



Ministry for the
Environment
Manatū Mō Te Taiao

Technical Guide: Streamlined Planning Process

UNDER THE RESOURCE MANAGEMENT ACT 1991

Resulting from changes made by the
Resource Legislation Amendment Act 2017

Version 2 - Incorporating changes as a result of the Resource Management Amendment Act 2020.

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Part one – Introduction

Purpose of this guide

The purpose of this guide is to help local authorities who are considering making a request for a direction to use the Streamlined Planning Process (SPP) for the preparation, change or variation of a policy statement or plan (under Part 5 of Schedule 1 of the Resource Management Act 1991 (RMA)).

Part one of this guide provides background information, summarises the SPP and sets out which requirements of the standard Part 1 Schedule 1 process will still apply.

Part two sets out the steps followed through a SPP. It particularly focuses on helping local authorities make a request to use the SPP, outlining the information required and matters to consider.

Part three details other matters relevant to making use of the new process.

Part four provides information about designations, heritage orders and notices of requirement in the SPP.

Appendices 1 to 4 inclusive contain information to assist those considering making a request to use SPP.

This guide has been written for a local authority audience. Local authorities are welcome to share this guide with the public, or use information in the guide to develop their own customer information about the SPP. Please note this guide has no legal status and is not a legal interpretation of the RMA.

Background to the 2017 Amendments

Before April 2017, the RMA had one standard process to prepare, change or vary policy statements or plans, no matter how simple or complex the proposal. The only alternative was where the Minister considered a plan change or variation was of national significance and could be heard and decided by either a Board of Inquiry or the Environment Court under Part 6AA of the RMA.

Under the Part 1 Schedule 1 plan making process, a proposed policy statement or plan can take years to develop and become operative. Even where changes to plans are minor, changes to plans usually take nine months or more to become operative, because of Part 1 Schedule 1 requirements. This is too long to allow councils to respond to urgent or unanticipated issues. Special legislation has sometimes been required so plans and plan changes can be developed more quickly for certain circumstances (eg, earthquake recovery).

The SPP was introduced by the Resource Legislation Amendment Act 2017 (RLAA), which came into effect on 19 April 2017 (new Part 5 of Schedule 1 and sections 80B and 80C of the RMA). The SPP is a new Minister directed process to prepare, change, or vary regional policy statements, regional or district plans or combined plans (together referred to as *proposed planning instruments*) under the RMA. The intent of SPP is to give flexibility in plan-making processes and timeframes, allowing these to be tailored to specific issues and circumstances.

SPP at a glance

The SPP enables a local authority (in certain circumstances, outlined in section 80C(2)) to request a plan making process to suit the planning issue(s) involved, instead of following the standard plan making process.

The local authority must apply to the relevant Minister (which is the Minister for the Environment or the Minister of Conservation in the case of a regional coastal plan, or both) for a direction to use a SPP. The local authority identifies the proposed process steps and timeframes it wants to use, as a part of its application to the Minister.

If the Minister agrees, s/he will issue a direction, setting out the process steps, timeframes and expectations for the RPS/plan/plan change/variation process. The local authority then follows the steps in the direction instead of the standard Part 1 Schedule 1 process.

Once the direction has been followed, the local authority submits its recommendations on the proposed RPS/plan/change/variation to the Minister for approval. The Minister's decision cannot be appealed. The only matters that can be appealed are the decisions of a requiring or heritage protection authority, on any notices of requirement/designations/heritage orders.

The SPP is intended to increase flexibility and speed up decision making, by providing a shortened process in certain circumstances. The RMA sets out the minimum procedural steps that must be included in any SPP (refer below). However, other steps can be added to reflect the nature of the issue(s) being addressed.

Private plan changes adopted or accepted by the local authority can be subject to a SPP process. However, only the local authority can make a request to the Minister for a SPP, with the agreement of the person who initiated the plan change request.

The following table compares the SPP and the standard Part 1 Schedule 1 processes:

Features	SPP Part 5 Schedule 1 Process	Standard Part 1 Schedule 1 Process
Eligibility criteria	Set entry criteria (s80C(2)). Must be appropriate in circumstances.	No set criteria. A council can develop a plan or plan change at any time to assist it to carry out its functions.
Initiation	Local authorities must make a request to the relevant Minister(s) for a direction to use the SPP.	Initiated by local authority.
Process	Can be tailored so it is proportional to nature of planning issues involved. Some Part 1 Schedule 1 processes still apply (refer below) and the process allows for further procedural steps and timeframes.	Procedural steps and timeframes set by Part 1 of Schedule 1.
Timeframe	Timeframes prescribed in Minister's direction.	A set timeframe of two years from notification to decision.
Final decision	Relevant Minister(s).	Local authority is decision maker (except in the case of a regional coastal plan or where a requiring or heritage protection authority makes decisions on any notices of requirement, designations or heritage orders).
Appeal rights	Limited - the only decisions that can be appealed are those of the requiring	Available to any person who has made a submission or further

Features	SPP Part 5 Schedule 1 Process	Standard Part 1 Schedule 1 Process
	authority or heritage protection authority (related to notices of requirement, designations or heritage orders).	submission. Merit appeals to Environment Court Further appeals to Higher Courts on points of law.

Part 1 Schedule 1 processes that still apply

Some parts of Part 1 Schedule 1 still apply to a SPP, as outlined in section 80B of the RMA. These are:

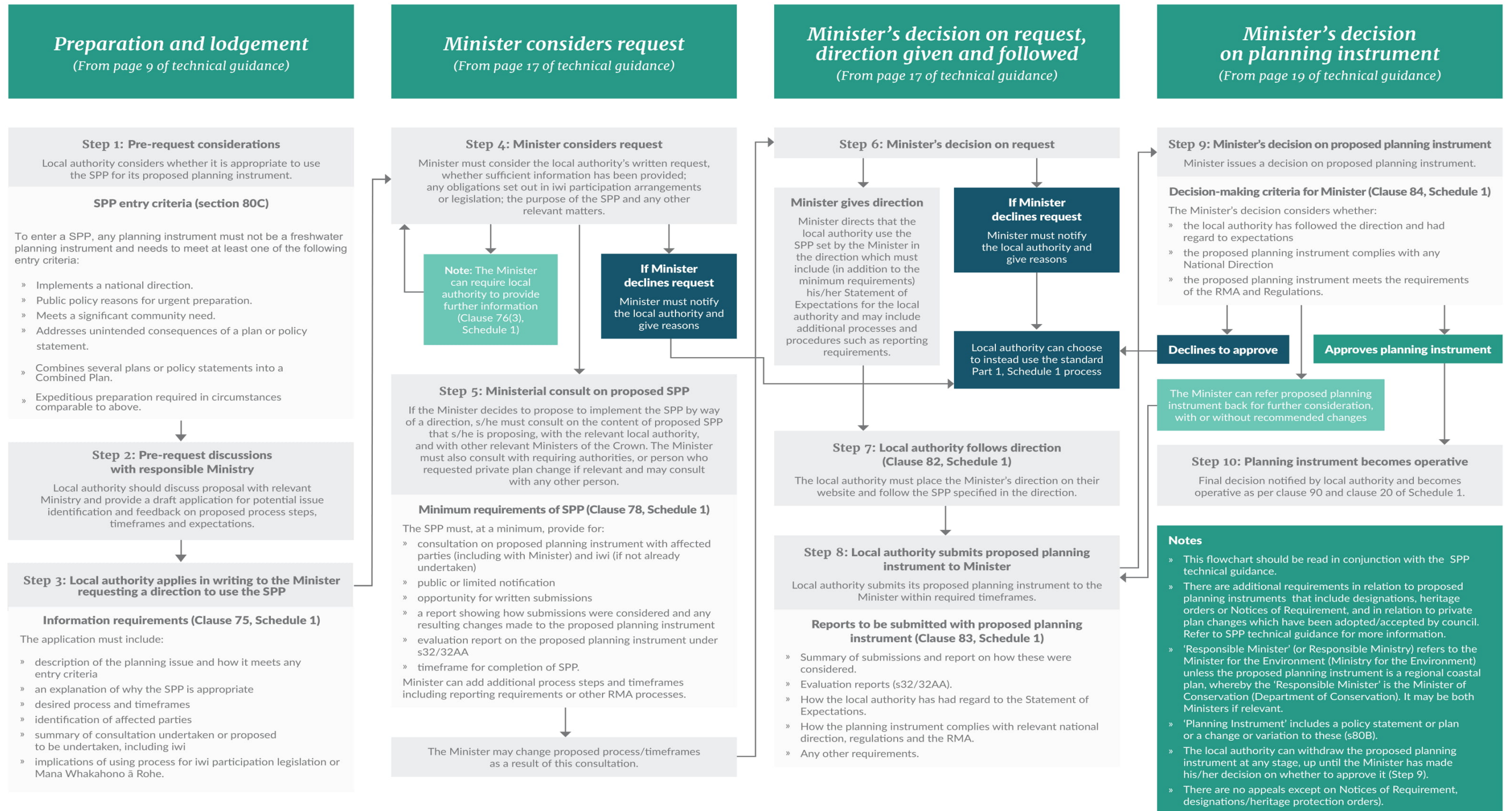
- for pre-notification preparation and consultation: clauses 1A-3C¹
- **for submissions:** clause 6 and 6A
- for amendments/corrections to proposed planning instrument: clause 16 and clause 20A
- for notices of requirement and designations: clause 4, 9 and 13
- **for private plan changes:** clauses 21–27 (except for clause 25(2)(a)(i) and (ii) and 26(1)(b)) and clause 28(2)–(6).

