



Submission to the Ministry for the Environment Building Competitive Cities Discussion Document

17 December 2010

Contents

Introduction.....	3
Specific Recommendations.....	4
Question 1: Do you agree with the list of the potential problems identified in the discussion document?.....	4
Question 2: Can you provide evidence that supports or questions the assessment of the problem identified?	4
Question 3: Are there any other problems that you think need to be considered?.....	5
Question 4: The importance of recognising the urban environment in the RMA framework	6
Question 5: Greater national direction and clarity on the urban environment	6
Question 6: Spatial planning in Auckland	7
Question 7: Central government’s role in Auckland’s planning	9
Question 8: Extending spatial planning with legislative influence to areas outside of Auckland	9
Question 9: Improving the delivery of quality urban environments through effective implementation tools.....	9
Question 10: Other options for planning and urban design that you think need to be considered to address any of the problems identified in chapter 2 or any alternative problems identified	10
Question 11: When decisions are taken to adopt a set of preferred options they will need to work together as a coherent approval system. Do you think your feedback helps to maintain a coherent system for planning, especially in urban areas?.....	11
Question 12: Additional data and information	12
Question 13: Improving the clarity and consistency of national objectives for infrastructure	13
Question 14: The designations system.....	13
Question 15: Introducing ‘concept designations’ as a way to support longer-term infrastructure planning.....	14
Question 16: Streamlining approval processes	14
Question 17: Enhancing decision-making for designations	15
Question 18: Providing adequate compensation under the PWA.....	16
Question 19: Improving the acquisition process under the PWA	16
Question 20: Managing the transition of adopting any of the options.....	16
Privacy Act 1993 and Official Information Act 1982 declarations	16
Conclusion.....	17
References	18

Introduction

The New Zealand Planning Institute (NZPI) thanks the Minister for the opportunity to make a submission to the RMA Urban Planning and Infrastructure discussion document entitled *Building Competitive Cities: Reform of the urban and infrastructure planning system*.

Established in 1949, NZPI is the professional organisation representing planners, resource managers, urban designers, and environmental practitioners throughout New Zealand. NZPI's raison d'être is to provide learning, support, knowledge, and advocacy for planning professionals within New Zealand.

The Council of NZPI consists of eleven elected senior planners from the public and private sectors and academia throughout New Zealand. Between them they bring to the NZPI table over 100 years of experience in the planning industry. The 1,800 members the Council represents are dispersed across New Zealand in rural, regional and metropolitan planning environments and have a wealth of knowledge and day to day practical experience of the RMA.

The NZPI has a significant interest in the outcomes of the RMA review and is uniquely placed to contribute to that review. The strength and uniqueness of that interest is evident in the depth and breadth of feedback NZPI has received from members on the discussion document. Our submission is based on the experience and feedback of members together with input from the National Executive and senior Councillors. NZPI membership is broad, and individuals within our organisation have a varied range of opinions and experiences which inform the comments they have made. This submission has sought to achieve a relative consensus from within the membership. Individuals may of course make their own submissions on the discussion document and the NZPI Council and management have neither encouraged nor discouraged this from happening.

This submission seeks to respond to the specific matters raised in the options developed for feedback, but we note that in our view there are further opportunities to align urban planning legislation and to reduce the complexities and timeframes associated with the New Zealand planning framework as it is seen, and perceived, at present. NZPI is of the view that there are specific principles which would assist to ensure appropriate urban environments and planning outcomes as follows:

- Horizontal and vertical strategic alignment
- Evidence based planning and monitoring
- Permissive legislation that is place-based and flexible
- Long-term planning informed by community values

To this end we have made some broader comments throughout this submission and we encourage consideration of these matters.

NZPI welcomes the opportunity to provide additional clarification or to further discuss this submission at the Minister's or Ministry's convenience.

Specific Recommendations

Question 1: Do you agree with the list of the potential problems identified in the discussion document?

