (b) agree that your reasons for granting approval are: i. Porirua City Council has met the statutory requirements for an application under clause 10A, schedule 1 of the Resource Management Act 1991 Yes / No ii. agreeing to an extension of time until 14 December 2023 will allow Porirua City Council to give its decisions on the PDP and completion of the ISPP together, providing procedural certainty for plan users. Yes / No

⁴ Previously extended by 10-months until 20 August 2023.

Option 1: Approve the extension of time	Option 2: Decline the extension of time	Recommendations
		(c) sign the letter to Porirua City Council (attached as appendix 2) as notice of your decisions under clause 10A(5) schedule 1 of the Resource Management Act 1991. (Option 1) Yes / No (d) OR i. agree to meet with officials. (Option 2) Yes / No

Table 3: Analysis of Porirua City Council's information provided in support of their request under RMA section 80M and recommendations.

Approving the section 80M request to amend Porirua City Council's IPI Direction	Recommendations on section 80M request
Analysis We consider that it is appropriate to approve PCC's request to amend their IPI Direction to provide for a timeframe extension until 14 December 2023. This will provide more time for the panel to deliberate and report its recommendations to the council. It will also allow an integrated decision on the PDP and the IPI. The ISPP provides a process for the preparation of an IPI by a specified territorial authority to achieve an expeditious planning process (section 80D RMA). Given the length of time of the extension (four months), officials consider amending the direction would still achieve an expeditious planning process. PCC considers this extension will have a limited impact on development capacity due to the short timeframe (four months). The MDRS already have legal effect in all residential zones and there are existing consent pathways for intensive development. Legal implications As with any statutory decision, there is a risk of judicial review. Officials consider that in relation to amending a direction for a decision on an IPI under section 80M and providing for reporting requirements and a statement of expectations under section 80L, the risk of a successful judicial review is low, given the wide scope of your discretion. Precedent Officials consider the risks of a precedent effect are mitigated as your decisions on any requests for an extension of time are made on a case-by-case basis and are dependent upon the evidence provided. Other extension requests You have granted an extension to the direction timeframe for: Auckland Council to 31 March 2025 [BRF-3025 refers]	(e) EITHER: i. agree to amend <i>The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022</i> to require Porirua City Council to notify decisions on the independent hearings panel's recommendation for the intensification planning instrument by 14 December 2023 (recommended) Yes No ii. sign the Amended Direction in appendix 4 Yes No iii. sign the Gazette notice in appendix 5 Yes No iv. agree to send Porirua City Council the letter in appendix 3 Yes No (f) OR v. agree to meet with officials Yes No (g) note the Amended Direction for the Intensification Streamlined Planning Process to Porirua City Council will take effect on the date it is published in the New Zealand Gazette (h) note that your signed Amended Direction for the Intensification Streamlined Planning Process is subject to disallowance and is required to be presented to the House of Representatives

• Tauranga City Council (for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area (Variation 1)) to 30 June 2024 [BRF-2471 refers], and in relation to the substantive portion of its IPI to 30 June 2024 [BRF-3261 refers] • Waimakariri District Council to 17 December 2024 [BRF-2829 refers] • Christchurch City Council to 12 September 2024 [BRF-3261 refers] • Western Bay of Plenty District Council to 1 March 2024 [BRF-3261 refers] • Hamilton City Council to 20 December 2024 [BRF-3261 refers] • Hutt City Council to 22 September 2023 [BRF-3261 refers] i Officials provided you with advice on extensions of the direction timeframe for Wellington City Council and Upper Hutt City Council, and on a statement of expectations for Auckland Council's direction on 4 August 2023 [BRF-3681 refers]. ii Tauranga City Council wrote to you on 9 August 2023 to request a further extension of the direction timeframe for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area. We will provide you with advice on its request in late August 2023.	(i) note that if the amended direction is not able to be presented to the House of Representatives before it rises on 31 August 2023, it must be presented to the House of Representatives as soon as possible after the formation of the 54th Parliament.
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Appendix 3: Draft notice of decisions letter to Porirua City Council

Mayor, Anita Baker
Chief Executive, Wendy Walker
Porirua City Council
PO Box 50218
Porirua 5240

email: mavor@porirua.govt.nz

s 9(2)(a)

Dear Mayor Baker

Resource Management Act 1991 – Notice of Decisions (Clause 10A, schedule 1 – extend time and section 80M – amend direction) – Porirua City Council

Thank you for Porirua City Council's (PCC) application and request received on 12 July 2023, seeking, under the Resource Management Act 1991 (RMA) an extension of time under clause 10A schedule 1 to give its Proposed District Plan (PDP) decisions, and under section 80M to complete the Intensification Planning Instrument (IPI).

