

23. REPORT TO COUNCILLORS' WORKSHOP ON PHASE II OF THE RESOURCE MANAGEMENT ACT REFORMS - BUILDING COMPETITIVE CITIES



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PURPOSE OF REPORT

1. To provide Councillors with an overview of the Discussion Document, its scope and a possible response for Council to consider.

EXECUTIVE SUMMARY

2. The Ministry for the Environment has distributed a discussion document entitled 'Building Competitive Cities – Reform of the Urban and Infrastructure Planning System'.
3. This document is part of Phase Two of the resource management reform programme (RMII) and follows on from the Simplifying and Streamlining Amendment Act 2009 (Phase One of the reform). Phase II also includes process reform affecting other related matters including aquaculture, water, and Maori participation. The closing date for submissions on the Discussion Document (**Attachment 3**) is Friday, 17 December 2010. It is understood that a policy position will be determined by Cabinet in March 2011, and a Bill introduced prior to the 2011 elections
4. The key objectives for Phase II include:
 - Providing greater central government direction on resource management;
 - Improving economic efficiency of implementation without compromising underlying environmental integrity;
 - Avoiding duplication of processes under the Resource Management Act (RMA) and other statutes;
 - Achieving efficient and improved participation of Maori in resource management processes.
5. The impetus for this discussion document reflects Government's concerns over whether the decision making processes under the Resource Management Act 1991 (RMA) and other related legislation are adding value in urban areas, and in the planning and delivery of key infrastructure projects. It has identified the problems as:

Planning and urban design:

 - Inadequate recognition of the urban environment in the RMA;
 - Complexity of the planning system,
 - Lack of consistency in decision-making;
 - Ineffective implementation tools.

Infrastructure approvals:

 - Lack of national clarity and consistency of objectives, direction and standards;
 - Mixed access to designations;
 - Complex and inflexible approval processes;
 - Lack of robust and integrated decision making;
 - Inefficient and inadequate land acquisition processes.
6. The main driver for changes to the urban planning system is government's desire to boost the competitiveness of our cities, towns and rural communities by enhancing built environment outcomes (e.g. urban design, housing affordability), and promoting integrated growth management.
7. Driving changes to the infrastructure planning system is Government's desire to improve decision making processes that allow for efficient, timely, and high quality infrastructure supporting quality of life and economic productivity while avoiding, remedying, or mitigating adverse effects on the environment.

8. This is the first time central government has recognised the importance of urban planning within the RMA framework, and appears to signal a welcome change in government thinking about the important role cities play in supporting and improving quality of life and economic development. It comes at an opportune time for the Council as it embarks on its review of the City Plan and Banks Peninsula District Plan, The outcome of the Phase II process will be a significant influence how the review deals with urban and infrastructure issues.
9. The document lists fifty-one options (Attachment 1) that the Ministry would like a response on. Many of the options affect each other and the approach taken on one will affect how others are dealt with. The government is seeking packaged ideas on the proposed options.
10. The main options being considered for improvements to the urban planning system include:
- Better recognition of the “urban environment” in the RMA framework (e.g. in the definition of environment, amenity values, and in Part II).
 - A proposed National Policy Statement (NPS) on the urban environment including policies for provision of adequate supply of land for growth, housing affordability, and principles for good urban design at a range of scales.
 - Strengthening the role of the Auckland spatial plan and extending regional spatial planning outside of Auckland. Spatial plans would be a high level tool to guide growth management, better align land-use and infrastructure investment (including by central government) and streamline the planning framework (e.g. by incorporating the Regional Policy Statement and the Regional Land Transport Strategy).
 - Improve planning tools including introducing a national template for local and regional plans, and provide for combined National Policy Statement/ National Environment Standards (NPS/NESs).
 - Improve the quality of urban design through creation of a national urban design panel, and establishment of a government architect.
 - Improve tools for land assembly, including extending the scope of the Public Works Act (PWA) to enable local authorities to compulsorily acquire and amalgamate land for major urban regeneration projects.
11. The main options being considered for improvements to the infrastructure planning system include:
- Prioritise nationally significant infrastructure issues through NPSs, NESs, and other national standards.
 - Recognise the importance of infrastructure in sections 6 or 7 of the RMA.
 - Provide for broader eligibility of certain types of infrastructure to be able to access the RMA designation procedures – e.g. ports, electricity generation.
 - Establish a new status of “limited requiring authority” where the private sector is providing infrastructure but there may be public benefit.
 - Make RMA designation procedures more flexible, including potentially allowing for “concept designations” for The designation lapse period.
 - Streamline approval processes for nationally significant infrastructure approvals by integrating current multiple processes under the RMA and other statutes eg the Public Works Act, into a single process, Turn the two-step “notice of requirement” and “outline plan” designation process into one step, and introduce a new streamlined process for re-consenting for limited duration resource consents (e.g. water use consents for hydropower).
 - Enhance decision making on infrastructure proposals by providing for independent decision making for designation proposals, eg by a board of inquiry for nationally significant projects and by the territorial authority for non-nationally significant proposals, and for projects undertaken by limited requiring authorities.

