



## PROACTIVE RELEASE COVERSHEET

<b>Minister</b>	Chris Bishop	<b>Portfolio</b>	RMA Reform
<b>Title of briefing paper</b>	BRF-4728 Request from Waipā District Council to amend its Intensification Streamlined Planning Process direction	<b>Date to be published</b>	ASAP once approved

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
14 May 2024	BRF-4728 Request from Waipā District Council to amend its Intensification Streamlined Planning Process direction	Ministry for the Environment
9 June 2024	BRF-4728 Waipā Signed Amended Direction	Hon Chris Bishop, Minister Responsible for RMA Reform
9 June 2024	BRF-4728 Waipā Signed Amendment Notice	Hon Chris Bishop, Minister Responsible for RMA Reform
12 June 2024	Signed letter to Waipā District Council	Hon Chris Bishop, Minister Responsible for RMA Reform

### Information redacted **YES**

Any information redacted in this document 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 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 from under Section 9(2)(a) of the Official Information Act 1982 to protect the privacy of natural persons, including that of deceased natural persons.

Some information has been withheld under Section 9(2)(f)(iv) of the Official Information Act 1982 for the reason of maintaining the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

Some information has been withheld under Section 9(2)(g)(i) of the Official Information Act 1982 for the reason of maintaining the effective conduct of public affairs through the free and frank expression of opinions.

Some information has been withheld under Section 9(2)(h) of the Official Information Act 1982 for the reason of maintaining legal professional privilege.





## Request from Waipā District Council to amend its Intensification Streamlined Planning Process direction

Date submitted: 14 May 2024

Tracking number: BRF-4728

Security level: In-Confidence

MfE priority: Urgent

Actions sought from Ministers		
Name and position	Action sought	Response by
To Hon Chris BISHOP <b>Minister Responsible for RMA Reform</b>	<b>Record</b> decisions on recommendations <b>Sign</b> amended direction and Gazette notice	21 May 2024
CC Hon Penny SIMMONDS <b>Minister for the Environment</b>	No action required	N/A
CC Hon Chris BISHOP <b>Minister for Housing</b>		

Actions for Minister's office staff
<p><b>Return</b> the signed briefing to the Ministry for the Environment (<a href="mailto:ministerials@mfe.govt.nz">ministerials@mfe.govt.nz</a> and <a href="mailto:RM.Reform@mfe.govt.nz">RM.Reform@mfe.govt.nz</a>).</p> <p><b>Ensure</b> the amended direction and Gazette notice are signed (if approved).</p> <p><b>Present</b> the amended direction to the House of Representatives within 20 working days of being issued.</p>

Appendices and attachments
<p>Appendix 1: Letter from Waipā District Council requesting an amendment to its Intensification Streamlined Planning Process direction</p> <p>Appendix 1.1: Email from Waipā District Council noting it would not meet its original deadline for completing the Intensification Streamlined Planning Process</p> <p>Appendix 1.2: Waipā - Media release - Council seeks common sense, more time for housing rules</p> <p>Appendix 2: Amended Direction for the Intensification Streamlined Planning Process to Waipā District Council (<b>13-week extension</b>)</p> <p>Appendix 3: Draft Gazette notice – Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024 (<b>13-week extension</b>)</p> <p>Appendix 4: Draft response to Waipā District Council (<b>13-week extension</b>)</p> <p>Appendix 5: Amended Direction for the Intensification Streamlined Planning Process to Waipā District Council (<b>18-month extension</b>)</p>

Appendix 6: Draft Gazette notice – Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024 (18-month extension)

Appendix 7: Draft response to Waipā District Council (18-month extension)

**Key contacts at Ministry for the Environment**



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

**Minister's comments**

# Request from Waipā District Council to amend its Intensification Streamlined Planning Process direction

## Key messages

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1. This briefing seeks your decision on whether to amend the Intensification Streamlined Planning Process (ISPP) direction to Waipā District Council (Waipā) to change the date by which the council is required to complete the ISPP.
2. Section 80M of the Resource Management Act 1991 (RMA) allows the Minister for the Environment to amend an ISPP direction either on their own initiative or at the request of the relevant council. The Prime Minister (in accordance with section 7 of the Constitution Act 1986) has transferred responsibility for amending these directions to you, as Minister Responsible for RMA Reform.
3. Waipā was directed by the previous Minister for the Environment under section 80L of the RMA to complete its ISPP by 31 March 2024 (NZ Gazette Notice Number 2022-sl2034).
4. On 20 March 2024, Waipā wrote to you requesting an 11-month extension until 27 February 2025 to complete Waipā's ISPP (current timeframe is 31 March 2024) (**Appendix 1**). The reasons for an extension given in the letter include signalled changes to allow councils to opt out of the Medium Density Residential Standards (MDRS).
5. s 9(2)(g)(i)  

6. s 9(2)(h)  

7. We note that many councils are seeking more information on proposed changes to the RMA and national direction. Officials will continue to work with you on implementing the Going for Housing Growth Programme and on providing opportunities to share information.

