



Building Competitive Cities Summary of Submissions

Final Report

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Executive Summary

Submissions Received

284 submissions were received within the submission period on the discussion document *Building Competitive Cities*. Submissions were received from a wide variety of submitters.

Key messages from submissions

A number of messages consistently emerged from the submissions, which were raised in response to a number of problem statements and options. These messages included:

- Fundamental reform of Resource Management Act (RMA) required to properly address problems identified in the discussion document (ie, Part 2 principles of RMA but also a reform of the wider planning legislation including RMA, Local Government Act, Land Transport Management Act);
- Greater clarity of responsibilities required between central and local government;
- Whether the issues are best addressed by improved planning practice or with amendments to the legislation;
- Certainty of process versus the need for discretion and how these variables influence the planning system's complexity;
- Concern that some options seeking to achieve greater efficiency might affect environmental quality;
- Funding and financing tools critical for developing better quality urban environments and infrastructure provision;
- Participation in the planning process; and
- Comments about the focus and detail of the discussion document itself.

Problem statements

The problem statements set out in the discussion document were largely supported by most submitters, though as suggested by the key messages from the submissions, a number of submitters questioned whether the issues were caused by inadequate legislation or variable practice and implementation across the country. One consistent message that came through was the need for much greater integration of both central and local government, and the planning that is carried out under various statutes. Some submitters noted that even if strategic plans are in place, a difficulty remains in implementing goals and actions due to limitations on funding and financing.

National guidance

Submitters across the board were supportive of the need for greater national guidance, whether in the form of amendments to Part 2, development of national policy statements and national environmental standards or non-statutory guidance.

There was a high level of support for greater recognition of the urban environment in section 6 or 7 and also infrastructure being mentioned in section 6 or s7 (though to a lesser extent). However,

submitters were not convinced that these changes would be effective by themselves, suggesting that any changes would need to occur in tandem with other forms of national guidance.

The national policy statement and national environmental standard tools in particular are seen by infrastructure providers as being essential in creating a more consistent planning environment across the country for them to work within. If provided however, statutory national guidance needs to provide strong, clear guidance.

Urban Planning

There was a high level of support for a national policy statement on urban/built environment and in particular that the scope of this should be broader than urban design. There was considerable debate however on whether local authorities should explicitly provide for a 20 year land supply for residential development, with the majority of submitters not favouring this in the form it was outlined in the discussion document. There was slightly more support for a national policy statement addressing housing affordability, but overall most submitters acknowledged the influence of local authorities would be limited anyway.

While there was a reasonable level of support for retaining the current process for developing the Auckland spatial plan under the Local Government Act (LGA), with limited formal linkages to the RMA, there was also a high level of feedback provided on the various options for simplifying the spatial planning framework. There was a high level of support for giving the spatial plan more statutory influence on RMA and Land Transport Management Plans (LTMA). Submitters noted that if the spatial plan were to be given such statutory influence then this would directly influence the level of public consultation required and extent of appeal rights.

There was support for spatial planning, or greater integration between the 'planning statutes' (LGA, LTMA, RMA etc), to be rolled out to other parts of New Zealand (though disagreement among submitters as to whether this should be mandatory or voluntary) provided that this does not occur until after the Auckland spatial plan had been 'trialled'. Submitters also noted that there were a number of growth management strategies in place through out New Zealand and it was likely that any spatial plan would be developed from these.

There was mixed support on the need for certain tools to assist achieving the goal of quality urban environments. Local government did not, in general, support the concept of a national template plan (though some considered there was scope for consistent definitions) as they were concerned this would not provide sufficient flexibility for local circumstances. Conversely, most other submitters considered a template plan would be of significant benefit in achieving a more consistent planning approach to similar issues across the country.

The national urban design panel was highly supported, though submitters raised many questions as to how it would work in practice. There was support too for the government architect role, though to a slightly lesser extent. Similar questions regarding the role and authority of a government architect position were raised by submitters.

Many submitters considered further work needs to be done on developing a wider set of funding and financing tools because even with the best planning system in place, without the ability to fund new projects, then delays will still occur.

Social and economic infrastructure

Submitters were far more mixed in their responses to the options presented under Chapter 4 of the discussion document. Overall, submitters did not consider the designations system was fundamentally 'broken'. The current system is seen to be reasonably effective, needing some 'tinkering' to address certain problem areas (e.g. clarifying notice of requirement and outline plan processes). However, wholesale change was not considered necessary by many submitters and any such changes may instead introduce unnecessary complexity.

There was a mixed level of support for the options relating to the development of a second requiring authority category – Limited Requiring Authorities. While most requiring authorities agreed in principle with the concept, most also outlined why they should continue to have full requiring authority status. Local authorities considered it would merely add more complexity for little benefit. An alternative approach to introducing a second tier of requiring authority would be to be much clearer on the roles and responsibilities of requiring authorities, and in turn be more effective at monitoring the actions of such requiring authorities.

There was a higher level of support for concept designations, though again some submitters questioned whether this was markedly different from how the notice of requirement process was originally intended to work. Some submitters considered that any problems that had arisen with the notice of requirement and outline plan processes could be better addressed through additional guidance.

Overall, submitters were supportive of any attempts to streamline regulatory processes. The multiple approval process in particular received a high degree of support, though many submitters were keen to see it apply more broadly than just nationally significant projects.

Public Works Act – Compensation

There was a high level of support for many of the options set out in the discussion document that would reform the extent of compensation and also processes associated with acquiring land. Some submitters did however question whether there was enough evidence of a problem.

1 Introduction

1.1 Objectives of Project

To summarise and analyse submissions received by the Ministry for the Environment (MfE, the Ministry) on its Phase Two RMA reforms discussion document '*Building Competitive Cities – Reform of the urban and infrastructure planning system*'.

1.2 Background

In October 2010, the Minister for the Environment released a discussion document for public discussion and feedback, which focused on issues with urban and infrastructure planning. *Building Competitive Cities: Reform of the urban and infrastructure planning system* is a key part of the part of the Government's ongoing reforms of the RMA since it came into Parliament in 2008. Phase One of the RMA reforms included the passing of the Resource Management (Simplifying and Streamlining) Amendment Act 2009.

The Phase Two reforms to the RMA are designed to address the larger, more complex issues facing environmental management in New Zealand. The Government's main objectives for the Phase Two reforms are:

- Providing greater central government direction on resource management
- Improving economic efficiency of implementation without compromising underlying environmental integrity
- Avoiding duplication of processes under the RMA and other statutes
- Achieving efficient and improved participation of Maori in resource management processes.

A number of 'work streams' were developed as part of the Phase Two reform, including the management of aquaculture, freshwater, and establishing the Environmental Protection Authority. The discussion document and the submissions process focused on the reform of the urban and infrastructure planning system.

The introduction of *Building Competitive Cities* outlines that the Phase Two reforms sit within a broader government agenda to lift New Zealand's economic performance. Therefore, the discussion document focuses on:

- Cities being important to New Zealand's competitiveness, economic performance and the well-being of all New Zealanders;
- Infrastructure being developed in the right place, at the right time, in order to support New Zealand's cities, regions and economy; and
- Developing an efficient, effective and integrated planning system that ensures New Zealand cities, regions and infrastructure are fit for today and the future.

At the time *Building Competitive Cities* was published, the Government had not identified its preferred option or package of options. The purpose of consultation was to:

- Improve knowledge and understanding of the issues facing planning and urban design and infrastructure development in New Zealand.
- Ensure that the options that have been identified address the right issues.
- Seek input and views on the options for reform and their likely impacts and effectiveness compared to the status quo.

Submitters were free to respond in any format they chose. In addition, the document included a feedback form, which set out a 'tick the box' style form asking submitters to agree or disagree with the various problem statements and options for change. Comment boxes were also provided.

The Ministry supported the release of this discussion document with a series of meetings across the country with local government, iwi and other invited stakeholders. The purpose of these meetings was to provide an overview of the discussion document and seek any initial feedback from those attending the meetings. At these meetings, the Ministry emphasised that they were still in the policy development stage and that this was reflected in the discussion document.

1.3 Approach to analysis

All submissions were summarised into a series of excel spreadsheets. The summaries included recording submitter name, organisation they belonged to (if any), contact details, type of submission and any general information about the submitter i.e. whether they had requiring authority status, extent of their operations, or whether the council had developed a growth management strategy.

Each problem statement or option set out in the discussion document was allocated a column in a spreadsheet and submitters responses summarised accordingly. Where submissions were of a narrative nature, but still clearly outlined their comments in relation to a particular option, then the comments were recorded. If comments were of a more high-level nature and not obviously linked to any one option, then the submission was summarised in a more generic way.

The submissions were analysed, first at a high level to identify general comments across a set of options (e.g. limited requiring authorities, concept designations), and then to a more detailed level (i.e. at each option or sub-option).

Many of the options provided 'sub-options'. Depending on the nature of those sub-options the discussion of submitters feedback on the options was either grouped together to provide a more holistic understanding of submissions or they are discussed separately.

The commentary on submissions uses phrases such as 'high level of agreement/disagreement', 'discernable level of agreement/disagreement', 'mixed response', 'notable proportion' and 'few submitters' to indicate level of support or otherwise for a particular option. Outlined below is a brief description of what these phrases mean:

- High level of agreement/disagreement: a significant majority of submitters that provided comments agreed or disagreed with the option (ie. approximately 70% or more).
- Discernable level of agreement/disagreement: a majority of submitters held similar views on a particular option (ie. approximately 60-70%).

- Mixed response: Submissions on an option were finely balanced both for and against a particular option. It may also be used where a notable proportion of submitters provided conditional support for an option, making it difficult to conclusively state support or disagreement to an option.
- Notable proportion: indicates a significant number of submitters expressed a similar view, but that it was not necessarily a majority view.
- Few submitters/smaller number of submitters: This is used more sparingly in the report, but generally refers to comments provided by fewer than five submitters.

In all cases, these phrases relate only to those submitters that made specific comments on an option. Many submitters did not comment on every part of the discussion document, instead focusing their comments on certain options. As a result, for certain options the number of people who did not comment may be as notable as those that supported or disagreed with a particular option. The analysis has focused only on analysis submissions that agreed, disagreed, explicitly noted they had no preference, or where comments were provided.

Almost 60 architect submitters submitted on the discussion document by endorsing the submission of the New Zealand Institute of Architects (NZIA). Most of these submissions did not provide any additional comments. A smaller number of those submitters provided additional comments over and above the NZIA submission. Such comments were attributed separately.

Direct quotes from submissions are included (and attributed accordingly) throughout the report to help illustrate the flavour of submissions. Where there was a majority view by submitters for a particular option, a quote was selected on the basis that it represented the majority view. Where responses were more mixed among submitters, more than one quote may have been used to demonstrate the wider variety of perspectives.

1.4 Late Submissions

This report summarises all submissions that were delivered to MfE up until Wednesday 12th January 2011, well past the close of submission date of 17th December 2010. Submissions received by MfE after this date were not included in this summary, though Ministry staff may still consider any late submissions during their policy development process.

1.5 Structure of report

The structure of this report has been modelled on the format of the Discussion Document (which contained three main chapters), but with two key exceptions. A separate chapter is provided for all options that related to central government direction and guidance. This is to provide a more holistic understanding of the extent to which greater national direction was desired by submitters. A separate chapter is also provided on the Public Works Act Compensation options.

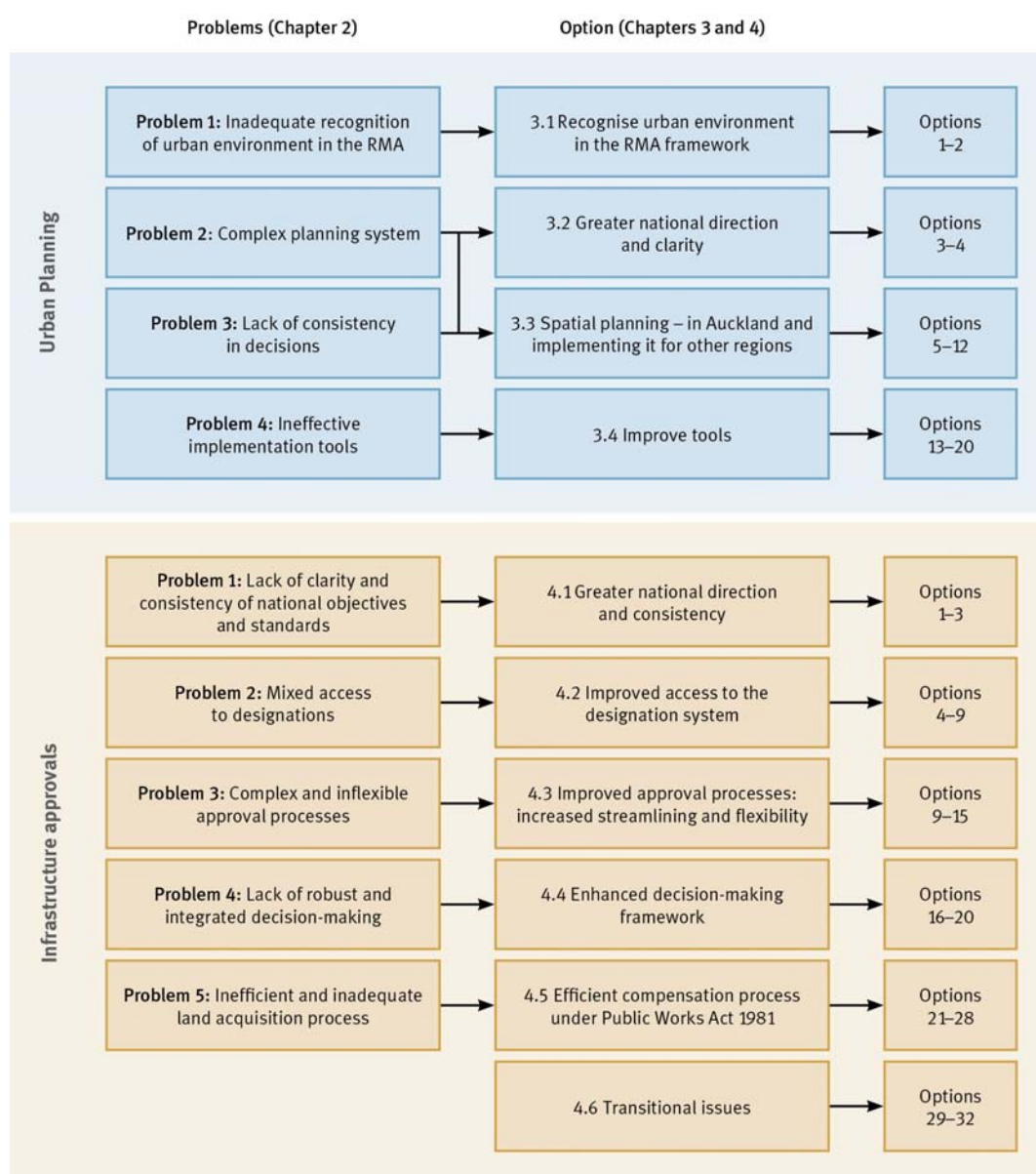
The report includes:

- Executive Summary
- Chapter 1: Introduction
- Chapter 2: Submissions received

- Chapter 3: Generic themes emerging from submissions
- Chapter 4: Analysis of problem statements
- Chapter 5: Central government direction and guidance/ Part II framework
- Chapter 6: Analysis of planning and urban design options
- Chapter 7: Analysis of social and infrastructure planning
- Chapter 8: Analysis of Public Works Act options
- Appendices

Figure 1 below is copied from the Discussion Document to provide context for the linkages between the problem statements and the various options.

