

2013

Plan Steps

Notifying Proposed Plans



Notifying Proposed Plans

The Local Government (Auckland Transitional Provisions) Amendment Act 2013 introduces a streamlined plan-making process that only applies to the development of the first Auckland Unitary Plan (AUP). This guidance note has not been amended to include changes to the AUP plan-making process, rather it focuses on plan-making prescribed by the Resource Management Act 1991. For information about the process for the first AUP, refer to the Ministry for the Environment's [Fact Sheets](#).

The notification of a plan (or plan change), occurring after an extensive period of consultation and policy analysis, triggers the formal process of submissions, hearings and decision-making; a huge investment for many people. While there is a statutory process for publicly notifying proposed plans, there is also wide discretion for local authorities to promote constructive involvement and input from all involved in the process.

Guidance note

Before You Notify do Your Preparation

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Before you Notify do your Preparation

- The preparation of a proposed plan, or even a plan change, involves a huge investment of resources, time and energy. Notifying a proposed plan sets off the formal RMA process. It is vital therefore to get things right before a plan is notified:
 - **Develop an overall project strategy** well before notification, including timeframes, resources, systems and programmes.
 - **Link with the Annual Plan** to ensure the process is well resourced, particularly in terms of staff, to provide that all tasks will be adequately undertaken (even for plan changes).
 - **Make sure everyone involved understands** and is fully informed about the full process, including councillors, and council and administration staff. Familiarisation should reduce the potential for problems and mistakes. Flowcharts are a good way to show steps and statutory requirements.
 - **Have a publicity strategy** for information dissemination, education and involvement. Aside from the formal statutory requirements involved with notification (see [Schedule 1, Part 1](#)), a strategy for publicising a plan is essential. Councillors' full involvement in this preparation is critical, as they will need to work with the community and stakeholders throughout the process.
 - **Obtain councillor buy-in** to the process before notification. They must be part of the process of preparing for notification. Brief all councillors about the process and protocols. For example, speaking to the media about the plan may prevent councillors from hearing submissions and making decisions.
 - **Upskill the community beforehand** - generally, the more involved a community is with preparing a proposed plan before notification, the better the post-notification process: for example, submissions tend to be more focused and constructive. There are many different techniques that can be used. Some are listed below.
 - **A good tracking and recording process** is needed, for the pre-notification consultation process as much as the formal submission process.
- The draft plan is a consultation technique used by many local authorities prior to notifying their proposed plan. While issuing a non-statutory document can create costs and time delays, it provides a means for addressing issues outside the formal legal process subsequent to notification. It may also have some benefits in terms of reducing costs over the longer term if done well. Some local authorities limit the release of draft plans (or sections thereof) to targeted stakeholder groups and representative persons. It is important that the draft plan has the level of detail necessary for constructive feedback for example, objectives and policies are insufficient on their own.
- The process for **incorporating requirements into the District Plan** must be followed correctly prior to notification (refer to [clause 4, Part 1 of the First Schedule](#)). While often perceived as a side technical exercise, errors in following the procedures for including designations can result in significant delays and problems for notifying a plan. It is important not to underestimate the time involved in this part of the process.
- A **section 32 evaluation** is required throughout the plan-making process and an evaluation report must be publically available at the time of notification. The Resource Management Amendment Act 2013 provides greater guidance and specificity about what is required in a section 32 report, particularly for the assessment of costs and benefits. These changes come into force on 4th December



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2013 (3 months after Royal Assent). Further information is provided in the [section 32 guidance](#) note.

After you notify - spreading the word

- The notification process is one way of letting people know about the existence and potential impact of a proposed plan. Notification should be supported by the use of non-statutory methods to promote knowledge and understanding about a proposed plan, its provisions and its likely impact on the community. At the very least, all stakeholders should be informed and given the opportunity to be involved. Possible techniques include:
 - **Brochures/pamphlets** summarising key parts, sometimes several according to topic areas
 - **Meetings with sector groups** (with proposed plan authors there to explain)
 - **Media releases/articles/spreads**, with succinct summaries of hot topics and **the proposed plan's policies**
 - **Meetings with media** to discuss aspects of proposed plan to promote a good understanding of the policies and their effect
 - **Workshops with stakeholders** (surveyors, land agents, real estate agents and other consultants etc)
 - **Copies of proposed plans** at appropriate locations, for example, libraries and service centres (multiple copies at each, rather than one only)
 - **Online versions of the proposed plan** and how to make a submission for example
 - **How to make a submission** information, particularly emphasising the decision requested
 - **Training of staff** on the new proposed plan prior to notification not just front counter staff, but all staff that need to know, such as those in call-centres and staff in operational services.
- In particular, the **regulatory aspects** of a proposed plan need good communication. Understanding the need for, and purpose of, proposed rules should be one of the key elements of marketing a notified proposed plan. One of the problems, however, is how to inform people how rules affect them individually. While there is no statutory requirement to notify specific properties about changes in zoning or rules that impact on them, it is important a council consciously consider this matter as part of its communications strategy for a proposed plan. The difficulty is how wide a net to cast. There is no hard criteria or guidance on this matter as it depends on a host of circumstances (this issue also arises under 'notifying for further submissions', below).
- **Inform people about the process itself**, to lessen confusion and potential problems. For example, people sometimes have unrealistic expectations about what can come out of their submissions - new traffic lights, lower rates, etc. Potential submitters need to understand what councils can and cannot deliver under its district plan, and how to have input into other areas of the council's functions. This includes the limitations on making submissions on matters relating to trade competition under clause 6 of Schedule 1.



Notifying for further submissions

- **Summarising submissions** for notifying for further submissions is an important part of the process: errors can ripple out for years. The golden rule of summarising submissions is check, check and check again. It must be done by professionals with appropriate skills. In particular, decisions requested by submitters must be summarised verbatim, even if the wording is unclear, poor or incorrect (for example, incorrect rule numbers used). Avoid interpreting or correcting submissions. Potential errors should be identified early, and corrected only after the written agreement of the submitter.
- Support the formal notification process with a good summary of decisions requested by submitters, indexed and easy to check: for example, submissions should be sorted by the type of relief sought, and the summary indexed both alphabetically and numerically.
- The summary should be generally accessible to the community. Councils must publicly notify the availability of the summary of decisions to all submitters. The notice must also indicate where the summary can be inspected. One technique is to have multiple copies available at libraries, for lending as well as reference. Online versions can be used as well, especially if supplemented with a search system. In addition, people often want to see the full submission, so copies need to be made available as well.
- Inform people about the purpose of further submissions, to avoid confusion and later problems. People need to understand they cannot make fresh submissions, but must submit in opposition to, or in support of, specific requests for decisions made by submitters. People also need to be clear of the limitations on who can make further submissions.
- The decisions sought by submitters can have significant repercussions, about which a public notice may not be particularly good at disseminating. For example, submissions seeking a rezoning of land may have implications for landowners/residents in the vicinity. However it would be inappropriate to simply directly notify people. A council needs to consider ways of raising awareness about matters raised in submissions. One technique is to produce a map of rezoning requests in a city or district for media release.

Other tips

- Network with neighbouring local authorities and convene meetings with peers in other councils. While such contact is good practice generally (for example, to address cross-boundary issues), it is also a good way of obtaining ideas on the approach to the whole notification programme.
- Ensure council staff (including regulatory staff) are regularly updated on plan changes, progress and timeframes.



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