I have decided to agree to the four-month extension period. The reasons for my decision are:

- a. I consider the statutory requirements in clause 10A schedule 1 and section 80M of the RMA are met
- b. the extension will enable completion of the PDP and the IPI processes in alignment and the decisions and recommendations given within the extended statutory timeframe
- c. PCC considers that no persons or parties are directly affected by the extension of time.

PCC is required to give its decisions on the PDP and recommendations on the IPI by 14 December 2023.

You are now required to publicly notify the extension decision for the PDP under clause 10A(6) schedule 1 of the RMA. My office will manage the extension process for the IPI involving amendment of the direction and gazettal.

Please contact the Ministry for the Environment, RM Systems Manager – Matthew Barbati-Ross (Matthew.Barbati-Ross@mfe.govt.nz) with any questions or to discuss this decision.

Yours sincerely

Hon David Parker
Minister for the Environment

**Appendix 4: Draft Minister for the Environment's Amended
Direction for the Intensification Streamlined Planning
Process to Porirua City Council**

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Porirua City Council

Pursuant to section 80M of the Resource Management Act 1991, the Minister for the Environment gives notice of approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 27 April 2022, 2022-sl1594.

The amendments are as follows:

The Direction published 27 April 2022, as it applied to Porirua City Council is amended and, the Minister for the Environment directs Porirua City Council to notify decisions on the independent hearings panel's recommendations for its IPI in accordance with clause 102 of schedule 1 of the RMA by 14 December 2023.

This amendment takes effect on the date of publication of the Gazette notice.

This amendment only applies to the IPI for Porirua City Council.

Signed

Hon David Parker
Minister for the Environment

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. Porirua City Council may, in accordance with section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction.

**Appendix 5: Draft Gazette notice – The Resource
Management (Direction for the Intensification Streamlined
Planning Process to the First Tranche of Specified Territorial
Authorities) Amendment Notice 2023 (No.6)**

The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.6)

Pursuant to sections 80L and 80M of the Resource Management Act 1991, the Minister for the Environment gives the following notice.

Notice

1) Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Amendment Notice 2023 (No.6).
- (2) This notice shall come into force on the date of publication.

2) Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Porirua City Council

In accordance with sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment directs Porirua Council to notify decisions on the independent hearings panel's recommendations in accordance with clause 102 of schedule 1 of the RMA by 14 December 2023.

3) Principal notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022", published in the New Zealand Gazette, 27 April 2022, 2022-sl1594, only to the extent specified in this notice.

Date at Wellington this ____ day of _____ 2023.

Hon David Parker

Minister for the Environment

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 with 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. Porirua City Council may, under section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the direction as it applies to them.

BRF-3755: Further request from Tauranga City Council for more time to complete the intensification streamlined planning process for Variation 1: Tauriko West Urban Growth Area

Date submitted: 24 August 2023

Tracking number: BRF-3755

Security level: Policy and Privacy

MfE priority: Non-urgent

Actions sought from Ministers		
Name and position	Action sought	Response by
To Hon David PARKER Minister for the Environment	Record decisions on recommendations Sign Amended Direction and Gazette Notice	31 August 2023
Forward to Hon Dr Megan Woods Minister of Housing	No action required	

Actions for Minister's office staff
Forward this briefing to the office of Hon Dr Megan Woods. Return the signed briefing to the Ministry for the Environment (ministerials@mfe.govt.nz and RM.Reform@mfe.govt.nz). Ensure Direction and Gazette Notice are signed. Table Direction in the House of Representatives.