Note: The remainder of Part 1 does not apply, unless it is expressly applied by subpart 5 of Part 5 the RMA (Sections 80B–80C), Part 5 of Schedule 1, or a direction given under clause 78 of Schedule 1.

¹ Councils are encouraged to consider completing clause 3 consultation before making a request.

Part two – SPP process

SPP Flowchart



Step 1: Local authority pre-request considerations

The purpose of the Streamlined Planning Process is to give an “expeditious planning process that is proportionate to the complexity and significance of the planning issues being considered”². The Minister will need to consider the purpose of the SPP (among other matters) when deciding if to grant the request and make a direction.

Local authorities should start by thinking about the purpose of the SPP set out in section 80B(1) of the RMA when deciding which planning process would be preferable to use. This involves consideration if the SPP would be ‘appropriate’ for the planning issue(s) involved as an alternative to the standard Part 1 Schedule 1 process.

When local authorities are assessing which planning process is appropriate, there are certain aspects they could consider.

- The nature of the planning issue.
- What types of changes are required to the plan.
- What is the urgency for the new planning provisions and why?
- What is the best estimate for how long the Part 1 Schedule 1 process will take?
- What are the processing steps involved and the potential time savings offered by a SPP process?
- How will the community be affected by altered opportunities for public involvement and appeal rights in a SPP process?
- The number and nature of directly and indirectly affected persons.
- How adequate is the minimum SPP process for the planning issues involved?
- Are there parts of the standard plan making process the council would wish to retain in any SPP direction? This is discussed in more detail in step 3 below.

Timing

In accordance with section 80C(4), any application for a SPP process must be made before the proposed plan is notified under clause 5 or 5A of the Schedule 1. If the proposed planning instrument has already been notified, an application to use the SPP cannot be made. Once the SPP request has been submitted to the Minister, the local authority can no longer proceed with notification under clause 5 or 5A, until the Minister has decided on the request. This is because any notification would then have to be done according to any direction issued, unless the Minister declines the request. If the Minister declines, the local authority can proceed through the standard Part 1 Schedule 1 process.

Does the proposal meet the eligibility criteria in section 80C(2)?

A local authority may apply for a direction only if the planning instrument or proposed planning instrument is not a freshwater planning instrument and the local authority is satisfied that the application satisfies at least one of the following criteria:

- (a) The proposed planning instrument will implement a national direction.
- (b) As a matter of public policy, the preparation of a planning instrument is urgent.

² Section 80B(1).

- (c) The proposed planning instrument is required to meet a significant community need.
- (d) A plan or policy statement raises an issue that has resulted in unintended consequences.
- (e) The proposed planning instrument will combine several policy statements or plans to develop a combined document prepared under section 80.
- (f) The expeditious preparation of a planning instrument is required in any circumstance comparable to, or relevant to, those set out in paragraphs (a) to (e).

EXAMPLE 1 – USING SPP TO IMPLEMENT NATIONAL DIRECTION (CRITERIA 80C(2)(a))

A local authority wants to use a SPP to change its plan to implement the requirements of a National Policy Statement (NPS) or National Environmental Standard (NES). The relevant entry criterion is “the proposed planning instrument will implement a national direction”. The local authority would in this case need to provide the Minister with the following information:

- a full description of the NPS and/or NES requirement(s) met through the plan change or variation
- why the relevant plan needs to be changed to meet the national direction, including timeframes
- how using the SPP will be an appropriate and proportionate process to implement the change or variation
- if any additional steps or procedural requirements should be included in the SPP to ensure its appropriateness.

EXAMPLE 2 – USING SPP TO PREPARE A PLANNING INSTRUMENT URGENTLY (AS MATTER OF PUBLIC POLICY (CRITERIA 80C(2)(b))

An example of this criterion might be to respond to an unexpected resource management issue, such as a natural hazard event impacting on property and/or infrastructure, requiring changes to a plan as soon as possible.

In this case, the local authority would need to give sufficient information to the Minister to show:

- what the issue is, and why as a matter of public policy the issue needs to be urgently addressed
- why SPP is the appropriate and proportionate as an alternative process to Part 1 of Schedule 1
- if any additional steps or procedural requirements should be included in the SPP to ensure its appropriateness.

EXAMPLE 3 – USING SPP TO MEET A SIGNIFICANT COMMUNITY NEED (CRITERIA 80C(2)(c))

If a local authority requests a SPP be used to meet a significant community need it will need to demonstrate to the Minister:

- what the significant community need is
- how the significant need will be addressed using the SPP
- why this process is appropriate and proportionate, as opposed to the standard planning process (Part 1 of Schedule 1)
- whether any additional steps or procedural requirements should be included in the SPP to ensure its appropriateness

Will the SPP be consistent with any obligations in any relevant³ iwi participation legislation or Mana Whakahono ā Rohe?

The local authority will need to consider if the SPP application will impact any relevant iwi participation legislation, Mana Whakahono ā Rohe or other types of agreements in place about iwi participation in the RMA planning process. Any SPP cannot be inconsistent with any obligations set out in iwi participation legislation or Mana Whakahono ā Rohe. The nature of these obligations must be well understood before any application for a SPP is made. This is discussed in more detail in step 3 below.

Does the local authority need to talk to anyone about making a SPP request?

There is no requirement under the RMA to consult with the community before making a request for a SPP. However, the local authority may wish to talk to a potentially affected party (including iwi) before requesting to use the SPP. This involves explaining the implications of using the SPP process, including the fact that public participation opportunities and appeals are limited under this process.

Requiring authorities/heritage protection authorities

Under the Part 1 Schedule 1 process, territorial authorities invite requiring authorities or heritage authorities with designations or heritage orders that have not lapsed to state if they want their designations or heritage order included (with or without modification) in the proposed plan. The legislation requires that when this is done, the local authority must identify which planning track it proposes to use or request. The local authority should explain to the requiring authority or heritage protection authority how an SPP process would impact on their decision making, compared to the standard plan making process. How SPP affects the designation and heritage protection order process is discussed further in part four of this guide.

Private plan change subject of SPP process

If the local authority wishes to request a private plan change be developed through a SPP, the local authority must either:

- adopt the request under clause 25(2)(a) of Schedule 1, or
- accept the plan change under clause 25(2)(b) of Schedule 1, and get the permission of the person requesting the plan change, before applying to the responsible Minister.⁴

The local authority needs to know the time limitations specified in clauses 25 (2)(a)(i) and 26(1)(b).

Minister's decision-making timeframes

The RMA does not impose any time limits on the Minister for consideration of, consulting on and making decisions on the application. The Minister is however under a [general duty](#) to avoid all unreasonable delay.

³ "Relevant" here means applicable to the iwi of the area, to the planning matters involved and to the planning instrument being proposed.

⁴ Section 80C(3).

A number of processing steps are involved to assess applications, including pre-application discussion and consideration of a draft application. Once the application is formally received, the Ministry for the Environment (Ministry) must check the application is complete. Where the proposed planning instrument is a regional coastal plan/change or variation, the Department of Conservation (DoC) checks the application is complete. A briefing is then sent to the Minister to decide whether to accept the application and carry out consultation under Part 5 of Schedule 1. Further briefings are then required at subsequent stages of the process. Briefings take time to complete, which should be factored in to any assessment of the merits of using an SPP, compared to the standard planning process.

