

Memorandum

ROTORUA
LAKES COUNCIL

Date:	19 January 2021		
File No:	69-06-031	Doc No:	RDC-1093234
From:	TEAM LEAD PLANNING, KATE DAHM		
Subject:	STREAMLINED PLANNING PROCESS: PC2: PUKEHANGI HEIGHTS - MEETING THE STATEMENT OF EXPECTATIONS AND ASSOCIATED TIMEFRAMES HAVE BEEN MET		

Dear Harriet,

The tables below show how the plan change process has met the Ministers Statement of Expectations and the timeframes set out in the Ministers Direction.

Table 1: Summary of how the plan change has met the Ministers Statement of Expectations

Expectations:	How achieved:
Beginning no later than when proposed Plan Change 2: Pukehangi Heights is notified under Step 1, dates and anticipated timeframes for the steps in the streamlined planning process are identified (and updated as necessary) on a publicly accessible website so members of the public can be informed.	The following website has been available, and updated, since 20 January 2021. The website has included dates and anticipated timeframes in a timeline on the website with more information as appropriate through 'newsfeeds'. <ul style="list-style-type: none"> • Website • Examples of newsfeeds on website: <ul style="list-style-type: none"> ○ Streamlined Plan Change Process Steps ○ Timing of Hearing
The following parties should be served notice of the proposed plan change when notified: <ul style="list-style-type: none"> • Bay of Plenty Regional Council • Ngāti Kea Ngāti Tuarā • Ngāti Whakaue • Ngāti Rangiwewehi • Ngāti Raukawa • Te Arawa Lakes Trust • Rotorua Lakes Strategy Group. 	All of these parties were notified of the plan change on 21 January 2021.
Submissions and further submissions on the proposed Plan Change 2: Pukehangi Heights should be placed on a publicly accessible website within five working days after each submission period closes.	Submissions have been available from 26 February on the plan change website and further submissions were available from 25 March. Both were available within 5 working days of the close of respective submission periods.
Consideration be given to the skills required to appropriately consider the issues relevant to proposed Plan Change 2: Pukehangi Heights when appointing members of the hearing panel.	The Hearing Panel consisted of three Independent Hearing Commissioners: David Hill, Antoine Coffin and Rob van Voorthuysen. <ul style="list-style-type: none"> • David Hill was appointed as chair and based on extensive planning experience. • Antoine Coffin was appointed based on his

	<p>knowledge of tikanga Māori and of the perspectives of local iwi and hapū.</p> <ul style="list-style-type: none"> • Ron van Voorthuysen was appointed on the basis of general knowledge and experience in dealing with stormwater issues as a Commissioner.
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Table 2: How the timeframes in the Ministers Direction have been met

	Step	Timeframes	Notes
1.	Publicly notify proposed Plan Change 2: Pukehangi Heights for written submissions in accordance with clause 5 of Schedule 1 of the RMA. A period of 20 working days for submissions must be specified in the public notice.	<p>To be publicly notified no later than 10 working days after gazettal of the Direction.</p> <p>Gazettal date: 14 Jan 2020 Notification date: 22 Jan 2020 Working Days: 5</p>	<p>Publicly notified 22 January in accordance with First Schedule Clause 5 including:</p> <ul style="list-style-type: none"> • Summary public notice and additional information sent/emailed to approx. 3388 ratepayers and other people who RLC considered 'Directly Affected'¹ by the plan change. • Public notice included in local paper. • Copy of plan change provided to MfE, the Regional Council, adjacent local authorities and tangata whenua through iwi authorities via web link.
2.	Provide an opportunity for written submissions in accordance with clause 6 of Schedule 1 of the RMA.	<p>Public submissions to be received no later than 20 working days after public notification (Step 1).</p> <p>Notification date: 22 Jan 2020 Closing date: 20 Feb 2020 Working Days: 20</p>	<p>Submissions closed Thursday 20 February.</p> <p>Forty seven submissions received including two late submissions.</p> <p>Submissions available on website within 5 working days.</p>
3.	Give public notice of submissions in accordance with clause 7 of Schedule 1 of the RMA (to the extent applicable under this Direction).	<p>Public notice to be given no later than 10 working days after the close of the public submissions period (Step 2).</p> <p>Closing date: 20 Feb 2020 Public Notice: 5 March 2020 Working Days: 10</p>	<p>Summary public notice available in paper Thursday 5 March.</p> <p>Full public notice available online here.</p> <p>Monday 2 March: notification sent to all submitters advising</p>

