



Future Proof Submission on  
*Building Competitive Cities: Reform of the Urban and  
Infrastructure Planning System Discussion Document*

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**To:**

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**Submission:**

This is a submission by the Future Proof Implementation Committee on **'Building Competitive Cities – Reform of the Urban and Infrastructure Planning System'** discussion document. The content of the submission follows overleaf.

**Signed:**



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Bill Wasley  
Independent Chair  
Future Proof Implementation Committee

## **Introduction**

This is a submission by the Future Proof Implementation Committee (“FPIC”), the governance group responsible for implementation of the Future Proof Growth Strategy. The FPIC includes representatives from the Future Proof sub-regional councils of Environment Waikato, Hamilton City Council, Waipa and Waikato Districts as well as tangata whenua.

The Future Proof Strategy is a 50-year vision and implementation plan which was adopted by the Strategy partners on 30 June 2009. Future Proof is currently in the implementation phase. Future Proof takes a strategic, integrated approach to long term planning and growth management.

The Future Proof Implementation Committee would like to commend the Government on the Building Competitive Cities Discussion Document (“Discussion Document”).

This submission on the Building Competitive Cities discussion document mainly centres on the planning and urban design proposals as this is of most interest to Future Proof Strategy implementation. Future Proof is happy to work with the Ministry for the Environment on some or all of the matters raised in this submission.

## **The Future Proof Strategy**

### **The Future Proof Sub-Region**

The ‘sub-region’ refers to the administrative areas of the territorial authorities of Hamilton City Council, Waipa District Council, and Waikato District Council, and is an area of rapid population and development growth. The Waikato region is the 4<sup>th</sup> largest in New Zealand. The Waikato region is part of the ‘golden triangle’ that is Auckland, Waikato and the Bay of Plenty. The golden triangle is expected to contain 53% of the nation’s population by 2031 and account for over half of New Zealand’s total economic activity.

The Future Proof sub-region is the growth hub of the Waikato region. It is projected that the Future Proof sub-region will contain 96% of the entire Waikato region’s population growth out to 2026.

Development of the Future Proof Strategy began as a result of:

- Community concerns about the lack of collaboration and leadership in the management of growth across territorial boundaries in the sub-region.
- Land Transport New Zealand (now, the NZTA) concerns about the lack of integrated land use and transport planning in this area.
- An awareness of the need to inform the Waikato Regional Policy Statement and the Waikato Regional Land Transport Strategy documents.
- An increasing recognition of the region's role in the "golden triangle" that is Auckland, Waikato and the Bay of Plenty regions.

The Strategy seeks to provide a consistent knowledge base and vision for its partner councils and other agencies in order to plan for, and sustainably manage growth in an integrated manner. Specifically the Strategy provides a framework for co-operatively managing growth and setting goals for future implementation. This allows the costs and resources required to fund and manage infrastructure such as transport, wastewater, stormwater, recreation and cultural facilities to be identified and provided for.

### **Strategy Features**

The key features of the Future Proof Strategy are:

- A focus on providing well designed, sustainable and affordable housing and lifestyle choices;
- Increased densities in new residential development and more intensive redevelopment of some existing urban areas to reduce the need for car dependency;
- Hamilton City being a vibrant and lively place where people want to live, work and play;
- Thriving business centers in the sub-region's towns providing local housing and employment options along with a range of social and recreational activities;
- Development directed away from hazard areas;
- Green spaces (i.e. wildlife habitats, public open space and farmland) between settlements;
- Planning focused on resilience of communities and infrastructure while moving towards highly energy efficient devices and low carbon emissions;
- Protection of future infrastructure corridors, energy generation sites and mineral deposits;

- Protection of versatile and productive farmland by directing rural-residential and residential development and business land closer to towns and villages. This will also assist in reducing reverse sensitivity issues;
- Identification, planned maintenance and enhancement of biodiversity areas, clusters and corridors;
- Integrated transport and land-use planning;
- The values, principles, aspirations, role, responsibility and place of tāngata whenua in the sub-region;
- Development of key transport corridors; and
- Recognition of and support for protection of strategic nationally and regionally important service and businesses.

## **The Building Competitive Cities Discussion Document**

Future Proof agrees with a number of the issues identified in the Discussion Document. In particular, we agree that the urban environment is not adequately recognised in the RMA and that the planning system is complex.

Future Proof is of the view that while a number of the options outlined in the Discussion Document will go a long way towards resolving some of these issues they don't go far enough to properly address the problems identified. The fundamental philosophy of the RMA 1991 needs to change in order for there to be a real shift in terms of recognising the urban environment and also promoting long term planning.