Step 2: Pre-request discussion

There is no statutory requirement to provide a draft application for a request, or to have pre-request discussions with the Ministry or DoC. However, initial discussion between local authorities and the Ministry or DoC may minimise the chance of requests for further information from the Minister once the formal application is made – and reduce the processing time of the application.

Discussion

We recommend the local authority discusses the option of requesting a SPP with the Ministry (and/or DoC for regional coastal plans) before making a request. This will help the local authority and Ministry or DoC understand:

- the reasons for the proposed planning instrument and what it seeks to address
- where the council is in the plan-making process and if it has done clause 3 consultation on the proposed planning instrument
- the nature of any iwi participation legislation, Mana Whakahono ā Rohe or other arrangements in place with iwi and hapū relevant to the request
- what information the local authority needs to provide to enable the Minister to make a decision
- how long each of the process steps requested is likely to take.

It will help the Ministry to understand how the planning provisions, to be progressed through the SPP, relate to any other proceedings or plan development process underway. For example, if the local authority is applying for a variation to go through the SPP, then what is the status of the proposed plan — and what stage is it at in the statutory process? Are there any appellants or section 274 parties to an associated proposed plan, plan change or other type of proceeding that could be impacted by an SPP application?

Pre-application discussion is a good opportunity to:

- ensure the SPP statutory process is properly understood
- test the proposal to apply for a SPP
- find out lessons learned in previous applications to make use of the SPP
- consider directions already issued
- discuss the Minister's consultation and other processing requirements and implications for timeframes
- discuss that the Minister's direction must include a statement of expectations, and may include reporting requirements.

Note: When you contact the Ministry or DoC, you will be advised who the key Ministry or DoC contact person for your request is. You will be given an opportunity to discuss your request and have any queries answered.

Contacts

Ministry for the Environment: Manager, RMA Practice Team
Email: info@mfe.govt.nz | Phone: 04 439 7400

Department of Conservation: Team Leader, Resource & Statutory Land Management
Email: enquiries@doc.govt.nz | Phone: 04 471 3199

Preparation and submission of a draft application to Ministry

Once the local authority has satisfied itself the proposed planning instrument is suited to a SPP, we encourage the local authority to prepare a draft application. This can be done using the application form attached in appendix 4 of this guide, or downloaded from the Ministry or DoC website and labelled “draft”.

The benefits of providing a draft application are listed below.

- It clearly identifies which process steps the local authority is seeking in a SPP and what timeframes are being considered.
- It can help to identify any additional process steps needed; for example, to ensure consistency with existing iwi participation arrangements in place, or relevant agreements being developed with iwi/hapū.
- It can help to highlight any further information the Ministry might need.

During initial conversations with the Ministry or DoC, your key contact person can discuss potential timeframes for assessing a draft application.

A list of matters local authorities could consider and cover in the pre-request discussion are set out in appendix 1 of this guide. Ministry or DoC staff may suggest other information is required and may also wish to talk to the local authority about discussing the draft application with staff from other agencies, to determine how other Ministers or agencies may be affected.

Step 3: Local authority makes a written request to use the SPP

Section 80C and clause 75 of Schedule 1 of the RMA set out the process and requirements for making an application to use the SPP.

There is no fee for making a request to use the SPP.

If a SPP is proposed for a regional coastal plan/plan change, the application should be addressed to the Minister of Conservation. In all other instances, the application should be addressed to the Minister for the Environment.

The Ministry has prepared an [SPP application form](#) to assist councils make a request. This can also be seen in appendix 4 (Please check the [Ministry’s website](#) for the most current version of this form). This form includes a table specifying the process steps and timeframes being sought. The two directions issued by the Minister and contained in appendix 2 may also offer guidance.

Information required to use the SPP

Description of the planning issue

The local authority should fully describe the planning issue. The description should identify any notices of requirement, current designations and heritage orders which the requiring authority or heritage protection authority has agreed can be included.

Although it is not a statutory requirement, it would help to understand the context for the request. This context could include the following.

- Why has it become an issue?
- How has it been addressed, or not, in the current plan?
- A description of changes or variations to relevant plans previously proposed to address the issue.
- Whether any Environment Court mediation or appeal processes underway relate to the issue, or if there are processes under other legislation relating to the request.
- Identifying if the planning instrument has been initiated by local authority, or if it was initially a private plan change request accepted under [clause 25\(2\)\(b\)](#).

The application should detail the planning instrument intended to be progressed using the SPP, and the extent the council has complied with [clause 3 of Schedule 1](#) of the RMA.

Note: Making an application to the Minister does not in itself satisfy the requirements of [clause 3\(1\)\(a\)](#). This must be a separate consultation during the preparation of a proposed policy statement or plan.

Description of why the use of the SPP is appropriate

The local authority should explain why the proposed SPP process is appropriate, compared with the standard Part 1 Schedule 1 process. The local authority may want to think about the following aspects.

- The nature of the issue.
- The extent of interests involved.
- Why the standard Part 1 process is not suitable.
- The opportunities provided in the SPP process.
- The benefits and risks of the shortened SPP process.

Description of suggested process and timeframes

A key part of the request is the desired process and timeframes that will meet the purpose of the SPP.

Every SPP direction made by the Minister must include all the minimum procedural requirements identified in [clause 78\(4\) of Schedule 1](#) as below.

- Consultation with affected parties on the proposed planning instrument, including the responsible Minister and iwi authorities, if not already undertaken.
- Public notification under [clause 5](#) or limited notification under [clause 5A](#) of the RMA.
- Opportunity for written submissions under [clause 6](#) or [6A](#) of the RMA.

- A report showing how submissions have been considered and the changes (if any) made to the proposed planning instrument.
- Evaluation reports under section 32 or 32AA of the RMA and decision makers to have particular regard to these.
- The time period within which the SPP must be completed.

Local authorities need to decide if public or limited notification should apply, where a SPP for a plan change or variation is being considered. The process for limited notification is set out in clause 5A of Part 1 schedule 1 and is explained in [fact sheet 4](#).

The suggested process may also include any other procedural steps the local authority considers necessary. This could include steps from [Part 1 of Schedule 1](#), such as further submissions, or a hearing, or any other procedural steps the local authority wishes to use. These are discussed in appendix 3. Thinking about what may be required at this stage is essential. Although a direction could be amended after it is issued to add procedural steps, if the amendment is more than minor, it will require re-consultation and new decision making — adding time to the overall process.

The request to the Minister for a SPP must include the timeframes for each of the proposed process steps.⁵ The responsible Minister will consider these timeframes. If the request is approved, the direction must set an overall time within which the planning instrument must be completed. Be realistic about the time required to complete each part of the proposed process. The Minister can extend timeframes if necessary, on application by the local authority.

Identification of people likely to be affected by the proposed planning instrument

The local authority needs to identify persons likely to be affected by the proposed planning instrument in the SPP request. This is like the concept enshrined within resource consent processing, and links to the [Local Government Act 2002](#) responsibility to:⁶

“give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter”.

When consulting, the local authority must to [have regard to](#):⁷

“the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and

the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter”.

We recommend the local authority describes the process used to identify affected persons, showing the Minister who is likely to be affected by the proposed planning instrument.

Note: This information will help determine if full or limited notification of the proposed planning instrument is appropriate. It will also provide information that could assist the Minister to decide whether to consult any other person about the request.

⁵ Schedule 1, Part 5 clause 75(b)(iii).

⁶ Local Government Act section (78)(1).

⁷ Local Government Act section 82(4)(b).

Pre-notification consultation on the proposed planning instrument

Under section 80B of the RMA, clauses 1A – 3C of Part 1 of Schedule 1 plan making process are applied to the SPP. This means local authorities are required to consult with those listed below, before the proposed RPS/plan/change or variation can be notified. If this has not already occurred before the request is made, the direction will require additional time for consultation with:

- the Minister for the Environment
- other Ministers of the Crown who may be affected by the policy statement or plan
- local authorities who may be so affected
- the tāngata whenua of the area who may be so affected, through iwi authorities
- any customary marine title group in the area.

A local authority can consult anyone else during the preparation of a proposed policy statement or plan. In most cases, early, proactive and well-designed engagement with affected parties before notification leads to resolution of issues and a more efficient plan making process and plan.