## Recommendations

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We recommend that you:

- a. **either**

**Decline extension request**

- i. **direct** officials to prepare a draft letter from you to Waipā District Council rejecting their request

Yes | No

b. or

**13-week extension**

- i. **agree to** amend Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022 to require **Waipā District Council** to notify decisions on its intensification planning instrument, Plan Change 26 by **28 June 2024** (instead of the currently directed timeframe of 31 March 2024)


Yes | No

- ii. **sign** the amended Direction in Appendix 2
- iii. **sign** the Gazette Notice in Appendix 3
- iv. **agree to** send Waipā District Council the letter in Appendix 4

Yes | No

c. or

**11-month extension**

- i. s 9(2)(h) 
- ii. **agree to** amend Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022 to require **Waipā District Council** to notify decisions on its intensification planning instrument, Plan Change 26 by **27 February 2025** (instead of the currently directed timeframe of 31 March 2024)

Yes | No

- iii. **direct** officials to prepare the appropriate documentation to grant Waipā an additional 11 months to complete its Intensification Streamlined Planning Process.

Yes | No

d. or

**18-month extension**

- i. s 9(2)(h) 

- ii. **agree to** amend Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022 to require **Waipā District Council** to notify decisions on its intensification planning instrument, Plan Change 26 by **30 September 2025** (instead of the currently directed timeframe of 31 March 2024)

Yes | No

- iii. **sign** the amended Direction in Appendix 5

- iv. **sign** the Gazette Notice in Appendix 6

- v. **agree** to send Waipā District Council the letter in Appendix 7

Yes | No

- e. **note** the amended direction will take effect on 31 May 2024

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

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

Yes | No

## Signatures

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Rebecca Scannell

**Programme Director - Environmental Management and Adaptation**

**14 May 2024**

Hon Chris BISHOP

**Minister Responsible for RMA Reform**

**Date:**

# Request from Waipā District Council to amend its Intensification Streamlined Planning Process direction

## Purpose

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1. This briefing seeks your decision on whether to amend the Intensification Streamlined Planning Process (ISPP) direction to Waipā District Council (Waipā) to change the date by which the council is required to complete the ISPP.

## Background

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2. The Resource Management Act 1991 (RMA) requires Waipā to use the ISPP to prepare an Intensification Planning Instrument (IPI). An IPI is a plan change to incorporate the Medium Density Residential Standards (MDRS) and give effect to the intensification requirements of the National Policy Statement on Urban Development 2020 (NPS-UD).
3. Under Part 6, Schedule 1 of the RMA, timeframes for an ISPP and other matters may be set in a direction made by the Minister for the Environment. Any such direction is secondary legislation and must be published in the New Zealand Gazette.
4. On 14 May 2022, the Minister for the Environment directed Waipā to notify decisions on its Independent Hearings Panel's (IHP) recommendations by 31 March 2024. This is the last process step for a council to complete the ISPP. The direction was published in the New Zealand Gazette on 25 May 2022.<sup>1</sup>
5. Waipā's IHP completed its hearings in September 2023. Waipā received its IHP recommendations on 15 March 2024. All that remains is for Waipā to make a decision on the IHP's recommendations, which may include referring to you any recommendations it rejects.
6. On 20 March 2024 Waipā wrote to you requesting an 11-month extension to notify decisions on the IHP's recommendations by 27 February 2025 (**Appendix 1**).

## Setting and amending ISPP timeframes

7. You have been transferred the necessary powers under section 7 of the Constitution Act 1986 to make and amend directions under section 80L and 80M of the RMA.
8. You may make a direction under section 80L to direct ISPP requirements, including "1 or more periods of time within which the specified territorial authority must complete 1 or more stages of the ISPP" (RMA section 80L(1)(c)).

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

9. Amendments to directions under section 80M of the RMA use the same process as setting the original directions. In deciding the content of a direction, you must have regard to section 80D of the RMA which describes the purpose of the ISPP as being to provide an *expeditious planning process* for councils to use in preparing an intensification plan change.


## Analysis and advice

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### Waipā's reasons for requesting an amendment to its direction

10. Waipā's letter to you (**Appendix 1**) requests an 11-months' extension to take advantage of signalled changes to the application of the MDRS, including being able to opt out. Waipā included information in its letter relating to:
  - a. development capacity – stating there is sufficient long term development capacity in the district and more will be enabled through the Future Proof Strategy and Plan Change 26
  - b. housing affordability – a separate plan change will address the issue of housing affordability in the district
  - c. achieving a built form appropriate to the district's small towns
  - d. infrastructure upgrades to support density in appropriate locations.
11. Waipā has said it supports the NPS-UD and seeks to enable density in appropriate locations in a way that is integrated with the provision of infrastructure.
12. An email from Waipā District Council staff to Ministry officials (**Appendix 1.1**), provided after the letter requesting an extension, noted that the recommendations from its IHP were late, so Waipā wouldn't be able to meet its deadline.

### Waipā should continue to implement the MDRS

13. s 9(2)(f)(iv) 
14. Officials' first best advice is to not grant Waipā an 11-months extension. Other councils<sup>2</sup> have taken between one to six-and-a-half weeks from receipt of an IHP report to make decisions on the IHP's recommendations. Officials consider a 13-week extension to 28 June 2024 to be sufficient time for Waipā to consider the IHP's recommendations and still achieve an expeditious planning process given the IHP provided its recommendations report on 15 March 2024.