¹ To determine directly affected, GIS mapping was used to identify those potentially affected by the issues the plan change has the potential to result in.

	Step	Timeframes	Notes
			of Further Submissions period being open until 19 March ²
4.	Provide an opportunity for further submissions in accordance with clauses 8 and 8A of Schedule 1 of the RMA (to the extent applicable under this Direction).	Further submissions to be received no later than 10 working days after public notice given (Step 3). Public Notice: 5 March 2020 Closing date (FS): 19 March 2020 Working Days: 10	Eight further submissions received including one late further submission.
5.	If considered appropriate (either following a request or on the initiative of Rotorua District Council), undertake resolution of disputes in accordance with clause 8AA of Schedule 1 of the RMA (to the extent applicable under this Direction).	Step 6 to be commenced no later than 137 working days after the close of further submissions (Step 4) ³ . Closing date (FS): 19 March 2020 Hearings Start: 21 September 2020 Working Days: 114	Given Covid-19 and as our mediator is unable to be involved in mediation we have opted not to undertake mediation. However, a number of meetings were held with key submitters.
6.	Conduct a public hearing in accordance with clause 8B of Schedule 1 of the RMA (to the extent applicable under this Direction).		Hearing held 21-23 September.
7.	Hearing panel to prepare a draft report showing how submissions have been considered and the changes (if any) recommended to proposed Plan Change 2: Pukehangi Heights. This report must: <ul style="list-style-type: none"> a. include how the hearing panel gave particular regard to the section 32 evaluation report and any additional report prepared under section 32AA (as may be relevant); and b. be prepared having regard to any report prepared under clause 8AA(5). 	Steps 7 and 8 to be completed no later than 50 working days after commencement of the public hearing (Step 6). Hearing start: 21 September 2020 Draft report circulated: 13 November 2020 Comments on Draft Report received 1 December 2020 Working Days: 50	Draft Report circulated to RLC, and all submitters and further submitters. Comments, available here , from 6 parties received.
8	Hearing panel to request and consider comments on the draft		

² All submitters except 1 have an email address as their address for service.

³ As amended 22 June 2020, Notice No. 2020-go2708.

	Step	Timeframes	Notes
	report prepared at Step 7 from Rotorua District Council, submitters and further submitters before finalising the report. The scope of comments is limited to identification and correction of minor or technical errors or omissions. Comments cannot be made on the hearing panel's recommendation to the Minister for the Environment, or the reasons for its recommendation.		
9	Provide for the Minister for the Environment's consideration the final report from Step 8 and all other documents required by clause 83(1) of Schedule 1 of the RMA.	To be submitted to the Minister no later than 10 working days after the completion of Steps 7 and 8. Comments on Draft Report received 1 December 2020 Final Report provided to Minister: 15 December 2020 Working Days: 10	
The total time period within which the streamlined planning process for proposed Plan Change 2: Pukehangi Heights to the Rotorua District Plan must be completed. The process is considered to be complete when the documents referred to in Step 9 above are submitted to the Minister for the Environment.			Steps 1–9 to be completed no later than 247 working days after gazettal of the Direction. Gazettal date: 14 Jan 2020 Report to Minister: 15 Dec 2020 Working Days: 233
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 6 must include at least one independent hearings commissioner.			Council has delegated powers to three Independent Hearing Commissioners to conduct the Hearing.

Should any clarification be required in relation to the above steps please feel free to contact me.

Yours sincerely,

Kate Dahm
Team Lead – RMA Policy