- NZPI substantially agrees that the planning system is unduly complicated, there is a lack of consistency in decisions and there are some barriers to effective implementation. However, we also consider that these issues are complex and it is difficult to respond with a simple yes or no answer.
- NZPI considers that the efficient and effective delivery of infrastructure and large capital projects requires stronger alignment of strategic goals and governance structures from the national to regional and local entities.
- Such alignment of goals and priorities requires clarity and integration across all sectors and not least the identification of funding mechanisms and opportunities at a national level to ensure delivery. NZPI is not convinced that the urban environment requires specific and separate provisions in the legislation. The planning framework currently recognises the 'environment' to include all aspects inclusive of social, cultural and economic requirements. In our view it is largely how these matters have been interpreted and implemented that raises questions, as the legislation is permissive.

Question 2: Can you provide evidence that supports or questions the assessment of the problem identified?

- Much of what is identified in the discussion document and the ITAG and UTAG reports is anecdotal and in our view it is relatively simple to identify, or to assume, problems with the legislation that governs our urban / rural and environmental decision making. However, it is NZPI's view that much of the criticism and evidence noted is really about the implementation of the various statutes (and the RMA in particular), or, in other words, the actual practice of planning.
- NZPI believes that it is not possible to legislate for good planning. However, the need for stronger leadership, direction and guidance at a national level, particularly in the articulation of New Zealand wide goals for environmental outcomes (be they for the built or natural environment, the coast or water quality for example), infrastructure delivery, and the development and accessibility of funding options and mechanisms, is required.
- NZPI believes that a successful legislative environment should be informed from a national strategic framework that is based on economic, environmental, social and cultural well-being.

Question 3: Are there any other problems that you think need to be considered?

- NZPI considers that the legislative framework needs to provide sufficient flexibility and permissiveness to support economic development and regional decision-making without undermining the environment. This means that over the long-term our planning framework must be stable, consistently applied and easily understood. In that manner it will engender confidence for all users of the planning system (and the RMA) and NZPI sees this as essential.
- It is also NZPI's view that the alignment of planning and the management of land resources, including the delivery of infrastructure, requires integration both vertically and horizontally. In order to achieve this, it may be an opportune time to consider concurrent and strategic reviews of the LTMA, LGA (LGAAA) and further aspects of the RMA to remove overlap and inconsistencies.
- A greater focus on sustainability and resilience is needed, as recommended by MfE in its strategic documentsⁱ, to ensure that infrastructure can withstand future pressures, protect the environment, and promotes social and economic outcomes.
- Increased leadership or advocacy for shared urban places at the local level: This is linked to the lack of public understanding of the importance of public spaces for civic pride, enjoyment and safety. There is a current lack of urban design skills and knowledge in local government, and the historic focus on private rights has emphasised the lack of recognition of the importance of, and the long-term benefits that communal spaces bring to urban environments.
- The current emphasis on minimising the effects of development has different applications and effects in the rural and urban contexts. In urban environments this focus can occur to such an extent that mixed use, higher density development can be difficult to consent because of actual or perceived adverse amenity effects on existing residents/neighbourhoods. In the context of urban growth there is a need to ensure a greater emphasis on the urban form and design of these types of development.
- Independent assessments rather than Boards of Inquiry: Feedback from NZPI members on this issue has been diverse and typically dependant on individual experience with Boards of Inquiry. However, there is clear and widespread recognition of the importance and value of independent assessment and objectivity.
- Remuneration of professionals on Boards of Inquiry: NZPI considers that the overall perception of Boards of Inquiry would be enhanced through the appointment of high calibre professionals capable of providing quality, independent and objective input. A review of remuneration levels and consistency across sectors for Board appointments is essential to ensure the appropriate levels of expertise. We also note that payment of

realistic remuneration would be a direct cost back to a requiring authority or applicant, and therefore need not be constrained by the relevant State Sector Commission policies.

