

Attachment E – Resource Management Act 1991

Schedules Part 2

Requests for changes to policy statements and plans of local authorities and requests to prepare regional plans

21 Requests

- (1) Any person may request a change to a district plan or a regional plan (including a regional coastal plan).
- (2) Any person may request the preparation of a regional plan, other than a regional coastal plan.
- (3) Any Minister of the Crown or any territorial authority in the region may request a change to a policy statement.
- (3A) However, in relation to a policy statement or plan approved under [Part 4](#) of this schedule, no request may be made to change the policy statement or plan earlier than 3 years after the date on which it becomes operative under [clause 20](#) (as applied by [section 80A\(2\)\(a\)](#)).
- (4) Where a local authority proposes to prepare or change its policy statement or plan, the provisions of this Part shall not apply and the procedure set out in [Part 1, 4, or 5](#) applies.
- (5) If a request for a plan change is made jointly with an application to exchange recreation reserve land (as permitted by [section 65\(4A\)](#) or [73\(2A\)](#)), the application must be—
 - (a) processed, with the request for a plan change, in accordance with this Part, other than [clauses 27](#) and [29\(4\) to \(8\)](#); then
 - (b) decided under [section 15AA](#) of the Reserves Act 1977.

22 Form of request

- (1) A request made under [clause 21](#) shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation report prepared in accordance with [section 32](#) for the proposed plan or change.
- (2) Where environmental effects are anticipated, the request shall describe those effects, taking into account [clauses 6 and 7](#) of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.

23 Further information may be required

- (1) Where a local authority receives a request from any person under [clause 21](#), it may within 20 working days, by written notice, require that person to provide further information necessary to enable the local authority to better understand—

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- (a) the nature of the request in respect of the effect it will have on the environment, including taking into account the provisions of [Schedule 4](#); or
- (b) the ways in which any adverse effects may be mitigated; or
- (c) the benefits and costs, the efficiency and effectiveness, and any possible alternatives to the request; or
- (d) the nature of any consultation undertaken or required to be undertaken—

if such information is appropriate to the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change or plan.

- (2) A local authority, within 15 working days of receiving any information under this clause, may require additional information relating to the request.
- (3) A local authority may, within 20 working days of receiving a request under [clause 21](#), or, if further or additional information is sought under subclause (1) or subclause (2), within 15 working days of receiving that information, commission a report in relation to the request and shall notify the person who made the request that such a report has been commissioned.

(4) A local authority must specify in writing its reasons for requiring further or additional information or for commissioning a report under this clause.

(5) The person who made the request—

(a) may decline, in writing, to provide the further or additional information or to agree to the commissioning of a report; and

(b) may require the local authority to proceed with considering the request.

(6) To avoid doubt, if the person who made the request declines under sub-clause (5) to provide the further or additional information, the local authority may at any time reject the request or decide not to approve the plan change requested, if it considers that it has insufficient information to enable it to consider or approve the request.

24 Modification of request

As a result of further or additional information, commissioned reports, or other relevant matters, the local authority may, with the agreement of the person who made the request, modify the request.

25 Local authority to consider request

(1) A local authority shall, within 30 working days of—

(a) receiving a request under [clause 21](#); or

(b) receiving all required information or any report which was commissioned under [clause 23](#); or

(c) modifying the request under [clause 24](#)—

whichever is the latest, decide under which of subclauses (2), (3), and (4), or a combination of subclauses (2) and (4), the request shall be dealt with.

(1A) The local authority must have particular regard to the evaluation report prepared for the proposed plan or change in accordance with [clause 22\(1\)](#)—

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(a) when making a decision under subclause (1); and

(b) when dealing with the request under subclause (2), (3), or (4).

(2) The local authority may either—

(a) adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so,—

(i) the request must be notified in accordance with [clause 5](#) or [5A](#) within 4 months of the local authority adopting the request; and

(ii) the provisions of [Part 1](#) or [4](#) must apply; and

(iii) the request has legal effect once publicly notified; or

(b) accept the request, in whole or in part, and proceed to notify the request, or part of the request, under [clause 26](#).

(2AA) However, if a direction is applied for under [section 80C](#), the period between the date of that application and the date when the application is declined under [clause 77\(1\)](#) must not be included in the calculation of the 4-month period specified by sub-clause (2)(a)(i).

(2A) Sub-clause (2)(a)(iii) is subject to [section 86B](#).

(3) The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of [Part 6](#) shall apply accordingly.

(4) The local authority may reject the request in whole or in part, but only on the grounds that—

- (a) the request or part of the request is frivolous or vexatious; or
- (b) within the last 2 years, the substance of the request or part of the request—
- (i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
- (ii) has been given effect to by regulations made under [section 360A](#); or
- (c) the request or part of the request is not in accordance with sound resource management practice; or
- (d) the request or part of the request would make the policy statement or plan inconsistent with [Part 5](#); or
- (e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.

(5) The local authority shall notify the person who made the request, within 10 working days, of its decision under this clause, and the reasons for that decision, including the decision on notification.

26 Notification timeframes

(1) Where a local authority accepts the request or part of the request under [clause 25\(2\)\(b\)](#)—

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- (a) the local authority shall prepare the change to the policy statement or plan in consultation with the person who made the request under [clause 21](#); and
- (b) the local authority shall notify the change or the proposed policy statement or plan—
- (i) within 4 months of agreeing to accept the request; or
- (ii) within the period that the Environment Court directs under [clause 27](#).

(2) However, if a direction is applied for under [section 80C](#), the period between the date of that application and the date when the application is declined under [clause 77\(1\)](#) must not be included in the calculation of the 4-month period specified in subclause (1)(b)(i).

26A Mana Whakahono a Rohe

In exercising or performing any powers, functions, or duties under this Part, a local authority must comply with any Mana Whakahono a Rohe that specifically provides a role for iwi authorities in relation to any plan or change requested under this Part.

27 Appeals

(1) A person who requests a plan change under [clause 21](#) may appeal to the Environment Court against a decision referred to in subclause (1A) within 15 working days of receiving the decision.

(1A) The decisions that may be appealed under subclause (1) are decisions—

- (a) to adopt or accept the request in part only under [clause 25\(2\)](#);
- (b) to reject the request under [clause 23\(6\)](#);
- (c) to deal with the request under [clause 25\(3\)](#);
- (d) to reject the request under [clause 25\(4\)](#) in whole or in part.

(2) The Environment Court may make such decision on any such appeal as it thinks fit