While Future Proof is supportive of a number of initiatives in the Discussion Document, there are several areas where we believe that a wider package of measures is needed. This is particularly true for urban regeneration and affordable housing. A comprehensive package of initiatives should be implemented, not just one or two regulatory interventions. We note that in a number of areas the Technical Advisory Groups and other background reports have recommended a wide range of measures. These should be implemented in a comprehensive manner rather than only selecting one or two regulatory approaches.

## Summary of Main Submission Points

A detailed response to the options put forward in the Discussion Document is provided in the next section of this submission. In short, Future Proof's submission makes the following key points in response to the options put forward:

- We support recognising the urban environment in the RMA. However, we are of the view that the fundamental philosophy of the RMA needs to change in order for there to be a real shift in terms of recognising the urban environment and promoting long-term integrated planning. This should be addressed as a matter of priority.
- Support broadening the scope of the National Policy Statement on Urban Design but we would like to see the focus shifted away from land supply and onto integrated planning. Initiatives around affordable housing need to be addressed as part of a comprehensive package, not just through a national policy statement.
- We have commented on the spatial planning options for Auckland as they could potentially have implications for the rest of New Zealand. If a decision is made to roll out spatial planning to other parts of the country then there needs to be a consistent approach. It is our view that while in the interim spatial planning could be provided for under the LGA (as it is for Auckland now) with other statutory planning documents required to give effect to it, ultimately it needs to become an RMA document. It is the only way to give spatial planning the statutory weight it needs, to reduce the number of documents, simplify the planning system and shorten consultation and appeal processes.
- We support simplifying the existing planning framework by incorporating an RLTS and RPS into a spatial plan. However, this needs to be considered within the wider context of including the spatial plan in the RMA. There should also be provision in the RMA that once a spatial plan is operative under that Act then its policies should feed directly into regional plans and district plans. There should not be a second round of consultation and appeal processes on policy matters already decided.
- We are of the view that spatial plans should have a six yearly full review. An implementation plan update should occur every three years in line with long-term council community plans.
- We support regional spatial planning being mandatory for all regions in New Zealand. We recommend that spatial planning be applied to Auckland first and then implemented for the rest

of the country. It is at this point that spatial planning should become part of the RMA framework. Spatial planning needs to be regional given its wide focus on integrated planning, social and economic development, infrastructure planning, land use and other matters. All regions will need to plan for some or all of these strategic issues. It is also important that we have comprehensive spatial planning which provides strategic direction throughout the country. This is key from an integrated planning perspective, particularly for infrastructure. If we only complete spatial plans for sub-regions or districts we will not achieve the level of integration required.

- We believe that the matter of land amalgamation for urban regeneration projects requires consideration as part of a much wider set of solutions (for example those outlined by the Department of Building and Housing's Urban Taskforce).

Detailed Submission

*Options to Address the Identified Urban Planning Problems*

Problem	Option Category	Specific Options Identified in Discussion Document	Our Response
<p>Problem One: <b><i>Inadequate recognition of urban environment in the RMA</i></b></p>	<p><b><i>3.1 Recognise urban environment in the RMA framework</i></b></p>	<p>(1) Broaden definitions to include urban environment by:                      (a) Modifying the definition of ‘environment’ to specifically include the urban environment                      (b) Extending the definition of ‘amenity values’ so that it addresses the quality of the urban environment to a greater extent</p>	<p>Support modifying the definition of the ‘environment’ to include urban given the extensive references to the environment throughout the Act. Also support extending the definition of ‘amenity values’ to specifically refer to the quality of the urban environment (although built environment may be a better term to use).                      While these amendments are worthwhile we would note that they may not address the core issue, being that the RMA focuses solely on environmental effects and protecting the natural environment.                      Much will depend on what occurs in practice and how the Courts will deal with this. It will take some time to get the type of shift that is being sought.                      We are of the view that the fundamental philosophy of the RMA would need to change in order for there to be a real shift in terms of recognising the urban environment and also promoting long term integrated planning. The RMA reforms need to address this as a matter of priority. Making small changes will not give the urban environment the level of recognition it needs. We would suggest that the urban environment and integrated planning need to be addressed in section 5 of</p>