Figure 1: Links between Chapters 2, 3 and 4 of the Discussion Document



2 Submissions Received

2.1 Number of submissions

284 submissions were received either by the closing date of submissions (Friday 17th December) or in the days following up until the 12th January 2011. Three late submissions were received after Wednesday 12th January. These were not included in the analysis of submissions or this summary report.

2.2 Type of submitters

Submitters were categorised into the following submitter types, as set out in Table 1. Table 2 outlines the split of submitters.

Table 1: Submitter type categories

Tier 1	Tier 2
Commercial/Business	Industry, commercial development
Industry Associations	
Infrastructure Provider	Energy, Transportation (ie road, rail, ports, airports), Communications, Water/wastewater (incl. irrigation), social Infrastructure, other
Local Government	Regional Councils, Territorial Local Authorities, Unitary Authorities
Iwi Organisations	
Members of the Public (ie. individuals)	
Non Governmental Organisations	Environmental Groups
Professional Organisations	
Practitioners (acting in own capacity)	Architects, Landscape Architects, Engineers, Planners, Surveyors
Residents Associations	
Statutory Authorities	

Table 2: Number of submitters by type of submitter – Tier 1

Tier One Category	Number	%
Commercial/Industry	16	5.6
Industry Associations	9	3.2
Infrastructure Providers	27	9.5
Local Government	42	14.8
Iwi Organisations	5	1.8
Members of the Public (ie. individuals)	52	18.3
Non Governmental Organisations	24	8.5
Professional Associations	12	4.2
Practitioners (acting in own capacity)	78	27.5
Resident's Associations	11	3.9
Statutory Authorities (including health providers)	8	2.8
TOTAL	284	100.0

Table 3: Number of submitters by type of submitter – Tier 2 only

NB: not all submitters were categorised with a Tier 2 category

Tier One Category	Tier Two Categories	Number
Commercial/Industry	Industry	4
	Commercial Development	11
	Other	1
Infrastructure Providers	Energy	14
	Transportation	8
	Telecommunications	3
	Water/Wastewater	2
Local Government	Regional Councils	8
	Territorial Local Authorities	26
	Unitary Authorities	3
	Other	5
Non Government Organisations	Environmental Groups	5
	Other	19
Practitioners	Architects	61
	Engineers	3
	Planners	9
	Surveyors	1
	Other	4

2.3 General location of submitters

Table 4 provides a general indication of the geographic location of the submitters. The data does not reflect whether or not the submitter is a national organisation, which could affect the interpretation of the data as such organisations are predominantly based in Wellington or Auckland.

Table 4: Geographic location of submitters

Submitter address location	Number of submitters	%
Greater Auckland Region	71	25.0
Greater Wellington	65	22.9
Rest of North Island	49	17.3
Greater Christchurch Area	24	8.5
Dunedin	7	2.5
Rest of South Island	10	3.5
No Location Provided	58	20.4
Total	284	100.0

2.4 Form of submissions

MfE provided a feedback form to assist submitters with the submissions process. 83 submitters chose to use this feedback form, while 201 submitters prepared written submissions without the use of the form.

Of the latter group, most adopted a submission format which identified the problem statements and options they are referring to, before proceeding to discuss that aspect of the discussion document. Submissions ranged from just a few sentences to submissions up to 65 pages in length.

3 Generic themes emerging from submissions

This chapter summarises the main key messages from the submissions that emerged from across the problem statements and options.

3.1 Fundamental Reform of RMA

One clear message from a notable portion of submitters was the need for fundamental reform of RMA (and other 'planning' related legislation), not just 'tinkering' of existing legislation, ie, first principles review required.

A message that emerged from the comments on the problem statements and also options relating to providing for greater recognition of the urban environment and also infrastructure in the RMA, was that while the options were generally supported, they represented little more than tinkering. Instead a more fundamental reform of the planning system was required. This reform would generally cover two aspects; these being a more fundamental review of the RMA and secondly a review more generally of whether the planning system was fit for purpose.

A fundamental review of the RMA would address:

- Whether sections 6 and 7 are effective, but also reconsider the approach taken in section 5 (ie, sustainable management or sustainable development), and
- The tension between environmental protection and strategic planning for urban and infrastructure development.

A review of the planning system would address:

- A wider reform of all planning related legislation, including the RMA, Local Government Act (LGA), Land Transport Management Act (LTMA), Public Transport Management Act (PTMA) and State Owned Enterprises Act (SOE);
- Whether the environmental legislation was a good 'fit' for planning; and
- Whether the effects based planning approach of the RMA was effective in achieving strategic planning or quality urban design outcomes.

A selection of quotes from the submissions outlining these perspectives is provided below:

"Like the 2025 Taskforce, we see the RMA as a major ongoing obstacle to achieving faster economic growth, as well as contributing to some poor environmental outcomes. At the end of the current phase of reviews we think the government should embark on a fundamental, first principles review exercise." New Zealand Business Roundtable

"Fundamentally, though, without an overhaul of the philosophical core of the RMA and its sustainable development focus, the economic, social and cultural benefits of any project will always be subservient to its environmental effects and the sustainable development approach required to plan for and manage urban areas cannot be achieved". Cheal Consultants Ltd

"...the only tools we have for legally robust urban and infrastructure planning are RMA tools and yet the RMA was principally set up as an environmental protection Act". Environment Waikato

"...one of the fundamental difficulties is that the RMA has an 'effects based' focus, so that enquiry can be rather narrow and negative (i.e.. managing adverse effects). The central government drivers to build economically competitive cities as expressed in the discussion document are framed in the positive and from a national strategic viewpoint. The suggested amendments do not address the core issue which is that the RMA is too narrow in focus, and a poor strategic planning tool."
Tauranga City Council

It is noted however, that a smaller number of submitters did not agree that the RMA or the planning system was fundamentally broken. Further they considered that any discussion on the need for reform, should at least acknowledge those areas where the planning system is working well to provide a better context and understanding of the issues being discussed.

3.2 Clarity of responsibilities - local and central government

Many options throughout the discussion document related to the respective roles of central and local government. One message from submitters was that more clarity of the respective roles of government is required. There was a view that both levels of government desire more influence and certainty over decisions made at other levels, but equally seek to retain authority and flexibility over their own areas of responsibility.

"While the stated aim of the discussion document is laudable - the simplification and streamlining of decision making always seems desirable - there are also dangers inherent in this, along with the implied increased involvement of government agencies in what are currently local body decisions."
Living Streets Hamilton

Further, there is a clear desire from a wide range of submitters (including local government) for central government to provide more national guidance to local government on matters of national relevance (ie, NPS/NES). However this guidance needs to be flexible, enabling local government and communities to provide for their local circumstances. As an example, local government were not overly supportive of the national plan template option [option 13] because of the concern this would unnecessarily hinder local planning solutions and innovation.

Many submitters considered that the lack of central government guidance to date has led to many problems cited in Discussion Document. The inference being that more national guidance will eventually lead to better plans and processes. Another theme emerging from the submissions related to who is the best decision-maker to ensure robust and democratic decision-making. This issue arose particularly in respect of the role of central government in the development of spatial plans, but also in relation to requiring authorities making decisions on designation projects.

3.3 Planning practice versus problems with legislation

On a number of options, submitters stated that the problems identified should not be resolved by amending the legislation, but rather by providing more guidance (either statutory or non-statutory). Two examples where this was raised included the notice of requirement and outline plan processes, and the extent to which some local authorities have given greater recognition to the urban environment in RMA plans than others. Submitters were looking to avoid unnecessary

amendments to the RMA (which could add further confusion and complexity) where the issues could otherwise be addressed with further guidance.

3.4 Certainty versus discretion and complexity of planning system

Overall, submitters from all groups sought a 'keep it simple' approach to any reforms. However, it was accepted that this may create some tension against the need to provide greater clarity and certainty in the legislation on some matters which inevitably lead to complex solutions.

3.5 Efficiency/certainty of planning process possibly risking environmental outcomes

A smaller number of submitters, more commonly NGOs and members of the public, questioned whether the options had achieved an adequate balance between efficiency of process and not creating adverse environmental outcomes. It was suggested for example, that the option relating to the NPS on requiring land supply was at odds with environmental outcomes that seek to avoid urban sprawl and excessive reliance on the private motorcar.

"If the issue is the time that it takes to get this approval, the government needs to remember that complex projects should and need to take time in order to properly consider the impacts on communities and the environment and ensure the right decision is made. The emphasis needs to change from 'achieving a fast process' to 'ensuring good decision making!'" Rachel Helme

An issue raised by only a small number of submitters was whether it was time to reform local government generally as there seemed to be a mismatch between the resources available in some councils and the scale of environmental issues that need to be addressed.

3.6 Funding and financing of urban growth and infrastructure critical issue

Many submitters (mostly local government submitters) expressed disappointment that the discussion document did not explicitly address the critical role of funding and financing in achieving many of the outcomes sought by the reforms, especially in respect of improving the quality of the urban environment. This issue was addressed in the UTAG report, which recommended further research. Some infrastructure provider submitters noted that better recognition of the need for infrastructure was one issue, but the funding was still needed in order to deliver it.

"Local government will continue to only invest in high quality urban infrastructure as and when their community can afford it. If it is to be a priority over other matters the stronger policy direction with funding support is needed". Bay of Plenty Regional Council

"The sustainability of current local government funding models has to be addressed if cities are to be supported". Tauranga City Council

3.7 Participation in planning processes

Most submitter groups were keen to ensure that any reforms of the RMA would not result in reduced public participation opportunities. Comments related to the need to find a balance

between efficient planning process and the need to have effective consultation to achieve local buy-in and 'protection' of property rights. Submitters were particularly concerned about the extent of consultation that would occur during the development of the spatial plan. There were relatively few comments from iwi on this issue.

3.8 Comments on discussion document

Many submitters also provided comments on the discussion document itself. These generally fell into two discrete themes, being the focus of the discussion document and the level of detail provided on options.

Some submitters (mostly NGOs and members of the public, but also some local government submitters) were concerned that the discussion document was too heavily focused on the economy and competitiveness with other countries, rather than the objective of developing liveable, sustainable cities.

"The world faces human-induced impacts of unprecedented magnitude. We can ignore this and carry on with business-as-usual. We can fiddle with the edges in token ways, and hope that the problems will go away, OR We can make orderly and timely adjustments to engineer a movement away from high consumption to low consumption, and at the same time build resilient communities based on skills-focused resource localisation". Sustainable Otauhahi Christchurch

In respect of the scope of the discussion document, many submitters noted that problem statements and options were described in a broad, high-level manner and little detail was provided to explain the options further. This approach meant that many submitters felt unable to comment conclusively on certain options. It was also noted that many options were inter-related, and again, due to a lack of detail provided, submitters instead chose to respond in a more general manner.

A smaller group of submitters expressed disappointment that certain issues were not addressed more explicitly in the document given their important relationship to planning for the urban environment. Two such issues were heritage and community health.

"The conservation of heritage values is a critical aspect of building a competitive city". New Zealand Historic Places Trust

"Planners identified that while they have a clear mandate to consider environmental impacts of planning decisions through the requirements of the RMA, there is little legislative mandate for health. This relative lack of priority is one of the biggest barriers to consideration of health in urban form and infrastructure planning, and ultimately impacts on the overall success of our places". Canterbury District Health Board.

4 Analysis of Problem Statements

Overall, of those submitters that commented on this part of the discussion document, there was a high level of agreement with the problem statements identified. A number of submitters elected to provide more general comments, rather than addressing each of the problem statements individually. These comments are briefly set out below, as they largely mirrored the messages that were outlined in Chapter 3 of this report:

- Effects based nature of the RMA makes it difficult to achieve strategic planning outcomes.
- The problem statements do not sufficiently address the broader issue of whether the RMA is even the right tool for infrastructure and urban planning.
- Public participation in RMA processes does tend to result in better outcomes.
- Concern from a smaller selection of submitters that the problems are overstated and issues over-simplified.

The response rate was lower to the problem statements compared with the options, though submitters from each of the main submitter groups were represented in the comments provided.

4.1 Urban planning system

There was a high level of agreement for all four problems statements set out in the discussion document.

A notable proportion of submitters from all submitter groups questioned whether the RMA was the best statute for urban planning and noted that a more fundamental reform of the RMA, LGA and LTMA was required to ensure proper consideration of the urban environment. Many submitters, particularly members of the public, agreed the planning system was becoming increasingly complex, making it difficult to understand RMA plans or become involved in planning processes.

A smaller number of submitters also considered that the problem statements did not appear to fully address the broader strategic importance of an integrated planning process.

Wellington City Council offered an alternative perspective on how the problem statements could have been framed:

- "1. An increased focus on uncertainty caused by the difficulty, costs and inconvenience of effecting changes to RMA plans, and by the delay and uncertainty caused by the role of the Environment Court.*
- 2. An integrated approach which recognises the relationship between infrastructure development and the urban planning system.*
- 3. The effects based nature of RMA means that decisions are often made on a case-by-case basis at the expense of a more strategic view of development."*

4.1.1 Problem Statement 1: Inadequate recognition of urban environment in the RMA

While the majority of submitters across all submitter groups agreed with this statement, there was a smaller group of submitters that consider the issue had been overstated. A number of commercial/industrial and infrastructure provider submitters had noted that while there may be a focus of the Act on the natural environment, this does not seem to have prevented councils from focusing on urban issues and suggested that the problem may be more of an implementation issue. Palmerston North City Council considered that this issue is more a reflection of the first generation of district plans.

In commenting on the effectiveness of existing urban design panels, Scott Macarthur noted the following problem:

"Current urban design panels are ineffective as often what is considered a good urban design outcome conflicts with present rules. This means applicants are resistant to change the design as this risks notification of their proposal". Scott Macarthur

4.1.2 Problem Statement 2: Complex planning system

Again there was a high level of support for this problem statement. However, many submitters considered the issue reflected more on the lack of national guidance provided to date, rather than strictly that the RMA is a complex system.

"The model for managing development that is imbedded in the RMA is not of itself excessively complex, and is capable of being applied in the urban environment. What was lacking for decades was adequate support from central government in the way of national standards and statements and other forms of benchmarking." David Clendon

Some submitters also acknowledged that the wide variety of plans did not help to create a simple system. Two further comments were made by submitters in relation to this issue:

- All planning systems are complex, especially for those who do not deal with them often. The goal should be an effective system, not a simple system. Palmerston North City Council.
- The lack of integration with the Reserves Act is not specifically listed in the discussion document. Bain Cross.

In addition, a smaller number of submitter explicitly referred to issues on transport and land use. The Auckland Council raised the idea of transferring the role of the NZTA in Auckland to Auckland Transport.

4.1.3 Problem Statement 3: Lack of consistency in decisions

Most submitters who commented on this problem statement supported it. However, there were comments from all submitters (ie, those who agreed and disagreed) to the effect that a lack of consistency in decision-making is inherent in a system that provides flexibility and includes a wide range of decision-makers. Further, a lack of consistency in decision-making does not equate to poor decision-making.

4.1.4 Problem Statement 4: Barriers to effective implementation

There was a reasonable level of support for this problem statement. Of the comments provided, the most consistent response was that the key issue has been a lack of national guidance to date. A smaller proportion of submitters acknowledged that the 2009 RMA amendments had already

amended the plan making process to address concerns associated with the cost of plan preparation.