There are likely to be time and process advantages of completing clause 3 of Schedule 1 of the RMA consultation before requesting a SPP, such as:

- identification of affected parties (local authorities need to demonstrate this for their request)
- informing the responsible Minister of your intention to initiate a new plan or plan change
- better understanding of the issues by the Minister and Ministry.

The local authority's request could also provide an analysis of how its development of the planning instrument has been influenced by consultation completed to date.

If the clause 3 consultation has not been done before the SPP application is made, the Minister will need to include the clause 3 notification in any direction issued. It may be easier for the local authority to proceed with clause 3 in the manner it normally would before it makes an SPP application, rather than the Minister specifying how clause 3 consultation will be done through the SPP direction.

Note: Under an SPP, [clause 4A of Part 1, Schedule 1](#) is not part of the minimum process specified in [clause 78\(4\)](#), but local authorities may wish to provide iwi authorities consulted under [clause 3\(d\)](#) with an opportunity to comment on a draft proposed planning instrument in any SPP. Local authorities can request in their application this step is included in the Minister's direction.

Implications for any relevant iwi participation legislation or Mana Whakahono ā Rohe

The Minister must ensure any SPP is consistent with obligations under any iwi participation legislation or Mana Whakahono ā Rohe. The RMA defines these terms in [section 58L](#). Iwi participation legislation means legislation (other than the RMA) providing a role for iwi and hapū in processes under the RMA, and includes any legislation listed in [Schedule 3 of the Treaty of Waitangi Act, 1975](#).

The statutory and policy basis for each local authority's arrangement for working with iwi is unique to that local authority and iwi. Local authorities (rather than the Ministry or DoC) are best placed to identify which agreements are relevant.

To help the Minister's assessment, the local authority should identify all the relevant iwi participation legislation or agreements in place or in development with the local iwi and hapū.

The local authority should think broadly about the types of arrangements in place with iwi or hapū that may be relevant. The application should include an explanation of any agreements, memorandum of understanding or arrangements, and how they relate to participation in RMA plan making processes, and how they may be affected by a SPP request.

Note: The Minister may consult with other Ministers about iwi/Crown relationships relevant to a SPP request.

Step 4: Minister considers request

Once an application is received by the relevant Minister, the Minister must consider it [under clause 76\(2\)–\(6\) of Part 5 Schedule 1](#). This consideration includes if sufficient information has been provided in support of the application, any relevant obligations set out in iwi participation legislation, [Mana Whakahono ā Rohe](#), or any other matters the Minister considers relevant, as well as the statutory purpose of SPP. Iwi participation legislation or 'any other matters' could include [Deeds of Settlement](#) or extant litigation in the area the plan/plan change relates to etc. If the Minister considers further information is needed, s/he the Minister can request this in writing.⁸

The Ministry or DoC (where relevant) will advise the Minister on these matters. To prepare this advice, the Ministry or DoC will discuss the application with other relevant government agencies (in particular, the Office of Treaty Settlements) to confirm any applicable iwi participation legislation and any other relevant matters and context the Minister should be aware of.

Step 5: Minister consults on the proposed SPP

After receiving an application, assessing it and determining that sufficient information has been provided, the Minister must consult on the Streamlined Planning Process to be implemented, by way of a direction with those parties set out in [clause 76\(4\)](#). This will always include the applicant local authority and any Ministers of the Crown the Minister considers appropriate. The Minister may also consult with any other appropriate person.

Those consulted by the Minister,⁹ including the local authority and any relevant Minister, can comment on the responsible Minister's proposed direction, including the statement of expectations. Feedback from those consulted may mean the Minister changes the proposed streamlined process steps or timeframes set out in the proposed direction.

Step 6: Minister's decision on the request

Following consultation and consideration of any issues raised, the Minister can:

- grant the request and issue the direction; or

⁸ Schedule 1, Part 5, clause 76(3).

⁹ Schedule 1, Part 5, clause 76(4) & (5).

- decline the request.

Once the consultation period is complete and the responses received from the local authority, other Ministers and any other persons, the Ministry/DoC will prepare further advice to the Minister about the results of the consultation, if any changes should be made to the proposed process/timeframes in the direction and if the request should be granted and the direction issued (or whether the application should be declined).

If the Minister declines the request, the local authority can choose to use the normal Schedule 1, Part 1 process to continue with its proposed plan change or variation.

If the Minister accepts the request, s/he will issue a direction to the local authority, following the requirements of [clause 78](#). The decision (and direction if issued) will be served on the local authority, who in turn must serve it on any relevant requiring authority, or heritage protection authority or private plan change requestor (in the case of a private plan change).

The direction will be published in the Gazette and presented to the House of Representatives. The local authority must ensure the public can access or download the direction free of charge from its website.

The direction issued may have changes from what was consulted on, reflecting the feedback received.

Step 7: Local authority follows direction

The local authority must comply with all the terms of a Minister's direction, and have regard to the 'statement of expectations' when managing and carrying out the SPP. The local authority is also responsible for ensuring other requirements of the RMA and [the Local Government Act 2002](#) are met. The local authority must notify the proposed planning instrument in accordance with the direction. There are prescribed forms for giving notice (Form 4B and 4C) in the [Resource Management \(Forms, Fees and Procedure\) Regulations 2003](#) (the Regulations). There is also a submission form (Form 5) in these Regulations which notes, in the case of SPP, a submitter can only indicate they want to be heard if the direction specifies that a hearing is to be held.

Step 8: Local authority submits proposed planning instrument to Minister¹⁰

The local authority must submit, in accordance with the direction, the proposed planning instrument, along with all of the information set out in [clause 83](#), to the responsible Minister as below.

- The proposed planning instrument including any recommendations concerning notices of requirement, designations or heritage orders.
- A summary report of written submissions.
- A report showing how submissions have been considered and the modifications (if any) made to the proposed planning instrument in the light of submissions.
- The evaluation reports under section 32 or 32AA, as may be relevant.

¹⁰ Schedule 1 Part 5 Clause 83.

- A summary document showing how the local authority has had regard to the statement of expectations.
- A summary document showing how the proposed planning instrument complies with any relevant national direction, the Act and any regulations.
- Any other information and documentation specified in the direction.

The local authority can provide additional information relating to these matters.

Note: Territorial authorities must consult the relevant requiring authority or heritage protection authority on the recommendations about any notices of requirement, designations or heritage orders before they submit the proposed planning instrument to the Minister.

See section 99 of the Urban Development Act 2020 (which requires notice of plan changes, at least 20 working days before approval, to Kāinga Ora—Homes and Communities, in certain circumstances).

Step 9: Minister’s decision on proposed planning instrument¹¹

On receipt of this material, the Minister may **approve** the proposed planning instrument, **refer it back to the local authority** for reconsideration, or **decline to approve** it. In reaching this decision, the Minister must consider:

- if the local authority has complied with the procedural requirements, including time frames, required by the direction
- how the local authority:
 - has had regard to the statement of expectations
 - has met the requirements of the RMA, regulations made under it, and any relevant National Direction.

The Minister may have regard to

- the purpose of the streamlined planning process
- any other matter relevant to the Minister’s decision.

Approval of the proposed planning instrument

If the Minister approves the proposed planning instrument, he or she must notify the local authority of his or her approval and the reasons for the decision. The Minister must send the instrument back to the local authority for it to publicly notify the Minister’s decision and the operative date of the planning instrument. The planning instrument becomes operative in accordance with clause 20 of the Schedule 1.

Recommendations on notices of requirement, designations or heritage protection orders become approved recommendations and are sent by the local authority to the requiring authority (or heritage protection authority) for a decision. [Clauses 9, 11\(2\) and \(3\)](#), and [13 of Schedule 1](#) apply, which provides for the requiring authority to make decisions on the recommendations.

¹¹ Schedule 1, Part 5, Clause 84.

The local authority must serve the public notice of the decision on all submitters and other parties specified in [clause 90 of Schedule 1](#) within five working days.

The local authority must also:

- (a) make a copy of the public notice and reports publicly available (whether physically or by electronic means) at all its offices, and all public libraries in the district (if it relates to a district plan) or region (in all other cases)
- (b) include with the notice a statement of the places where a copy of the decision is available
- (c) send or provide a copy of the decision, if requested, within three working days after the request is received.

If relevant, the requiring authority must decide on the recommendations related to notices of requirement, heritage order or designation. If the recommendations are changed, this will affect the nature of the appeal rights on these decisions. Refer to part four of this guide for more information about notices of requirements, designations and heritage orders.

Note: There is no ability for the local authority to modify the planning instrument at this point.