			the RMA.
		<p>(2) Amend the RMA to recognise the benefits of a quality urban environment by making specific reference to it in:</p> <p>(a) Section 6 (matters of national importance to recognise and provide for) and/or</p> <p>(b) Section 7 (other matters for which to have particular regard).</p>	<p>This is supported but it is noted that it will probably not be enough to give the urban environment the type of emphasis that is required. In the past amendments to sections 6 and 7 have often not resulted in those matters being given the recognition that was envisaged. Section 7 already refers to the maintenance and enhancement of the quality of the environment (the environment includes people and communities and structures by referencing the natural and physical resources), and yet this has not necessarily resulted in positive outcomes for the built environment. Again, it is our view that the philosophy of the RMA, as contained in section 5 in particular, needs to change in order to properly recognise the urban environment and to address a number of the issues raised in the Discussion Document.</p>
<p>Problem Two: <b>Complex Planning System</b></p> <p>Problem Three: <b>Lack of Consistency in Decisions</b></p>	<p><b>3.2 Greater national direction and clarity</b></p>	<p>(3) Provide for the scope of the NPS on urban design to:</p> <p>(a) Include policies to require local authorities to provide an adequate supply of land to meet future urban growth demands (ie at least a 20 year period)</p> <p>(b) Include policies requiring the consideration of housing affordability in decision-making, and regional and district plans under the RMA</p>	<p>The scope of the NPS should be widened. However, the scope set out focuses on a very narrow range of issues – land supply and affordable housing. It needs to be focused on integrating land use and infrastructure planning.</p> <p>While providing for urban growth over a 20 year period (which should be 30 in order to align with other planning timeframes such as regional land transport strategies) is supported, the notion of requiring an adequate supply of land to meet demand is</p>

			<p>more problematic. This statement could mean that local authorities have to provide a 20 year supply of land which is zoned and serviced. This would have significant funding implications for Councils. If this is what is intended by option 3(a) then this would not be supported. If option 3(a) is about identifying a 20 year supply of land in a general sense then this is supported as this is what occurs now as part of growth management strategy. This provides certainty and allows for better integration between land use, infrastructure and funding.</p> <p>It should also be noted that the issue is much more complicated than simply opening up more land. The focus should be on infrastructure timing and affordability, funding measures, achieving a good balance between intensification and greenfields development, providing for a range of housing choices and promoting good design. It is not just about providing land in isolation.</p> <p>We suggest that Option 3(a) be revised as follows:</p> <p><i>Include policies relating to the need to integrate land use, infrastructure and funding. This will include identifying a land use pattern which covers a period of at least 30 years.</i></p> <p>Requiring the consideration of affordable housing in decision-making and in plans is supported. However, if this is to be effective then it needs to be part of a wider range of initiatives. In particular consideration needs to</p>
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			<p>be given to matters such as how infrastructure is funded and financed and development feasibility. Regulatory solutions alone are not enough. We note that in the <i>Report of the Minister for the Environment's Urban Technical Advisory Group</i> there are a number of recommendations relating to affordable housing. These all need to be looked at as part of a package of proposals, along with other initiatives.</p> <p>Affordable housing is also very much a central government issue. If as a nation we are serious about addressing housing affordability then we need a strong lead from central government, including the implementation of key initiatives, followed by an effective range of local measures. Simple, single focussed solutions are not enough to address such a complex matter.</p> <p>Affordable housing is not necessarily best addressed through planning practice or the RMA. Planning may be one piece of a wider set of proposals but until a complete package is developed we do not consider it wise to move ahead with one narrow initiative (ie releasing more land or including affordable housing policy at a local level).</p>
		(4) Rename the NPS from 'urban design' to the 'built' or 'urban environment'	We support the renaming of the NPS. It is suggested that the "built environment" be used so that the policy statement has more applicability (eg it can then apply to smaller urban areas and towns as well as larger cities).
		(5) Retain the current spatial planning legislation which provides flexibility	The options for spatial planning in Auckland could potentially have implications for the rest