Appendices and attachments
- Appendix 1: Letter from Tauranga City Council requesting more time to complete the intensification streamlined planning process - Appendix 2: Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council - Appendix 3: Draft Gazette notice – The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023 (No.3) - Appendix 4: Response to Tauranga City Council's request for a time extension

Key contacts at Ministry for the Environment			
<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
Principal Author	Bridget Murdoch		
Responsible Manager	Linley Wilkinson	022 493 0144	✓
Director	Rebecca Scannell		

Minister's comments

BRF-3755: Further request from Tauranga City Council for more time to complete the intensification streamlined planning process for Variation 1: Tauriko West Urban Growth Area

Key messages

1. This briefing seeks your agreement to grant a request from Tauranga City Council (TCC) in relation to Variation 1 to Plan Change 33: Tauriko West Urban Growth Area (Variation 1) for more time to complete the Intensification Streamlined Planning Process (ISPP) from 30 June 2024 to 31 December 2025. Variation 1 forms part of TCC's intensification planning instrument (IPI).
2. The Resource Management Act 1991 (RMA) provides for:
 - i the Minister for the Environment to prepare a direction for the ISPP setting additional requirements such as reporting requirements (section 80L)
 - ii a specified territorial authority to request that the Minister for the Environment amend a direction (section 80M(2)).
3. Officials recommend you grant the extension request from TCC.
4. You have previously agreed to amend the Direction for TCC to notify decisions for Variation 1 [BRF-2471 refers]. On 2 August 2023, you granted an extension of time to TCC for its substantive IPI, Plan Change 33 [BRF-3261 refers]. This latest request is for an extension of time for Variation 1.
5. In the amended direction, we recommend including a requirement for TCC to provide quarterly progress reports on the ISPP. This will ensure TCC remains on track to complete the ISPP, as well as signalling to them that implementing the National Policy Statement on Urban Development 2020 (NPS-UD) and the medium density residential standards (MDRS) remains a government priority.

Recommendations

We recommend that you:

a. **Either**

- i **agree** to amend The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2022, to require Tauranga City Council to:

- a) provide a report to the Ministry for the Environment on Variation 1 to Plan Change 33: Tauriko West Urban Growth Area every three months from the date of the Direction on its progress with the intensification streamlined planning process
- b) notify decisions on the independent hearings panel's recommendations for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area by 31 December 2025

Yes | No

- ii **Or meet** with officials to discuss this briefing

Yes | No

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

Yes | No

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

Yes | No

- d. **Agree** to send Tauranga City Council the letter in Appendix 4

Yes | No

- e. **note** the Amended Direction for the Intensification Streamlined Planning Process will take effect on the date it is published in the New Zealand Gazette

- f. **note** that your signed Amended Direction for the Intensification Streamlined Planning Process is subject to disallowance and is required to be presented to the House of Representatives

- g. **note** that if the amended direction is not able to be presented to the House of Representatives before it rises on 31 August 2023, it will need to be presented to the House of Representatives as soon as possible after the formation of the 54th Parliament

- h. **agree** that this briefing and appendices will be released proactively on the Ministry for the Environment's website within the next eight weeks

Yes | No

Signatures



Linley Wilkinson
Manager - Urban implementation
Matapopore

23 August 2023

Hon David PARKER
Minister for the Environment

Date

BRF-3755: Further request from Tauranga City Council for more time to complete the intensification streamlined planning process for Variation 1: Tauriko West Urban Growth Area

Purpose

6. This briefing seeks your agreement to grant the request from Tauranga City Council (TCC) in relation to Variation 1 to Plan Change 33: Tauriko West Urban Growth Area (Variation 1) for more time to complete the intensification streamlined planning process (ISPP) no later than 31 December 2025. This written request is attached (see Appendix 1).

Background

7. The Resource Management Act 1991 (RMA) requires specified territorial authorities¹ to use the ISPP to notify an intensification planning instrument (IPI). This allows incorporation of the medium density residential standards (MDRS) into their district plans and gives effect to the intensification requirements in the National Policy Statement on Urban Development 2020 (NPS-UD).
8. The RMA sets out the process steps for the ISPP and requires these councils to notify an IPI by 20 August 2022. Other timeframes for the ISPP can be prescribed through a regulation called a 'direction', set by the Minister for the Environment.
9. You made the original direction for TCC to notify decisions by 20 November 2023 [BRF-1429 refers]. In December 2022, you agreed to amend the extension Direction for TCC to complete a variation to its IPI to include the Tauriko West Urban Growth Area by no later than 30 June 2024 [BRF-2471 refers]. The variation was key to addressing part of the acute housing challenges in Tauranga City and did not alter the date for notifying decisions on the substantive IPI.
10. On 2 August 2023, you granted an extension for the substantive IPI to notify decisions by 30 June 2024 to allow for sufficient time for necessary technical work to be completed and additional expert conferencing [BRF-3261 refers].
11. On July 12, we provided you with advice on:

¹ Specified territorial authority means any of the following:

- a. every tier 1 territorial authority (Auckland Council, Christchurch City Council, Hamilton City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Tauranga City Council, Upper Hutt City Council, Waikato District Council, Waimakariri District Council, Waipā District Council, Wellington City Council, Western Bay of Plenty District Council).
- b. a tier 2 or 3 territorial authority that is required by regulations to prepare and notify an intensification plan change (currently Rotorua Lakes Council).

