

# Planning tracks summary comparison

This chart compares the three processes which local authorities can apply to develop, review or change regional policy statements (RPS) and regional and district plans under the Resource Management Act (RMA) 1991. This table aims to provide a high level starting point for familiarisation with the different planning options available. It excludes designation and heritage order processes. For detailed technical information see individual fact sheets.

	Standard Process – RMA Part 1 of Schedule 1	Collaborative Planning Process (CPP) – RMA Part 4 of Schedule 1	Streamlined Planning Process (SPP) – RMA Part 5 of Schedule 1
<b>Description and purpose</b>	<p>The purpose of the Standard Process is to provide rigorous analysis and transparent process for the development and change of RPS and regional and district plans. Part 1 of Schedule 1 provides extensive formal public involvement throughout the process and broad possibilities for appeal. The RMA amendments introduce the option of limited notification in certain circumstances.</p> <p>The Standard Process has been used since the enactment of the RMA in 1991; it is well understood and there is a lot of 'best practice' guidance available. However, it can be a lengthy process due to a number of process steps and potential appeals.</p>	<p>Under the CPP, a local authority establishes a collaborative community group to provide consensus recommendations, which must be 'given effect to' in the proposed RPS/plan. Submissions on the proposal are heard by a review panel, which provides recommendations to the local authority. These form the basis for the local authority's final decision on the new or changed RPS/plan. The scope of appeals hinge on council's acceptance or rejection of the recommendations of the review panel.</p> <p>Part 4 of Schedule 1 sets out detailed steps that must be followed. This option encourages greater front-end public participation and engagement to produce plans that better reflect community values and contain community-designed outcomes. The process is lengthy and requires considerable resources for all involved, and once initiated, a local authority cannot withdraw from the process except under specific circumstances outlined in the legislation.</p>	<p>The SPP enables a local authority to use a tailored plan making process under particular circumstances by applying to the Minister for the Environment. The local authority identifies the process they want to use as part of their application.</p> <p>If the Minister agrees, he or she then issues a direction which sets out the process steps, time frames and expectations for the RPS/plan/plan change process. The plan making process then follows the steps in the direction as opposed to existing schedule 1 process. Local authority decisions are subject to approval by the Minister, and cannot be appealed (with the exception of requiring authority decisions relating to designations/heritage orders). The SPP increases flexibility and speeds up decision making by providing a shortened public participation process and/or recognition of alternatives processes. The Act sets out the minimum process steps, but other steps can be added to reflect the nature of the issue being addressed.</p> <p>Private plan changes that have been adopted or accepted by the local authority can be subject to a SPP process, but the application to the Minister can only be made by the local authority in consultation with the plan change requestor.</p>