A handful of submitters made specific reference to the comment in the discussion document that MUL's were an 'inefficient tool'. They argued that that Auckland MUL had been very effective in managing, not only growth, but also people's expectations of how growth in the city should be managed. Auckland Transport noted the following:

"MUL is considered an important planning tool to assist in providing a transport system that is efficient, reliable and economic and is supported by appropriate densities and development opportunities in line with the Auckland policy approach of compact urban form.... However, it is often argued by various parties, the MUL is responsible for Auckland's housing affordability issues and restricting land development. Auckland Transport is concerned that if the MUL was removed as a planning tool the implications of this could result in significant areas of social deprivation and isolation from the inability for Auckland Transport to service the wider regional area with suitable public transport options." Auckland Transport

4.2 Social and Economic Infrastructure Problem statements

4.2.1 Problem Statement 1: Lack of clarity and consistency of national objectives and standards.

There was a high level agreement for this problem statement, though some dissenting views were also expressed. Submitters agreed that the lack of national objectives and policies can lead to delayed and ad-hoc decision-making. There were general concerns from some submitters that strengthened national guidance could come at the expense of local decision making. Christopher Dempsey made the point that applying consistent processes to inconsistent environments will lead to inconsistent outcomes.

One submitter considered there was a lack of national direction for both designations and resource consents, in particular regional resource consents which are of particular importance for energy providers. This was coupled with the fact that there is inconsistent implementation of national objectives (as a result of devolved decision making). Concern was also expressed that the RMA focussed on individual proposals, which tended to hinder the consideration of broader national objectives.

Local government submitters were more mixed with their responses, with some questioning the extent to which this was an issue:

- Porirua City Council considered the issues were more one of perception than reality and that issues with implementation of NES were a result of inadequate drafting of the NES not practice.
- Palmerston North City Council noted even if national objectives are identified, local communities may not agree and further, that these objectives may conflict with Part 2 considerations of the RMA.

4.2.2 Problem Statement 2: Mixed access to designations

Of those that addressed this issue, there was a high level of agreement amongst all submitters groups that this problem statement was valid. There was a small degree of disagreement from infrastructure providers and some local government submitters. Electricity Networks Association considered the current system had sufficient checks and balances in place and considered there to

be little evidence justifying the suggested changes. Porirua City Council considered the designation process wasn't perfect, but adequate.

4.2.3 Problem Statement 3: Complex and inflexible approval processes.

As with problem statements 1 and 2, there was a high level of agreement amongst submitters with this issue. Viaduct Harbour Holdings Limited noted that this issue was especially relevant considering increasing information requirements being placed on requiring authorities at the notice of requirement stage of the designation process. In contrast, Palmerston North City Council considered it was important to have good information about notices of requirement considering the ramifications of designations. The same submitter, along with Horizons Regional Council raised the issue of the 35 year consent duration period. They considered that the current 35 year consent duration period was important and that re-consenting at such a time period enables adequate consideration of new effects, new technologies and recognises that people's expectations change over time.

Christopher Dempsey disagreed with the problem statement, noting that the environment is complex so requires complex systems to manage it. That is, the complexity is inherent in good environmental management.

4.2.4 Problem Statement 4: Lack of robust and integrated decision-making.

Once again, there was a high degree of agreement with this issue. Carter Holt Harvey commented on the way decisions are often made in silos. Meridian Energy considered this issue affects investor certainty significantly. Further, the submitter considered that local authorities have strong incentives to focus on local issues rather than what might be in the 'national interest'. Hawkes Bay Regional Council outlined that lack of integrated decision making was an issue at all levels of government.

A smaller number of submitters disagreed with the problem statement, mostly claiming the lack of real evidence to support such a statement. Greater Wellington Regional Council noted that the Environmental Protection Authority now had a place to play in considering large infrastructure projects and that this, presumably, should improve concerns around lack of integrated decision-making.

4.2.5 Problem Statement 5: Inefficient and inadequate land acquisition processes.

For those responding to this problem statement, most agreed with it, with a smaller number of submitters disagreeing that there was even an issue to be addressed. For those submitters agreeing, the main reasons provided included:

- The time consuming processes of the Public Works Act
- Need for the compensation provisions to be updated
- One submitter noted that the problem statement did not recognise the issue associated with acquiring land owned by multiple parties (Rotorua District Council)
- Waikato District Council noted that the valuation practices were not suitable for 'willing buyer/ willing seller' negotiations.

5 Central Government direction and guidance / Part II Framework

5.1 Overview

In both Chapters 3 and 4 of the Discussion Document, the first series of options related to ways that central government could provide better guidance on both urban planning and infrastructure development. These options also outlined a number of proposals to provide better recognition in the RMA of the urban environment and the benefits of infrastructure.

These options attracted a significant level of debate and comment from submitters. However, in general, there was a high degree of support from submitters for both greater involvement from central government (in the form of more national policy statements or national environmental standards or other national standards) and also in respect of providing greater recognition for urban planning and infrastructure by amending Part 2 of the RMA and in clarifying various definitions.

However, this support was somewhat weakened by comments from some submitters that they were unsure of how effective such reforms would be. Many submitters raised the issue of whether the RMA was the best 'fit' for urban and infrastructure planning suggesting that a more fundamental reform was required.

5.2 Urban Planning Options

5.2.1 Urban Option 1a

1. *Broaden definitions to include the urban environment to strengthen the ability of the RMA to adequately recognise the urban environment. Specific options include:*
 - a) *modifying the definition of 'environment' to specifically include the urban environment [UTAG recommendation]*

While a majority of submitters indicated general agreement with this option, many of these offered conditional support. Local government submitters were mostly in support of the idea of amending the definition and there was qualified support from infrastructure providers, with many indicating a desire to see any definition of urban environment to include infrastructure. A number of reasons were given for supporting the changes to the definition, these included:

- The RMA (Part 2) does not have a strong focus on the built environment and has not succeeded in providing quality urban environments despite the fact that this is where most New Zealanders live
- Reliance on case law creates uncertainty

"The current consent process tends to see the RMA focus on potential negative effects of a specific project more than enabling the positive cumulative effects of well designed public spaces or essential infrastructure to support improved quality of life in the urban environment. As the RMA consenting

process focuses on minimising adverse effects it is questionable whether good rather than just acceptable design outcomes are encouraged by the process. A more positive specification of nationally desired/relevant urban outcomes would help." Tauranga City Council

Some submitters, while generally agreeing with the need to better recognise the urban environment, noted that in their view the key issue is that neither the RMA nor any national policy statement gives direction. Some suggested that with the RMA's focus on the natural environment and its effects based approach, a more fundamental review of the philosophy of the RMA was required.

"Simply introducing definitions around urban issues into the RMA framework will not secure improved urban outcomes without this allied shift in the fundamental approach to shaping urban intensity." Jasmx Ltd

Some of those submitters that disagreed, indicated that they thought modifying the definition would add to the complexity of the process and felt that the issues around the quality of urban design were not caused by the definition, rather it was an issue of skill and commitment. Others suggested that there was already provision for 'urban environment' in the RMA as many plans already adequately addressed urban issues (including urban design requirements). Consequently there was no advantage in amending the definition.

There was also considerable concern at how the urban environment would be defined and whether this would adversely affect the management of other areas, such as rural, coastal or peri-urban environments.

Submitters expressed that significant care would need to be taken with any attempt to define urban environment and that it would need to be supported by additional guidance.

"We need to guard against the possibility that, by these changes, the urban environment becomes protected in the same way that Act seeks to preserve the natural environment. A feature of a healthy urban environment is that it is characterised by change and development. The RMA should be forward looking, where good urban development is encouraged, and the existing urban environment doesn't acquire 'sacred' status as a default position". New Zealand Institute of Architects

Summary: There was reasonable level of support for this option from across the range of submitters, though the comments provided from those concerned with such a definition suggest that, if defined, significant care will need to be taken in its drafting and to note that it may still result in uncertainty or complexity.

5.2.2 Urban Option 1b

1. Broaden definitions to include the urban environment to strengthen the ability of the RMA to adequately recognise the urban environment. Specific options include:

- b) extending the definition of 'amenity values' so that it addresses the quality of the urban environment to a greater extent [UTAG recommendation].

Of those submitters that offered an opinion on this option, many supported the need to extend the definition of amenity values. Many submitters made the same or similar comments as those outlined under option 1a.

Some of the submitters, while agreeing with the need to extend the definition raised specific sector issues, such as a possible link between the definition and the Alcohol Reform Bill. Some

submitters, while supporting the extension of the definition, also flagged that the proposal did not go far enough, with some submitters suggesting a more fundamental review of both the RMA and the methods used in managing amenity.

Some of those submitters who signalled disagreement with the proposal indicated that there was potential, as a result of the proposal, to increase complexity in the RMA process. Some suggested once again that the problems in relation to terms of the quality of the urban environment were not caused by the current definition, but rather by variable practice. Some infrastructure providers expressed concern that amending the definition may hinder infrastructure. These submitters considered the case law was reasonably clear now on the term 'amenity values'.

Summary: There was marginally more agreement than disagreement for extending the definition of 'amenity values' to address the quality of the urban environment from across the full range of submitters.

5.2.3 Urban Option 2a

2. Amend the RMA to recognise the benefits of a quality urban environment by making specific reference to it in:

a) section 6 (matters of national importance to recognise and provide for) [UTAG recommendation]

A discernable majority of submitters agreed with this option. Of the local government and infrastructure provider submitters that indicated a preference, there was no clear division as numbers agreeing were almost the same as those disagreeing. There were more members of the public in agreement with the option than those who disagreed with it.

Some who had indicated agreement noted that such an amendment would provide clarity and greater direction on urban design outcomes and some made suggestions on the possible wording. In some instances while agreeing with the change, there was caution or concern expressed and suggestions that it did not go far enough. Again there were calls for a more fundamental review and a need to change other sections of the Act, such as section 5, to make a real difference.

Comments from submitters who disagreed with the proposal indicated that they thought that the urban environment should not be treated with as much significance as other section 6 matters (some who had agreed signalled a need to review the existing matters listed in section 6). Some submitters suggested changes to section 7 were more appropriate and cautioned that the amendment would create more delays and was subject to possible misinterpretation as it was unclear what 'quality urban environment is'. Some called for a national policy statement instead of a change to the legislation. A number indicated that change was not needed or what was suggested was too extreme and there was a suggestion that it was only justified if the peri-urban issues could be effectively managed as well.

Submitters who had indicated that they were 'neutral' suggested that all environments in New Zealand are connected and it was misleading to emphasise a contrast between rural and urban. There was also suggestion that if the option was included then a national policy statement was needed to avoid ongoing litigation. Some submitters highlighted concern about the relationship with 'historic heritage' and were concerned about the potential for the amendments to result in 'preservation' of the urban environment.

Summary: There were more submissions in support of the option than those who opposed it. Some of those agreeing with the option signalled concern about the option as expressed in the discussion paper and called for other changes. There was concern about the potential for increased uncertainty or complexity and calls for more guidance in the form of a national policy statement. Some submitters signalled the difficulty in separating the urban environment from rural and other environments.

5.2.4 Urban Option 2b

2. Amend the RMA to recognise the benefits of a quality urban environment by making specific reference to it in:

b) section 7 (other matters for which to have particular regard) [UTAG recommendation].

A majority of submitters supported this option, though the number of submitters disagreeing with the options was still notable. In general submitters reflected either a similar or the same points as they had made in relation to option 2a.

A few submitters who had disagreed with the inclusion of reference to the benefits of quality urban environment in section 6 seemed to be more comfortable with its inclusion in section 7 – with some suggesting that section 7 is not as strong as section 6 or is a more appropriate place.

There was a call from those agreeing with the option as well as those who disagreed that greater clarity was needed. Submitters suggested the need for a more fundamental review of Part 2 matters and how best to address urban planning under the RMA.

Summary: There were more submissions in support of the option than opposing it. As with option 2a, concern was expressed about the potential for increased uncertainty or complexity and calls for more guidance in association with any amendment of this nature.

5.2.5 Urban Options 3-4 Overview

These options to provide greater national direction and clarity on the urban environment attracted a significant amount of debate by submitters. In general there was overwhelming support for an NPS on the urban/built environment and the proposal to widen its scope from just urban design. Options 3a and 3b however attracted a much wider variety of comments from submitters.

5.2.6 Urban Option 3a

3. Provide for the scope of the NPS to:

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 [UTAG recommendation]

This option received a very mixed response from submitters, with a very slight majority in favour of the option. Even those who agreed cited similar concerns to those who disagreed.

At a high level, most submitters considered that planning for future growth is clearly a responsibility of local government and therefore a reasonable expectation that this would occur. In fact many local authorities have already acknowledged the need to do this, as evidenced by the numerous

growth management strategies developed by the sector in recent years, which were referred to in submissions. The issue for many submitters with the specific option set out in the discussion document (and the associated UTAG report) was that there appeared to be an assumption that growth would need to be provided for by way of Greenfields development. Local government submitters and NGOs in particular, and members of the public to a lesser extent, emphasised the need for the consideration of intensification/brownfield land development within the scope of any 'land supply' requirements in addition to relying on Greenfield land supply. A number of infrastructure providers also recommended that space be allocated within the areas of land supply for infrastructure that would be needed to support the growth.

For those that disagreed with the option, many submitters felt that this was already being adequately carried out by local government through regional policy statements and other documents such as the Auckland Regional Growth Strategy. Some territorial local authorities outside of the main cities (namely Whangarei and Nelson) commented that they already have a surplus of land supply to cater for 17+ years.

A smaller number of submitters also commented on the effect of land price and land supply:

- Price should determine the extent to which land available for development is scarce, and there are similar issues for non-residential development (including agricultural use) as there are for residential development which needs to be addressed.
- There should be scope for Councils to provide for further land if the price of undeveloped land, exceeds the price broadly equivalent to rural land. Price is a better benchmark.

Some general quotes from a range of submitters on this option included:

"This proposal would essentially enforce mandatory greenfield development across New Zealand, to the detriment of both the urban and rural environments." IPENZ Transportation Group, Auckland/Northland Branch

"Our organisation accepts that as the population grows, so there will be pressure on the fringes of our main cities. It is how we use existing urban land, regenerate our suburbs and control urban sprawl that our current generation will be measured by. No one will thank us for continuing to push our city boundaries on to fertile farmland any more than we have to." Drury & Ramarama Protection Society Inc.

"The Auckland Regional Growth Strategy required major changes to the form and density of development in the region and has triggered debate at times but over the past 10 years there have been significant changes in public expectations and much greater appreciation of apartment and other forms of intensive development. The ARGs is appropriate and has made major investment decisions in an effort to promote the chosen growth concept" Kiwi Income Property Trust

"...Suburbs, by comparison, are an almost cancerous form of land use, smothering land with broad swathes of asphalt, cars, and tiny side yards. Suburbs are a modern evil that ensures a population that is disconnected, with an overly reliant use of cars and oil. What is being proposed by some advocates is to encourage urban sprawl, to meet the short term goals of cheap land use for low cost developers. It is hence important that any revisions of the RMA support better land use, rather than land supply". Architecture Centre

Summary: Submitters were almost equally split between those who agreed and those who disagreed. All submitters had similar comments in that policies should not solely focus on Greenfield land but also look at opportunities for intensification and brownfield land.