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<sup>2</sup> Examples of timeframes taken from receipt of IHP report to decision making by councils: Hutt City Council (1 week), Rotorua District Council (3.5 weeks), Upper Hutt City Council (4 weeks), Kapiti Coast District Council (6.5 weeks).

## Options for granting extension

15. The options when responding to Waipā's request for an extension are:
- i decline the request;
  - ii grant an extension that allows them to complete the IPI process, having received the IHP's recommendations (13 weeks)
  - iii grant the extension as requested (11 months)
  - iv grant an extension of 18 months: if you are minded to grant a longer timeframe then an 18-months extension is preferable for administrative purposes as an 11 months timeframe would likely require Waipā to apply for another extension at a later date.

## Development capacity

16. As outlined in Waipā's letter to you, the Future Proof Partners' 2023 Housing Development Capacity Assessment (HDCA) showed there is a projected surplus in capacity in the long term in Waipā's main urban areas.
17. However, the HDCA projected a shortfall in capacity in the short term due to "recent changes in market conditions that limit the feasibility of capacity under operative district planning provisions".
18. The HDCA also noted a projected surplus in the medium-term in Te Awamutu/Kihikihi and a small shortfall in Cambridge. The HDCA found the Cambridge shortfall would "likely resolve when allowing for increased market establishment of the development opportunity enabled by the intensification provisions".
19. The HDCA noted above was prepared under the NPS-UD and does not reflect any future policy changes that may occur to how capacity targets are met.

### ***Advice on reporting requirements and a Statement of expectations***

20. For other ISPP timeframe extensions, we have recommended reporting requirements under section 80L(1)(d) of the RMA. We do not recommend including reporting requirements or including a statement of expectations under section 80L(2) of the RMA for Waipā.

## Treaty of Waitangi/Te Tiriti o Waitangi analysis

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21. No Treaty of Waitangi/Te Tiriti o Waitangi issues are associated with the proposals in this briefing.

## Other considerations

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### Consultation and engagement

22. MfE officials consulted Waipā on an alternative two-month extension timeframe option. Waipā was not supportive of this and maintained its position that an additional 11 months

is required due to the proposed changes to the RMA and Waipā's preference to opt out of the MDRS. Waipā published a media release following their letter to Ministers requesting an extension (Appendix 1.2).

- 23. MfE officials have informed the Ministry of Housing and Urban Development/Te Tūāpapa Kāinga (HUD) of the content of this briefing.

### Risks and mitigations

- 24. There is an option to not grant Waipā's extension request. The council is currently non-compliant with the RMA, this option would retain their non-compliance and they might be challenged in the courts. This is a risk for the council to manage.
- 25. Granting only a 13-week extension and not the longer extension requested by Waipā may result in the council choosing not to comply with the amended direction for which they might be challenged in the courts. This is a risk for the council to manage.

s 9(2)(h) [Redacted]

[Redacted]

[Redacted]

- | [Redacted]

- | [Redacted]

- | [Redacted]

s 9(2)(h) [Redacted]

[Redacted]

[Redacted]

[Redacted]

s 9(2)(h)

[REDACTED]

[REDACTED]

s 9(2)(h)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

s 9(2)(h)

[REDACTED]

[REDACTED]

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s 9(2)(h)

[REDACTED]

## Next steps

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39. If you choose to grant either an extension for 13 weeks or for 18 months, you will need to sign the relevant amended Direction and relevant Gazette notice. There is also a choice to not agree to an extension or to grant an extension for 11 months, in which case officials can prepare the appropriate documentation to support these decisions.
40. The relevant Direction needs to be published in the New Zealand Gazette. Once you have signed the relevant Direction and Gazette notice, officials will work with your office to present the Direction to the House of Representatives and publish the Gazette notice. Officials propose that the amended Direction will take effect on 31 May 2024, which gives sufficient time for it to be published in the New Zealand Gazette.
41. If you choose to grant either an extension for 13 weeks or for 18 months we also recommend you send Waipā the relevant letter included in either **Appendix 4** (13-week extension) or **Appendix 7** (18-month extension).
42. If you would like to make a different Direction to the options outlined in this briefing, officials suggest meeting with you to discuss.

**Appendix 1: Letter from Waipā District Council requesting an amendment to its Intensification Streamlined Planning Process direction**

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20/03/2024

11195267

To: Hon Penny Simmonds, Minister for the  
Environment  
Hon Chris Bishop, Minister Responsible for  
RMA Reform

**Digitally Delivered**

Tēnā korua Ministers,

**Intensification Planning Instrument – Plan Change 26 – Request for amendment of timeframe under section 80M(2) of the Resource Management Act 1991**

On 14 May 2022 the Minister’s direction under section 80L(1) of the Resource Management Act 1991 (the Act) required specified territorial authorities, including this Council, to notify decisions on their Intensification Planning Instruments (IPI) by 31 March 2024. The purpose of this letter is to respectfully request that the Minister exercise the power under section 80M to amend the section 80L direction and provide the extended date of 27 February 2025 by which the Council must notify decisions on the IPI.