Reconsideration of the proposed planning instrument

If the Minister refers the document back to the local authority for further consideration, the Minister must notify the local authority of this decision, stating the reasons why, and may include any recommended changes for the local authority to consider. The local authority then must reconsider the proposed planning instrument in the light of these reasons and any recommended changes. It can make any changes it thinks appropriate before resubmitting the proposed planning instrument back to the Minister.

It must consult the requiring authority (or heritage protection authority) if the local authority has reconsidered a recommendation about the inclusion of a requirement, designation, or heritage order in the proposed planning instrument; before the proposed planning instrument is resubmitted to the responsible Minister.

When the Minister receives a revised proposed planning instrument, he or she must reconsider it and decide if it meets the requirements for approval.

Decline of the proposed planning instrument

If the Minister declines to approve the proposed planning instrument, the Minister must notify the local authority and give reasons for the decision. The local authority must give public notification of the Minister's decision to decline, with the Minister's reasons and serve a copy of the public notice to all submitters. If it is declined, the local authority cannot continue with the proposed planning instrument under the Streamlined Planning Process. If the local authority still wants to progress the proposed planning instrument, it will need to use [Part 1 Schedule 1](#) (standard planning process).

If the Minister declines the proposed planning instrument under [clause 84\(1\)\(b\)](#), any recommendation of the territorial authority approved by the Minister on a requirement, designation, or heritage order, must be treated:

- (a) in the case of a requirement, as a recommendation to withdraw the requirement
- (b) in the case of an existing designation or heritage order, as a recommendation to confirm the designation or heritage order without change.

Step 10: Planning instrument becomes operative

If the Minister approves the proposed planning instrument, the local authority makes the planning instrument operative in the manner set out in [Schedule 1 Part 5 clause 90 2\(a\) \(ii\)](#).

This requires the local authority to give at least five working days' notice of the date on which the instrument will become operative.

If the Minister's decision includes recommendations to a requiring authority or heritage protection authority, those parts of the plan cannot become operative until the authority decides on those recommendations and any appeals are resolved. Local authorities are required to make the public notice and summary reports publicly available at all their offices and public libraries (if it relates to a district plan) or throughout their region in all other cases.

Part three – Other matters relevant to the SPP process

Requesting an extension of the timeframe

Local authorities can apply to the responsible Minister to extend any timeframes set by the Minister's direction.¹² The local authority must put its request to extend a timeframe in writing.

Note: The local authority's general discretion to extend or waive time frames under section 37 of the RMA does not apply in a streamlined plan making process.

Amending the Minister's direction¹³

The Minister can initiate an amendment to the direction, or can amend it, following a written request from the local authority. Such a request by the local authority must provide reasons for requesting any amendment. Unless the amendment has no more than a minor effect or corrects a technical error, the Minister will need to go back through the same consultation and decision-making process.

Withdrawal of the proposed planning instrument¹⁴

The local authority (or the requestor of a private plan change accepted by the local authority and is the subject of the SPP) can withdraw the proposed planning instrument at any stage, up until the Minister has made his or her decision whether to approve, refer back for reconsideration or decline the proposed planning instrument. In the case of a withdrawal, the direction ceases to have effect, and is revoked.

If the local authority withdraws the proposed planning instrument, it must give public notice of the withdrawal, including reasons for the withdrawal.

If the Minister revokes the direction¹⁵

The Minister is able to revoke all or part of the direction. If the direction to use a SPP is revoked, the plan is withdrawn. The Minister cannot revoke the direction, unless he or she has consulted the local authority and given the public the chance to comment on the proposal to revoke. If the Minister decides to revoke a SPP, this will be notified in the Gazette. The local authority must give public notice of the withdrawal of the proposed planning instrument.

¹² Schedule 1, Part 5, Clause 81.

¹³ Schedule 1, Part 5, Clause 80.

¹⁴ Schedule 1, Part 5, Clause 88.

¹⁵ Schedule 1, Part 5, Clause 89.

Part four – Designations, heritage orders and notices of requirement in the SPP

The following sections are only relevant if a designation, heritage order or notice of requirement is included in the proposed planning instrument. If this is the case, several consultation and notice requirements apply.

Consultation requirements pre-request

Under section 170, if a local authority has received a notice of requirement under section 168 or section 189/189A¹⁶ 40 working days before requesting the Minister use a SPP, the local authority can include this notice of requirement in the proposed planning instrument that is the subject of an application to the Minister, if the requiring authority consents to this.

If the proposed planning instrument includes existing designations or heritage orders (which have not lapsed), the local authority must give written notice to the requiring authority or heritage authority prior to making a request to the Minister¹⁷. The notice to the requiring authority or heritage protection authority must identify that the local authority intends to request a SPP¹⁸ and invite the requiring or heritage protection authority to state if it requires the designation, or heritage order, to be included, with or without modification, in the proposed planning instrument.¹⁹

If the requiring authority does not respond, or chooses not to include the designation in the proposed planning instrument, the local authority cannot include it.²⁰

If the requiring authority or heritage protection authority requires the designation or heritage order to be included within the proposed planning instrument without modification, it must be included. If they require it be included with modifications, the requiring or heritage protection authority must give reasons for the modifications and a description of modified designation or heritage order.

Consultation on request to use the SPP

In considering the request for a SPP, and before making a decision, the Minister must consult with any requiring authorities who have consented to include a requirement under [section 170 of the RMA](#).

The local authority must serve a copy of the Minister's decision to accept, or reject the request on any relevant requiring authorities and heritage protection authorities.²¹

¹⁶ Section 192(aa).

¹⁷ Schedule 1, Part 1, clause 4(1A) and 4(1C).

¹⁸ Schedule 1, Part 1, clause 4(1D).

¹⁹ Schedule 1, Part 1, clause 4 (1B).

²⁰ Schedule 1, clause 4(4).

²¹ Schedule 1, Part 5, clause 77(2)(c)(ii).

Consultation before submitting proposed planning instrument to the Minister

The local authority must include within the material submitted to the Minister:

“The proposed planning instrument, including any recommendations it contains in respect of requirements, designations, or heritage orders”²²

However, the territorial authority must consult with the relevant requiring authority or heritage protection authority on the recommendations, before submitting the proposed plan and recommendations.²³

Process following the Minister’s decision on proposed planning instrument²⁴

If the Minister approves the proposed planning instrument, then any recommendations on a notice of requirement, designation, or heritage order becomes an approved recommendation.²⁵

If the Minister declines the proposed planning instrument, recommendations on any existing designations or heritage orders become recommendations to confirm the designation/heritage order without change²⁶. Any recommendations about a new notice of requirement become a recommendation to withdraw that requirement.²⁷

The local authority must serve the approved recommendations on the requiring authority or heritage protection authority and clauses 9, 11(2), 11(3) and 13 of Part 1, Schedule 1 apply as the case requires.²⁸

If the Minister refers the proposed planning instrument back to the local authority for reconsideration, the local authority must consult the requiring authority (or heritage protection authority) if it has reconsidered a recommendation about a notice of requirement, designation, or heritage order.

Decisions of requiring authority or heritage protection authority

The requiring authority or heritage protection authority decides whether to accept or reject the approved recommendation(s) in whole or in part, in the manner set out in [Schedule 1 clause 13](#). This clause has not been amended and applies regardless of the planning process. The authority must decide within 30 working days of being notified of the Minister’s decision.

²² Schedule 1, Part 5, clause 83(1)(a).

²³ Schedule 1, Part 5, clause 83(2).

²⁴ Schedule 1, Part 5, clauses 85 and 86.

²⁵ Schedule 1, Part 5, clause 85(2).

²⁶ Schedule 1, Part 5, clause 85(3)(b).

²⁷ Schedule 1, Part 5, clause 85(3)(a).

²⁸ Schedule 1, Part 5, clause 85(4).

Appeals on requiring authority/heritage protection decisions²⁹

If the requiring authority (or heritage protection authority) in making its decision rejects the Minister's recommendation(s), the local authority or any person who has made a submission on the relevant designation or heritage order can appeal to the Environment Court. Appeals can be made against any aspect of that decision made by the requiring authority or heritage protection authority relating to the rejected recommendation. In this case there is a form (7C) for the notice of appeal to the Environment Court in the [Resource Management \(Forms, Fees and Procedure\) Regulations 2003](#).