- Cross Boundary Issues: Development projects can be problematic when they cross over multiple territorial authority jurisdictions, and when they fall within the grey area between regional and local councils. This is an area that requires further investigation.
- Shared urban public place investment and develop public spaces for the common good: Another example of where the efficient and effective delivery of infrastructure and large capital projects requires clarity, alignment and integration of national and local strategic goals, priorities and funding mechanisms.

Question 4: The importance of recognising the urban environment in the RMA framework

- This question requires careful consideration given that the existing concept of 'environment' already incorporates the concepts of 'urban environment' and 'amenity values'. A better solution may be achieved through the use of tools, for example, the provision of guidance notes, (e.g. Quality Planning Guidance Notes, Planning Policy Guidance Notes utilised in the UK).
- The RMA's current focus on minimising adverse effects achieves 'acceptable' design, but does not necessarily promote 'good' design. The proposed amendments to the definitions of 'environment' and 'amenity values' would not in themselves achieve the change in emphasis required to achieve better urban planning/design. In NZPI's view the RMA doesn't require alteration to give greater recognition to the urban environment; it requires greater attention to, or expansion of, the various mechanisms and tools available to the planning community to address the urban or built environment.
- NZPI is not convinced that amendment to Section 6 or 7 will achieve a substantial difference to the policy or objectives framework.

Question 5: Greater national direction and clarity on the urban environment

- NZPI supports the concept of greater national leadership and clarity on the urban environment. NZPI recommends there be national discussion on this issue because there are currently different mechanisms to address land supply for urban growth. There is scope for a national policy statement (NPS) to provide guiding principles for addressing development in the built environment.
- Providing an adequate supply of land to meet future urban growth demands should be a requirement an NPS.
- The term 'urban growth demands' used in the discussion document is open to the interpretation that all urban growth demands should be met, irrespective of the environmental consequences of those demands. The wording used in the policy

therefore needs to be carefully considered. Any NPS will need to be more specific regarding design outcomes to be achieved in urban areas and subject to criteria for sustainable management.

- Housing affordability should be addressed in a context wider than just the RMA and planning. NZPI considers that a holistic review of affordable housing should be undertaken in the context of economic policy, land tenure, options for ownership and planning frameworks.
- NZPI agrees that the NPS should be renamed. The options for renaming should be considered further. For example, it could be named the 'public urban environment' as this pertains to the environment we all share, and that which has lacked cohesive direction from the national level. However, if it is intended to relate principally to urban areas in general the policy would be more appropriately renamed as 'urban environment'. If it is to apply to buildings generally, including those in rural areas, then 'built environment' may be appropriate.

Question 6: Spatial planning in Auckland

- The current spatial planning legislation should remain until Auckland Council has completed the first generation Auckland Spatial Plan, with refinements considered following the first plan's completion. Changing the legislation now would be counterproductive for Auckland Council and its partner agencies, which have already begun the process.
- NZPI supports incorporating the Auckland Regional Land Transport Strategy (RLTS) and Auckland Regional Policy Statement (RPS) to avoid inconsistencies between the two, and thus encourage integrated transport and land use planning. Transport investment is indeed a significant driver of land use outcomes.
- The RLTS provides Auckland Council with the legislative opportunity to set a strategic direction for Auckland's transport priorities and ensure alignment with the land use priorities set by the Council thereby improving the relationship between land use and transport integration. The RLTS also plays an important statutory role in the funding process in that the regional land transport plan (RLTP) must give effect to it under the Land Transport Management Act (LTMA).
- RMA plans in the Auckland context are not plans, but rather establish the restrictive regulatory framework for land use and seldom give adequate consideration to growth, economic development, transport, or environmental outcomes.
- NZPI recommends that plans be developed with communities from early stages of plan development, with the broader, community-supported vision and goals to develop a detailed plan for implementation.