5.2.7 Urban Option 3b

3. Provide for the scope of the NPS to:

- b) *include policies requiring the consideration of housing affordability in decision making, and regional and district plans under the RMA [UTAG recommendation].*

Overall there were more submitters that agreed with this option than disagreed but not by a huge majority. The majority of submitters, both those who agreed and those who disagreed, considered that housing affordability is a complex issue. While it is reasonable to take into account housing affordability on some level, there are a number of factors that affect housing affordability which are outside of the control of local authorities and beyond the scope of the RMA. For example, even if councils were to re-zone large amounts of land for residential development, it is the landowners themselves who control the pace of development, not local authorities. Other factors listed included transportation cost, building design (energy efficient/cost of living in the house), land development costs and development contribution charges.

Of note was the small number of submissions from health care providers who were generally very supportive of the inclusion of housing affordability policies as they saw a direct correlation between housing affordability and overall quality of life and health.

For those who disagreed, submitters expressed a number of reasons including, this option could be better handled by Housing NZ, it would take plans away from their primary focus, councils have limited control, it is beyond the scope of the RMA and it should instead be market driven.

"Planning for peri-urban growth is relatively simple, and usually easy to action through to delivery. Planning for intensification is complex and usually hard to action through to delivery. Any policy on housing affordability which does not manage a balanced approach is unlikely to affect affordability because it will focus market pressure (ie, price pressure) in selective locations." Jasmax Ltd

"Housing needs to become more affordable, but this does not lead automatically to continued expanding land supply - cheap land is only a tool for developers to make money, but does little to add to the qualities of the city". Architecture Centre

Summary: Overall there were marginally more submitters in support of having policies relating to housing affordability than those in disagreement. Interestingly Local Government submissions were completely split between those who agreed and disagreed. However, many agreed housing affordability is a complex issue influenced by a number of factors, some of which were beyond the sole control of the Council and that an integrated approach would be required.

5.2.8 Urban Option 4

- 4. *Rename the NPS from 'urban design' to the 'built' or 'urban environment' [UTAG recommendation]*

There was a very high level of agreement that the name of the national policy statement on urban design should be amended. Some submitters agreed with 'built environment' and some with 'urban environment', others agreed simply to the name change without giving a preference.

In addition to supporting the name change, submitters supported the national policy statement having wider scope to cover all of the urban environment, not just design.

Those that disagreed with the name change generally did not support the need for the national policy statement. One submitter thought urban design was sufficiently covered by the Urban Design Protocol. Another submitter felt the potential of the Protocol has not been fully realised. Some submitters noted that amending sections 5, 6 and 7 to recognise 'urban environmental issues' would be faster and more appropriate than preparing a national policy statement and cautioned that having another national policy statement would 'add layers of complexity'.

Submitters suggested the following should be included in the scope of any national policy statement:

- overlaps and interconnections between urban environment and infrastructure should be reflected;
- how to incorporate urban design principles into effects based planning that enables and facilitates high quality urban development;
- provide for a link between urban planning and public health;
- clarity around 'urban design';
- cumulative effects;
- how to achieve resilient cities i.e. disaster risk reduction; and
- how to effectively manage heritage.

Summary: A large majority of submitters supported not only the name change of the urban design NPS to include either 'built or 'urban environment' but also supported the widening of the scope of the NPS.

5.3 Social and economic infrastructure

5.3.1 Infrastructure Option 1a

1. *Using NPSs, NESs and other forms of national standards in a more systematic way across Ministerial portfolios, focusing on the Government's priority areas of economic, social and environmental significance under the RMA. This could include:*
 - a) *developing an agenda of proposed NPSs and NESs to provide greater certainty to sectors and industries about the Government's objectives and the future regulatory environment they are likely to face*

There was a high degree of support for this option, from all submitter types. For infrastructure providers it was considered that this would assist with investment decisions. Other submitters acknowledged that an agenda for national policy statements and national environmental standards was necessary as a proliferation of such standards could be counterproductive and hinder efficiency. One submitter did however express concern that that increasing numbers of standards may add additional complexity.

Most submitters also sought that the agenda for developing national standards be open for consultation. Local government submitters were especially keen to be involved, given their role as implementers of these standards. Some commercial and infrastructure providers also wanted to be involved to ensure they are commercially workable. Likewise, members of the public sought more involvement. IPENZ particularly agreed to the development of an agenda noting that the recent development of one particular draft national environmental standard seemed to favour one industry and was, in their view, a misuse of the national environmental standard tool.

A number of submitters sought that either national policy statements or national environmental standards be developed to 'assist' their industry, eg, ports, upgrades to existing infrastructure, civil aviation/landuse issues, emerging technologies etc. Community Housing Aotearoa considered that Housing Needs Assessments needed to be aligned with national standards.

Christchurch City Council questioned why the National Infrastructure Plan could not be used to set national priorities for infrastructure, with implementation to occur through spatial plans.

5.3.2 Infrastructure Option 1b

Using NPSs, NESs and other forms of national standards in a more systematic way across Ministerial portfolios, focusing on the Government's priority areas of economic, social and environmental significance under the RMA. This could include:

- b) developing a greater number of nationally-consistent standards that decision-makers can refer to when approving the parameters for an infrastructure project. This could involve development of NESs as well as other standards such as those produced by Standards New Zealand*

Once again, there was a high level of support for this option from all submitter groups. The telecommunication industry submitters noted in particular that the NES for Telecommunication Facilities had provided significant benefits for their industry.

There was however the caution from some of these submitters regarding the need to retain flexibility for local decision-making. Palmerston North City Council outlined that local government was guilty of requesting national direction then often critical of what's provided. In the submitter's view the key was to provide high-level, timely national direction and noted that national direction can make local planning easier even though it does raise fundamental issues regarding local democracy. Environment Waikato held similar views:

"One of the big lessons we have learned through administering the RMA over the years is the value of certainty, not only to developers, providers of community infrastructure, regulators such as ourselves and the Territorial Authorities of the region, but also to our communities themselves. We have learned that for a policy to add value it must effect change in the intended direction. It cannot do that if it is presented with such imprecision that allows too much individual interpretation when implemented." Environment Waikato

Two submitters noted that it is critical that any standards developed provide strong direction, and are not just a re-statement of Part 2 matters.

Watercare was an example of one infrastructure provider that did not agree with this option. In its comments the submitter explained that while there may be some benefit for some types of infrastructure that cuts across regional boundaries, they did not consider it would benefit them significantly. Watercare noted that it was developing regional infrastructure design standards for all water supply and wastewater services that require all works to comply with these standards.

5.3.3 Infrastructure Option 1c

1. *Using NPSSs, NESs and other forms of national standards in a more systematic way across Ministerial portfolios, focusing on the Government's priority areas of economic, social and environmental significance under the RMA. This could include:*
 - 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*

This option received a more mixed response than options 1a, 1b and 1d. Whilst a discernable majority of infrastructure and commercial/industry submitters agreed along with smaller majority of local government submitters, the majority of all other submitters disagreed.

Infrastructure providers were keen to be involved in the development of any such standards. Tauranga City Council recalled that this concept was very similar to a provision that used to exist in the 'network utilities' section of the Town and Country Planning Act 1977.

A number of reasons were provided by those who disagreed with this option, including:

- It was considered contrary to one of the RMA's foundation principles that activities need to be considered on their effects
- The NES tool already allows for this, a new, additional tool is not necessary
- Concern that this could lead to inappropriate siting development of infrastructure in sensitive locations (eg, hospitals, schools)
- Unlikely that national standards will be able to cover everything so still likely require resource consents

5.3.4 Infrastructure Option 1d

1. *Using NPSSs, NESs and other forms of national standards in a more systematic way across Ministerial portfolios, focusing on the Government's priority areas of economic, social and environmental significance under the RMA. This could include:*
 - d) *taking into account where 'reverse sensitivity' issues are, or could be, an issue [ITAG recommendation].*

There was a high level of support for this option, from all submitter groups. Three airport and one port infrastructure provider noted that this would be especially useful for them given the history of issues associated with noise sensitive activities wishing to locate close to their operations. The Industry Association for Ports noted that due to 24 hour operations, noise concerns and noise sensitive activities have become a particular interest for them. Port companies have played an active role in local plan making processes and resource consent applications and see that if national guidance were in place this may negate the need for port companies to seek particular recognition in planning documents, or to require developers of adjacent land to provide 'no-complaint' covenants.

The Resource Management Law Association considered the issue was not managed consistently across the country:

"Some principles and standard approaches are desirable to provide infrastructure owners and developers with certainty around the appropriate application of reverse sensitivity, particularly when

land use restrictions on adjacent land are warranted when an activity is unable to fully internalise its adverse effects". Resource Management Law Association

A smaller number of submitters raised some concerns with the option including:

- What was really meant by reverse sensitivity?
- This could potentially refer to many activities
- The case law has already adequately defined this issue.

ECO was one of the submitters who did not support the option. They noted it should only be considered where there are compelling reasons for its use, such as not allowing tall buildings or structures close to an airport.

Summary: Submitters are very supportive of more national direction, provided it is clear and provides strong guidance, but also allows flexibility for local circumstances. Submitters are also concerned to ensure that the development of such standards will go through robust consultation processes, especially with utility companies (who have technical knowledge and expertise) and local government (who will be expected to implement the standards). There was less support for option 1c relating to certain activities being permitted if they meet particular standards. A majority of submitters agreed with the need to take into account reverse sensitivity effects.

5.3.5 Infrastructure Option 2 Overview

The following two options were also addressed in chapter 3 of the Discussion Document in relation to tools that could assist to improve quality urban environments (ie, Options 13-15). A discussion on these tools is set out here and not addressed again in this report. There was a high level of support for the development of a combined national policy statement and national environmental standard tool (Option 2a) across all submitter types. However, the feedback from submitters on the use of a template plan was more mixed, as discussed below.

5.3.6 Infrastructure Option 2a

2. *Making use of the options in Chapter 3 to support the efficient delivery of infrastructure:*
 - a) *enabling the development of combined NPS and NES documents to communicate national priorities, so councils can more easily incorporate national direction into plans.*

A high majority of all submitters supported this option, with many submitters explaining why the tool would be of considerable value. A notable proportion of submitters did however consider that a combined national policy statement and national environmental standard could already be created. Other feedback included:

- Would encourage more systematic use of national guidance
- Would prevent the temptation to squeeze issues into unsuitable tools
- Provides more guidance on how to give effect to national policy statements.
- Previous experience with the Transmission NES has been good because the direction was clearly articulated – greatly assisted local planning.
- One infrastructure provider considered this would improve local government decision making to ensure they take into account national level objectives

Northpower Ltd asked for a combined tool on electricity supply issues and also noted that such tools should recognise and provide for existing, relevant industry standards and practices.

One other submitter agreed with the option, but did add some caution that these tools are already difficult due to the time and effort required in their development. The submitter questioned whether the National Infrastructure Plan already goes some way to achieving the objective sought here. Another submitter questioned whether Government Policy Statements might be better for some issues.

In terms of the disagreement with this option it was noted by a couple of submitters that these tools have quite different purposes and should not be combined.

5.3.7 Infrastructure Option 2b

2. *Making use of the options in Chapter 3 to support the efficient delivery of infrastructure:*

b. introducing a national template plan for local and regional plans.

As noted above, there was a more mixed response to this option though a majority of submitters did support it. A number of different interpretations of the option came through in submissions:

- Consistent plan format and structure
- Standardised definitions for plan terms
- Standardised objectives, policies or rules for implementation of NPSs or NESs in district plans

Infrastructure providers and commercial/industry submitters supported it by a distinct majority. There was also a reasonable majority of NGOs and members of the public who supported the concept. While there was some local government support (for certain aspects of the option), the majority of this group of submitters did not support it.

In terms of those submitters supporting this option, a number of reasons were provided:

- This would benefit smaller councils
- Would assist in operating across a 'diverse footprint', making the process more straightforward and less resource intensive.
- Will ensure national standard are incorporated and approached by different councils in a similar way
- 'long overdue'
- This could build on the National Infrastructure Plan as a more efficient tool.

"Currently, the differences in layout, approach formatting, etc between plans is staggering. Typically it is only through repeated use of a plan that someone can understand its intentions and therefore how Councils are likely to treat an application". New Zealand Institute of Surveyors – Wellington Branch

"The experience of devolved decision making under the RMA has exposed a huge variance in the quality of plans, covering the spectrum from unnecessary, illegible, or inconsistent through to poor policy and standards". Telecom

Submitters also raised the following points:

- Both those in support and in opposition were concerned about the loss of local flexibility and character and the need to build in flexibility to the process.
- Many submitters (even those who opposed the concept in general) saw the merit in having consistency across some areas of the plan ie, definitions, zones.
- Some in support stated that templates would be cost effective while others stated that the introduction of templates would introduce additional costs to councils, particularly smaller ones, to implement.
- There were concerns that the introduction of a template may put at risk work already done around place based planning specific to the locality.
- Some suggested that use of the template, if developed, should be voluntary.

A significant number of submitters supported this idea in principle (ie, consistent plan formats) but felt that it was too late to introduce now, 20 years after the RMA was enacted. These submitters felt that the costs of change were likely to be too great and there were unclear benefits.

Consistent with one of the main themes outlined in section 3 of this report, submitters sought that any such template acknowledge the need for flexibility to provide for local planning solutions.

"In theory this approach would ensure some national consistency of form, style and content in plans. In practice, the variety of local issues raised by people and communities requires localised planning responses in policy and methods. That is a cornerstone of the democratic process embedded in the RMA". Tauranga City Council

The two main reasons provided for disagreement were that it would provide limited value and that, the RMA was already very clear on the relationship of national policy statements and national environmental standards to plans and how such national guidance should be incorporated into plans (however support was provided for template definitions). Whangarei District Council noted that resource issues were highly variable across the country. It also questioned the value of it as their council was moving towards a 'policy lead district plan'.

Regarding option 14 which sought to stage the implementation of any template plan, infrastructure providers and commercial/business groups were mostly in agreement. Local government and members of the public were almost an even split in terms of those agreed and did not agree. Few comments were made in relation to why submitters agreed or disagreed. Those who agreed noted that it needs to be done in a timely manner, that it should be staged and should be option for Councils to implement.

Summary: There was high level support for the option of a combined NPS/NES tool. Support for a template plan was more mixed depending on submitter type. The comments provided suggests there is some scope for greater plan standardisation, but there are concerns about how far this goes and how much flexibility is retained for local planning solutions.

5.3.8 Infrastructure Option 3

3. Amending sections 6 or 7 of the RMA to explicitly refer to the importance of infrastructure and the benefits that derive from it [ITAG recommendation]

There was a discernable level of support for a change to either s6 or s7 to explicitly recognise the importance of infrastructure and the benefits that arise from it. There was very high support from

infrastructure providers and commercial/industry groups, a slight majority of practitioners, and members of the public offered their support too. Local government and NGOs were reasonably mixed in their views, with a majority of local government submitters disagreeing with this option.

For those submitters supporting this option, the main reasons included that it would assist integrated decision making, and help to 'balance' consideration of the needs of infrastructure.

"...the current imbalance between recognition of natural resources (trout, salmon, amenity value, outstanding landscapes) with almost no recognition of the needs for infrastructure or physical resources". Meridian Energy Ltd

"...moreover, the importance of infrastructure development, inherent in section 5, gets increasingly lost as the list of s6 and 7 grows". Electricity Networks Association

Of those submitters that supported some form of Part 2 recognition, there was a very even split of those who preferred the use of s6 compared with those who preferred the use of s7. One of the reasons provided for preferring section 6 over s7 was that there was the risk that a s6 matter would still 'trump' a section 7 matter. Wellington International Airport Limited considered a change to s6 or 7 was the minimum that was required; ideally section 5 would be altered.

A small number of submitters expressed some caution though stating that careful drafting would be required for any new provisions and that the inclusion may still not be effective anyway.