If the requiring authority or heritage protection authority, in making its decision, accepts the Minister's approved recommendation, the local authority (or any person who has submitted on the relevant designation or heritage order) can appeal to the High Court any aspect of that decision made by the requiring authority (or heritage protection authority) on a question of law only.

²⁹ Schedule 1, Part 5, clauses 92 and 93.

Appendix 1 – Possible questions to consider before making a request to use a SPP

If local authorities have pre-application discussions and submit a draft application to the Ministry/DoC (before a formal application to request using the SPP), the application should progress more efficiently once formally lodged.

Note: the list below provides guidance on matters to discuss with the Ministry/DoC. It is not an exhaustive list. These questions are to help with discussions on the appropriateness of making an application to use the SPP — but are not mandatory requirements.

What is the proposed planning instrument?

1. What is being proposed (scope, nature and the area affected, including any relevant maps, diagrams or tables)?
2. Does the proposed planning instrument relate to a regional coastal plan?
3. Are designations or notices of requirement or heritage protection orders to be included in the proposed planning instrument?
4. Is it a private plan change adopted or accepted by the local authority? (Please specify)
5. If so, has the private plan change requestor agreed with the local authority making an application to use the Streamlined Planning Process?

What is the wider context?

6. Has the local authority formally decided to make a request for SPP?
7. Are there any issues or sensitivities the Minister should be aware of regarding this proposal?
8. What is the history related to the proposed planning instrument?
9. Are there any court (or other processes) or mediation underway or on hold relevant to this request?

What information are you supplying to the Minister?

10. Which entry criteria are relevant and why?
11. Have you any documented assessment of how the application meets the entry criteria? (Please provide).
12. Is there any relevant iwi participation legislation or Mana Whakahono ā Rohe relating to the area covered by your proposal?

What's the rationale for applying to use the SPP?

13. What is the rationale for using the SPP for this proposal – pros and cons?
14. Why do you consider the SPP is appropriate for your proposal?

What consultation has occurred on the process of making use of the SPP?

15. Have you talked to any affected parties about making a request to use the SPP?
16. What level of public understanding is there at this stage about the possibility of a SPP request?

What consultation has taken place on the preparation of the proposed planning instrument?

17. What stage in the Part 1 Schedule 1 process is the proposed planning instrument at?
18. Have you completed pre-notification consultation under clause 3 of the RMA before requesting to use SPP?
19. What information can you supply to show the extent of consultation done to date on the proposed planning instrument?

What process steps do you consider are needed in SPP and why?

20. Are you aware of the minimum process requirements for SPP?
21. Are you considering limited or public notification of the proposed plan, plan change or plan variation?
22. If limited notification, who do you consider are the directly affected groups?
23. Are you considering requesting any additional process steps. If so, what are they?
24. What timeframes are being sought for each stage of the SPP? What is the overall timeframe?
25. In what ways do you think the streamlined process proposed is expeditious and proportional to the planning matters?
26. Have you thought about possible reporting requirements?
27. Are you aware the Minister has to include a statement of expectations in the direction?

Appendix 2 – Example directions

Example 1: Direction to the Bay of Plenty Regional Council

Pursuant to clauses 78 and 79(2) of Schedule 1 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 to the Bay of Plenty Regional Council to Enter the Streamlined Planning Process for Regional Policy Statement – Plan Change 4) Notice 2018.

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

2. Direction to enter Streamlined Planning Process

In accordance with clause 78 of Schedule 1 of the Resource Management Act 1991, the Minister for the Environment directs that the following streamlined planning process is used for proposed Change 4 to the Bay of Plenty Regional Policy Statement.

Minister for the Environment’s Direction on the Application From the Bay of Plenty Regional Council to Use a Streamlined Planning Process to Amend the Urban Limit Line at Tauriko West in its Regional Policy Statement (Plan Change 4)

The Minister for the Environment received an application from the Bay of Plenty Regional Council on 8 August 2017, pursuant to section 80C and clause 75 of Schedule 1 of the Resource Management Act 1991 (“RMA”), to use a streamlined planning process to prepare a planning instrument known as Plan Change 4 to the Bay of Plenty Regional Policy Statement.

In accordance with clause 78 of Schedule 1 of the RMA the Minister directs that the following streamlined planning process is used for proposed Plan Change 4 to the Bay of Plenty Regional Policy Statement.

Step	Timeframes	
1	Undertake the requirements specified in clauses 3, 3A, 3B and 3C of Schedule 1 of the RMA to the extent applicable and not already undertaken.	To be completed no later than 30 working days after gazettal of the Direction.
2	Undertake further pre-notification requirements with iwi authorities in accordance with clause 4A of Schedule 1 of the RMA.	To be completed no later than 30 working days after gazettal of the Direction.
3	Publicly notify Plan Change 4 for written submissions in accordance with clause 5 of Schedule 1 of the RMA (excluding 5(3) of Schedule 1). A minimum period of 30 working days for submissions must be specified in the public notice.	To be completed no later than 30 working days after the completion of Step 2.
4	Provide an opportunity for written submissions under clause 6 of Schedule 1 of the RMA (to the extent applicable under this direction).	Public Submissions to be received no later than 30 working days after public notification (Step 3).
5	Conduct a public hearing under clause 8B of Schedule 1 (to the extent applicable under this Direction).	Hearing to commence no later than 25 working days after close of submissions (Step 4).
6	Bay of Plenty Regional Council to provide a written report showing how submissions have been considered and the changes (if any) recommended to the proposed planning instrument, including: a. the evaluation under section 32 and 32AA; and	To be provided to the Minister for the Environment no later than 20 working days after completion of hearing (Step 5).

- b. a report summarising how the persons making the recommendation have had regard to the evaluation report; and
 - c. the reports and documents required by clause 83(1)
- for the Minister's consideration.

The maximum total time period within which Plan Change 4 to the Bay of Plenty Regional Policy Statement must go through the Streamlined Planning Process as outlined here and in the RMA. The process is considered to be completed when the report referred to in 6 above is submitted to the Minister for the Environment.

Steps 1–6 to be completed no later than 7 months after gazettal of the Direction.

In accordance with clause 78(5) of Schedule 1 of the RMA, the Minister directs that the hearing panel convened to hear submissions under step 5 must include at least one independent hearings commissioner.

Statement of Expectations

The Minister for the Environment's expectations for the Bay of Plenty Regional Council are that in undertaking the Streamlined Planning Process as directed it will:

- a. consult with Te Kauae a Roopu iwi/hapū and Ngāti Hinerangi; and
- b. provide identified dates on its website to match the Direction once gazetted so members of the public can be informed about the actual anticipated timeframes of the Streamlined Planning Process.

Reporting Requirements

The Bay of Plenty Regional Council shall provide a written report to the Minister within 10 working days of the completion of step 2 (pre-notification consultation) and step 4 (written submissions). The reports shall demonstrate compliance with the steps and timelines, and identify any issues which may have bearing on meeting the Minister's Direction and Statement of Expectations.

Notes

- i. This Direction must be complied with.
- ii. Section 80B(2)(a) and (b) specifies all mandatory Schedule 1 requirements in any Streamlined Planning Process (to the extent they are applicable to the particular planning instrument).
- iii. Clause 80 of Schedule 1 of the RMA provides the Minister with the ability to amend this Direction on his own initiative or following a request from the local authority.
- iv. The Local Authority may, in accordance with clause 81 of Schedule 1 of the RMA apply in writing to the Minister for an amendment to the direction or extension of timeframes.
- v. Clause 89 of Schedule 1 of the RMA provides the Minister with the ability to revoke a Direction made under clause 78 of Schedule 1 of the RMA.
- vi. Clause 89 of Schedule 1 of the RMA provides for the Council to withdraw the planning instrument at any time prior to the Minister making his/her decision on the proposed planning instrument under Clause 84 of Schedule 1 of the RMA.

Dated at Wellington this 27th day of February 2018.

Hon DAVID PARKER, Minister for the Environment.

Example 2: Direction to Hastings District Council

THE RESOURCE MANAGEMENT (DIRECTION TO HASTINGS DISTRICT COUNCIL TO ENTER THE STREAMLINED PLANNING PROCESS FOR A VARIATION TO ITS PROPOSED DISTRICT PLAN – IONA REZONING VARIATION) NOTICE 2018

Pursuant to clauses 78 and 79(2) of Schedule 1 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 to Hastings District Council to enter the Streamlined Planning Process for a Variation to its Proposed District Plan – Iona Rezoning Variation) Notice 2018.