		<p>for the Auckland Council</p>	<p>of the country, hence the importance of setting up the right framework for Auckland.</p> <p>At the present time it is probably prudent to retain the current spatial planning legislation for Auckland. However, if a decision is made to roll out spatial planning to other parts of New Zealand then there needs to be consistency in the approach. It is our view that as an interim measure spatial planning could be provided for under the LGA (as it is for Auckland now) along with requirements for other statutory planning documents to give effect to it (ie the RMA and the LTMA). However, we believe that ultimately a spatial plan needs to become an RMA document. It is the only way to give spatial plans the statutory weight they need, reduce the number of documents, simplify the planning system, shorten consultation and appeal processes and improve land use planning in general. Spatial plans need the backing of the RMA otherwise they will only ever be guiding documents.</p> <p>The Local Government (Auckland) Amendment Act 2004 provided a degree of RMA recognition for the Auckland Regional Growth Strategy by requiring the Councils to make policy statement and plan changes that give effect to the Growth Strategy. This has worked relatively well and has elevated the status of the growth strategy. However, there are still issues around statutory weight. It is for this reason, as well as in the interests of simplifying and achieving better integration</p>
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			within the current planning system, that spatial plans need to become RMA documents.
	<b>3.3 Spatial planning – enhancing it for Auckland and implementing it for other regions - Options for Spatial planning in Auckland</b>	(6) Simplify the planning framework for Auckland by: <ul style="list-style-type: none"> <li>(a) Using the Auckland spatial plan to incorporate either: <ul style="list-style-type: none"> <li>(i) the RLTS and RPS or</li> <li>(ii) the RLTS</li> </ul> </li> <li>(b) Replacing RMA plans for Auckland with a requirement for a single unitary plan</li> </ul>	<p>We support simplifying the existing planning framework by reducing the number of documents. Option 6(a) is supported but this really needs to be considered within the wider context of including spatial plans in the RMA. If this is done then it will be much easier to have spatial plans incorporate the RPS and the RLTS. There should also be provision in the RMA that once a spatial plan is operative, its policies and strategic direction should feed directly into regional plans and district plans. There should not be a second round of consultation and appeal processes on policy matters already decided under the spatial plan provisions.</p> <p>The main concern with including the RLTS and RPS in a spatial plan is the broad range of matters currently included in an RPS and an RLTS would need to be picked up and adequately covered in the spatial plan. A potential way around this, and also avoiding the spatial plan becoming an extremely large document, would be to incorporate some of the material by way of reference. The detail could then sit behind the spatial plan.</p>
		(7) Improve the effectiveness of the Auckland Spatial Plan by giving it statutory influence on regional and local RMA, LGA and LTMA plans by requiring these to either: <ul style="list-style-type: none"> <li>(a) ‘give effect to ‘</li> </ul>	Suggest 7(a) with the word <i>must</i> inserted beforehand.

		<ul style="list-style-type: none"> <li>(b) be consistent with</li> <li>(c) 'having regard for'</li> <li>(d) consider the Auckland Spatial Plan on a voluntary basis</li> </ul>	
		<p>(8) Reduce litigation and improve certainty of decisions by either:</p> <ul style="list-style-type: none"> <li>(a) providing for full appeal rights on the spatial plan or limiting appeal rights to points of law</li> <li>(b) and/or providing for a statutorily prescribed consultation process that ensures effective multi-party engagement and/or improves iwi/Maori participation</li> <li>(c) And/or during the development of the spatial plan, requiring an independent specialist review of the spatial plan to test its evidence base, robustness, affordability and coherence, and provide recommendations to the Auckland Council. The Auckland Council to publicly report its response to the recommendations of the review before it adopts the spatial plan.</li> </ul>	<p>We support option 8(a) to limit appeal rights to points of law. If this option is selected then it would be important to put 8(b) into place. It is essential that a spatial plan has buy-in from the community and engages properly with tangata whenua.</p> <p>We also support option 8(c). This independent specialist review could be similar to the audit of the RLTS which is a requirement under the LTMA.</p> <p>If a decision is made to incorporate an RPS and RLTS into a spatial plan (as outlined in option 6 above) and to make provision for spatial planning in the RMA, then we are of the view that full appeal rights on spatial plan would need be needed. However, once operative the policies and strategic direction of the spatial plan should feed directly into regional plans and district plans. There should not be a second round of consultation and appeal processes on policy matters already decided under the spatial plan provisions. This is a similar approach to what has occurred for national policy statements as a result of the Resource Management (Simplifying and Streamlining) Amendment Act 2009. Section 55 of the RMA now requires that local authorities must make amendments to the</p>

			objectives and policies of their documents without using the first schedule processes.
		(9) Provide for the review of the spatial plan by amending the Local Government (Auckland Council) Act to: <ul style="list-style-type: none"> <li>(a) Require the spatial plan to be reviewed every 3 years</li> <li>(b) Require statutory linkage with the LTCCP and require the spatial plan to be adopted at the same time or up to 1 year prior to adoption of the LTCCP</li> </ul>	It is our view that spatial plans should have a six yearly full review (like the RLTS) given the time and effort required to produce a spatial plan. An implementation plan update should occur every three years in line with the LTCCP reviews.
		(10) Mechanisms for central government to influence the Auckland spatial plan: <ul style="list-style-type: none"> <li>(a) a GPS that sets out the Crown (or national) objectives for Auckland and/or</li> <li>(b) require ministerial certification that the Auckland spatial plan complies with all GPSs, before final adoption by the Auckland Council and/or</li> <li>(c) make more effective use of existing mechanisms to express Government priorities and direction, including NPSs and NESs and/or</li> <li>(d) express central government priorities and objectives in a policy mechanism, such as the National Infrastructure Plan and/or</li> </ul>	10(a), 10(c), 10(d) and 10(e) are all supported. A GPS would be the preferred option for expressing government priorities. This should set national priorities for all of New Zealand if it is intended to introduce spatial planning to areas other than Auckland. 10(b) is not supported. There needs to be a careful balance between central government influence and local government objectives. While good alignment between central and local government policy is important, spatial plans should not require ministerial certification. Spatial plans belong to local / regional communities. Given the high level of Government investment in most areas it should have a key role, but not a veto power.