- i a further request from TCC for more time to complete the ISPP for the substantive part of its IPI
 - ii a letter from the Tauranga commissioners notifying you of the results of TCC's latest Housing and Business Development Capacity Assessment (HBA), which shows insufficient development capacity in Tauranga [BRF-3261 refers].
12. You have granted an extension to:
- i Auckland Council to 31 March 2025 [BRF-3025 refers]
 - ii TCC (for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area (Variation 1)) to 30 June 2024 [BRF-2471 refers]
 - iii TCC (for the substantive part of the IPI) to 30 June 2024 [BRF-3261 refers]
 - iv Waimakariri District Council to 17 December 2024 [BRF-2829 refers]
 - v Christchurch City Council to 12 September 2024 [BRF-3261 refers]
 - vi Western Bay of Plenty District Council to 1 March 2024 [BRF-3261 refers]
 - vii Hamilton City Council to 20 December 2024 [BRF-3261 refers]
 - viii Hutt City Council to 22 September 2023 [BRF-3261 refers]
 - ix Wellington City Council to 20 March 2024 [BRF-3681 refers]
 - x Upper Hutt City Council to 20 December 2023 [BRF-3681 refers]
 - xi Porirua City Council to 14 December 2023 [BRF-3662 refers].

Analysis and advice

Tauranga City Council's request for more time

13. On 9 August 2023, Tauranga City Council wrote to you requesting more time to complete the ISPP for Variation 1. This request means the Council would issue decisions on the recommendations of its IHP no later than 31 December 2025. This written request is attached (see Appendix 1).
14. Variation 1 intends to rezone Tauriko West from rural to residential and apply the MDRS to the area. Tauriko West has been identified as a Priority Development Area by the SmartGrowth Urban Growth Partnership. Variation 1 is expected to deliver 3,000 to 4,000 homes which will provide additional required development capacity.

Reasons for the extension request

15. TCC advised in its letter to you that key technical assessments that are required to support Variation 1 have been more complex and time consuming than originally anticipated such as the Ecological Impact Assessment (EIA), Flood Risk and Stormwater Assessment (including modelling), and Cultural Impact Assessments.
16. The National Policy Statement for Freshwater Management 2020 (NPS-FM) and the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) have further impacted the ability to complete the EIA. This has resulted in additional technical assessment work, which impacts the timing of the remaining plan change steps.

Advice on the ISPP completion dates

17. Amendments to a direction follow the same process as the original direction. The Minister for the Environment may make a direction under section 80L of the RMA to direct one or more specified territorial authorities in relation to a number of ISPP requirements including “matters on which the specified territorial authority must report to the Minister” (section 80L(1)(d)).
18. In deciding the content of a direction, you must have regard to providing “a process for the preparation of an IPI by a specified territorial authority in order to achieve an expeditious planning process” (sections 80L, 80M, and 80D of the RMA).
19. Officials have previously recommended that ISPP directions set only the date by which the specified territorial authorities must notify decisions on the IHP’s recommendations [BRF-1087 refers]. This was because unlike the RMA streamlined planning process (which the ISPP is modelled on), the stages of the ISPP are included in the RMA. However, we recommend including a requirement in the ISPP direction to TCC to report its progress with the ISPP. We consider this would be a useful mechanism to ensure councils seeking extensions remain on track to complete the ISPP, and to signal to them that implementation of the NPS-UD and MDRS remains a government priority.

Advice on ISPP completion dates

20. We recommend that you amend the original TCC Direction to enable TCC to complete the ISPP for Variation 1 by 31 December 2025.
21. TCC notes while the timeframe includes contingencies, it will strive to achieve a shorter timeframe. TCC has advised that the requested extension is not expected to delay the delivery of housing as this is dependent on the construction of key roading and three waters infrastructure to service the growth area which is scheduled to be completed between July 2025 and March 2026.
22. TCC has advised that the requirement to implement the NPS-FM and the NPS-IB has resulted in further assessment work and re-work with project partners and stakeholders. This has resulted in a delay in completing technical reports which has impacted plan change preparation including development of plan provisions, peer reviews, section 32 RMA evaluation, liaising with the Regional Council, tangata whenua input, and statutory consultation. Therefore, TCC considers the 30 June 2024 timeframe that was initially directed is no longer realistic.