- Once a plan is adopted, there should be limited opportunity to challenge its implementation. Effective consultation would naturally involve all parties in the planning process, from individual citizens to organised groups and other government agencies. Māori values must be considered, as must the needs of other diverse populations.
- Plans should be subject to independent review. This process needs to be integrated with an Environmental Impact Assessment (EIA) of the plan that evaluates the expected performance with regard to its own goals as well as regional and national policies and strategies.
- Auckland Council has, and should continue to have, the option of developing a single unitary plan if they wish to do so, but this should not be required. NZPI support the continued development of a unitary plan from the perspective 'best practice' as it promotes integrated planning for land use and resource management.
- Effectiveness of the Auckland Spatial Plan could be improved by giving it an appropriate level of statutory influence, making it 'consistent with' the RMA, LGA and LTMA. 'Consistency with' and use of an incentives approach to enforce plan compliance from the national to regional levels and from regional to local levels has also been an effective approach overseas.
- NZPI recommends that statutory plans be subject to an EIA to ensure that the plan meets requirements for air quality, reductions in vehicle emissions, protection of natural resources and other key national level goals.
- NZPI is not convinced of the need to provide for any appeal rights on the Auckland Spatial Plan because the plan is intended to be a high level strategic direction document that is formed through a collaborative process and is not a regulatory framework. We do, however, recognise the need for a spatial plan founded on an effective multi-party engagement and consultation strategy that involves all stakeholders and communities.
- The life of a comprehensive spatial plan should be at least five to ten years before major revisions are required, and the implementation period it covers should be no less than 25 years, aligning it with time frames of other generational plans such as the National Infrastructure Plan. A six year review phase, for example, of the spatial plan would also align it with that of the RLTS and potentially the six year community outcomes long term council community plan (LTCCP) process.
- The LTCCP should be integrated into the Auckland Spatial Plan and the LTCCP process should be redefined to be a capital investment programme to implement and manage the infrastructure projects and assets that are identified as priorities in the spatial planning process. If the LTCCP is adopted prior to the Auckland Spatial Plan, then the Auckland Spatial Plan may become irrelevant, as infrastructure investments could effectively supersede the land use strategies developed in the spatial plan and fail to be integrated into the land use planning framework.

- Aligning the timeframes of the Auckland Spatial Plan and LTCCP also ensures that long-term planning objectives are not reset every political cycle and would align the plan with the LTCCP which links to the RLTP and funding. Annual plan adjustments should take place at a predefined time of year and be limited to certain types of minor changes.
- Spatial plans should be used in areas of growth at this stage where investment in the planning process can be recuperated. It is also recommended that central government consider how councils with limited resources be enabled to undertake this significant planning process in the event that they do not have the required funding or funding mechanisms to do so.

Question 7: Central government's role in Auckland's planning

Central government has the right and responsibility to establish national objectives, priorities and funding mechanisms. Spatial plans, whether for Auckland or elsewhere, should reflect local objectives and priorities that are aligned with national priorities. Alignment can best be achieved through tools such as a NPS or National Environmental Standard (NES). With those tools in mind NZPI does not support Ministerial certification of the Auckland Spatial Plan. It is essential that the Auckland Spatial Plan is developed in close consultation with all the stakeholders in the Auckland area. This will include central government agencies and departments.

Question 8: Extending spatial planning with legislative influence to areas outside of Auckland

- Spatial planning should be considered, but not mandatory, for all metropolitan urban areas for regions facing growth pressure in New Zealand, or for those parts of regions facing growth pressures occurring at a rapid pace, and subject to significant levels of local and central government investment and services.
- Spatial plans should only go through one statutory process to be most cost effective and time efficient. This will maximise integration and give communities more clarity, rather than having multiple documents in multiple processes. The contents of such plans should be deemed to form part of the range of statutory documents required under the various relevant statutes, e.g. district plans, regional policy statements and plans, regional land transport strategies, and LTCCPs.