One submitter offered support for the specific wording of the provision recommended in the I-TAG report. Watercare suggested alternative wording which focused on 'critical infrastructure':

"The construction and ongoing maintenance of critical infrastructure (and benefits it provides) is of national importance". Watercare

Comments by submitters who did not support this option included:

- Infrastructure should not have a disproportionate emphasis.
- Importance of infrastructure already inherently addressed in section 5.
- Few proposals are prevented by the RMA, infrastructure projects can generate significant environmental effects and these should be tested against the RMA principles.
- Previous research did not demonstrate that Part 2 was the main reason for delays in infrastructure.
- This would dilute existing matters and is essentially 'picking winners'.
- The case has not been made for this, justification not compelling enough.

Queenstown Lakes District Council also made the comment that infrastructure already seems to have enough priority, but the real issue is a lack of funding for it.

Summary: *There was a reasonable level of support for this option from a range of submitters. The number of submitters not favouring this option was in the minority.*

6 Analysis of Planning and Urban Design Options

6.1 Urban Options 5-9 Overview

This set of options sought to gather feedback on the adequacy of the existing framework for the development of the Auckland Spatial Plan (ie, option 5) and also set out a series of amendments that could be carried out to simplify the current spatial plan approach in Auckland (ie, options 6-9).

The majority of submitters welcomed the consideration of spatial planning and the potential to better integrate it across planning legislation, especially the RMA.

A notable proportion of submitters who agreed with option 5 also went on to comment about options 6-9 (even though, in theory, these options were mutually exclusive). This may suggest that even though submitters agreed with option 5, they wanted to ensure their preferences were noted for options 6-9 in the event that those options are pursued.

In reviewing all comments on options 5-9, a number of common responses were made that traversed all of these options. Most notably, many submitters felt it was not appropriate to comment on the specific options for the Auckland Spatial Planning model, especially if they were not based in Auckland, though some provided more general comments.

For those submitters that did provide feedback, there was a high degree of support for giving the plan greater statutory weight and linkages to other planning documents prepared under the LGA or LTMA. Most submitters found it difficult to comment definitively on some of the options because of the inherent linkages between them. That is, submitters noted that the level of statutory recognition given to the spatial plan is highly influenced by how much public consultation has occurred, the extent of appeal rights, and the actual content and detail of the spatial plan – an issue which most submitters sought further information on. For example, one submitter noted that:

"Broadly we submit that the more power spatial plans are to elicit on the planning framework, the more input and weight that needs to be given to utilities perspectives, both in the policy framework development stage and in the development of any regional spatial plans." Electricity Networks Association

There were only a small number of submitters that explicitly did not support spatial planning. The New Zealand Business Roundtable made the following comments:

"Our concern is that the spatial plan will become a detailed planning document that strays well beyond those matters that require government action and will confer additional discretionary power on government. It thus risks becoming an instrument that is used by the Council to pressure central government (and other providers) to fund projects that the Council is not prepared to fund and which may have little prospect of being implemented. The plan could distort decision making by other agencies and entities, and add to uncertainty." NZ Business Roundtable.

6.1.1 Urban Option 5

5. *Retain the current spatial planning legislation, which provides flexibility for the Auckland Council in developing and implementing the spatial plan.*

Of the submitters that commented on this option, there was a slight majority that favoured retaining the current legislation, particularly for Auckland's first spatial plan, but overall the response was very mixed from all submitters. Some of the reasons in support included:

- Prefer the 'keep it simple' approach, will reduce additional planning complexity.
- Will ensure a high level, simple document.
- Is an extension of the Auckland Growth Strategy.

The Auckland Council in particular submitted that the Auckland spatial plan is still in its early stages and flexibility is required. It is too soon to change the process.

In terms of those disagreeing with this option, the most common reason offered was that the spatial plan needs to have some statutory weight if it is to have sufficient influence on other plans. Aligned with this is the concern that it does not link to other statutory plans and is in a policy and legislative 'vacuum' which, in effect, creates another planning layer. Other comments noted were that strong guidance is needed on spatial plans to ensure a consistent approach and a number of the 'public' submitters called for community input at the early stages of a spatial plan's development.

Summary: The feedback on this option was mixed for all submitters, with only a slight majority favouring retention of the current system. The most common reasons for disagreeing with this option was that the spatial plan needed some statutory weight and should link with other plans and relevant legislation.

6.1.2 Urban Option 6a

6. *Simplify the planning framework for Auckland by:*

a) using the Auckland spatial plan to incorporate either the:

*i. the Regional Land Transport Strategy and Auckland Regional Policy Statement
or*

ii. the Regional Land Transport Strategy [UTAG recommendation]

In comparing these two options, the majority of submitters favoured option 6a(i) (incorporating the RLTS and Auckland RPS) over option 6a(ii) (just the RLTS). However, there was still a notable proportion of submitters who disagreed with both options (more so option 6a(ii)). Few reasons were given in support of both options, with most comments provided from those who disagreed or were neutral, for example:

- Care needs to be taken as these plans are created under different legislation with different philosophies, legal and consultation processes.
- RLTS contains provisions that don't have spatial elements eg, travel demand management provisions.
- Unless the spatial plan is required to give effect to Part 2 of the RMA then it cannot replace the RPS.

- RPS have a wider mandate and cover specific environmental issues (eg, water management, heritage etc), unsure how the spatial plan would effectively cover these, suggest the spatial plan 'guide' those documents instead.

One submitter noted that the existing Auckland RLTS and RPS were based on inaccurate analysis so shouldn't be incorporated at this point. An NGO submitter had this to say:

"In short, the Auckland Regional Policy Statement and Spatial Plan will be complementary, but will have distinct roles." The Spatial Plan is a "four pillar" plan integrating social, economic, environmental and cultural objectives, while the ARPS is a "one pillar" plan managing the natural and physical resources of the region in an integrated manner. In addition, the ARPS will be more detailed than the Spatial Plan." Environmental Defence Society Inc

6.1.3 Urban Option 6b

6. Simplify the planning framework for Auckland by:

b) replacing RMA plans (ie, regional policy statement, regional and district plans) for Auckland with a requirement for a single unitary plan [UTAG recommendation].

There was a high degree of support for this option from a wide range of submitters, though once again where comments were provided, they tended to focus on the reasons why it should not be adopted. In particular, it was noted that:

- In reality, a plan like this will take years to become operative so it is likely to be split into manageable portions anyway.
- The unitary plan should be optional.
- Local communities should be the ones to decide on the type of plan they want for their community.

Summary: Submitters preferred option 6a(i) over 6a(ii), but submitters did raise some concerns. Similarly with option 6b, while the majority of submitters favoured this option, the practicalities and logistics of producing a unitary plan were considered a significant issue to overcome.

6.1.4 Urban Option 7

7. Improve the effectiveness of the Auckland Spatial Plan by giving it an appropriate level of statutory influence on regional and local RMA, LGA and LTMA plans by requiring these to either:

- a) 'give effect to' the Auckland spatial plan or*
- b) be consistent with' the Auckland spatial plan [UTAG recommendation] or*
- c) 'having regard for' the Auckland spatial plan*
- d) consider the Auckland spatial plan on a voluntary basis.*

This option set out a series of four mutually exclusive options for how much influence the spatial plan should have on other plans (eg, RMA, LGA and LTMA plans).

While most submitters selected just one of the four options that they agreed with, a number of submitters selected more than one option. It was common for instance for some submitters to select (i) and (ii) or, in one situation, to select (ii), (iii) and (iv).

A number of submitters also noted that the level of statutory influence appropriate depends on the contents of the spatial plan and also on how much consultation occurred during its development; acknowledging once again the linkages of this option with other options.

Option 7(i) and option 7(ii) were very close in terms of the support provided by a wide range of submitters, indicating that a reasonable degree of statutory weight is desired by submitters. These submitters considered the plan needs sufficient weight if it is to influence other plans. Option 7(iii) received a small amount of support and option 7(iv) garnered very little support at all.

Summary: Options 7(i) and 7(ii) were favoured by submitters for sufficient statutory weight to be given to the spatial plan.

6.1.5 Urban Option 8 Overview

As noted previously, the issue of appeal rights and level of consultation was considered by submitters to be inherently linked to the statutory influence that was sought for the spatial plan.

6.1.6 Urban Option 8a

8. Reduce litigation and improve the certainty of decisions, while providing safeguards during development of the spatial plan by either:

a) providing for:

i. full appeal rights on the spatial plan or

i. limiting appeal rights to points of law

Submitters were asked to outline their preference for full appeal rights on the spatial plan or limiting appeal rights to points of law only. Responses to this were very finely balanced across all submitter groups. Most submitters noted that this depends on the intended level of statutory weight the spatial plan will be given and the extent of consultation that has occurred during the development of the spatial plan.

A minority view, expressed by two submitters, related to the extent to which the Courts should be involved in the decisions on spatial plans:

"To allow for an adversarial process to challenge the spatial plan contents and process would totally detract from what a spatial plan is". Resource Management Law Association

6.1.7 Urban Option 8b

8. Reduce litigation and improve the certainty of decisions, while providing safeguards during development of the spatial plan by either:

b) and/or providing for a statutorily prescribed consultation process instead of the Special Consultative Procedure under the LGA, that:

i. ensures effective multi-party engagement in regional strategic direction-setting and/or

ii. improves iwi/Māori participation in resource management decision-making

In this option, submitters were asked to comment on whether a statutorily prescribed consultation procedure should be adopted instead of the LGA special consultative procedure. There was a high degree of support for both option 8b(i) and 8b(ii).

"The spatial plan development process must be robust and have integrity. Consultation must therefore be open and transparent and decisions must be properly reasoned. Those elements will support its longevity." Fletcher Building Ltd

Some submitters though considered the development of another new process would add complexity to the system as a whole. John Robinson who opposed option 8b(ii) stated that he was opposed to differentiation (on the basis of ethnicity) and asked for equality of treatment and powers.

6.1.8 Urban Option 8c

8. Reduce litigation and improve the certainty of decisions, while providing safeguards during development of the spatial plan by either:

- 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.*

A discernable majority of submitters supported this option. Comments received on this option included that public consultation was as valuable and that the final decision-maker should still be the Council.

Summary: The feedback on this set of options was reasonably mixed; a reflection of the inherent linkages of this option with option 7. Overall, submitters are interested in being involved in the process occurs (at an early stage) and that the level of appeal rights relates closely with the statutory weight to be given to the spatial plan.

6.1.9 Urban Option 9

9. Provide for review of the spatial plan by:

- a) amending the Local Government (Auckland Council) Act to require the spatial plan to be reviewed every three years, with defined responsibilities for the Government and the Auckland Council in the review process. Neither party can force a review in between the three-year period [UTAG Recommendation]*
- b) amending the Local Government (Auckland Council) Act to 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. [UTAG Recommendations].*

A slight majority of submitters disagreed with Option 9a as it was set out in the discussion document, but there was still a notable proportion of submitters who supported the concept. For those in disagreement, the main concern raised was that the timeframe for the review period was too short. Submitters argued it would be difficult to develop (and/or revise) and implement a spatial plan in three years, let alone achieve the desired outcomes. A variety of timeframes were suggested, including 5 years (to match the census period), 6 years (in line with the RLTS) or 10 years.

"The most important factor for any SP is to set a direction for the city. This direction and plan should generally be adhered to irrespective of changes in elected representatives". Dunedin City Council

In respect of option 9b, there was a discernable majority of submitters who supported this option. Most submitters acknowledged the need for linkages with the Long Term Council Community Plan (LTCCP) in some way, but a number of submitters disagreed noting caution that the LTCCP timeframe period was not appropriate and that the status of the spatial plan would also affect how it should be linked to the LTCCP.

Summary: While submitters generally supported the concept of the spatial plan being reviewed and linked in some way to the LTCCP, there was significant consensus that the option of a three-year review period was too short.

6.2 Urban Options 10-11

10. Mechanisms for central government to influence the Auckland spatial plan:

- a) a GPS that sets out the Crown (or national) objectives for Auckland [UTAG recommendation] and/or*
- b) require ministerial certification that the Auckland spatial plan complies with all GPSs, before final adoption by the Auckland Council [UTAG recommendation] and/or*
- c) make more effective use of existing mechanisms to express Government priorities and direction, including NPSs and NESs and/or*
- d) express central government priorities and objectives in a policy mechanism, such as the National Infrastructure Plan and/or*
- e) use the spatial plan as the mechanism for engagement between central government and the Auckland Council.*

11. Central government using suitable and appropriate mechanisms to direct its entities, agencies and departments, and funding agencies to:

- a) give effect to a GPS for Auckland [UTAG recommendation] and/or*
- b) be consistent with the adopted Auckland spatial plan in decision-making [UTAG recommendation] and/or*
- c) have regard to the adopted Auckland spatial plan in decision-making and/or*
- d) reflect central government's priorities and objectives for Auckland in their statements of intent.*

Option 10 sought to gather feedback from submitters on the best mechanism/s for central government to influence the Auckland spatial plan. Option 11 sought feedback on the extent to which central government (ie, departments, agencies etc) would be influenced by the spatial plan.

For both options, submitters were clear that there is a role for central government to play in developing the spatial plan and that, equally, central government, in making decisions on funding of development and services, needs to recognise the spatial plan in some way.

"It only seems fair that if central government were to provide guidance or to require ministerial certification of the Auckland Spatial Plan, central government should itself have regard to or even be consistent with the spatial plan." Kapiti Coast District Council

There was disagreement from submitters on exactly which of the sub-options set out in options 10 and 11 were preferred.

In respect of option 10, the majority of submitters preferred 10c, 10d and 10e. Greater Wellington Regional Council noted that:

"Central government is a major investor in infrastructure and any investment decisions have the potential to redistribute jobs and population growth. These decisions need to be considered with an understanding of their spatial context, and their impact on the development of a region. It is vital therefore that central government be an active partner in spatial planning." Greater Wellington Regional Council

There was a finely balanced response to option 10a, and a majority of submitters who did not support 10b (ministerial certification of the spatial plan). Comments in relation to option 10b included:

- This represents a significant change and will blur the accountability for who is responsible for the Auckland Plan.
- Decisions on Auckland need to be decided by the Auckland Council.
- This option represents a basic misunderstanding of the respective roles of central and local government.

For option 11, the level of support for options 11a, 11c and 11d was very mixed across all submitters. There was however a notable majority of support for option 11b ("be consistent with the Auckland spatial plan"). Submitters observed that it provided a reasonable balance in that it would ensure that the spatial plan has a reasonable level of influence over central government decision-makers, but also provide reasonable flexibility for government agencies to carry out their activities.

<i>Summary: Submitters supported some role for Government in the development of the Auckland spatial plan, but equally that government agencies must also be influenced by the spatial plan.</i>
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6.3 Urban Option 12

12. Regional spatial planning with legislative influence to be:

- a) limited to Auckland only or*
- 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*
- c) mandatory in all regions facing growth pressures and subject to significant levels of local and central government investment in infrastructure and services or*
- d) implemented on a voluntary basis by regions, for all regions or*
- e) mandatory for all regions.*

This option attracted more comments, as submitters who did not comment on Options 5-11, were keen to provide feedback on how spatial planning should relate to them if it is 'rolled out' to other parts of the country.

Option 12d (voluntary basis for all regions) attracted the highest level of support from submitters. Options 12a, 12b, 12c and 12e attracted the least amount of support from submitters. Option 12c was slightly more balanced between those who supported or disagreed with it, though a discernable majority still disagreed with it.