23. Officials consider that approximately 18 additional months will still achieve an expeditious planning process and enable sufficient time to complete the necessary technical assessments, engage with project partners and stakeholders, and still allow TCC to respond to the housing supply issues in Tauranga through providing additional development capacity in the Tauriko West Urban Growth Area.

Other considerations

Consultation and engagement

24. MfE officials consulted Te Tūāpapa Kura Kāinga – The Ministry of Housing and Urban Development (HUD). HUD is supportive of the approach and recommendations in this briefing.

Risks and mitigations

25. If this extension is not granted, TCC will not meet the existing timeframes for completing the ISPP for Variation 1 and will be non-compliant with the RMA.
26. Officials consider the risks of a precedent effect are mitigated as your decisions on any requests for an extension of time are made on a case-by-case basis and are dependent upon the evidence provided.
27. A further mitigation is the ability to include a requirement to report progress on the ISPP.

Legal issues

28. As with any statutory decision, there is a risk of judicial review. Officials consider that in relation to amending a direction for a decision on an IPI under section 80M and providing for reporting requirements under section 80L, the risk of a successful judicial review is low, given the wide scope of your discretion.

Next steps

29. To take effect, the Direction needs to be published in the New Zealand Gazette. Once you have signed the Direction and Gazette notice, officials will work with your office to table the Direction in the House of Representatives and publish the Gazette notice. The Direction will take effect on the date it is published in the New Zealand Gazette.
30. We note that the signed amended Direction for the ISPP has effect without being presented to the House of Representatives. However, the amended Direction would need to be presented to the House of Representatives as soon as possible after the formation of the 54th Parliament.
31. Should you agree to issue the Direction in this briefing, we recommend you send TCC the letter in Appendix 4. Officials will also inform council officials of your decision.
32. Officials will continue to work closely with TCC to ensure it is reporting progress on the ISPP and will meet the completion date set in the Directions.

33. Officials from MfE and HUD will continue to provide you with key updates on specified territorial authorities' progress on implementing the ISPP. If you would like to make a different direction to the one recommended in this briefing, officials suggest meeting with you to discuss any questions or issues.

Appendix 1: Letter from Tauranga City Council requesting more time to complete the intensification streamlined planning process

[Attached to cover email to the Minister's office.]

31 July 2023



Hon David Parker
Minister for the Environment
Private Bag 18041
Parliament Buildings
WELINGTON 6160

Email: d.parker@ministers.govt.nz

Dear Minister

Request to Vary Intensification Streamlined Planning Process Timeframes – Tauriko West Variation

I am writing to request an extension to the Intensification Planning Instrument (IPI) timeframe for Tauranga City Council to continue to enable the Tauriko West Urban Growth Area (UGA) Variation.

Overall, I can advise that Tauranga City Council has been making good progress in implementing the government's RMA housing amendments to provide for the Medium Density Residential Standards and National Policy Statement on Urban Development (NPS-UD) intensification through the Intensification Planning Instrument (IPI). Most recently this has included concluding the Session 1 hearing on strategic issues on the IPI. A summary of Tauranga City Council's progress is provided in Attachment 1.

However, we have experienced delays in completing some of the technical assessments required to support the Tauriko West UGA Variation to the IPI. The reasons for these delays and their impact on the related workstreams (e.g. Plan provision drafting; S32 assessment; engagement) is described below. These delays impact the previously directed timeframe for the Tauriko West UGA Variation. The timeframe that Tauranga City Council is now requesting is for decisions on the Variation by 31 December 2025. The timeframes are set out in Attachment 1.

Background

As background to this request, I note the following:

- In August 2022 Tauranga City Council notified the IPI to implement the Government's housing amendments to the RMA to provide for the Medium Density Residential Standards and intensification provisions in the NPS-UD.
- In November 2022 I wrote to you and requested a variation to the IPI to include the Tauriko West UGA. This request identified that this UGA was material to addressing part of the acute housing supply challenges facing Tauranga City.