The Council supports the National Policy Statement on Urban Development (NPS-UD) and has been proactively planning for growth for many years. Recent Housing and Business Capacity Assessments have shown that Waipā District has sufficient long term development capacity, and that this capacity will be significantly increased by its IPI. However, the one-size-fits-all approach required by the Medium Density Residential Standards (MDRS) does not enable the Council to achieve its density goals in a way or at a rate that is appropriate and achievable for Waipā’s small towns.

**Background**

On 19 August 2022, the Council publicly notified its IPI, Proposed Plan Change 26 (PC26), to incorporate the MDRS and Policies 3 and 4 of the NPS-UD, as required by sections 77G and 77N of the Act.

As extensive qualifying matters were notified as part of PC26, the provisions do not have immediate legal effect under section 86BA of the Act.

A total of 109 submissions and 10 further submissions were received on PC26. The Council appointed an independent hearings panel (Panel) and hearings were held by the Panel in February, April and September 2023. The recommendations of the Panel were received by the Council on 15 March 2024.

On 29 November 2023 the Government announced its 100 day plan which included beginning work on making the MDRS optional for councils. More recently, on 27 February 2024, the Minister Responsible for RMA Reform announced that councils will be given flexibility to opt out of the MDRS if they can prove they have sufficient development capacity. The Minister’s speech, the accompanying report to Cabinet, and the Going for Housing Growth Policy refer to the provision of 30 years of development capacity.

**Growth planning in Waipā District**

Waipā District contains two main urban areas, Cambridge and Te Awamutu/Kihikihi, and a collection of eight rural villages. The towns of Cambridge and Te Awamutu/Kihikihi have traditionally functioned

as rural service towns and retain their small town character. More recently, Cambridge has transformed into a multi-functional residential town due to the completion of the Waikato expressway, the relocation of the high-performance sports base, and the development of the Hautapu industrial area.

Waipā District has taken a proactive and planned approach to growth. Key features of growth planning include:

- The formation of the Waikato Future Proof Partnership for the Hamilton, Waipā and Waikato subregion which led to the development of the Future Proof Strategy in 2009;
- Development of the Waipā 2050 Growth Strategy in 2009 and updated in 2017 which identified how the Waipā District Plan would be amended to provide for anticipated growth and aligned with the Future Proof Strategy;
- Waipā District Plan identifies growth cells for future residential, large lot residential and industrial zones suitable for development either pre-2035 or post-2035; and
- Plan Change 13 (made operative in 2022) rezoned all pre-2035 growth cells to a live residential or large lot residential zoning.

These processes reflect the Council's commitment to enable growth in a way and at a rate which ensures that the Council can continue to provide the necessary infrastructure upgrades needed to support growth.

### **The National Policy Statement on Urban Development**

The Council supports the NPS-UD, particularly its focus on enabling housing density in appropriate locations and in a way that is integrated with infrastructure planning and funding.

As required by the NPS-UD, the Council prepared a Housing and Business Capacity Assessment in 2021 (HBA) in conjunction with its Future Proof partners. The HBA confirmed that the Waipā District has sufficient development capacity in the short term (1-3 years), medium term (3-10 years) and long term (10-30 years). This was the case for Waipā District prior to notification of its IPI on 19 August 2022.

The Future Proof Strategy is undergoing a further review in 2024 to meet the requirements of a Future Development Strategy under the NPS-UD. The HBA has been updated as part of this process. The 2023 HBA confirms that PC26 provides more than 250% additional development capacity over the medium and long terms.

### **The Medium Density Residential Standards**

While Waipā District does not contain any cities, it was identified as a tier 1 territorial authority in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 due to its proximity to Hamilton.

The Council and the Waipā community identified at the outset that the one-size-fits-all requirements of the MDRS were not appropriate for Waipā's towns and villages. In particular, the built form which is enabled by the MDRS, involving three residential dwellings per site to a height of three storeys, with front and side yards of 1m, and height to boundary controls of 4 metres plus a 60 degree recession line, was so far removed from the current or expected built form in Waipā's towns that it would have significant adverse effects on the occupiers of existing dwellings, including loss of amenity, loss of existing character, increased shading, loss of daylight and unacceptable impacts on privacy. The mandatory nature of the MDRS meant that none of these effects could be considered by the Panel. The Council agrees with Minister Bishop that the MDRS tools were too blunt and one-size-fits-all.

The Council's evidence to its IPI Panel was that applying the MDRS to the whole of Cambridge and Te Awamutu/Kihikihiki would result in the provision of development capacity of more than 600% of the projected demand. The infrastructure required to support this level of development was estimated to cost in excess of \$600m, which is beyond the reach of a small Council like Waipā. As a result, extensive qualifying matters were proposed in PC26 to avoid the potential environmental effects of exceeding the available infrastructure capacity.

Council is concerned however that significant adverse cumulative effects on infrastructure could arise through manipulation of the mandatory controlled activity subdivision rules by developers. Implementation of PC26 in this respect could undermine the ability of Council to service and fund growth in a sustainable manner.