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

2. Direction to enter Streamlined Planning Process

In accordance with clause 78 of Schedule 1 of the Resource Management Act 1991, the Minister for the Environment directs that the following streamlined planning process is used for the Iona Rezoning Variation to the Hastings Proposed District Plan:

Minister for the Environment’s Direction on the Application From Hastings District Council to Use a Streamlined Planning Process for a Variation to its proposed district plan (Iona Rezoning Variation)

The Minister for the Environment received an application from Hastings District Council on 16 August 2017, pursuant to section 80C and clause 75 of Schedule 1 of the Resource Management Act 1991 (“RMA”), to use a Streamlined Planning Process to prepare a planning instrument known as the Iona Rezoning Variation.

In accordance with clause 78 of schedule 1 of the RMA the Minister directs that Hastings District Council uses the following Streamlined Planning Process for the proposed Iona rezoning variation:

Step	Timeframes	
1	Undertake pre-notification requirements with iwi authorities in accordance with clause 4A of Schedule 1 of the RMA.	To be completed no later than 15 working days after gazettal of the Direction.
2	Publicly notify the Iona Rezoning Variation for written submissions in accordance with clause 5 of Schedule 1 of the RMA. A minimum period of twenty working days for submissions must be specified in the public notice.	To be completed no later than 10 working days after completion of Step 1.
3	Provide an opportunity for written submissions under clause 6 of Schedule 1 of the RMA.	Public Submissions to be received no later than 20 working days after public notification (Step 2).
4	Conduct a public hearing under clause 8B of Schedule 1 of the RMA (to the extent applicable under this Direction).	Hearing to commence no later than 20 working days after close of submissions (Step 3).
5	Hastings District Council to provide a written report showing how submissions have been considered and the changes (if any) recommended to the proposed planning instrument: a. the evaluation report under section 32 and 32AA; and	To be provided to the Minister for the Environment no later than 40 working days after completion of hearing (Step 4).

- b. a report summarising how the persons making the recommendation have had regard to the evaluation report; and
- c. the reports and documents required by clause 83(1) for the Minister’s consideration.

Total time period within which the Streamlined Planning Process for the Proposed Iona Rezoning Variation must be completed.

Steps 1–5 to be completed no later than 6 months after gazettal of the Direction.

In accordance with clause 78(5) of Schedule 1 of the RMA, the Minister directs that the hearing panel convened to hear submissions under step 5 must include at least one independent hearings commissioner.

Statement of Expectations

The Minister for the Environment’s expectations for Hastings District Council are that in undertaking the Streamlined Planning Process as directed:

- a. All of the parties to the Iona Hill Appeal (ENV-2015-WLG-000061) and the Iona Triangle Appeal (ENV-2015-WLG-000062) on the Proposed Hastings District Plan should be served notice of the Proposed Iona Rezoning Variation once publicly notified.
- b. The Hawke’s Bay Regional Planning Committee is served notice of the Proposed Iona Rezoning Variation once publicly notified.
- c. Submissions on the Proposed Iona Rezoning Variation should be placed on a publicly accessible website by the Council within 5 working days of submissions closing.
- d. Hastings District Council provides identified dates on its website to match the Direction once gazetted so members of the public can be informed about the actual anticipated timeframes of the Streamlined Planning Process.
- e. The Proposed Iona Rezoning Variation should provide sufficient development capacity for a housing yield of at least 390–400 dwellings.

Reporting Requirements

The Hastings District Council shall provide a written report to the Minister within 10 working days of the completion of each of steps 1 and 3 above. The report shall demonstrate compliance with the step/s and timelines and identify any issues which may have bearing on meeting the Minister’s Direction and Statement of Expectations.

Notes

- i. This Direction must be complied with.
- ii. Section 80B(2)(a) and (b) specifies all mandatory Schedule 1 requirements in any Streamlined Planning Process (to the extent they are applicable to the particular planning instrument).
- iii. Clause 80 of Schedule 1 of the RMA provides the Minister with the ability to amend this Direction on his own initiative or following a request from the local authority.
- iv. The Local Authority may, in accordance with clause 81 of Schedule 1 of the RMA apply in writing to the Minister for an extension of timeframes.
- v. Clause 89 of Schedule 1 of the RMA provides the Minister with the ability to revoke a Direction made under clause 78 of Schedule 1 of the RMA.
- vi. Clause 88 of Schedule 1 of the RMA provides for the Council to withdraw the planning instrument at any time prior to the Minister making his/her decision on the proposed planning instrument under Clause 84 of Schedule 1 of the RMA.

Dated at Wellington this 26th day of February 2018.

Hon DAVID PARKER, Minister for the Environment.

Appendix 3 – Considering requesting additional procedural steps

Additional procedural steps³⁰

The request to the Minister for a SPP may also include suggested additional process steps (including timeframes) beyond the minimum requirements and timeframes. When approving a SPP, the Minister will provide a direction as to what processes, reporting requirements and timelines will be followed.

The opportunity for a local authority to request the Minister includes additional process steps within the direction gives an important and flexible mechanism, ensuring the process is expeditious and proportional to the complexity and significance of the issues involved.

The direction cannot include any appeal process not already provided through [Schedule 1, clause 93](#).

Note: Examples of additional process steps the Minister may direct could include how local authorities were to deal with seeking further details, or clarification within a written submission process. The Minister may also direct local authorities to hold a hearing, and in cases where there are complex or technical matters, the direction may also include the need for expert conferences and/or mediation.

Further submissions³¹

Further submissions are not part of the minimum process requirements. A local authority could, however, recommend further submissions be included, if they consider the potential nature of primary submissions require further input from potentially affected people.

Hearings³²

Like further submissions, hearings are not part of the minimum requirement for a SPP. The standard plan making process (Schedule 1, Part 1) has a requirement for a hearing, unless either no submissions are received, or no submitter asks to be heard.

Hearings could be appropriate where the issues and supporting information is complicated and may be contested, or where views are polarised. An evidential hearing allows for the opportunity to use expert conferencing and other issue resolution techniques.

There is opportunity to tailor the hearing process for a SPP for:

- determining timelines to be applied to the hearing process
- directions requiring evidence to be provided prior to hearings
- directions limiting the nature and presentation of submissions
- enabling mediation sessions, to establish common ground between parties to reduce hearings time

³⁰ Schedule 1, clause 78(5).

³¹ Schedule 1, clauses 8 and 8A.

³² Schedule 1, clause 8B.

- enabling expert conferencing to establish agreement of technical matters³³
- allowing or not allowing cross examination of evidence or submissions.³⁴

Alternative dispute resolution³⁵

The only provisions for alternative dispute resolution in the standard process are the “resolution of disputes” provisions of Schedule 1³⁶. These provisions allow for facilitated meetings and mediation. Both provisions are discretionary under the standard process and do not form part of the minimum process for the SPP.

Where appropriate, there is scope to include and specify in the direction a dispute resolution process to meet the circumstances of the issue raised by the proposed planning instrument. For example, the Auckland Unitary Plan (AUP) used a wide range of dispute resolution processes as part of its hearing process. These processes represent good practice for a comprehensive use of resolution process for an extremely complex plan. We consider the use of such processes reduced hearings time for many complex topics during the hearing of the AUP.

Incorporation of information by reference³⁷

The incorporation by reference of existing documents within plans is partially a content matter and partially a process, as the process for incorporation is different from the remainder of Schedule 1 processes. To incorporate material by reference, the intention must be publicly notified, comments received and considered by the local authority.³⁸

Note: Material that can be provided through external standards, processes or methods may be better incorporated through reference. If the local authority wishes to do this, the request for a SPP should include a process step addressing incorporation of material by reference. This approach is likely to be most applicable where the issue which the planning instrument addresses is technical or scientific (for example aquifer contamination).

Conferences and expert conferences

Environment Court powers include a wide ranging judicial conference power, used in conjunction with the Environment Court Practice Notes for narrowing issues in contention, establishing evidence timetables and exchange, hearing procedures and to establish expert conferences. Provisions for expert conferences are also available³⁹ for part of other processes.

These processes could be used to develop an expeditious process for highly technical and contentious plan changes, with or without the use of hearings.

³³ As used in the Auckland Unitary Plan hearings.

³⁴ Schedule 1, clause 78(6).

³⁵ Sections 268 and 268A.

³⁶ Schedule 1, Part 1, clause 8AA.

³⁷ Schedule 1, Part 3.

³⁸ Schedule 1, clause 34.