		<p>(e) use the spatial plan as the mechanism for engagement between central government and the Auckland Council.</p>	
	<p><b>3.3 Spatial planning – enhancing it for Auckland and implementing it for other regions - Options to clarify central government’s role in Auckland’s planning</b></p>	<p>(11) Central government using suitable and appropriate mechanisms to direct its entities, agencies and departments, and funding agencies to:</p> <ul style="list-style-type: none"> <li>(a) give effect to a GPS for Auckland and/or</li> <li>(b) be consistent with the adopted Auckland spatial plan in decision-making and/or</li> <li>(c) have regard to the adopted Auckland spatial plan in decision-making and/or</li> <li>(d) reflect central government’s priorities and objectives for Auckland in their statements of intent.</li> </ul>	<p>Options 11 (a) and 11(b) are supported. This will help to achieve alignment between GPS priorities for regions, what various government departments are doing and spatial planning at a regional level.</p> <p>We also support 11(d) as this will allow greater consistency across government in its approach.</p>

		<p>(12) Regional spatial planning with legislative influence to be:</p> <ul style="list-style-type: none"> <li>a) limited to Auckland only or</li> <li>b) implemented on a voluntary basis by regions, but only available for those regions facing growth pressures and subject to significant levels of local and central government investment in infrastructure and services or</li> <li>c) mandatory in all regions facing growth pressures and subject to significant levels of local and central government investment in infrastructure and services or</li> <li>d) implemented on a voluntary basis by regions, for all regions; or</li> <li>e) mandatory for all regions.</li> </ul>	<p>Given the importance of spatial planning as a long term integrated planning tool, we support options 12(c) or 12(e) with provision for timeframe extensions to allow regions sufficient time to develop such a plan. The government should also be prepared to provide assistance to region's to help them undertake spatial planning. We would recommend that spatial planning be applied to Auckland first and then rolled out to the rest of the country. It is at this point that spatial plans should become part of the RMA framework.</p> <p>The voluntary spatial planning options are not preferred as there is a concern that if these plans are optional no use will be made of them. A spatial plan would be a key mechanism in both urban and rural areas for setting a strategic direction and providing long-term certainty for a region. Every region needs to consider integrated planning, economic development, infrastructure planning, land use and funding, regardless of their size or circumstances.</p> <p>We are also of the view that spatial plans should be able to use current Growth Management Strategies and broaden them (eg make them region wide and increase the scope of matters covered). There has been a lot of effort put into existing growth or urban development strategies and this should not be lost.</p>
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			<p>In terms of ensuring that spatial plans are effective, ultimately we are of the view that they will need to be embedded in the RMA. This may not be possible to achieve within the timeframes of the current RMA reforms but it should be addressed as soon as possible. Giving the spatial plan statutory influence by requiring RMA plans to give effect to these plans does not provide the spatial plan with the specific statutory weight it needs to be effective. The option of ensuring that RMA plans give effect to a spatial plan is a good interim measure but in the end these plans will need to be specifically provided for in the RMA. Spatial planning needs its own sections in Part 5: Standards, Policy Statements and Plans.</p>
	<p><b>3.3 Spatial planning – enhancing it for Auckland and implementing it for other regions - Options to consider extending spatial planning with legislative influence to areas outside of Auckland</b></p>	<p>(13) Introduce a national template for local and regional plans.</p>	<p>Support.</p>
<p><b>Problem Four: Barriers to Effective Implementation</b></p>	<p><b>3.4 Improve tools – Options to Improve Plans</b></p>	<p>(14) Stage the implementation of a national template plan for NPSs and NESs.</p>	<p>Support.</p>
		<p>(15) Provide for the production of a combined NPS and NES as a single document.</p>	<p>Support the initiative to combine an NPS and NES for a given topic area. This would help to simplify the planning framework.</p>