A common comment from submitters, regardless of which option they preferred, was that a 'wait and see' approach should be adopted. That is, it would be prudent to see how spatial planning works in Auckland before it is rolled out to other parts of the country. This would allow for lessons to be learnt from Auckland's experiences and also time to adapt the model to suit other areas. In this way, submitters recognised that Auckland is unique and that a model developed for Auckland is unlikely to be suitable elsewhere.

Many local government submitters also noted the existence of growth strategies already developed for their region (or sub-regions). Some questioned whether a spatial plan was necessary at all, and others suggested that a spatial plan would likely be developed from existing growth management strategies. Some of these submitters also suggested that a region-wide spatial plan may not be appropriate as not all parts of a given region may be experiencing growth pressures. Some submitters considered that any spatial plan model should be flexible for regions/districts to use where it is necessary.

Those supporting mandatory roll out of spatial plans considered that this level of planning was important everywhere in New Zealand regardless of particular growth pressures.

"Spatial planning may be as important in overseeing the future of the conservation estate in Fiordland and on the West Coast as it is in Auckland." Horticulture New Zealand

Local Government NZ prepared a detailed submission on this issue and outlined a series of attributes for a spatial planning model. These included:

- *It should be developed under the LGA*
- *Spatial plans should address economic and social goals in addition to environmental goals*
- *Appropriate linkage should be provided to the RMA so that relevant planning content accounts for the purpose of the RMA and applies appropriate RMA policy-making powers*
- *Implementation of aspects of it can be achieved under the RMA with-out re-litigation*
- *It needs to provide an explicit mechanism for agreement of infrastructure investment and prioritisation between different levels of government (central, regional and local)*
- *Central government should have a clear role as a party to the spatial plan*
- *Appeal rights to a spatial plan should be limited to points of law, recognising that it is the appropriate role of elected councillors to develop and make decisions on policy*
- *A three year review period is too frequent*
- *Spatial planning should not be compulsory.*

Summary: In general there is a high degree of support for spatial planning to occur in areas outside of Auckland but not as a mandatory requirement. However there was no clear view on how the details of spatial planning should work. Submitters were mostly concerned to ensure that the Auckland spatial plan is implemented and trialled before spatial planning is applied to the remainder of the country.

6.4 Urban Options 13-20 Overview

This series of options set out a number of tools to improve the effectiveness of tools available to develop, support and maintain quality urban environments. Submitters saw benefits in some options more than others, and the relative degree of support or otherwise for certain options depended on the option itself.

Note that options 13-15 were addressed in section 5.3.5 of this report.

6.4.1 Urban Option 16

16. *Establish a National Urban Design Panel: This panel, possibly supported by regional panels, could work with territorial authorities and infrastructure agencies, including private infrastructure providers, to develop projects and strategic design proposals. The panel could also provide expert review of nationally and regionally significant policy, plans and projects as and where needed. [UTAG recommendation]*

Even taking into account the significant number of architect submissions that endorsed the New Zealand Institute of Architects submission on this matter, a majority of all other submitters agreed that a National Urban Design Panel should be created. However, a significant number of those submissions offered qualified support relating to how that panel should be formed and operate:

- Attendance at the Panel should be voluntary and limited to matters of national importance.
- The Panel needs to be multi-disciplinary and have representation from Maori, infrastructure groups and community housing input.
- The cost should not be passed onto local government.
- Need to define scope of work, role, powers.
- Should be aligned with the Government Architect.
- There should also be a regional urban design panel.

"The success of urban design panels in assisting better, higher value design outcomes has been established with city and regional urban design panels in New Zealand. However, even with these mechanisms, there are projects which are sufficiently important to benefit from national oversight."
New Zealand Institute of Architects

The submitters that did not agree (more commonly local government submitters) had a number of concerns including:

- It will prevent local urban design solutions being made by local people.
- These systems are already in place through the Environmental Protection Authority and local urban design panels.
- It will struggle to make a worthwhile contribution.
- Concerns over 'decision making role' and power the panel will hold.
- It may undermine a national proposal.
- See more benefit in a national policy statement on Urban Design.
- Cost of implementation and added layer of bureaucracy and cost.

Tauranga City Council noted that:

"...central intervention from such persons at the local decision-making level would be largely ineffectual as local communities can make their own decisions on places and spaces." Tauranga City Council

Summary: There was strong support for the creation of a national urban design panel providing that the role is clearly defined, the panel has sufficient representation across a number of professions and groups, and that consideration by the panel would be aimed at nationally significant projects and attendance would be voluntary.

6.4.2 Urban Option 17

17. Establish a Government Architect: Government Architects are used in Australia at the state level (Victoria), and in the United States of America at the federal level. Their role in a New Zealand context could include:

- providing an advocacy role for good urban design and architecture*
- providing expertise on regionally or nationally significant projects*
- assisting with the outputs required of public private partnerships (PPPs) and their design component*
- chairing a national urban design panel*
- supporting the implementation of a NPS*
- enabling Government to lead by example by requiring good quality design in the development and construction of its buildings and the buildings it leases*

There was a slight majority of submitters that agreed with this option compared with those who disagreed. However, if the large number of submissions from architects who endorsed the New Zealand Institute of Architects submission (which supported the establishment of a Government Architect) are included, then this indicates a high level of support for this option. Supporters were mostly members of the public, professionals and practitioners, with those in disagreement more commonly from Local Government.

The New Zealand Institute of Architects outlined in their submission what the principle scope of the position should be, what the position would entail, and also what it would not include. It requested specifically that:

"We urge the New Zealand Government to create a Government Architect position, preferably within the Department of Prime Minister and Cabinet, allowing access to key Ministers and advisors, enabling a key contact across all government departments, and offering a 'whole of government' approach." NZIA

Those that agreed with the establishment of a government architect recommended that:

- They should also have good knowledge of urban design.
- The role be linked to the national urban design panel.
- They would need to be well resourced and could be provided as a resource for local government.

- The role could assist with New Zealand achieving a level of design excellence.
- They should focus on the link between good urban design and public health.

Architect, Travis Gray, noted:

"...I feel passionately that if we do not establish a Government Architects position our environment will continue to grow increasing pastiche, it will lose its richness and New Zealand flavour". Travis Gray

In general those who disagreed with the establishment of a government architect stated they were not clear what the role would entail and what the benefit/value/level of influence the role would have. Some submitters raised the question of why this option had focused on an architect as the lead professional, when they considered that urban issues required a multi-disciplinary approach.

"Property Council unable to endorse any move that implied that architects had any primacy of role or function above or beyond other stakeholders in the urban design process. Urban design is an interdisciplinary activity. " Property Council

Summary: A majority of submitters agreed with the establishment of a government architect, but the level of support was less than the support for the urban design panel. A number of questions were raised about what the role would entail and the level of its influence.

6.4.3 Urban Option 18

18. Relying on existing methods and processes to amalgamate land, including purchase, negotiation and joint ventures.

Many submitters chose not to comment on this option and therefore did not agree or disagree with this option. For those that did comment, there was a fairly even split between those who agreed and those who disagreed, with only a slight majority of submitters disagreeing with the option. One submitter was strongly opposed to giving local authorities powers to acquire land for urban renewal. Maori and iwi groups that responded generally disagreed with the option. Those that disagreed stated that this issue needs further analysis/investigation before a decision is made.

Summary: Many submitters chose not to comment and there was a fairly even split between those who did respond.

6.4.4 Urban Option 19a

19. Extending the scope of the Public Works Act (PWA) to ensure that local authorities are able to compulsorily acquire and amalgamate land for major urban regeneration projects provided:

- a) some form of central government oversight is required as a safeguard [UTAG recommendation] and/or*
- b) the power to compulsorily acquire land for urban redevelopment should be used as a tool of last resort [UTAG recommendation]*
- c) power to compulsorily acquire land should be limited to specifically defined works*

d) Māori land is not able to be compulsorily acquired under any circumstances

In respect of option 19a, there were more supporters of the option than those in opposition. However, many submitters chose not to comment on this sub-option. Those that agreed listed comments that it should not prevent TLA from selling land to private developers, that it needs to be part of a wider 'urban design plan' and that it should be taken in context of the Department of Building and Housing's Urban Taskforce recommendations. There were some submitters in strong opposition to giving powers for TLA to acquire land at all.

Many submitters chose not to respond to option 19b and very few comments were provided. Of those that did respond, the majority agreed that compulsory acquisition of land should be a tool of last resort. Local Government were the strongest supporters of this along with practitioners and professionals. One submitter stated this was not viable as Councils have not demonstrated their ability to efficiently deal with land development projects.

Many submitters also did not comment on option 19c. For those that did there was more support for limiting acquisition powers to specifically defined works. The main supporters for this were local government and members of the public. One submitter said we should 'leave it to the market to resolve'.

There were more submitters in disagreement with option 19d than those who agreed. However, many submitters also chose not to comment. There was some concern that it would impose further financial burden and affect the relationship between Maori and the Crown by one submitter. Another felt that there should be a lot of consideration before Maori land was acquired.

Summary: There were fewer responses to this set of options. Of those who responded, the majority of submitters agreed to options 19a-19c. Specific comments included that the compulsory purchase of land should be a tool of last resort and the power to compulsory acquire land should be limited to specifically defined works.

6.4.5 Urban Option 20

20. Develop new tools for land assembly, ie, development of comprehensive development plans to engage landowners previously uninterested, or unable, to develop their land; increasing the ways to share land while retaining freehold title; review of tenure options and land management models to increase methods for land-sharing.

There was a high level of support for this option. Some submitters considered this should be linked to funding and development feasibility which was not explicitly addressed in the discussion document (although it was considered in the UTAG report). Also, many submitters commented that comprehensive development plans should be developed first and that suitable oversight needs to be in place.

Wellington City Council provided a detailed discussion on this issue. It noted that land assembly is just one issue; financing for urban development requires a different set of tools. This submitter noted that the discussion document referred to land assembly options in other countries, but the submitter noted that those countries also have access to associated funding mechanisms. It outlines that it has investigated tax incremental financing (TIFs) in particular as a possible tool.

"Good quality strategic planning needs to be supported by flexible funding and financing mechanisms. The council would encourage Government to undertake further reforms to address this important issue." Wellington City Council

*“Like a number of other councils, Kapiti Coast District Council has visions for its town centres and other key District areas... What is lacking is sufficient funding to implement much of the vision”.
Kapiti Coast District Council.*

Summary: More submitters agreed with this option than disagreed. Many submitters referred to the UTAG recommendation that further research be carried out on funding and financing options.

7 Analysis of Social and Economic Infrastructure Options

7.1 Infrastructure Option 4-8 Overview

Options 4-8 related primarily to addressing perceived inequalities in the requiring authority system. The options sought feedback on whether eligibility should be broadened and, in doing so, also set out a possible two-tiered approach to requiring authority status (ie, limited requiring authorities).

In general, the main theme that emerged from submissions is that the system is not sufficiently 'broken' to justify adding additional layer of limited requiring authorities and that doing so would add further complexity to the RMA, not lessen it. Rather, the review process should look to clarify the existing roles and responsibilities of requiring authorities and address any concerns in that way. It was notable too that most existing requiring authorities were open to changes in the designation system, provided that such changes did not affect their own status as a requiring authority.

7.1.1 Infrastructure Option 4

4. Extend eligibility for designations to a broader range of infrastructure types, particularly to providers of ports and electricity generation [ITAG recommendation].

Overall, the majority of submitters (from across all submitter types) supported the option that sought to broaden out eligibility for requiring authority status. However there was still a notable proportion of those who did not agree to this option.

For those submitters agreeing with this option, one common reason provided was that the current system contained anomalies which should be addressed. The New Zealand Refining Company Limited noted that it did not make sense that they are a requiring authority for some aspects of their operations (ie, pipeline) but not for their refining operations. They noted that they are regarded as a 'lifeline utility' under the Civil Defence Emergency Management Act 2002 (in order to function to the fullest possible extent during and after an emergency) so considers the limitations of the requiring authority eligibility process as conflicting with their other role. Meridian Energy Ltd noted that its series of dams and canals along the Waitaki Power Scheme effectively create a linear network, yet because its function is to generate power it is not eligible to be a requiring authority. One local government submitter agreed reform was necessary now that many infrastructure providers are now private entities.

Three other main comments were raised by submitters supporting this option.

Firstly, it was very common for existing requiring authorities to agree to the change in requiring authority eligibility, provided that it would not affect their own requiring authority status. These submitters were somewhat concerned that any review of the requiring authority process may result in the loss of their existing status.

A second area of discussion was the appropriate criteria to determine eligibility. Commonly raised by submitters was the issue of whether the infrastructure provider is public or private.

Infrastructure providers who commented on this issue did not see that it was appropriate to consider eligibility based on the nature of the provider (ie, public/private). However, this view was not shared by a number of local authority submitters. Tauranga City Council for example stated they did not support those infrastructure providers with a competing financial outcome or private enterprise becoming RAs. The Architecture Centre expressed caution over the use of public/private providers, noting they have had a poor track record overseas.

The nature of the network was also considered to be a relevant criterion, with at least two submitters considering it should relate primarily to 'joined-up' networks. The other criterion mentioned by one submitter was that the work be nationally significant.

The option specifically referred to the possible inclusion of ports and electric generators being included as requiring authorities. Submitters expressed mixed views on this. Infrastructure providers generally agreed they should, but there were dissenting views from other submitters. A selection of quotes is outlined below to illustrate the range of perspectives on this issue:

"Meridian notes that without this recognition [ie. RA status], places the infrastructure provider with the need to rely on normal RMA processes which can be unsatisfactory in an emergency or when the need to undertake urgent repairs to an asset to ensure public safety and protect property."
Meridian Energy Ltd

"..there is a direct link between electricity lines and generation systems and therefore should have access to the same powers." Northpower Ltd

"Certain infrastructure types such as ports electricity generators are critically important to economic health of cities. Accordingly, those infrastructure providers should have full requiring authority status" Property Council

"Whatever mechanism is chosen must it not be able to be used by designating authorities to gain commercial advantages and to skew planning processes...eg, Auckland International Airport has promoted not just core airport works but also extensive property development. Ports of Auckland Limited...has functioned as a property company in addition to being an infrastructure provider."
Kiwi Property Management Ltd

"If eligibility for designations is relaxed, PNCC cautions the use of the designation process or renewable electricity generation, in particular wind farms. Wind farms have unique and complex set of environmental effects that require a comprehensive assessment of the environmental effects of individual wind turbines" Palmerston North City Council

"We could live with ports having requiring authority status, but not power generation or transmission lines, because there are many power generation options, and most particularly there are energy efficiency alternatives. Both may have major effects on the natural and the social environment" ECO

Other submitters seeking requiring authority included the Association of Proprietors of Integrated Schools, Living Earth (waste management providers) and Community Housing Aotearoa (providers of affordable housing) amongst others.

There was some disagreement from submitters though. Another submitter was concerned at the ability of the private sector to acquire land.

Summary: *There is a reasonable degree of support for reviewing the eligibility criteria for requiring authorities, however this was considerable debate between submitters on the details of the criteria and in considering the inclusion of providers of certain infrastructure types.*

7.1.2 Infrastructure Option 5

5. Define eligibility based on the 'nature of development' rather than the type of infrastructure. The operational requirements of infrastructure generally dictate a particular location and/or shape of development. Criteria could include: being part of a non-divisible network (such as electricity transmission, or a broadband network); requiring development next to existing infrastructure (eg, to provide for expansion of existing ports or airports facilities or existing school or defence facilities) and/or requiring access to a particular natural resource (eg, renewable energy resources such as wind or water). Note that it is possible that not all developments currently eligible for designations would remain so under this option.