Question 9: Improving the delivery of quality urban environments through effective implementation tools

- Central government should direct the content of plans through a NPS and associated NES. As noted earlier, a NPS should be prepared to clarify national direction on urban planning or the urban environment. This would be a useful tool to ensure greater consideration of urban planning/design within district (and regional planning) using a framework for consistency, which allows for local variation. Local plans should be able to cover broader areas than what is minimally required by central government, and local planning priorities should be expressed in local terms. Nothing prevents templates as

guidance or a tool for councils to be developed now (such as through the [Quality Planning website](#)) to enable the development of their district and regional plans. This does provide the opportunity to encourage consistency (for instance in the definition of terms and controls) and avoid inefficient reworking of 'common' provisions in every jurisdiction.

- To give greater certainty to local government and to citizens interested in a range of issues, central government should undertake a consultation process that identifies and prioritises the range of potential NPS/NES. This would be followed by a schedule that defines when the NPS/NES would be developed.
- Urban planning is best left to local jurisdictions, as each city has its own priorities, its own demographic composition and its own natural setting.
- To achieve integration and quality urban planning outcomes, the collective expertise across a range of professionals, is required, including architects, planners, engineers, landscape architects, rather than one discipline in particular.
- NZPI believes that there should be provision allowing relevant requiring authorities to compulsorily acquire land through the Public Works Act (PWA) for major urban regeneration projects, but only once better and less severe tools have been exhausted. There is substantial risk in using compulsory purchase of land to achieve economic development objectives. A review of existing tools for land assembly and investigation of new tools should be undertaken within the context of a major review of the PWA's current provisions.
- NZPI recommends, in the first instance, consideration of tools that have been tried and proven effectively overseas. An example is independent redevelopment authorities and tax increment finance zones that can, over a longer-term, voluntarily purchase land and engage actively in the land and infrastructure redevelopment process has proven to be among the most effective strategies used in North America. These agencies have clear statutory mandates allowing them to act as place-makers to stimulate development and growth. This issue needs significant investigation, however, before a final decision is made in the New Zealand context.

Question 10: Other options for planning and urban design that you think need to be considered to address any of the problems identified in chapter 2 or any alternative problems identified

- NZPI believes that effective planning results from a development process that is bidirectional. Top-down plans, where central government provides a template for the content of an Auckland Spatial Plan, are unlikely to be successful. Bottom-up plans driven by single-purpose requirements, such as the development of a LTCCP that takes place prior to, and lacking integration with, spatial and land use plans are equally ineffective in meeting broader objectives.

- An effective plan integrates broader goals with local requirements and ensures that content across functional areas, from transport to stormwater. All of these priorities should be given equal weight, relative to the urgency of problems and the importance of community goals that have been identified through a robust process of community involvement and supported by a thorough plan evaluation process.
- The value of the development of centrally located public urban places needs to be emphasised. It is important to provide more weight to the development of shared resources for a greater public good.
- Other tools are needed to prompt redevelopment of private land other than public acquisition. There is also a need to develop incentive or rating tools to encourage urban redevelopment. Mechanisms also need to be developed which foster redevelopment, reuse, and/or the revitalisation of existing urban environments over greenfield development and to allocate long-term prioritisation to infrastructure replacement and upgrade.
- NZPI agrees that cities and regions need to anticipate adequate land supply to meet future urban growth demands but does not support removing the current Metropolitan Urban Limit (MUL) in Auckland unless replaced by a better tool (refer to the companion Building Competitive Cities technical working paper p21-22, and UTAG report).ⁱⁱ
- NZPI recognises that the MUL is one containment tool or growth management mechanism that helps provide for an important planning tool in land use and transport integration. This ensures that densities support investment in transport infrastructure services and that urban sprawl does not occur at a rate that has significant impact on the environment. In terms of transport, for example, the MUL is one means of assisting planned development in the right location with the right densities. This supports transport infrastructure and service delivery that assists in providing a passenger transport network that is efficient, reliable and economic and is supported by appropriate densities and development opportunities with key connectivity for all modes.
- Although missing from the final discussion document, the UTAG report (p 82) also addressed the impact of parking policies on the urban form, as well as the implications for economic productivity and development of our cities.ⁱⁱⁱ Parking regulations have had a huge and often overlooked impact on our urban form, which has significantly contributed to sprawl and vehicle use.