		(16) Establish a National Urban Design Panel.	Support.
	<b>3.4 Improve tools – Options to Improve Plans – Options to Improve the Quality of Urban Design</b>	(17) Establish a Government Architect.	Support.
		(18) Rely on existing methods and processes to amalgamate land, including purchase, negotiation and joint ventures.	See response below.
	<b>3.4 Improve tools – Options to Improve Plans – Options to Improve Land Assembly</b>	<p>(19) Extend the scope of the Public Works Act to ensure that local authorities are able to compulsorily acquire and amalgamate land for major urban regeneration projects provided:</p> <ul style="list-style-type: none"> <li>(a) some form of central government oversight is required as a safeguard and/or</li> <li>(b) the power to compulsorily acquire land for urban redevelopment should be used as a tool of last resort and/or</li> <li>(c) power to compulsorily acquire land should be limited to specifically defined works and/or</li> <li>(d) Māori land is not able to be compulsorily acquired under any circumstances.</li> </ul>	<p>We support better methods and processes for land amalgamation as one part of a much wider set of solutions to encourage urban regeneration projects.</p> <p>We note that a comprehensive set of recommendations were developed as part of the Department of Building and Housing’s Urban Taskforce. In particular, the work on <i>Case Studies of Intensive Urban Residential Development Projects</i>, May 2009 where recommendations are made around consenting processes, changes to the RMA, the creation of urban development agencies, financial reforms and infrastructure. Until this wider package of initiatives is underway it is premature to extend the provisions of the Public Works Act. Compulsory acquisition of land for urban regeneration projects needs to be carefully considered and implemented as part of an integrated solution. It can’t be done in isolation.</p> <p>One of the main barriers for urban regeneration projects is development feasibility or development economics which is not addressed in the discussion paper. Until these projects are viable for developers we</p>

			will struggle to achieve comprehensive and quality urban intensification.
		(20) Develop new tools for land assembly	We support developing new tools for land assembly. Also refer to our response above regarding developing a comprehensive set of initiatives to address the wider issue of better urban planning tools, particularly for regeneration and intensification projects.

**Options to Address the Identified Infrastructure Project Development Problems**

<b>Problem</b>	<b>Option Category</b>	<b>Specific Options Identified in Discussion Document</b>	<b>Our Response</b>
<p>Problem One: <b><i>Lack of clarity and consistency of national objectives and standards</i></b></p>	<p><b><i>4.1 Greater national direction and consistency</i></b></p>	<p>(1) Using NPSs, NESs and other forms of national standards in a more systematic way through:</p> <ul style="list-style-type: none"> <li>a) developing an agenda of proposed NPSs and NESs</li> <li>b) developing a greater number of nationally-consistent standards</li> <li>c) allowing certain aspects of infrastructure construction and operation to be conducted without the need to apply for approval, as long as it meets nationally-consistent standards</li> <li>d) taking into account where ‘reverse sensitivity’ issues are, or could be, an issue.</li> </ul>	<p>Support all of 1, in particular 1(c).</p>
		<p>(2) Making use of the options in Chapter 3 to support the efficient delivery of infrastructure:</p> <ul style="list-style-type: none"> <li>(a) enabling the development of combined NPS and NES documents to communicate national priorities, so councils can more easily incorporate national direction into plans</li> <li>(b) introducing a national template plan for local and regional plans.</li> </ul>	<p>Option 2(a) is supported but we would also note that in some situations a GPS might be a better and less time consuming way to convey national priorities. To date we have struggled to get national policy statements and environmental standards in place – they require a lot of time and effort.</p> <p>Support 2(b).</p>
		<p>(3) Amending sections 6 or 7 of the RMA to explicitly refer to importance of infrastructure and the benefits that derive from it.</p>	<p>This is supported but note our comments in relation to section 3.1, option 2 about incorporating ‘urban’ into section 6 or 7 of the RMA. We are concerned that in the past</p>

			amendments to sections 6 and 7 have often not resulted in those matters being given the recognition that was envisaged. We also note that section 5 of the RMA is about the sustainable management of natural and physical resources. The definition of natural and physical resources includes structures which are defined as any building or facility made by people which is fixed to land. This would seem to include most forms of infrastructure and yet to date infrastructure has not been given the weight it perhaps needs under the RMA. A more comprehensive set of amendments to the RMA and potentially section 5 are needed if we are to properly address this issue.
Problem Two: <b><i>Mixed access to designations</i></b>	<b><i>4.2 Improved access to the designation system</i></b>	(4) Extend eligibility to a broader range of infrastructure types, particularly to ports and electricity generation.	Support.
		(5) Define eligibility based on the 'nature of development' rather than the type of infrastructure.	
		(6) Narrow eligibility for full 'requiring authority' status and establish a new status of "limited requiring authority": a) eligibility: a 'limited requiring authority' would make more of a distinction between public and private benefit of the infrastructure and/or whether the ownership or financing is publicly or privately provided b) approval process: approve 'limited requiring authority' status on a	