³⁹ Section 267.

Comment on draft decision documents by stakeholders before they are submitted to the Minister

The local authority could also consider if there is value in providing submitters with an opportunity to comment on the proposed planning instrument and associated documents at the end of the process, before they are submitted to the Minister for approval. Comments could be restricted to identifying any errors or technical inaccuracies and could provide a quality control check in the absence of appeals on most matters.

Appendix 4 – SPP application form

Application for request to use a Streamlined Planning Process

For office use only: PO Box 10362 Wellington 6143	Application number: Date received:
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This form should be used by a local authority intending to prepare, change, or vary a policy statement or plan, when applying to the responsible Minister(s) to use the Streamlined Planning Process (SPP).

We recommend you discuss the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Our contact details are at the end of this form. The Ministry has prepared technical guidance to assist local authorities prepare requests to use the SPP. See <http://www.mfe.govt.nz/publications/rma/technical-guide-streamlined-planning-process-under-resource-management-act-1991>.

If the required information is provided in an attached document, please include the page number(s) where this information is found in the attachment (e.g. Volume 1, pages 1 to 3).

All legislative references relate to the Resource Management Act 1991 (RMA), unless stated otherwise.

To complete this form, please scroll down and click in the appropriate field.

Part I: Request to the responsible Minister to use the Streamlined Planning Process

To the responsible Minister,

Applicant's details

Full name of the local authority making request (the applicant): Click here to enter text.

Contact person: Click here to enter text. Job title: Click here to enter text.

Physical address: Click here to enter text.

Postal address (if different from above): Click here to enter text.

Phone: Click here to enter text. Email: Click here to enter text.

This application is for a direction to use the Streamlined Planning Process for:

[Enter name of proposed planning instrument, including any notices of requirement, designations or heritage orders.]

Please provide a description of the planning issue for which the identified instrument is required:

[Enter a description of the planning issue.]

The proposed planning instrument (please tick one):

- does not relate to the coastal marine area
- relates partly to the coastal marine area
- relates wholly to the coastal marine area.

*Please note, if the matter relates wholly to the coastal marine area, references to the Minister in this form should be read as the Minister of Conservation. If the matter relates to the coastal marine area in part, references to the Minister in this form should be read as the Minister for the Environment **and** Minister of Conservation.*

Part II: Eligibility criteria

Your application must meet at least one of the following criteria. Please select all criteria that apply:

Any application to use the SPP must be submitted before notifying the proposed planning instrument in any other planning process.

- (a) The proposed planning instrument will implement a national direction.
- (b) As a matter of public policy, the preparation of a planning instrument is urgent.
- (c) The proposed planning instrument is required to meet a significant community need.
- (d) A plan or policy statement raises an issue that has resulted in unintended consequences.
- (e) The proposed planning instrument will combine several policy statements or plans to develop a combined document prepared under Section 80 of the RMA.
- (f) The expeditious preparation of a planning instrument is required in any circumstance comparable to, or relevant to, those set out in paragraphs (a) to (e).

Explain how specifically using the SPP the proposal meets the relevant criterion / criteria:

[Click here to enter text.](#)

The information provided in this application and any associated reports or documents it refers to will be used to assess the application and may contribute to the Minister's direction (including the Statement of Expectations) if the application is successful.

Part III: Why the SPP process is appropriate

Please explain why use of the SPP is appropriate as an alternative to using the standard process under Part 1 of Schedule 1 of the RMA. For example:

- (1) Why is the removal of appeals appropriate and justified in this circumstance?
- (2) How is the proposed streamlined process proportionate to the scale and significance of the issues involved in the proposed planning instrument?

[Click here to enter text.](#)

Please explain how the application and proposed process relates to the purpose of the SPP set out in section 80B(1) of the RMA. Explain how this application will achieve an expeditious planning process, proportionate to the complexity and significance of the planning issues being proposed.

[Click here to enter text.](#)

Part IV: Description of the proposed process

Please provide details of the process you will use, and the time frames proposed for the steps in that process. The proposed process must include the following **minimum steps in red**. If required, you may add additional steps before, in between, or after these mandatory steps:

	Procedural requirement (process step)	Description	Timeframes (dates or working days if appropriate)
	Please enter the process steps you will use. You may add as many steps as required between, after, or before the minimum requirements.	Please enter a brief description of the process step proposed	Please enter working days as appropriate
1.	Add steps, if required.	Click here to enter text.	Click here to enter text.
2.	Consultation with affected parties on the proposed planning instrument, including any applicable Crown Agency and iwi authorities (if not already done).	(Eg, We have determined two iwi authorities and six land owners (and their potential occupiers) will be affected, and consultation will be undertaken with these parties prior to notification.)	Click here to enter text.
3.	Public notification of the proposed planning instrument in accordance with clause 5 (other than clause 5(3)), or limited notification under clause 5A.	This process is the same as the Schedule 1, Part 1 process.	Click here to enter text.
4.	An opportunity for written submissions under clause 6 or 6A.	A period for which written submissions will be held.	Click here to enter text.
5.	The preparation of (and submission) of reports and documents required by clause 83(1) (a) to (g).	Click here to enter text.	Click here to enter text.
6.	Add as many steps as needed.	Click here to enter text.	Click here to enter text.
7.	Total time required for the SPP to be completed.	Please enter the total number of days, weeks or months as appropriate and the anticipated end date of the process.	Click here to enter text.

Other additional procedural steps

Please provide a justification for each additional procedural step and the proposed timeframe. Please provide a summary in the table above. Any further details can also be provided below:

[Click here to enter text.](#)

Part V: Consultation and affected parties on the proposed planning instrument

Your application must include:

- the persons you consider likely to be affected by the proposed planning instrument, and the reasons why
- a summary of any consultation done, or intended to be done, including consultation with iwi authorities, under clauses 1A to 3C of Schedule 1 Part 1 of the RMA
- demonstration the local authority has complied with (or intends to comply with) clause 3(1) during the preparation of the proposed planning instrument.

If consultation is intended to be done, it should be included in the proposed process, set out in Part IV of this form.

Part VI: Implications of the proposal for any relevant iwi participation legislation

Your application must state the implications of using this new process for any relevant iwi participation legislation or Mana Whakahono ā Rohe: iwi participation arrangement entered into under subpart 2 of Part 5 of the RMA.

It is important for the local authority to identify in this application form all relevant⁴⁰ agreements in place with iwi or hapū, as this will:

1. enable the local authority explain how each of these relate to participation in the RMA plan making process, and identify any implications they may have on those agreements, and
2. inform the Minister of all the relevant iwi participation legislation and agreements in place.

A local authority may have entered into a Mana Whakahono ā Rohe, Deed of Settlement or other agreement with iwi which requires consultation, before making a plan change. If this is the case, the local authority will need to demonstrate it has consulted with iwi before making a request.

Checklist

Please ensure your application contains the following information, and double-click to place an “X” in each box to confirm:

- A description of the planning issue for which a planning instrument is required, with an explanation on how the proposal meets any of the criteria set out in section 80C(2).

⁴⁰ In this case, “relevant” means focused on the particular local authority concerned, on policy planning matters under the RMA to the subject matter of the proposed planning instrument.

- An explanation of why the use of the Streamlined Planning Process is appropriate as an alternative to use of process under Part 1, Schedule 1 of the RMA.
- A description of the process the local authority wishes to use, and the timeframes it proposes for the steps in that process, having regard to the relevant criteria under section 80C(2).
- The persons the local authority considers likely to be affected by the proposed planning instrument.
- A summary of any consultation(s) done by the local authority, or intended to be done, on both the planning proposal and the intention to apply to make use of the Streamlined Planning Process, including consultation with iwi authorities under clauses 1A to 3C of Schedule 1.
- The implications of the proposal for any relevant iwi participation legislation, or Mana Whakahono ā Rohe (iwi participation arrangement) entered into under subpart 2 of Part 5 of the RMA.

Signature

By typing your name in the space provided, you are electronically signing this application form and certifying the information given in this application is true and correct.

[Click here to enter text.](#)

[Click here to enter date](#)

Signature of person authorised to sign on behalf of local authority

Date

Contact details

Manager, RMA Practice
Ministry for the Environment – Manatū Mō Te Taiao
Phone: 04 439 7400
Email: info@mfe.govt.nz

Team Leader, Resource & Statutory Land Management
Department of Conservation – Te Papa Atawhai
Phone: 04 471 3199
Email: enquiries@doc.govt.nz