Question 11: When decisions are taken to adopt a set of preferred options they will need to work together as a coherent approval system. Do you think your feedback helps to maintain a coherent system for planning, especially in urban areas?

NZPI believes that the feedback we provide will provide guidance. However, the *Building Competitive Cities* discussion document is a very complex document. NZPI is concerned that the complexity and structure of the document may not encourage the coherent response that the Ministry is seeking. How we plan for urban environments and the necessary

infrastructure to do this well are inextricably linked. The relationship between good planning practice and building competitive cities is, however, a complex issue. The discussion document comprises interconnected issues that need to be addressed, yet the structure of the document is disjointed. Furthermore, in this document feedback is sought on the options presented to improve the overall planning system, yet the issues have not been presented systematically throughout the document.

Central government's objectives for Phase Two of the resource management reforms, which are to achieve "least cost delivery of good environmental outcomes" is an admirable, yet formidable task. Becoming a nation of competitive cities will not necessarily lead to clear policies nor result in successful, prosperous, and resilient cities. It is important that any changes to the RMA be based upon a platform of good planning principles with clarity regarding national and local priorities, funding, and long-term goals.

Question 12: Additional data and information

NZPI's views are developed based on a great deal of experience, yet NZPI recognises that central government has already done a significant amount of work, and that there are existing documents initiated by central government that lend weight to the views explained throughout our submission. In addition to this, NZPI believes that clarity around the definitions relating to urban planning, urban design and urban form would be helpful.^{iv}

While not an exhaustive list, the following are examples of already existing information:

- Ministry for the Environment- *The Value of Urban Design: The economic, environmental and social benefits of urban design*,^v one of several documents that support the Ministry's New Zealand Urban Design Protocol.
- Ministry for the Environment - *Urban design protocol*, which identifies seven essential design qualities that together create quality urban design.

Other useful resources include:

- *Productivity, Transport and Urban Form: Lessons for Auckland*^{vi}
- NZTA's Urban Design Professional Services Guide
- NZTA Urban Design – Frequently Asked Questions
- Valuing Urban Design, NZTA Research Report 84/08^{vii}
- Healthy Places, Healthy Lives: Urban environments and wellbeing. A report to the Minister of Health prepared by the Public Health Advisory Committee, April 2010.

Question 13: Improving the clarity and consistency of national objectives for infrastructure

An agenda of proposed NPSs and NESs and a greater number of nationally-consistent standards should be developed. NZPI considers that the existence of strong and appropriate national policy and, perhaps, standards would allow certain aspects of aligned and consistent infrastructure construction and operation to be conducted. This would not however negate the need to consider place based interests at a local level.

The NPS/NES should guide the framework for the National Infrastructure Plan, and the process for identifying land designations for infrastructure should consider the alternate routes, modes and general design specifications for the project, land acquisitions, and other land use/transport considerations. An environmental impact review should take place before construction as the final approval step, as long as the improvement is consistent with the National Infrastructure Plan and any spatial plan. Subsequent approvals should not be required as long as the final project is consistent with the NPS/NES, the National Infrastructure Plan, and the spatial plan as confirmed in the EIA.

A process for identifying the range of NPS documents and establishing separate frameworks for adoption of NPS and NES is required to enable the development of combined NPS and NES documents to communicate national priorities. This will allow councils to more easily incorporate national direction into plans. There may be an advantage in adopting a range of NPS quickly while the NES process undertakes a slower development process; interim NES guidance could resolve this issue and allow a better developed set of NES to be adopted and implemented over a longer period with more deliberation.

NZPI believes that development of a national template would be a useful exercise. Such a template would facilitate alignment whilst enabling the insertion of local and regional interests and needs. NZPI believes that the template should be a guidance tool only and does not require recognition in an NPS or NES. The inventory of NPS should guide the content of the plans while retaining local flexibility in the plan format and additional content for locally-relevant issues

NZPI is not commenting on the reverse sensitivity issue because the question is confusing.