		<p>project-specific basis only, to reflect the purposes of each particular project</p> <p>c) powers: a 'limited requiring authority' would have access to a lesser range of powers than available to a full requiring authority. Limits could be applied on one or more of access to compulsory acquisition; protection against incompatible development; and removal of decision-making rights.</p>	
		(7) Change all references in RMA from 'network utility operator' to 'infrastructure provider'.	
		(8) Amend definition of 'infrastructure' in the RMA so it reflects the full range of eligibility for requiring authority status.	
<p>Problem Three: <b><i>Complex and inflexible approval processes</i></b></p>	<p><b><i>4.3 Improved approval processes: increased streamlining and flexibility</i></b></p>	<p>(9) Eligibility for concept designations. Either:</p> <p>a) all infrastructure projects eligible for designations should be able to make use of concept designations or</p> <p>b) only a subset of projects eligible for designations should be able to make use of concept designations and/or</p> <p>c) concept designation status should be conferred on any future infrastructure identified in a statutory spatial plan.</p>	<p>Support 9(b) and 9(c). Concept designations should be for nationally, regionally or sub-regionally significant infrastructure projects.</p> <p>While we support the principles behind having concept designations we are concerned about how the land uses around these would be dealt with. The issue is two-fold:</p> <ul style="list-style-type: none"> <li>▪ The compatibility of land uses around the concept designation and potential reverse sensitivity effects later on.</li> <li>▪ How the land affected by the concept designation can be dealt with, ie reasonable use over the interim period.</li> </ul>

			<p>It is important that the designated route is not compromised by the type of land use. It is also important that land use change is managed so that it doesn't end up significantly increasing the cost of land resulting in land acquisition costs that are too high which would put the whole infrastructure project at risk.</p> <p>A concept designation may require changes to district plans to control ongoing intensification of land use and to manage land use change over the interim period. However, this needs to be carefully balanced with landowner rights and the reasonable use test under section 85 of the RMA. A successful interim use for the land would need to be established that meets the property owners needs without compromising the designated route.</p> <p>It is our view that these issues need to be worked through in more detail.</p>
		<p>(10) Level of detail required with application. Either:</p> <ul style="list-style-type: none"> <li>a) sufficient detail is required to identify a comprehensive envelope of future impacts or</li> <li>b) sufficient detail is required to identify high-level impacts only.</li> </ul>	
		<p>(11) Powers, protections and obligations provided to infrastructure providers:</p> <ul style="list-style-type: none"> <li>(a) infrastructure providers would have the full range of powers currently provided through notices</li> </ul>	

		<p>of requirement including access to PWA powers or</p> <ul style="list-style-type: none"> <li>b) infrastructure providers would have more limited range of powers than currently provided under notices of requirement, and limited PWA powers and/or</li> <li>c) a maximum lapse period of 10 years would apply or</li> <li>d) a longer maximum lapse period, such as 20–30 years would apply.</li> </ul>	
		(12) Integrate multiple approval processes into a single approval process for a nationally significant infrastructure project.	Support.
		<p>(13) Remove duplicated processes through:</p> <ul style="list-style-type: none"> <li>a) providing for designations to be automatically ‘rolled over’ into updated district plans when provided for in a spatial plan and/or</li> <li>b) removing the current two-stage process (‘notice of requirement’ and ‘outline plan’) for approving development by establishing the development’s limits when the initial designation is approved and/or</li> <li>c) providing that where a concept designation is in place, ‘controlled activity’ consent status would automatically apply to any subsequent resource consent applications.</li> </ul>	Support (a), (b) and (c).

		<p>(14) Establish consistent processes by:</p> <ul style="list-style-type: none"> <li>a) requiring clearer and earlier notification for individual landowners who may be affected by a compulsory acquisition, specifying the amount and location of their land likely to be affected to the extent that this is known; and the type of interest to be acquired and/or</li> <li>b) introducing pre-application consultation requirements for concept and project designations and/or</li> <li>c) requiring public hearings for any concept designation and/or</li> <li>d) providing non-statutory guidance to inform 'notice of requirement' and 'outline plan' processes and/or</li> <li>e) applying consistent statutory timeframes to all project designations.</li> </ul>	
		<p>(15) Improve investment certainty for resource consents.</p> <ul style="list-style-type: none"> <li>a) introduce a new process for re consenting with the following features: <ul style="list-style-type: none"> <li>(i) confer rights to apply for an existing consent holder</li> <li>(ii) expressly allow renewal applications well within the existing consent term</li> <li>(iii) provide for the consented</li> </ul> </li> </ul>	