### **Targeted intensification**

Minister Bishop's speech confirms the Government's intention to give councils more discretion over where they enable density, whether that means greenfields development, intensification in existing urban areas, or both. The Future Proof Strategy identifies areas for greenfield development, as well as specifying target densities which will apply in each of the urban enablement areas. The Waipā District Plan already provides for significant greenfield development in its growth cells, and provides for urban intensification by enabling compact housing in appropriate locations. Further changes to the District Plan may be required following the review of the Future Proof Strategy in 2024. The changes signalled by the Government to the MDRS will better enable the Council to provide for density in appropriate locations. Proposed changes to infrastructure funding and financing may also assist the Council to provide the infrastructure upgrades required to support targeted intensification.

### **Housing affordability**

The Minister's report to Cabinet recognises that housing affordability is arguably the single most pressing economic, social and cultural problem facing this Government.

The Council recognises that, while it has sufficient development capacity, the HBA 2021 identified a shortfall of capacity in the mid to lower price bands with most supply projected in the mid to higher price bands. Rather than focusing solely on housing supply, the key challenge for Waipā District is how to better deliver a wider variety of housing types and costs to meet the community needs of Waipā.

In August 2023, the Council resolved to prepare and notify Plan Change 24 – Inclusionary Zoning (PC24). The purpose of PC24 is to introduce provisions to the Waipā District Plan that address housing affordability and may include inclusionary zoning (to incentivise or require affordable houses within residential developments). These provisions will be specifically tailored to encourage the provision of housing across a range of value bands to meet the needs of the Waipā community.

### **Can Council give effect to the NPS-UD but delay the MDRS?**

We are aware of Minister's Bishop's preliminary response to Christchurch City Council advising that while an extension will be considered for the MDRS, no extension will be approved for giving effect to the NPS-UD.

The Council supports the NPS-UD and seeks to enable density in appropriate locations in a way that is integrated with the provision of infrastructure. Given the significant ratepayer investment in PC26, the Council seeks to implement the density outcomes required by the NPS-UD through PC26. However, for the reasons set out above, the Council does not consider the built form enabled by the

MDRS is appropriate for Waipā's towns. Until the Act is amended to provide more flexibility in the implementation of the MDRS, the Council cannot achieve its density goals in a way or at a rate that is appropriate or achievable for the Waipā District.

#### Amended timetable for Council's IPI

The Council seeks an amended timeframe to notify its decisions on PC26 for the following reasons:

- The current provisions of the Waipā District Plan provide sufficient long term development capacity, and significant additional capacity will be enabled by PC26;
- The Future Proof Strategy and the Waipā District Plan provide for both greenfield development and targeted intensification within existing urban areas;
- The Council is progressing a separate plan change to address the issue of housing affordability within the district;
- Signalled changes to the Act may better provide for targeted intensification within Waipā District, rather than application of the blanket approach required by the MDRS;
- Providing flexibility in the implementation of the MDRS would enable the application of development controls which are specifically designed to achieve an appropriate built form for the Waipā District that is considerate of the effects on occupiers of existing dwellings; and
- Proposed changes to infrastructure funding and financing may better assist the Council to provide infrastructure upgrades to support density in appropriate locations.

Accordingly, we request that the decision deadline by Council on the IPI be extended to 27 February 2025. This request has been made in accordance with a council resolution.

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

Ngā mihi,



Wayne Allan  
GROUP MANAGER DISTRICT GROWTH & REGULATORY SERVICES

**Appendix 1.1: Email from Waipā District Council noting it would not meet its original deadline for completing the Intensification Streamlined Planning Process**

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**From:** Wendy Robinson <[Wendy.Robinson@waipadc.govt.nz](mailto:Wendy.Robinson@waipadc.govt.nz)>  
**Sent:** Thursday, March 21, 2024 8:38 AM  
**To:** Sarah McCarthy <[Sarah.McCarthy@mfe.govt.nz](mailto:Sarah.McCarthy@mfe.govt.nz)>  
**Subject:** RE: External Sender: RE: Request for amendment of timeframe under section 80M(2) of the RMA 1991

**MFE CYBER SECURITY WARNING**

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

No trouble at all.

I have just noticed, of course, that we failed to mention that our IHP recommendations were only received on Friday, and we will be waiting to hear from the Minister before proceeding with these. We therefore will be unable to meet our 31 March deadline. We felt it was necessary to have seen the recommendations before confirming this letter.

Ngā mihi,

Wendy

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**From:** Sarah McCarthy <[Sarah.McCarthy@mfe.govt.nz](mailto:Sarah.McCarthy@mfe.govt.nz)>  
**Sent:** Wednesday, March 20, 2024 3:01 PM  
**To:** Wendy Robinson <[Wendy.Robinson@waipadc.govt.nz](mailto:Wendy.Robinson@waipadc.govt.nz)>  
**Subject:** External Sender: RE: Request for amendment of timeframe under section 80M(2) of the RMA 1991

**CYBER SECURITY WARNING:** This email is from an external source - be careful of attachments and links. Please follow the Cybersecurity Policy and report suspicious emails to Servicedesk  
Thanks so much for sending this to me too Wendy!

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**From:** Wendy Robinson <[Wendy.Robinson@waipadc.govt.nz](mailto:Wendy.Robinson@waipadc.govt.nz)>  
**Sent:** Wednesday, March 20, 2024 1:26 PM  
**To:** Sarah McCarthy <[Sarah.McCarthy@mfe.govt.nz](mailto:Sarah.McCarthy@mfe.govt.nz)>  
**Subject:** FW: Request for amendment of timeframe under section 80M(2) of the RMA 1991

**MFE CYBER SECURITY WARNING**

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

Hi Sarah,

FYI. Note I have copied in Leah as she suggested so no action expected from you.