NZPI is not convinced that amending sections 6 and 7 to refer specifically to infrastructure will achieve any significant difference to the policy or objectives framework developed at local or regional levels.

Question 14: The designations system

- NZPI supports extending eligibility to a broader range of infrastructure types. However, this requires a careful definition of the project or work in order that it covers not only the core facility but also associated development/installations so it may be comprehensively assessed, whether staged or not. NZPI is of the view that any amendments should be along the lines defined in the discussion document and this is further qualified below.

- Designations should be defined in terms of the nature of the development.
- In addition, there is a need to make a distinction between public and private entities and public and private good in relation to designations. A private sector agency with requiring authority status has the ability to utilise the compulsory acquisition provisions of the PWA. The major benefit/s of the infrastructure permitted by the designation should be for the 'public good'. We therefore support the need for private sector organisations to undergo a greater level of scrutiny in relation to designation powers.
- NZPI supports changing the RMA phrase 'network utility operator' to 'infrastructure provider'.

Question 15: Introducing 'concept designations' as a way to support longer-term infrastructure planning

- NZPI sees merit in the introduction of a concept designation approach for long-term infrastructure planning where the project or work is a 'future' work and the timeframe for delivery is not precise. This should only apply to a subset of planning designations that should be of national or regional significance. An example of what can ensue without such a provision is that of the Christchurch Southern Motorway extension which was uplifted in 1995 and currently requires redesignation.
- NZPI agrees there is a need to identify broad high level impacts for a concept designation that provides sufficient flexibility to accommodate change during the later consent phase.
- Our comments are based on the assumption that if there is a need for a concept designation that the work will not occur for at least five years.
- The duration of a concept designation should be beyond five years.
- A maximum lapse period for a concept designation should be determined by the requiring authority and not prescribed at ten years.
- In terms of other designations, we see no reason to seek a longer period after five years as there is the ability to apply for a longer period if the requiring authority so chooses.

Question 16: Streamlining approval processes

- NZPI supports a simplified approval process approach for national infrastructure projects but finds it difficult to tick the boxes in the options developed to address this issue
- That approach will need to be informed by robust decision making machinery and clear definition of the project through a National Infrastructure Plan, NES or NPS, or regionally important infrastructure projects identified through the appropriate plan. NZPI is of the view that any approach for simplifying national infrastructure provision must adopt an

early consultation process with persons likely to be affected, particularly where the PWA provisions are to be utilised.

- All designations must have an EIA.
- There is merit in providing for future resource consent applications (related to concept designations) to be considered as controlled activities. However, we can envisage difficulties with this prescriptive approach in the event future changes to the RMA remove this activity status. In this regard, provision could be made along the lines of future resource consents required to give effect to the concept designation must be approved by the relevant authority with, or without, conditions.
- NZPI generally supports the provision of certainty in investment for resource consents as outlined in Option 15.

Question 17: Enhancing decision-making for designations

- In terms of Option 16, NZPI can neither agree nor disagree without further information and clarification. We would support more debate and thought being undertaken in terms of this option since the potential implications are significant, particularly given this reform process is about streamlining and simplifying.
- The principles enunciated in Option 17 are all relevant and ought to be considered when deciding to approve or otherwise a designation.
- Any National Infrastructure Plan or guidance should encourage joint infrastructure and co location where practicable.
- NZPI believes that a National Infrastructure Plan should be developed through a robust process, and that there be consistency between it and the regional spatial plans, followed by a robust process for the evaluation of corridor/location alternatives for all types of infrastructure that allows for the development of project requirements (design specifications as well as land acquisition requirements. Decisions about 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.
- Applications for designations consistent with an existing spatial plan should not need to provide additional justification.
- NZPI supports greater national consistency, greater national guidance and leadership through a NPS and NES on designations and important infrastructure, provided concise and meaningful wording is utilised.