		<p>scale of activity to continue while the re-consenting application is being processed</p> <ul style="list-style-type: none"> <li>(iv) limit the scope of the new consent to the existing scale of activity within the same 'effects envelope', where practical</li> <li>(v) constrain the information required in an application to the effects of the existing operation, emerging/new effects, or emerging values or expectations. Applicants would not be required to provide information about the effects of the existence of a physical structure, such as the existence of a dam occupying a river bed</li> <li>(vi) constrain notification and consultation requirements to directly affected parties, rather than the public at large</li> <li>(vii) take account of Treaty settlement issues where they are relevant.</li> </ul> <p>b) When deciding on re-consenting applications, consider either:</p> <ul style="list-style-type: none"> <li>(i) requiring consent authorities to confine their concerns to the effects of the existing operation, emerging/new effects, or emerging values or expectations. Consent authorities would not be</li> </ul>	
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		permitted to consider the effects of the existence of a physical structure or (ii) allowing a consent authority to consider any matter it considers relevant and reasonably necessary to determine the application.	
Problem Four: <b><i>Lack of robust and integrated decision-making</i></b>	<b><i>4.4 Enhanced decision-making framework</i></b>	(16) For “limited requiring authorities” only require a decision-maker for designations to be independent of the infrastructure provider: a) for notices of requirement, remove the decision-making role from requiring authorities to make the decision-maker independent from the infrastructure provider and b) if the option to remove the outline plan stage is not adopted (option 13b), consider retaining decision-making for outline plans with the infrastructure provider and c) the decision-maker for concept designations, if sought by limited requiring authorities, would also be independent of the infrastructure provider and d) the significance of the project should determine the most appropriate decision-maker.	
		(17) Ensure the objectives of infrastructure investment are appropriately recognised. Decisions on designations	

		<p>(both concept and project) should be based around the following considerations:</p> <ul style="list-style-type: none"> <li>a) whether the project is consistent with the purpose and principles of the RMA</li> <li>b) the extent to which the project is consistent with any relevant NPSs, NESs, regulations and/or other nationally consistent standards</li> <li>c) the extent to which the infrastructure provider's objectives are delivered by the project – guidance on these matters could be provided by relevant NPSs</li> <li>d) the extent to which any adverse effects of the option have been avoided, remedied or mitigated</li> <li>e) the benefits of the project</li> <li>f) the impacts of any conditions that are imposed on the delivery of the objectives of the project</li> <li>g) the extent to which the proposal is consistent with other planning documents such as a spatial plan, regional policy statement, national infrastructure plan, growth strategy, and the need for consistency in approach across council boundaries</li> <li>h) the extent to which realistic options for co-location of infrastructure could be appropriate and have been</li> </ul>	
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		considered.	
		(18) Ensure that national consistency is achieved where appropriate by making use of the identified options (1 to 3) to provide greater national direction on objectives and standards.	Support.
		(19) Amend the RMA in relation to projects called-in by the Minister, to give greater status to the reasons for ministerial call-in.	
		(20) Support integration with spatial planning: a) decisions about individual project or consent designations should seek to 'give effect' to infrastructure that is consistent with an existing spatial plan, where the effects of the development are reasonable given the scale of the project b) any applications for designations that are not consistent with an existing spatial plan would need to provide additional justification.	Support 20(a) and (b). To some extent this is what is happening now in some areas that have a growth strategy in place.
Problem Five: <b><i>Inefficient and inadequate land acquisition process</i></b>	<b><i>4.5 An efficient compensation process under the Public Works Act 1981</i></b>	(21) Increase the current solatium of NZ\$2000.	
		(22) Link the value of the solatium to the length of time an affected landowner has owned the property.	
		(23) Widen the solatium provision to provide for a discretionary payment when acquiring land that does not include a dwelling used as a private	

		residence.	
		(24) Introduce a hardship payment mechanism.	
		(25) Undertake further research into the accuracy, objectivity and reliability of current New Zealand valuation practices used to determine 'fair market value' based on the average 'willing purchaser willing seller' price settlement.	
		(26) Authorise requiring authorities to pay a premium of up to 10 per cent where there is demonstrable benefit to the requiring authority in securing early settlement.	
		(27) Allow a requiring authority to take early possession of a property by paying an affected owner the amount specified in the valuation it obtained.	
		(28) Require the requiring authority to obtain a further valuation on the affected landowner's behalf if the affected landowner has not done so after a reasonable period.	
	<b>4.6 Transitional Issues</b>	(29) Introduce a sunset clause on existing designations that have not yet been used.	
		(30) 'Grandfather' existing designations into any new system for minor improvements or maintenance.	Support.
		(31) Ensure that the next generation of district plans give due account to existing designations, where	Support.

		development and investment has taken place in accordance with the designation.	
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