Ngā mihi,

Wendy

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**From:** Rachel Murray <[Rachel.Murray@waipadc.govt.nz](mailto:Rachel.Murray@waipadc.govt.nz)> **On Behalf Of** Wayne Allan  
**Sent:** Wednesday, March 20, 2024 1:03 PM  
**To:** [P.Simmonds@ministers.govt.nz](mailto:P.Simmonds@ministers.govt.nz); [C.Bishop@ministers.govt.nz](mailto:C.Bishop@ministers.govt.nz)  
**Cc:** [Leah.Clark@mfe.govt.nz](mailto:Leah.Clark@mfe.govt.nz); Wendy Robinson <[Wendy.Robinson@waipadc.govt.nz](mailto:Wendy.Robinson@waipadc.govt.nz)>  
**Subject:** Request for amendment of timeframe under section 80M(2) of the RMA 1991

Tēnā korua,

Please find attached correspondence from Waipā District Council to request an amendment of timeframe under section 80M(2) of the Resource Management Act 1991 pertaining to our Intensification Planning Instrument – Plan Change 26 Residential Zone Intensification.

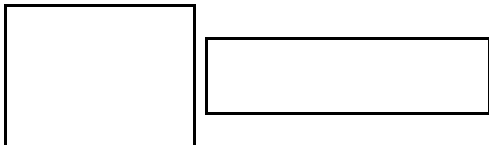
Ngā mihi  
Wayne

**Wayne Allan** Group Manager District Growth & Regulatory Services **WAIPA DISTRICT COUNCIL**  
[wayne.allan@waipadc.govt.nz](mailto:wayne.allan@waipadc.govt.nz) | [www.waipadc.govt.nz](http://www.waipadc.govt.nz)  
s 9(2)(a)

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**Te Kaunihera ā Rohe o Waipa**



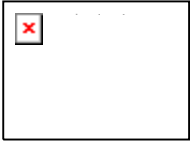
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**Te Kaunihera ā Rohe o Waipa**



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## **Appendix 1.2 Waipā - Media release - Council seeks common sense, more time for housing rules**

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# MEDIA RELEASE



## **Council seeks common sense, more time for housing rules**

**Monday, March 25, 2024**

Waipā District Council says being forced into a controversial housing density regime is not 'achievable or appropriate' for the district.

In a letter to Minister for the Environment Penny Simmonds and Housing Minister Chris Bishop, Council has reinforced its opposition to proposed standards which could have seen three houses, up to three storeys high built in Cambridge, Te Awamutu and Kihikihi, without needing a resource consent or permission from neighbours.

Council says the proposed one size fits all legislation does not suit small councils like Waipā. Council has formally asked the government to extend the time Waipā has to consider its planning response until February 2025. Other councils have also asked for extensions.

Mayor Susan O'Regan said the government has already indicated councils will be given more discretion that the "blunt, heavy-handed instrument" that was originally proposed and supported by both major political parties prior to the election last year.

"I'm pleased we're seeing some common sense come back into the debate but Waipā should never have been lumped in with cities like Auckland and Wellington to start with. It caused huge angst for our community, and for our elected members who were all completely opposed to what was proposed," she said.

"If Waipā was forced to go down that track, we would see the provision of housing far in excess of what we need. Plus Council would be required to build infrastructure to support those houses at a cost in excess of \$600 million. It's madness so I am certainly welcoming a government rethink and am hopeful they will give us more time to consider a response that better suits our district."

O'Regan said Council was not against intensification if done well in the right location. There were already some great examples in the district and she reissued an invitation to Minister Bishop, who is also the Minister Responsible for RMA Reform, to see them first-hand.

"Intensification done well is not the issue – but affordability is. Apart from contributions from developers, councils can only call on rates or debt to pay for the core infrastructure needed to support housing. I'm looking forward to seeing how the government intends to address that challenge which is one faced by all councils, not just by Waipā."

Assuming an extension to density proposals is granted, Waipā's key housing focus was on how to address issues of housing affordability, O'Regan said.

Council is currently developing a change to the District Plan – the rule book which guides development in the district – to help address affordability issues. A plan change to likely to be publicly notified later in the year.

For media enquiries, contact: Lisa Nairne 027 839 8410 or [lisa.n@waipadc.govt.nz](mailto:lisa.n@waipadc.govt.nz)

[www.waipadc.govt.nz](http://www.waipadc.govt.nz)

[📍 /WaipaDistrictCouncil](#) [📷 /Waipa\\_NZ](#) [📍 /Waipa\\_DC](#)



**Appendix 2: Amended Direction for the Intensification Streamlined Planning Process to Waipā District Council (13-week extension)**

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

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

### **Commencement**

(1) The direction comes into force on 31 May 2024.

## **Minister Responsible for RMA Reform’s amended Direction for the Intensification Streamlined Planning Process to Waipā District Council**

(2) In accordance with sections 80L and 80M of the RMA, the Minister Responsible for RMA Reform directs Waipā District Council to notify its decisions on the independent hearing panel’s recommendations on Plan Change 26 in accordance with clause 102 of Schedule 1 of the RMA by 28 June 2024.