<b>Matters/issues for which process might be appropriate</b>	<ul style="list-style-type: none"> <li>» Development and review of RPS and whole plans</li> <li>» 'Rolling' reviews</li> <li>» Plan updates</li> <li>» Private and council initiated plan changes</li> <li>» Small fixes and improvements to plans</li> </ul>	<ul style="list-style-type: none"> <li>» Development and review of RPS and whole plans</li> <li>» For contentious planning matters requiring balancing of different values (eg, management of natural resources such as freshwater, air sheds, coast)</li> </ul>	<ul style="list-style-type: none"> <li>» Implementation of national direction</li> <li>» A significant community need (or urgency) (eg, post-disaster planning)</li> <li>» Alignment or combination of plan provisions or development of a combined planning document</li> <li>» Address unintended consequences of an existing RPS/plan</li> <li>» Where innovative plan making is desirable</li> </ul>
<b>Core elements</b>			
<b>Process (high level)</b>	<ul style="list-style-type: none"> <li>» Consultation</li> <li>» Notification of proposed RPS, plan or plan change</li> <li>» Submissions, further submissions and hearing</li> <li>» Local authority decision</li> <li>» Appeals</li> </ul>	<ul style="list-style-type: none"> <li>» Notify decision to use CPP</li> <li>» Establish collaborative Group and its terms of reference to develop consensus recommendations</li> <li>» Notify collaborative group's report</li> <li>» Prepare and notify proposed RPS/plan</li> <li>» Submissions and further submissions</li> <li>» Establish review panel to hold hearings and issue recommendations</li> <li>» Local authority decision</li> </ul>	<ul style="list-style-type: none"> <li>» Application to the Minister to use SPP</li> <li>» Ministerial direction to local authority providing a tailored planning process</li> <li>» Consultation, full or limited notification and submissions on proposed RPS/plan/plan change</li> <li>» Additional steps if required by the Direction</li> <li>» Local authority submits recommended RPS/plan/plan change to Minister within specified timeframe</li> <li>» Minister approves/declines/requests reconsideration</li> <li>» Notified and made operative by the local authority</li> </ul>
<b>Timeframe</b>	<ul style="list-style-type: none"> <li>» Statutory limit of two years from notification of proposed RPS/plan to final decision of local authority</li> <li>» In practice, the whole process often takes longer (up to several years) due to pre-notification consultation and appeals</li> </ul>	<ul style="list-style-type: none"> <li>» No statutory timeframes for establishment of collaborative groups, development of consensus report and drafting of RPS or plan</li> <li>» Statutory limit of two years from notification of proposed RPS/plan to final decision</li> </ul>	<ul style="list-style-type: none"> <li>» Timeframes to be prescribed in Minister's direction; can provide faster process than other processes</li> <li>» No plan appeals will reduce timeframes</li> </ul>
<b>Costs</b>	<ul style="list-style-type: none"> <li>» Costs for pre-notification consultation</li> <li>» Costs to notify and process submissions</li> <li>» Costs of hearings and appeals, litigation</li> </ul>	<ul style="list-style-type: none"> <li>» High level of resourcing from councils, iwi, community members and stakeholders</li> <li>» Members of the collaborative group to invest significant time in process</li> <li>» Costs in relation to the review panel</li> <li>» Costs to notify and process submissions</li> <li>» Reduced costs of litigation to councils and submitters through reduced appeals</li> </ul>	<p>Potential to develop a more cost effective process, subject to the process set out in Minister's direction. As a minimum, costs will include:</p> <ul style="list-style-type: none"> <li>» Costs for pre-notification consultation</li> <li>» Costs to notify and process submissions and decision</li> <li>» Reduced costs of litigation</li> </ul>

