



# Understanding the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

## Information about submissions

This is one of a series of information sheets giving an overview of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA-EHS). It is for submitters – people who want to make a submission to as part of the Intensification Streamlined Planning Process.

The RMA-EHS requires specified territorial authorities<sup>1</sup> to make a plan change to their district plan. As part of progressing this plan change, the RMA-EHS requires councils to publicly notify a proposed plan change through the Intensification Streamlined Planning Process and allow for submissions on the proposed change.

Making a submission on a council's proposed plan change is a way for you to get involved with decisions under the RMA-EHS. It also gives you the option of speaking in support of your submission at a hearing.

For more general information on other plan changes under the RMA, see [Getting involved in council plans](#).

## Plan change context

The RMA-EHS introduces a new planning process to help territorial authorities to implement the intensification policies<sup>2</sup> in the National Policy Statement on Urban Development and to incorporate the Medium Density Residential Standards into district plans. This process is called the Intensification Streamlined Planning Process.

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<sup>1</sup> Auckland Council, Hamilton City Council, Waikato District Council, Waipā District Council, Tauranga City Council, Western Bay of Plenty District Council, Wellington City Council, Porirua City Council, Hutt City Council, Upper Hutt City Council, Kāpiti Coast District Council, Christchurch City Council, Selwyn District Council, Waimakariri District Council and Rotorua District Council.

<sup>2</sup> National Policy Statement on Urban Development policy 3, 4, or 5.

Territorial authorities will use this process to progress a plan change to their district plan or a variation to a proposed district plan. The scope of the plan change also includes:

- financial contributions provisions
- papakāinga housing provisions
- related provisions (including objectives, policies, standards and zones) that support or are consequential on the Medium Density Residential Standards or the National Policy Statement on Urban Development intensification policies.

Members of the public can make a submission on a territorial authority's plan change. For more guidance on the content of plan changes and timeframes for the Intensification Streamlined Planning Process, see [General Overview: A guide for the public](#).

## Pre-notification consultation

Before councils publicly notify the plan change under the Intensification Streamlined Planning Process, they must consult<sup>3</sup> the Minister for the Environment and the following people who may be affected by the plan change:

- any other ministers who may be affected by the plan
- local authorities
- the tangata whenua of the area through iwi authorities
- any customary marine title group in the area.

Territorial authorities may consult anyone else while preparing their plan change.

Before notifying the plan change, councils must also provide a copy of the draft plan change to any iwi authorities they have consulted.<sup>4</sup> Some councils have also chosen to release draft details on upcoming plan changes to the public. This is to seek feedback ahead of the plan changes that are required to be notified by 20 August 2022.

## Preparing to make a submission

If you are considering whether to submit on a territorial authority's notified plan change, the first step is to read the documents the council has provided about the plan change on its website. Make sure you understand what is being changed, or replaced, and why. You should consider the following when reading the documents:

- the proposed plan change itself
- the evaluation report that the territorial authority is required to prepare under section 32 of the RMA
- any other background reports (for example, the outcomes of any earlier consultation).

Check the planning maps attached to a proposal to find out whether:

- changes are proposed to any rules that apply to areas in which you are interested

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<sup>3</sup> In accordance with Resource Management Act, Schedule 1, Clause 3.

<sup>4</sup> In accordance with Resource Management Act, Schedule 1, Clause 4A.

- any special provisions might apply to certain activities.

## Making a submission

The RMA-EHS introduced a set of prescribed standards, the Medium Density Residential Standards, and directed territorial authorities to include these in their district plans. The standards are a set of enabling standards that include building height, density, building setbacks, building coverage and outdoor living space.

Territorial authorities cannot change certain elements of the standards so your submission should focus on only those elements of the standards that can be changed. For example, territorial authorities may propose standards that enable more density than in the Medium Density Residential Standards. In this case, your submission could be made on the district plan's more enabling standards.

Although each territorial authority may work out the scope of its plan change in line with the RMA-EHS, the scope of the change must include the following components:

- the Medium Density Residential Standards
- provisions to give effect to the intensification policies of the National Policy Statement on Urban Development.

Submissions on the Medium Density Residential Standards and the National Policy Statement on Urban Development could focus on new and existing qualifying matters (places where the territorial authority considers intensification inappropriate), the boundaries of intensification required by the National Policy Statement on Urban Development, and any more enabling standards.

The scope of the plan change could include the following matters:

- financial contributions provisions
- papakāinga
- district-wide matters
- earthworks
- fencing
- infrastructure
- stormwater management
- subdivision
- greenfield development.

If the territorial authority includes these matters in its plan change, your submission could ask the council to change or delete proposed provisions.

For more guidance on writing and lodging a submission, see [Making a submission about a proposed plan or resource consent](#).

## When you can make a further submission

Once the territorial authority has received the first round of submissions and prepared a summary of the decisions submitters have sought, the Intensification Streamlined Planning Process requires the

territorial authorities to provide certain submitters with the chance to make further submissions. These can address or respond to specific matters raised in submissions.

You can only make a further submission if:

- your interest in the proposal is more than the interest of the general public, or
- you are representing a relevant aspect of the public interest.

For more guidance on how to make a further submission, see [Making a submission about a proposed plan or resource consent](#).

## What happens after submissions are received

When the territorial authority has received all submissions (including any further submissions), it will prepare a summary report which includes analysis of the submissions. The territorial authority will then appoint an independent hearing panel to conduct a hearing and make its recommendation to the territorial authority.

If the territorial authority accepts all the panel's recommendations, the plan change will become operative. If the territorial authority rejects one or more of the panel's recommendations the Minister for the Environment makes the final decision on the panel's recommendations.

Submitters do not have a right of appeal to the Environment Court in the Intensive Streamlined Planning Process.

## Glossary

Term	Meaning
District plan	A plan prepared by city or district councils to help them carry out their functions under the Resource Management Act.
Financial contribution	A contribution of: <ul style="list-style-type: none"> <li>(a) money; or</li> <li>(b) land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Māori land within the meaning of Te Ture Whenua Māori Act 1993 unless that Act provides otherwise; or</li> <li>(c) a combination of money and land.</li> </ul>
Hearing	Gives people who have provided a written submission the opportunity to speak to the decision-maker about what a council or an applicant is proposing.
Intensification Streamlined Planning Process	Based on the Streamlined Planning Process, the Intensification Streamlined Planning Process provides a process for preparing a change to a territorial authority's operative plan to achieve a quick and efficient planning process.
Medium Density Residential Standards	Standards that must be included by specified territorial authorities in their district plans. The Medium Density Residential Standards allow for building up to three homes of up to three storeys on sites in relevant residential zones.
Plan change	The process that councils use to prepare changes to their operative plans.

Term	Meaning
Resource consent	Permission from the local council for an activity that might affect the environment and that is not permitted 'as of right' under the district or regional plan.
Section 32 evaluation report	Requires new proposed plans, policy statements, plan changes, or variations to be examined for their appropriateness in achieving the purpose of the Resource Management Act. It also requires examination of the efficiency, effectiveness and risk of the policies and methods of these new proposals.
Specified territorial authority	Every tier 1 territorial authority and Rotorua District Council, and any tier 2 and 3 territorial authority required to prepare and notify a plan change incorporating the Medium Density Residential Standards and giving effect to the intensification policies 3 and 4, or 5, of the National Policy Statement on Urban Development.
Submission	Comments, opinions, concerns, support or opposition expressed by an individual or group of individuals about a local council's proposed development, designation, policy statement or plan.
Territorial authorities	City or district councils.
Variation	A change prepared by a council to a proposed plan.