### **Principal notice amended**

(3) This direction amends “The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022” published in the New Zealand Gazette, 25 May 2022, 2022-si2034, as it applies to Waipā District Council.

Signed

Hon Chris Bishop

**Minister Responsible for RMA Reform**

**Date**

### **Notes**

- i. This direction must be complied with.
- ii. Part 6 of Schedule 1 of the RMA specifies the requirements of any Intensification Streamlined Planning Process.
- iii. Section 80M of the RMA provides the Minister for the Environment 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. Waipā District Council may, in accordance with Section 80M of the RMA, apply in writing for an amendment to the direction.

**Appendix 3: Draft Gazette notice – Resource Management  
(Direction for the Intensification Streamlined Planning  
Process to Hamilton City Council, Waikato District Council,  
Waipā District Council and Rotorua District Council)  
Amendment Notice 2024 (13-week extension)**

---

## **The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024**

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

### **Title and Commencement**

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024.
- (2) This notice shall come into force on 31 May 2024.

### **Minister Responsible for RMA Reform's amended Direction for the Intensification Streamlined Planning Process to Waipā District Council**

- (3) In accordance with sections 80L and 80M of the RMA, the Minister Responsible for RMA Reform directs Waipā District Council to notify its decisions on the independent hearing panel's recommendations on Plan Change 26 in accordance with clause 102 of Schedule 1 of the RMA by no later than 28 June 2024.

### **Principal Notice**

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

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of May 2024.

Hon Chris Bishop

**Minister Responsible for RMA Reform**

### **Notes**

- v. This direction must be complied with.
- vi. Part 6 of Schedule 1 of the RMA specifies the requirements of any Intensification Streamlined Planning Process.
- vii. Section 80M of the RMA provides the Minister for the Environment the ability to amend this direction on their own initiative or following a request from one or more of the specified territorial authorities named in this direction.

viii. Waipā District Council may, in accordance with section 80M of the RMA apply in writing for an amendment to the direction.

**Appendix 4: Draft response to Waipā District Council (13-week extension)**

---

Wayne Allan  
Group Manager District Growth & Regulatory Services  
Waipā District Council

Dear Wayne

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

On 20 March 2024 I received a letter from Waipā District Council (the Council) requesting an amendment to The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022.

Waipā District Council requested an extension until 27 February 2025. My direction extends the timeframe for Waipā District Council to notify decisions on the Independent Hearings Panel's recommendations for its intensification planning instrument to 28 June 2024.

I have considered the Council's extension request. However, until the Government makes decisions on the Going for Housing Growth policy the current legislation still stands and must be followed. Further, the Council did not provide sufficient reasons to justify granting a significant extension of time to complete the Intensification Streamlined Planning Process.

I did note that your Independent Hearings Panel delivered its report with little time for the Council to consider its recommendations before exceeding the original timeframe. I am therefore granting a short extension to enable sufficient time for the Council to complete its Intensification Streamlined Planning Process. The amended direction will take effect on 31 May 2024.

I have heard and do share your concerns regarding Medium Density Residential Standards, including their one-size-fits all nature, and I am progressing work on Going for Housing Growth at pace.

Thank you for all your work to date. I encourage council staff to continue to work with government officials.

Yours sincerely

Hon Chris Bishop  
**Minister Responsible for RMA Reform**

**Appendix 5: Amended Direction for the Intensification  
Streamlined Planning Process to Waipā District Council (18-  
month extension)**

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

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

### **Commencement**

(1) The direction comes into force on 31 May 2024.

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

(2) In accordance with sections 80L and 80M of the RMA, the Minister Responsible for RMA Reform directs Waipā District Council to notify its decisions on the independent hearing panel’s recommendations on Plan Change 26; in accordance with clause 102 of Schedule 1 of the RMA by 30 September 2025.

### **Principal notice amended**

(3) This direction amends “The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022” published in the New Zealand Gazette, 25 May 2022, 2022-si2034, as it applies to Waipā District Council.

Signed

Hon Chris Bishop

**Minister Responsible for RMA Reform**

**Date**

### **Notes**

- ix. This direction must be complied with.
- x. Part 6 of Schedule 1 of the RMA specifies the requirements of any Intensification Streamlined Planning Process.
- xi. Section 80M of the RMA provides the Minister for the Environment 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.
- xii. Waipā District Council may, in accordance with Section 80M of the RMA, apply in writing for an amendment to the direction.

**Appendix 6: Draft Gazette notice – Resource Management  
(Direction for the Intensification Streamlined Planning  
Process to Hamilton City Council, Waikato District Council,  
Waipā District Council and Rotorua District Council)  
Amendment Notice 2024 (18-month extension)**

---

## **The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024**

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

### **Title and Commencement**

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024.
- (2) This notice shall come into force on 31 May 2024.

### **Minister Responsible for RMA Reform's amended Direction for the Intensification Streamlined Planning Process to Waipā District Council**

- (3) In accordance with sections 80L and 80M of the RMA, the Minister Responsible for RMA Reform directs Waipā District Council to notify its decisions on the independent hearing panel's recommendations on Plan Change 26; in accordance with clause 102 of Schedule 1 of the RMA by 30 September 2025.