While a majority of submitters supported this option, a notable number of submitters disagreed too. Existing requiring authorities were concerned to ensure that any change as a result of this option would not affect their current requiring authority status. Airport infrastructure providers (eg, Christchurch International Airport Ltd, Auckland Airport) were one group in particular who were concerned that this option would affect their status:

"...airports around the world are redeveloping themselves as new hubs for ancillary services. Any definition should refrain from limiting the scope of airport operations to just arrival and departure of aircraft." Christchurch International Airport Ltd.

One requiring authority noted that if option 5 is adopted it should only apply to limited requiring authorities to prevent uncertainty to existing requiring authorities. Similarly, one submitter said it should only apply to new designations, not existing approvals.

Some submitters sought more clarity on what exactly the problem was that this option was seeking to address. The Auckland Council disagreed with this option stating that neither 'nature' nor 'type' of development is a good determinant of 'public good' infrastructure. They cited the situation of Auckland being a 'lucrative' market resulting in the overprovision of infrastructure, particularly in the telecommunications network industry.

Summary: Responses to this option were finely balanced between those in support and those who disagreed. Submitters have suggested that further work is required to clarify exactly what 'nature of development' means, and whether this would apply to all designations (both existing and new). Existing requiring authorities emphasised that they did not want to lose their requiring authority status if this option is adopted.

7.1.3 Infrastructure Option 6 Overview

This set of options attracted a number of submissions, some of which did not outline specific support or disagreement for the sub-options, choosing instead to make general comments on the concept of Limited Requiring Authorities.

The most significant of these general comments was that a number of submitters considered the current provisions were adequate and the proposed options, if adopted, would add further complexity. For local government submitters a key theme was to "keep it simple".

The other main comment relating to all options was from existing requiring authorities, who wanted to ensure that they would remain full requiring authorities. Submitters also noted that existing requiring authorities should not be re-classified as limited requiring authorities as many requiring

authorities have made significant investments in existing designations. Local government submitters were also unclear whether the options were intended to affect the requiring authority status of the Crown and local authorities.

Lastly, a number of submitters considered there was not enough detail on how the limited requiring authority concept would work or how these would be defined. Consequently they chose not to make specific comments at this stage.

Telecom submitted that there could be an alternative to amending requiring authority status, which involves another type of designation for infrastructure. They considered this could relate to 'operational end' type works for which consent authorities could hold the decision-making powers, subject to some process adjustments.

7.1.4 Infrastructure Option 6a

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

The majority of infrastructure providers and commercial/industry submitters did not support this option. There was a more mixed response to option 6a from all other submitters, with a slight majority agreeing with option 6a. Almost all comments, either in support or opposition, were related to this issue of whether limited requiring authorities should be determined on a public/private basis.

Infrastructure providers, commercial/industry submitters were very clear in their opposition to any form of eligibility being based on a public/private distinction. Some of the comments relating to this included:

- There should be no difference between public/private providers.
- Would be difficult and unfair to apply this in respect of electricity providers who, across New Zealand, have different ownership structures.
- Should be based on the nature of the infrastructure, not ownership.
- This would prevent public/private partnerships (eg, such as broadband network development).
- Work is funded privately but for a public benefit.

Three particular quotes from the submissions have been identified that help to summarise these perspectives:

"Whether an infrastructure operator is publicly or privately funded, and/or whether the infrastructure would confer public or private benefits are not (and have never been) a relevant consideration under the RMA. NZRC considers it inappropriate that, without any assessment of the effects associated with a proposal, an infrastructure operator may be afforded a lesser range of powers - in particular, removal of decision-making rights - based simply on its financing structure." New Zealand Rail Corporation.

"The issue of public v private delivery should not be confused with the concept of infrastructure as an essential 'economic public good' (ie, delivering public benefits)" Telecom

"We note that if infrastructure projects with private financing are not eligible to use the designations process then it may result in prolonged approval process and result in increased costs and timeframes for the development of infrastructure". IPENZ

There were a notable portion of local government submitters who also disagreed with this option; one submitter in particular noted that local authorities generally want a simple system and do not want to be dealing with different types of requiring authorities. It was also noted that there are other plan tools that could be used for the sort of infrastructure that may be considered for limited requiring authority status, such as special zones or schedules to the usual planning rules. Wellington City Council provided a list of providers they did not consider were suitable for limited requiring authorities including ports, hospitals, universities, private schools, tertiary institution facilities.

There were few comments from those submitters that explicitly supported the introduction of limited requiring authorities. One specific submitter stated that while they supported the concept, it was not the most appropriate or practical solution; preferring option 4 instead.

7.1.5 Infrastructure Option 6b

6. Narrow eligibility for full 'requiring authority' status and establish a new status of "limited requiring authority"

b) approval process: approve 'limited requiring authority' status on a project specific basis only, to reflect the purposes of each particular project [building on ITAG recommendation]

As with option 6a, a majority of infrastructure providers and commercial/industry submitters did not support this option. There was however a slight majority from all other submitters who did agree with this option. The main comments relating to this option were related to why it should not proceed:

- RMA already provides for one-off projects.
- Different processes for LRAs will confuse the broader understanding of the process.
- Difficult to apply for simple projects such as maintenance – would infrastructure provider have to re-apply every time?

KiwiRail offered conditional support, noting its concerns with how a 'project-by-project basis would work for projects on their linear network. They considered it would be costly and difficult to separate out projects.

Genesis Energy, who agreed with this option, considered that the approval should sit with the Environmental Protection Authority.

7.1.6 Infrastructure Option 6c

6. Narrow eligibility for full 'requiring authority' status and establish a new status of "limited requiring authority"

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

As with the above analysis for options 6a and 6b, a majority of infrastructure providers and commercial/industry submitters did not support this option. There was however a slight majority from all other submitters who did agree. There were a greater number of reasons provided by submitters for why agreement was provided:

- Will enable two separate processes with different tests.
- If adopted, need adequate safeguards, including independent decision-making.
- The objectives of private providers are profit driven and less likely to take into consideration social and environmental needs.

There was however some debate amongst submitters regarding the extent of powers that limited requiring authorities should have. Some submitters who agreed noted however that they would need to retain full powers, including the ability to acquire land under the PWA.

"Proposals to potentially limit RA status need to recognise that holder of that status are heavily incentivised to use the associated powers affecting third parties as infrequently as possible..."
Contact Energy.

This view was not accepted by all however, with one member of the public stating that private companies should not be able to acquire private land.

Regarding decision-making powers, most submitters agreed that these should be restricted for limited requiring authorities, especially if eligibility for requiring authority status generally is widened. The Wellington City Council noted that councils should take over decision-making responsibilities for all requiring authorities within their jurisdiction that are not considered to be national infrastructure providers or part of a non-divisible network.

Summary: The concept of limited requiring authority status did not receive widespread approval from many submitters. Infrastructure providers were opposed to distinguishing requiring authorities and limited requiring authorities on the basis of public/private funding models and the added complexity it would bring. Most submitters were also concerned about the likely complexity a two-tier requiring authority process might create and sought to keep the process simple. Submitters identified some practical difficulties with the defining limited requiring authorities on a project-by-project basis. There was a reasonable amount of support for limiting the powers of limited requiring authorities, especially in respect of their decision making powers, but mixed feedback regarding the extent of PWA powers needed.

7.1.7 Infrastructure Option 7

7. Change all references in the RMA from 'network utility operator' to 'infrastructure provider' to better reflect the range of development that is eligible for designations [ITAG recommendation].

Of those submitters that commented on this option, there was a high degree of approval. Few additional comments were provided, but the main comments in support simply noted it was a change in terminology.

Submitters who opposed this, generally opposed all options 4-8 citing that the current provisions were adequate and the proposed options would merely add further complexity to the designations system.

Summary: There is a high level of support for this option from those that commented on it.

7.1.8 Infrastructure Option 8

8. Amend the definition of 'infrastructure' in the RMA so that it reflects the full range of eligibility for requiring authority status [builds on an ITAG recommendation].

As with option 7 above, there was a high degree of approval from those submitters who commented on this option. The two main reasons in support included that the definition is out of date, limited in scope and that this appears to be a consequential change which will be needed if other options outlined in the Discussion Document are adopted.

Some submitters were concerned again that the change in definition should not affect their current requiring authority status.

Whangarei District Council called for recognition of soft infrastructure (ie, low impact urban design/infrastructure techniques) in any definition, noting that the latter was not strongly addressed in the Discussion Document.

Watercare Services Limited disagreed with the option in general. It provided an example of a definition which is in keeping with their view that the definition should focus on 'critical infrastructure':

"Infrastructure assets, services and systems which, in the event of their being destroyed, degraded or rendered unavailable for periods of more than a day, would have serious consequences for the health, safety, security and social and economic well-being of the Auckland Region." Watercare Services Ltd

Summary: The majority of submitters supported the change in definition, but as with options 4 and 5, there was some concern at whether this may affect the existing requiring authority status of some infrastructure providers.

7.2 Infrastructure Option 9 Overview

This group of options introduced 'concept designations' as a tool to support longer-term infrastructure planning. It is noted that some of these options were 'mutually exclusive' meaning, in theory, support for a particular sub-option means it would not be logical to agree with the 'related' sub-option.

Overall, there was a reasonable degree of support for concept designations, subject to further work being done to provide more detail on how it would work in practice. One theme that did emerge from submissions however was the extent to which the issues being addressed by this option can instead be addressed by additional non-statutory guidance.

There was a reasonable degree of support for either option 9a or option 9b, indicating that submitters felt there was a role for concept designations. The level of support is mixed however between different submitter groups with infrastructure providers (including existing requiring authorities), commercial and industry groups offering more support, local government submitters and practitioners having mixed views and members of the public and NGOs either not providing any comments or leaning towards disagreeing with concept designations.

A number of submitters neither agreed nor disagreed with Option 9, but provided some general observations:

- Concept designations need scrutiny even at the concept designation stage.
- Not clear how concept designations would fit with spatial plans.
- Perhaps an alternative to concept designations is to include infrastructure providers into existing structure planning processes.

7.2.1 Infrastructure Option 9a-9c

9. *Eligibility for concept designations: Either:*

- a) all infrastructure projects eligible for designations should be able to make use of concept designations or*
- b) only a subset of projects eligible for designations should be able to make use of concept designations. They should be limited to nationally significant projects only and/or*
- c) concept designation status should be conferred on any future infrastructure identified in a statutory spatial plan*

A handful of submitters (all either infrastructure providers or commercial/industry submitters) considered that wide eligibility for using concept designations was required, ie, to all infrastructure providers and requiring authorities. This would promote long term planning and enable alternative procurement/funding arrangements to be considered for such infrastructure projects (eg, public/private partnerships). This view was balanced by those submitters (largely from local government) who considered it was not appropriate for Limited Requiring Authorities (should this proposal proceed) to be able to use concept designations.

Many submitters also commented generally on the need for further information about how concept designations would work in practice. Details were especially needed around the respective notice of requirement and outline plan stage processes.

In agreeing with Option 9a, it was common for submitters to state generally the reasons why they supported the concept designation option. These reasons included:

- Would remove investment uncertainty, and supports the ability to signal and plan for such infrastructure.
- Allow for efficient development of infrastructure.
- Considered this might help to avoid the 'information creep' that had been occurring in recent years with the Notice of Requirement process.
- Considered appropriate to manage the long-term effects of certain infrastructure (eg, airports).

Of those supportive submitters, some added conditions to their support. These included:

- That this would result in faster approvals and not just be an 'extra step' in the designation process.
- That this would not affect designations where works had not yet been constructed.
- That the decision-making for RAs would not be affected.
- That it was not restricted to just nationally significant projects.

In disagreeing with option 9a, submitters considered that:

- Adds further complexity to the designations system and could increase litigation and costs.
- Increased risk of planning blight (though Environment Waikato considered there could be tools put in place to reduce this)
- Concerns that there would be wide-spread 'banking' of land for few national benefits
- Concerns with the compatibility of land uses surrounding concept designations (ie. likelihood of reverse sensitivity).

For those submitters that did not support option 9a, but favoured option 9b, the main reasons for supporting this were that it limits the scope of who or which type of projects would be eligible, thereby reducing the effect of the general concerns with concept designations outlined above.

Some submitters supporting this option considered it would be acceptable provided that the option was clarified so that it only applies to national significant infrastructure projects and/or long term projects.

The level of support for Option 9c was very mixed with slightly more submitters agreeing with the option than those disagreeing with it. For those who disagreed, the comments mainly related to either opposition to mandatory application of spatial plans, or due to a lack of detail around how those plans would work in practice. In particular, submitters noted that:

- Not certain that spatial plans will be in place everywhere in New Zealand and should not rely on this being the case.
- Some regions already have strategic planning documents in place, so not certain spatial plans required.
- Concept designation process generally adds complexity, opportunities for more litigation and increased costs.
- Concerns regarding the robustness of spatial plans, its statutory weight, and the level of consultation that occurred during their preparation.
- Concern about whether there would still be appropriate level of information about a project if its included in a spatial plan.
- If option 9c adopted, one submitter noted that this will lead to increased scrutiny of the spatial plan and assumed that projects within the spatial plan had community acceptance.

Summary: There was a reasonable level of support for concept designations as a tool, though the wide range of issues raised by submitters suggests further work is required to develop the tool. There was less support for option 9c largely due to high degree of uncertainty around how spatial plans will work in practice.

7.3 Infrastructure Option 10 Overview

For this option, the type of submitter appeared to influence the level of agreement or disagreement with an option. While infrastructure providers and commercial/industry submitters were evenly

balanced in their support for either option 10a or 10b, there was a slight majority favouring option 10b (ie. detail only required to identify high level impacts). Conversely there was a stronger majority of local government submitters, practitioners and other submitters who agreed with option 10a (being the identification of a comprehensive envelope of future impacts).

Submitters also offered some general comments on option 10, including:

- Further detail was needed around exactly what a 'comprehensive envelope of future impacts' meant, along with an explanation for 'high-level impacts'.
- Consider tweaking existing processes instead with non-statutory guidance instead.
- One submitter noted that the appropriate balance of information requirements will depend on the designation and the statutory powers of the requiring authority.
- One submitter noted that it was not clear from these options how the interests of the public would be protected.
- It was noted by a Community Housing Aotearoa that whenever information was provided, it should be required to include information on the impacts on housing.
- If option 10a were adopted, there should be no requirement for an Outline Plan of Works.

7.3.1 Infrastructure Option 10a

10. Level of detail required with application: Either:

a) sufficient detail is required to identify a comprehensive envelope of future impacts. This will allow 'controlled activity' status to automatically apply to any subsequent resource consent applications [ITAG recommendation] or

A majority of submitters supported this option. Submitters who supported this option noted two main reasons for their support. The first was that it might provide opportunities for potentially affected people to become involved. One local government submitter noted that it was even more important that as much information was provided as possible in the event that any subsequent approval needed would become a Controlled Activity consent. Some submitters noted (under option 13c) that this was perhaps a reason not to make such subsequent consents Controlled Activities as this would undermine the purpose of having concept designations.

While Christchurch International Airport Ltd supported option 10a, they noted that very often the details of projects are not known until funding becomes available. Funding allows for investigations to be carried out and agreements entered into.