- In December 2022, you responded and confirmed an amended Direction to require Tauranga City Council to notify decisions on the independent hearings panel recommendations for the Tauriko West UGA Variation by 30 June 2024, and noted:
 - Despite the substantive IPI the Tauriko West UGA is still needed to deliver housing capacity; and
 - That the 20 November 2023 date for notifying decisions on the substantive IPI would remain.
- In May 2023 I wrote to you requesting a variation to timeframes for the substantive IPI. This required an amendment to our direction to extend from 20 November 2023 to 30 June 2024 which has now been approved. That letter also noted that in respect to Tauriko West we would write to you separately around the timeframes for the Tauriko West Variation as this also required an extension due to delays. This letter represents that request.

Tauriko West Urban Growth Area Variation – Extension of Timeframe

As noted previously while Tauranga City Council is progressing the substantive IPI this will not be sufficient in itself to resolve the city's acute housing challenges, including non-compliance with the NPS-UD development capacity requirements, a matter we have also previously written to you about.

Tauriko West which is a predominantly residential growth area and anticipated to deliver between 3,000 and 4,000 homes from around 2025 onwards is one of the SmartGrowth Urban Growth Partnership Priority Development Areas (PDA) identified as needed to respond to the housing supply issue locally. As a PDA, Tauriko West is identified as an area that provides the greatest opportunities to deliver housing at scale in reasonable timeframes. Tauriko West has three major landowners (including Kainga Ora) who are keen to progress development as soon as practicable and our collaborative work with these landowners remains very focussed on achieving this outcome.

One key next step to enable urban development of the Tauriko West UGA is to re-zone the area from Rural to Residential. Generally, our work to complete the documentation (technical assessments; funding agreements; consultation and engagement; plan change documentation) to commence the re-zoning process by way of public notification of the IPI Variation is progressing reasonably well.

However, we have experienced delays associated with our ability to complete some key technical assessments necessary to support the re-zoning process. These delays have primarily been in relation to the Ecological Impact Assessment which has then flowed onto our ability to conclude the Flood Risk and Stormwater (including modelling) and Cultural Impact Assessments. All four assessments have proven to be more complex and taken longer than previously programmed. This situation has eventuated despite our approach to increase our resourcing to support delivery of the project.

It is now acknowledged that our previous programme to reach notification of the Variation was overly optimistic given the strong interest and inter-dependency of the delayed assessments to the project partners and stakeholders (e.g. landowners and developers; tangata whenua; regional council) and how the conclusions of each could impact their and Council wider interests (e.g. urban development that is economically feasible while delivering cultural and environmental benefits). The relatively new policy environment provided by the National Policy Statement for Freshwater Management (NPS-FM) (released in late December 2022) that has

had to be interpreted to develop these assessments and a level of consensus reached with all involved parties has also added to the complexity and delay. The gazetting (July 2023) of the National Policy Statement for Indigenous Biodiversity has recently added another factor yet to be fully addressed in the Ecological Assessment. These matters combined have resulted in considerably more assessment work and re-work together with the Project Partners and Stakeholders which has and continues to take more time than originally anticipated.

Overall, the delay in completing technical reports impacts on consultation, plan change preparation (development of the objectives, policies and rules), peer reviews, s32 RMA evaluation, BoPRC liaison, tangata whenua input, and statutory consultation under the RMA (prior to notification). When all these steps are mapped out, recognising some are still unable to commence at present, the 30 June 2024 timeframe in your previous Direction is no longer realistic.

Given the complexity that remains with completing key tasks, the new requested timeframe remains difficult to confirm with absolute accuracy. However, we have set out our request and the key steps to achieve this in Attachment 1. While the timeframes are difficult to confirm, we have considered potential delays at each stage, and these have been factored in to enable Council to meet the revised timeframes. Please be assured that our focus remains on achieving a shorter timeframe, however, it should be recognised that there are complex technical issues and the potential for further unforeseen delay.

The requested extension to the ISPP to rezone Tauriko West for residential development is not expected to delay the delivery of housing. Delivery of housing within Tauriko West is dependent on the construction of key roading and three water infrastructure to service the growth area which is currently programmed to be completed in July 2025 for the Redwood Lane access and March 2026 for the Northern Access (noting that a Contractor to deliver the access is still in the procurement phase with Waka Kotahi).

Potential Impact on the Substantive IPI

At this time, based on the requested timeframes we do not anticipate the extended timeframe for the IPI Variation impacting on the substantive IPI.