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<b>Māori/iwi interests and values</b>	<ul style="list-style-type: none"> <li>» Consultation with tangata whenua during preparation through iwi authorities and relevant marine title groups</li> <li>» Provision of proposed RPS/plan to iwi authorities prior to notification</li> <li>» Consultation with tangata whenua on appropriateness of appointing a commissioner with understanding of tikanga Māori and of the perspectives of local iwi or hapū</li> </ul>	<ul style="list-style-type: none"> <li>» In determining whether to use the CPP process, a local authority must consider if iwi participation legislation can be accommodated within CPP and it will not be inconsistent with this legislation or iwi participation arrangements</li> <li>» At least one tangata whenua representative in collaborative group</li> <li>» Iwi consultation on proposed RPS or plan</li> <li>» At least one member of review panel must have understanding of tikanga Māori and perspective of tangata whenua perspectives</li> </ul>	<ul style="list-style-type: none"> <li>» Implications of process on iwi settlement legislation or participation arrangements to be considered by local authority when preparing request</li> <li>» Consultation with iwi authorities during SPP including pre-notification of proposed RPS/plan/plan change</li> <li>» Minister's direction must not be inconsistent with iwi participation legislation or Mana Whakahono a Rohe: Iwi participation arrangement</li> </ul>
<b>Consultation</b>	<p>During preparation of RPS/plan:</p> <ul style="list-style-type: none"> <li>» Minister for the Environment and other affected Crown Ministers</li> <li>» Affected local authorities</li> <li>» Tangata whenua through iwi authorities and relevant marine title groups</li> <li>» Anyone else the council wishes to consult</li> </ul>	<p>Local authority must:</p> <ul style="list-style-type: none"> <li>» consider views and preferences expressed by persons likely to be affected or who have an interest in the issue when deciding the use of CPP.</li> </ul> <p>Collaborative group must:</p> <ul style="list-style-type: none"> <li>» collectively represent “a balanced range of the community’s interests, view and investments”</li> <li>» establish a process to obtain the views of local community and consider them in its work</li> <li>» report to the local authority showing how the group obtained and considered the views of the community.</li> </ul> <p>During preparation of RPS/plan:</p> <ul style="list-style-type: none"> <li>» Minister for the Environment and other affected Crown Ministers</li> <li>» Affected local authorities</li> <li>» Tangata whenua through iwi authorities and relevant marine title groups</li> <li>» Anyone else the council wishes to consult</li> </ul>	<p>During preparation of RPS/plan/plan change:</p> <ul style="list-style-type: none"> <li>» Minister for the Environment and other affected Crown Ministers</li> <li>» Affected local authorities</li> <li>» Iwi authorities</li> <li>» The person who requested the private plan change if relevant</li> <li>» Anyone else the council wishes to consult</li> </ul>
<b>Notification and submissions</b>	<ul style="list-style-type: none"> <li>» Public notification of documents proposed to be incorporated by reference</li> <li>» Public notification of proposed RPS/plan and accompanying documents</li> <li>» Option to limited notify changes in certain circumstances</li> <li>» Submissions, further submissions and hearings</li> <li>» Public notification of decision and when RPS/plan made operative</li> </ul>	<ul style="list-style-type: none"> <li>» Public notification of documents proposed to be incorporated by reference</li> <li>» Public notification of decision to use CPP</li> <li>» Public notification of appointment of collaborative group and their terms of reference</li> <li>» Public notification of report of collaborative group</li> <li>» Public notification of proposed RPS/plan and accompanying documents</li> <li>» Public notification of appointment of review panel on an internet site</li> <li>» Submissions, further submissions and hearings by review panel</li> <li>» Public notification of decision and when RPS/plan made operative</li> </ul>	<ul style="list-style-type: none"> <li>» Public notification of documents proposed to be incorporated by reference</li> <li>» Public notification of Minister's direction</li> <li>» Public notification of proposed RPS/plan/plan change and accompanying documents</li> <li>» Option to limited notify changes in certain circumstances</li> <li>» Submissions</li> <li>» Public notification of decision and when RPS/plan/plan change made operative</li> <li>» Further process steps may be proposed by council and included in the Direction</li> </ul>
<b>Final decision made by</b>	Local authority	Local authority, based on recommendations from review panel	Local authority, but must be approved by responsible Minister (who may decline or recommend changes to the local authority) Requiring authority makes decisions on notices of requirement and designations and heritage protection authority on heritage orders
<b>Appeal possibilities</b>	<p>Available to any person who has made a submission or further submission</p> <ul style="list-style-type: none"> <li>» Merit appeals to Environment Court</li> <li>» Further appeals to Higher Courts on points of law</li> <li>» Judicial review of councils and Minister's decisions available</li> </ul>	<p>Available to any person who made a submission:</p> <ul style="list-style-type: none"> <li>» On points of law to Environment Court only where council decision is consistent with review panel's recommendations</li> <li>» Rehearing by Environment Court possible where council decision is inconsistent with review panel recommendations</li> <li>» Further appeals to higher Courts</li> </ul>	<p>Judicial review of councils and Minister's decisions</p> <p>Limited appeals to the Environment Court and High Court on requiring authority and heritage authority decisions</p>
<b>Examples</b>	Best practice widely available (eg, on Quality Planning website)	The CPP is a new process; however there is a wealth of literature available on consensus decision-making processes, including tools and strategies to manage collaborative group dynamics. There are cases studies available of councils using collaborative processes in NZ for freshwater plans. All this material will be made available as part of the guidance package compiled for collaborative planning under the RMA.	The SPP is a new process; there is no best practice guidance available yet.

## Disclaimer

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