Question 18: Providing adequate compensation under the PWA

- The current solatium should be increased and, in some cases, the value of the solatium should be linked to the length of time an affected landowner has owned the property.
- To address compensation in the New Zealand context, 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 should be undertaken.

Question 19: Improving the acquisition process under the PWA

NZPI is of the view that adequate and fair compensation should be paid for property acquired under the PWA. NZPI also considers that introducing flexibility in the legislation to provide greater options or tools to negotiate with affected property owners is timely.

Question 20: Managing the transition of adopting any of the options

NZPI agrees that appropriate transitional provisions may be required; however, the use of a sunset clause would need further investigation and definition to ensure that it did not disadvantage existing designations with long-term lapse periods. Existing designations should be given appropriate recognition in district plans, particularly where the work or project relating to the designation is in place and investment has been made.

Privacy Act 1993 and Official Information Act 1982 declarations

NZPI gives permission for its name to remain on our submission when it is released. Our submission does not contain commercially sensitive information which should be withheld under the Official Information Act.

Conclusion

NZPI once again congratulates the Minister and the staff of the Ministry for their collective endeavours to deliver to New Zealand a coherent piece of legislation that supports economic development whilst maintaining social, cultural and environmental values.

In an effort to support those endeavours the NZPI has consulted with both members and stakeholders in the development of its response. That consultation has generated a submission that includes both a raft of specific recommendations and some general principles that we encourage the Ministry to consider.

At a strategic level we have noted a number of opportunities presented by the current review. Those opportunities include the adoption of fundamental principles:

- Horizontal and vertical strategic alignment
- Evidence based planning and monitoring
- Permissive legislation that is place-based and flexible
- Long-term planning informed by community values.

The above principles have informed the specific recommendations made throughout the submission.

We trust that our submission and thoughts will contribute constructively to the Minister's objectives in reviewing the RMA and we welcome the opportunity to provide additional clarification or to further discuss this submission at the Minister's or Ministry's convenience

In the interim should you have a query on any of the submission content, please contact Christina Kaiser, Senior Policy Advisor by email: christina.kaiser@planning.org.nz, or telephone: 09 520 6277 ext. 4.

Yours faithfully,

Susan Houston CEO

References

ⁱMfE defines resilient urban systems as firstly “the robustness or strength of an urban system to withstand stress”, secondly “the adaptability of an urban system to respond to changing conditions and objectives.” <http://www.mfe.govt.nz/issues/urban/sustainable-development/characteristics-areas.html>

ⁱⁱ “While removing some constraints of the current planning framework (e.g. MUL) may be seen as a quick win, all types of development, including urban intensification, peripheral urban growth and rural lifestyle development, raises its own issues”, p7. Report of the Minister for the Environment’s Urban Technical Advisory Group, July 2010.

ⁱⁱⁱ Further evidence based research is available in the following articles: Litman, T., 2006a, *Parking management best practices*, Chicago, Ill., American Planning Association; and Shoup, D. C., 2005, *The high cost of free parking*, Chicago, Planners Press, American Planning Association.

^{iv} Urban Form: defined as “areas are characterised as places where multiple activities exist in close proximity and through this provide greater access to people, goods and services, which in turn facilitates higher levels of economic, social, and cultural activity”. Donovan, S, Petch B, Genter J and Mumby, N, 2008. Valuing Urban Design, NZTA Research Report 84/08.

^v*The Value of Urban Design: The economic, environmental and social benefits of urban design*. MfE, June 2005. <http://www.mfe.govt.nz/publications/urban/value-urban-design-full-report-jun05/index.html>

^{vi}*Productivity, Transport and Urban Form: Lessons for Auckland*. Williamson, J., Ascari Partners Ltd, July 2010.

^{vii}Donovan, S, Petch B, Genter J, and Mumby, N, 2008. Valuing Urban Design, NZTA Research Report 84/08, in Williamson, J., Ascari Partners Ltd, July 2010.