Under section 80M(2) of the RMA, a specified territorial authority may request the Minister to amend a direction under section 80L. Section 80L provides the Minister of the Environment the power to amend timeframes for the IPI. We request that you approve an amended timeframe to required decisions on the IPI. We understand you only need to make a decision on the date for Council to make a decision on the recommendations of the IHP.

We look forward to your response. I would be happy to engage with you directly on this matter and technical queries between your officials and our staff should be direct to:

s 9(2)(a)

Manager: City Planning & Growth

s 9(2)(a)

Yours sincerely



Marty Grenfell
Chief Executive
Tauranga City Council

Attachment 1: IPI Timeframes (Progress and Proposed Amendments)

ISPP Process Step	RMA Statutory Minimum or set out in the Act	Suggested timeframe by council (progress)	Indicative Date for plan Change 33 – Enabling Housing Supply	Indicative date for Variation 1 to Plan Change 33 – Tauriko West Urban Growth Area	
				Current	Requested
Notification of intensification planning instrument	By 20 August 2022	Completed no later than 20 August 2022	Completed by 20 August 2022	By 30 June 2023	By 29 February 2024
Opportunity for written submissions	At least 20 working days (Clause 7(1) of Schedule 1 RMA)	Completed no later than 30 working days after public notification	Completed - 20 August to 30 September 2022	Notification from 10 July to 4 August 2023 (4 weeks)	Notification from 11 March to 5 April 2024 (4 weeks)
Summarise submissions for further submissions	No timeframe	Completed no later than 60 working days after close of submissions	Completed by 28 November 2022	By 4 September 2023	By 19 May 2024
Notify summary of submissions and call for further submissions	Further submissions to be received no later than 10 working days from the date the summary of submissions was notified (Schedule 1, clause 7(1)(c))	Completed no later than 20 working days after summary of submissions is notified	Completed – 28 November 2022 to 9 December 2022	8 September 2023 to 22 September 2023	By 29 May 2024 to 12 June 2024
Expert conferencing directed by IHP		Completed 2 months prior to s.42A being notified	Completed – 21 March 2023 to 29 March 2023 Further expert conferencing on commercial centres – week of 17 July 2023		14 August 2024 to 8 September 2024
Prepare section 42A officers report (including review and finalising)	No timeframe	Completed and on track for two hearings	Strategic hearing – completed, held commencing in the week of 3 July 2023	By 30 November 2023	September 2024 to December 2024

ISPP Process Step	RMA Statutory Minimum or set out in the Act	Suggested timeframe by council (progress)	Indicative Date for plan Change 33 – Enabling Housing Supply	Indicative date for Variation 1 to Plan Change 33 – Tauriko West Urban Growth Area	
				Current	Requested
			By 25 August 2023 for substantive hearing on remaining matters		
Notification of hearing	Must give at least 10 working days' notice of dates, times, place of hearing (clause 8B Schedule 1 RMA)	Hearing Directions and Procedures released on 26 January 2023 (including the 3 July hearing date) IHP Directions required prior to 3 July hearing date to advise of two hearings.	Session 1 hearing – completed. By 15 September 2023 for Session 2 hearing on substantive matters	By 22 December 2023	February 2025
Public hearing held	No timeframe	Timeframes set out to enable a second session of expert conferencing commercial centres Strategic hearing 2 months after expert conferencing is complete Substantive hearing 2 months after second session of expert conferencing is complete	Completed - 3 July 2023 for Strategic hearing Programmed - 2 October 2023 for substantive hearing on remaining matters (Allows 2 weeks for hearing)	5 February 2024 to 16 February 2024	By April 2025
Independent hearing panel (IHP) to prepare recommendations on the plan change including how submissions have been considered	No timeframe	Completed 3 months after the close of the public hearing	By February 2024	By 15 April 2024	By July 2025

ISPP Process Step	RMA Statutory Minimum or set out in the Act	Suggested timeframe by council (progress)	Indicative Date for plan Change 33 – Enabling Housing Supply	Indicative date for Variation 1 to Plan Change 33 – Tauriko West Urban Growth Area	
				Current	Requested
Territorial authority to accept or reject recommendations of the IHP	No timeframe in the Amendment Act.	Completed 2 months after receipt of IHP recommendations, provided clarification from the IHP is not required.	By May 2024 Assumes clarification from the IHP is not required	By 3 June 2024	By September 2025
Notification of Council decisions	No later than 5 working days (Section 102 requirement to notify decisions)	Completed no later than 5 working days from Council formally making its decisions	By May 2024	By 30 June 2024	By 31 December 2025
Minister for the Environment to decide on any recommendations rejected by Council or where Council recommends alternative wording <i>(if required)</i>	No timeframe in the Amendment Act.	Council decisions to be submitted to the Minister no later than 10 working days after the formal decision of Council.	No date	No date	No date