### **Principal Notice**

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

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of May 2024.

Hon Chris Bishop

**Minister Responsible for RMA Reform**

### **Notes**

- xiii. This direction must be complied with.
  - i. Part 6 of Schedule 1 of the RMA specifies the requirements of any Intensification Streamlined Planning Process.
  - ii. Section 80M of the RMA provides the Minister for the Environment 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.
  - iii. Waipā District Council may, in accordance with section 80M of the RMA apply in writing for an amendment to the direction.

**Appendix 7: Draft response to Waipā District Council (18-month extension)**

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s 9(2)(g)(i)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**Signed Amended Direction for the Intensification  
Streamlined Planning Process to Waipā District Council  
(13-week extension)**

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

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

### **Commencement**

(1) The direction comes into force on 20 June 2024.

## **Minister Responsible for RMA Reform's amended Direction for the Intensification Streamlined Planning Process to Waipā District Council**

(2) In accordance with sections 80L and 80M of the RMA, the Minister Responsible for RMA Reform directs Waipā District Council to notify its decisions on the independent hearing panel's recommendations on Plan Change 26 in accordance with clause 102 of Schedule 1 of the RMA by 30 August 2024.

### **Principal notice amended**

(3) This direction amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022" published in the New Zealand Gazette, 25 May 2022, 2022-si2034, as it applies to Waipā District Council.

Signed



Hon Chris Bishop

**Minister Responsible for RMA Reform**



**Date**

### **Notes**

- i. This direction must be complied with.
- ii. Part 6 of Schedule 1 of the RMA specifies the requirements of any Intensification Streamlined Planning Process.
- iii. Section 80M of the RMA provides the Minister for the Environment 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. Waipā District Council may, in accordance with Section 80M of the RMA, apply in writing for an amendment to the direction.

**Signed Amendment Notice: Resource Management  
(Direction for the Intensification Streamlined Planning  
Process to Hamilton City Council, Waikato District  
Council, Waipā District Council and Rotorua District  
Council) Amendment Notice 2024 (13-week extension)**

---

## **The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024**

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

### **Title and Commencement**

- (1) This notice is the Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Amendment Notice 2024.
- (2) This notice shall come into force on 20 June 2024.

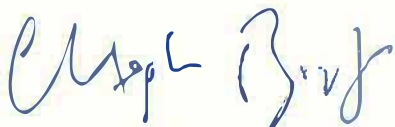
### **Minister Responsible for RMA Reform's amended Direction for the Intensification Streamlined Planning Process to Waipā District Council**

- (3) In accordance with sections 80L and 80M of the RMA, the Minister Responsible for RMA Reform directs Waipā District Council to notify its decisions on the independent hearing panel's recommendations on Plan Change 26 in accordance with clause 102 of Schedule 1 of the RMA by no later than 30 August 2024.

### **Principal Notice**

This notice amends "The Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022" published in the New Zealand Gazette, 25 May 2022, Notice No. 2022-sf2034 only to the extent specified in this notice.

Dated at Lower Hutt this 9<sup>th</sup> day of June 2024.



Hon Chris Bishop

### **Minister Responsible for RMA Reform**

#### **Notes**

- i. This direction must be complied with.
- ii. Part 6 of Schedule 1 of the RMA specifies the requirements of any Intensification Streamlined Planning Process.
- iii. Section 80M of the RMA provides the Minister for the Environment 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. Waipā District Council may, in accordance with section 80M of the RMA apply in writing for an amendment to the direction.

**Signed response to Waipā District Council (13-week extension)**

---



12 JUN 2024

Waipā District Council  
Wayne Allan  
Group Manager District Growth & Regulatory Services

Dear Wayne

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

On 14 May 2022 Waipā District Council (the Council) was directed by the previous Minister for the Environment under section 80L of the Resource Management Act 1991 to complete its Intensification Streamlined Planning Process by 31 March 2024.

On 20 March 2024 I received a letter from the Council requesting an amendment to the Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022 (the Direction). The Council requested an extension until 27 February 2025.

I have considered the Council's extension request. However, until the Government makes decisions on the Going for Housing Growth policy the current legislation still stands and must be complied with.

The Council did not provide sufficient reasons to justify granting a significant extension of time to complete the Intensification Streamlined Planning Process and nor would granting the requested extension provide for an expeditious planning process. I, therefore, have no reasonable basis for granting the requested extension of 11 month.

I did note that the Independent Hearings Panel delivered its report with little time for the Council to consider its recommendations before exceeding the original timeframe. I am therefore granting a short extension to enable sufficient time for the Council to complete its Intensification Streamlined Planning Process expeditiously.

My direction therefore extends the timeframe for the Council to notify decisions on the Independent Hearings Panel's recommendations for its intensification planning instrument to 30 August 2024.

The amended direction will take effect on 20 June 2024.

I have heard and do share your concerns regarding Medium Density Residential Standards, including their one-size-fits all nature, and I am progressing work on Going for Housing Growth at pace.

Thank you for all your work to date. I encourage council staff to continue to work with government officials.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Bishop', written in a cursive style.

Hon Chris Bishop  
**Minister Responsible for RMA Reform**