

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

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).

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6	<p>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:</p> <ul style="list-style-type: none"> a. the evaluation under section 32 and 32AA; and 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) <p>for the Minister’s consideration.</p>	<p>To be provided to the Minister for the Environment no later than 20 working days after completion of hearing (Step 5).</p>
<p>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.</p>		<p>Steps 1-6 to be completed no later than 7 months after gazettal of the Direction.</p>
<p>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.</p>		

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.