**Appendix 2: Minister for the Environment's Amended
Direction for the Intensification Streamlined Planning
Process to Tauranga City Council**

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council

Pursuant to section 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives notice of approval of an extension to timeframes specified in the Direction published in the New Zealand Gazette, 16 December 2022, 2022-sl5566.

The amendments are as follows:

The Direction published 25 May 2022, as it applied to Tauranga City Council is amended and, the Minister for the Environment directs Tauranga City Council to notify decisions on the independent hearings panel's recommendations for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area by 31 December 2025.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Tauranga City Council

In accordance with clause 80L(1)(d) of the RMA, the Minister for the Environment directs Tauranga City Council to provide a report to the Ministry for the Environment every three months from the date of the Gazette notice about its progress of the intensification streamlined planning process for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area.

This amendment takes effect on the date of publication of the Gazette notice.

This amendment only applies to Variation 1 to Plan Change 33: Tauriko West Urban Growth Area for Tauranga City Council.

Signed

Hon David Parker

Minister for the Environment

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. Tauranga City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction.

**Appendix 3: Draft Gazette notice – The Resource
Management (Direction for the Intensification Streamlined
Planning Process to Tauranga City Council and Wellington
City Council) Amendment Notice 2023 (No.3)**

The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023 (No.3)

Pursuant to sections 80L and 80M of the Resource Management Act 1991 (RMA), the Minister for the Environment gives the following notice.

Notice

1) Title and Commencement

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023 (No.3).
- (2) This notice shall come into force on the date of publication.

2) Direction for the Intensification Streamlined Planning Process

Minister for the Environment's Amended Direction for the Intensification Streamlined Planning Process to Tauranga City Council

In accordance with sections 80L and 80M of the RMA, the Minister for the Environment directs Tauranga City Council to notify decisions on the independent hearings panel's recommendations for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area in accordance with clause 102 of Schedule 1 of the RMA by 31 December 2025.

Minister for the Environment's Additional Direction for the Intensification Streamlined Planning Process to Tauranga City Council

In accordance with clause 80L(1)(d) of the RMA, the Minister for the Environment directs Tauranga City Council to provide a report to the Ministry for the Environment every three months from the date of this notice about its progress of the intensification streamlined planning process for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area.

3) Principal notice

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2022" published in the New Zealand Gazette, 16 December 2022, Notice No. 2022-si5566.

This notice does not amend "The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2023" published in the New Zealand Gazette, 16 August 2023, Notice No. 2023-si3773.

Date at Wellington this ____ day of _____ 2023.

Hon David Parker
Minister for the Environment

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. Tauranga City Council may, in accordance with Section 80M of the RMA apply in writing to the Minister for the Environment for an amendment to the Direction as it applied to them.

Appendix 4: Response to Tauranga City Council's request for a time extension

Hon Anne Tolley
Commission Chair
Tauranga City Council
anne.tolley@tauranga.govt.nz

Marty Grenfell
Chief Executive
Tauranga City Council
marty.grenfell@tauranga.govt.nz

Dear Hon Anne Tolley and Marty Grenfell

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

On 31 July 2023 I received a letter from Tauranga City Council officials requesting an amendment to The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Amendment Notice 2022. This amendment would give the Council an extra 18 months to complete the Intensification Streamlined Planning Process (ISPP) for Variation 1 to Plan Change 33: Tauriko West Urban Growth Area (Variation 1).

I am granting this extension request. Tauranga City Council is now required to notify decisions on the Independent Hearings Panel's recommendations for Variation 1 by 31 December 2025. This timeframe extension will enable sufficient time to complete the necessary technical assessment reports, engage with project partners and stakeholders, and enable the council to continue to provide additional housing capacity through the Tauriko West Urban Growth Area. The timeframe for the substantive part of the IPI remains 30 June 2024.

I encourage Council staff to continue to engage with Government officials during the preparation of the IPI. I wish you well in the remainder of your plan change process.

Yours sincerely

Hon David Parker
Minister for the Environment