- Ensure that the objectives of infrastructure investment are recognised in decision making, including identifying the benefits of the project, the impacts of any conditions which are imposed on the delivery of the objectives of the project, and the extent to which realistic options for co-location of infrastructure have been considered.
- Amend the compensation provisions under the PWA to provide for increased payments for emotional loss, hardship payments and premiums of up to 10% for early settlement, and compensation to be based on more than one valuation.
- Address transitional issues for existing designations in moving to any new system.

12. Staff have, as a broad summary, identified the following points for support:

- Greater recognition of urban planning and urban design in key sections of the RMA.
- Preparation of an NPS on the Urban Environment that will provide policy guidance and certainty on key matters to be addressed in regional and district planning documents; and provide better coordination across government agencies.
- Specific guidance in an NPS that reflects the role of cities in regional and national economic development; the importance of a safe and vibrant central cities and their role as an economic hub; ensuring that district plans pay adequate attention to the social and economic impacts of regulation; and the steps that Council's should take through their district plans in promoting healthy cities and quality urban design.
- A spatial planning framework that better integrates decision making at all levels of government. For Christchurch this would likely to be based on the existing spatial frameworks provided by the Greater Christchurch Urban Development Strategy (UDS) and Proposed Change No. 1 to the Regional Policy Statement (PC1). Spatial plans should be voluntary.
- Independent decision-making for designation proposals, and an increase in the designation lapse period. However Council should express concern about the possibility of a one step designation process leading to lower level or subsequently identified impacts being overlooked or ignored.
- Broadening the scope of the Public Works Act to facilitate urban regeneration and assist in overcoming impediments created by fragmented land ownership.
- More transparency and clarification on processes and powers of private network operators.

13. A copy of the discussion document has been circulated to elected members. It is understood that the Urban Development Strategy (UDS) partners will also be lodging a submission and there has been discussions between Council staff and members of the UDS Management Group to ensure there is no inconsistency in the stance taken by the two parties.

14. This discussion document is the first step in the review process. It is anticipated that draft legislation may be available in the middle of 2011. There will be further opportunity at that time for the Council to make formal submission on the proposed legislation.

FINANCIAL IMPLICATIONS

15. Nil

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

16. Yes

LEGAL CONSIDERATIONS

17. There are potentially significant legal implications for the preparation and administration of the District Plan, and Council land acquisition programmes.

Have you considered the legal implications of the issue under consideration?

18. Yes

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19. Supports City and Community long Term Policy and Planning Activity

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

20. External Advocacy and Submissions

ALIGNMENT WITH STRATEGIES

21. See 11 below

Do the recommendations align with the Council's strategies?

22. The recommendations recognise Council's involvement in urban planning through its District Plan and its partnership position on the UDS and PC1.

CONSULTATION FULFILMENT

23. NA

STAFF RECOMMENDATION

That Council lodges a submission generally supporting the Government's initiative in releasing the Discussion Document, and specifically supporting the matters covered in the attached submission.