7.3.2 Infrastructure Option 10b

10. Level of detail required with application: Either:

b) sufficient detail is required to identify high-level impacts only. A further application would be required at the detailed design or project stage, when detailed impacts can be identified and options to avoid, mitigate or remedy can be considered. Later decisions on specific approval would seek to give effect to the concept

As noted above there was a higher level of support for this option from infrastructure providers and commercial/industrial groups. Even so, some submitters raised queries with how it would work in

practice, noting that it was still very important that everyone has a very clear understanding of the information requirements for each stage.

Summary: There was a mixed level of support in response to option 10, based largely on the type of submitter. Local government typically preferred option 10a, whereas infrastructure providers and commercial/industry submitters preferred option 10b.

7.4 Infrastructure Option 11

11. Powers, protections and obligations provided to infrastructure providers:

- a) infrastructure providers would have the full range of powers currently provided through notices of requirement, including access to Public Works Act powers or*
- b) infrastructure providers would have a more limited range of powers currently provided through notices of requirement, given the lower level of detail identifiable in proposals. This could include restricting access to PWA powers, except where a potentially affected landowner wished to require the purchase of their property and/or*
- c) a maximum lapse period⁵⁰ of 10 years would apply [ITAG recommendation] or*
- d) a longer maximum lapse period, such as 20 to 30 years, would apply to align with the timeframes for regional land transport strategies and the Auckland spatial plan*

7.4.1 Infrastructure Option 11 a and b

The majority of infrastructure providers and commercial or industry submitters preferred option 11a (full powers) to option 11b (limited range of powers). Local government submitters were reasonably mixed with the preference for 11a over 11b, whilst other submitters tended to prefer option 11b over 11a.

In terms of reasons for agreeing with option 11a, some submitters noted that:

- Full powers were necessary to provide for long term development of infrastructure.
- In particular, PWA powers are necessary in situations where the siting of critical infrastructure is limited by technical constraints and for this reason the ability to acquire specific areas of land is needed.
- Two local authority submitters acknowledged the need of requiring authorities to be able to acquire land, though one of these only offered qualified support as they did not support the idea of private providers having full requiring authority powers.

7.4.2 Infrastructure Option 11 c and d

In respect of the preference for option 11c (10 year lapse period) over option 11d (20-30 year lapse period) the infrastructure provider and commercial/business submitters preferred option 11d. Most other submitters preferred the 10 year maximum lapse period. It was unclear whether submitters were responding to this question with respect to concept designations only, or with respect to all designations.

In agreeing with option 11c, a number of submitters noted that the 10 year period fits well with the 10 year plan review cycle. One submitter considered that 10 years should be the default and only shortened where there is a specific reason for doing so.

7.4.3 Infrastructure Option 11d

Regarding the support for option 11d, submitters noted the following:

- This will help to prevent reverse sensitivity issues associated with large infrastructure.
- One airport operator noted in particular that this suits their airports 20-30 year planning horizon.

In addition, submitters noted with some caution that a longer lapse period could contribute to planning blight, noting the need to consider a review after every ten years.

A number of submitters did not express specific approval for either option c or d, but made general comments instead:

- While a standard lapse period is supported, the scale of the designation should be factored in.
- The lapse period needs to be specific to the project.
- One submitter preferred a 10-20 year timeframe noting that this better suited the spatial planning/RLTS timeframes.
- It is already possible to extend the default five year lapse period.

Summary: Taking into account the views of all submitters, the preference is for more comprehensive information being provided in concept designation applications and that the lapse period be extended to a maximum of ten years.

7.5 Infrastructure Options 12-15 Overview

This series of options set out possible ways to streamline the range of approval processes under the RMA. In general there was a high level of agreement for any attempts to streamline regulatory processes.

7.5.1 Infrastructure Option 12

12. Integrate current multiple approval processes into a single process. Create a single approval process for a nationally significant infrastructure project which provides all the necessary approvals under the RMA and other statutes, and a single point of appeal (a 'project designation'). This would replace separate requirements to apply for: a designation; access to compulsory acquisition powers under the PWA; and any other necessary consents and approvals under the RMA and other statutes. [This option is derived from the ITAG recommendation for a new approval process called a 'project consent']

This option received a very high level of support from most submitters, regardless of submitter type. There was in particular a very high level of support from infrastructure providers, the commercial and industry submitters and from local government too. The main reasons for support was that it would assist in reducing complex processes and assist with timely decision-making (one

submitter in particular noting the lack of timeframes for the concessions process and controls over how requests for further information are managed). Meridian Energy noted that:

“...A comprehensive process should include RMA, Conservation Act, Historic Places Act and Building Act approvals”. Meridian Energy Ltd

Meridian Energy also referred to the New South Wales model which provides a set of criteria for an overall approval.

“Simply aggregating process without providing a clear set of criteria to apply to decision making still carries a significant risk of inconsistency”. Meridian Energy Ltd.

Some submitters noted that use of the process needs to be optional because sequencing of consent approvals is sometimes a useful aspect of a development project. Further, processing timeframes need to be applied to any multiple approval process.

Several submitters (both infrastructure providers and local government submitters) stated that the process should be able to be applied to regionally significant infrastructure too. Electricity Networks Association noted in particular that care needs to be taken in how ‘nationally significant’ is defined as:

“many regional projects may deliver significant benefits, and be of the nature of infrastructure the government deems to be of national importance, however the actual programmes may not be part of a national network of infrastructure”. Electivity Networks Association

While many local government submitters supported the process, some of these submitters did note that this was merely an extension of the EPA process. A number of councils did however support the multiple approval process being available for ‘local council’ decisions. Wellington City Council in particular considered that where councils have expertise and capability in house there is no reason why the Historic Places Trust cannot delegate decisions on archaeological authority approvals to such councils.

The Historic Places Trust submitted that although they supported the greater integration between different consenting processes, they did not support the blending of approvals into one consent, considering this was complex and unwieldy. They were concerned this could lead to greater decision-making inconsistency at a local authority level and contribute to the loss of archaeological sites. They noted that the archaeological authority process has been under review and once the proposed changes have been adopted it will result in a more streamlined process.

Summary: Apart from a small minority of submitters, there is a high level of support for this option from most submitters. The concerns raised by submitters largely relate to the detail of how the multiple approval process would work in practice.

7.5.2 Infrastructure Option 13a

13. Remove duplicated processes:

a) provide for designations to be automatically ‘rolled over’ into updated district plans when provided for in a spatial plan and/or

The majority of submitters (across the range of submitters) commenting on this option agreed that it was appropriate to ‘roll-over’ designations in the District Plan if provided for in a spatial plan. A number of submitters did however note that this would largely be dependant on the nature of

spatial plans, how up-to-date the plans are and the level of statutory influence these plans will have.

The two main reasons provided for supporting option 13a included that it should make the rollover of designations easier and avoid duplication of process. A number of submitters gave conditional approval to this idea. The provisos included:

- That it should not be conditional on having an spatial plan in place (ie, there may be other strategic documents in use in a particular region/city), though one submitter said this must be conditional on having a spatial plan in place.
- Should only apply where the designation has not lapsed.
- Need to ensure there is a mechanism in place to remove the designation if it is no longer required.
- Should only apply to designations that have been through a notice of requirement process previously.

Those not agreeing with this option noted the following reasons:

- It should not be linked to spatial plans as not all councils have these.
- There was some concern about the loss of public participation rights if designations are simply rolled-over.
- A number of submitters considered it was more appropriate for these to be considered as part of the usual plan review process (ie, maintain the status quo).
- Auckland Council noted that designations need to be reviewed regularly due to on-going issues of not giving effect to designations. The submitter also took the opportunity to suggest that an amendment be made to clause 4 of 1st Schedule to allow councils to request modifications to ensure designations reflect current practice.

Summary: There was a reasonable level of support for this, though submitters identified a number of issues that would need to be addressed.

7.5.3 Infrastructure Option 13b

13. Remove duplicated processes:

b) remove the current two-stage process ('notice of requirement' and 'outline plan') for approving development. Instead, establish the development's limits when the initial designation is approved. These would be applied and managed by referring to relevant rules in a district or regional plan, as well as conditions on the designation (including conditions to comply with management plans) and/or

There was more disagreement with this option from submitters than those agreeing with it. Notably both infrastructure providers, commercial and industry groups and local government submitters did not support the removal of the current two-stage process. The main reasons for retaining the status quo included:

- Current process provides flexibility and certainty. Flexible in that it is possible for councils to waive the second outline plan stage where the notice of requirement stage has

provided sufficient detail. Wellington City Council stated that they would waive the outline plan stage approximately 50% of the time.

- It is appropriate and possible for some infrastructure to provide detailed design at the first notice of requirement stage, but sometimes this isn't possible. Either way the two-stage process provides choice.
- The outline plan stage is still required for older-style designations which are very broad in their definition.
- Acceptance there are some issues with implementation and practice, but these are minor and can be addressed with further guidance.

Wanganui District Council noted that:

"Removing the outline approval stage needs further consideration. If no outline approval was required the Requiring Authority would have to give the Local Authority so much detail at the designation stage, that it would probably hinder implementation because technology would almost certainly have changed." Wanganui District Council

Summary: There is less support for this sub-option from the range of submitters. The main theme coming through from these submitters is that the current process works well as it provides flexibility and choice for infrastructure providers. Submitters did accept there was scope for some improvement to the existing process, but that this could perhaps be best delivered by additional guidance.

7.5.4 Infrastructure Option 13c

13. Remove duplicated processes:

c) where a concept designation is in place, 'controlled activity' consent status would automatically apply to any subsequent resource consent applications [ITAG recommendation]

Feedback on this option was definitely more divided than other options. Infrastructure providers and commercial/industry groups supported it by a small majority, local government disagreed by a small majority and other submitters were reasonably mixed in their views.

Reasons for agreement included:

- Supports efforts to streamline approval processes and remove duplicated processes.
- Pointless having any other type of consent category for subsequent resource consent approvals if this means the main activity could be affected by the decline of a subsequent resource consent application.

One submitter agreed with the concept, but suggested the use of an outline plan instead of subsequent resource consents. Another submitter also agreed provided this would not trigger the requirement for a greater level of information to be provided at the notice of requirement stage.

Contact Energy Limited did not support this on the basis that the option ignored the practical reality that councils would feel they have no option but to seek more detailed information at the notice of requirement stage to ensure there is a level of comfort over subsequent approvals being controlled activities. The submitter suggested accepting this practical reality and making subsequent consents 'limited discretionary' consents. This 'practical reality' was also acknowledged by a small number of local government submitters.

Local government submitters who did not support the option noted that it would not allow proper consideration of environmental effects. There was particular concern in respect of regional resource consents required where the effects of the particular activity may not be minor and suitable for a decision as a controlled activity, where approval must be provided.

Summary: This option received very mixed response from submitters. Submitters supporting it considered it a sensible approach, whereas others were concerned about the inability to properly manage environmental effects (especially for regional consents) and also acknowledged that it would have flow-on effects to the level of information required at the notice of requirement stage.

7.5.5 Infrastructure Option 14

Across all submitters, there was a high degree of approval for all options compared with those submitters who did not support one or more of the options. A smaller number of submitters questioned whether the changes were very different from what already occurs in practice by many councils.

7.5.6 Infrastructure Option 14

14. Establish consistent processes:

- a) require 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*
- b) introduce pre-application consultation requirements for concept and project designations and/or*
- c) require public hearings for any concept designation and/or*
- d) provide non-statutory guidance to inform 'notice of requirement' and 'outline plan' processes [ITAG recommendation] and/or*
- e) apply consistent statutory timeframes to all project designations.*

There was very little disagreement with option 14a compared with the high level of support it received. Reasons for support included:

- This represents best practice anyway in terms of current practice for infrastructure providers.
- This is equitable and reasonable.
- This will improve processes and ensure fairer, more considered decisions for compensation.

There were some provisos too, in particular the need to put a timeframe on this (ie, 6 months) and that it should only start at the point where the proposal is reasonably certain and it is known exactly who will be affected. One submitter agreed with the option, but noted it was not always possible to know in the early days of a project what land would be required, so there does need to be some flexibility.

Though the majority of submitters supported option 14b, noting that it represents best practice, not all submitters agreed that consultation should be regulated in this way. Two main reasons for opposition were that it would defeat the aim of reducing uncertainty and, secondly, that it is contrary to recent moves in the legislation to remove formal consultation requirements. That is, consultation should remain a choice and those that choose not to undertake it should accept the risks of that choice.

Option 14c was also favoured by the majority of submitters, but there were a notable number of submitters who disagreed with this option. The main reasons for this disagreement was that there is little point in having a hearing if there are no submitters wanting to be heard and also that the need for a hearing should be based on the effects of a concept designation.

There was very high level of support for option 14d from all types of submitters. There was some limited disagreement, with some submitters noting that there was already guidance in place (including a recently updated Quality Plan Website Guidance Note). Others noted that statutory guidance is required now to improve consistency in how the process is implemented.

Many submitters agreed with option 14e, but at the same time acknowledged the concerns of those who disagreed with it. The primary concern with this option was that while statutory timeframes would work well for smaller projects, it would be very difficult to apply the same timeframes to larger, more complex projects. The nature of the development also influences timeframes.

Summary: There is a considerable degree of support for all of these options, but it is worth noting that many submitters considered many of these options did already occur in practice anyway. Submitters who disagreed with some of the options provided comments relating to how the options would work in practice.

7.5.7 Infrastructure Option 15

15. Improve investment certainty for resource consents:

a) Introduce a new process for re-consenting with the following features [ITAG recommendation]:

- i. confer rights to apply for an existing consent holder*
- ii. expressly allow renewal applications well within the existing consent term*
- iii. provide for the consented scale of activity to continue while the re-consenting application is being processed*
- iv. limit the scope of the new consent to the existing scale of activity within the same 'effects envelope', where practical*
- 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*

vi. constrain notification and consultation requirements to directly affected parties, rather than the public at large.

vii. take account of Treaty settlement issues where they are relevant.

b) When deciding on re-consenting applications, consider either:

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 permitted to consider the effects of the existence of a physical structure, such as the existence of a dam occupying a river bed [ITAG recommendation] or

ii. allowing a consent authority to consider any matter it considers relevant and reasonably necessary to determine the application.

Submitter feedback on option 15 indicated a reasonably high level of support for the concept of re-consenting, especially from infrastructure providers and commercial/industry submitters.

"Re-consenting processes can take several years and millions of dollars to resolve, often with no guarantee that resource consents will even be renewed or renewed on terms similar to existing operations (thus placing commercial viability of activities into question)." Centre for Urban and Transportation Studies.

There was some limited disagreement (mostly from local government submitters) who questioned the need for the option considering that most of the matters outlined were already provided for in section 124 of the RMA and in established case law.

Other submitters were concerned about the scope of consents that re-consenting might apply to, or at least the expectations that might be created by the re-consenting process. For example, the Otago Regional Council was concerned that re-consenting might create the expectation that the consents (such a water rights) will be rolled over. Further, the submitter was concerned that this might prevent the evolution of water management to a more efficient allocation of the resource. Far North District Council, in support of re-consenting, noted that the re-consenting process is a large, unnecessary financial drain on councils.

As there was a high degree of support for most options, the discussion below only summarises submissions on those particular sub-options that attracted a number of specific comments from submitters.

15a(iv) – Limiting scope of new consent to existing scale of activity.

This option was commented on by a number of infrastructure providers and commercial/industry submitters. The main comment from these submitters was that it is very common at re-consenting stage to upgrade or enhance the performance of the infrastructure. There was concern that this provision would limit legitimate enhancement opportunities for infrastructure.

Trustpower outlined three elements that the scope of the consent should cover. These were any new effects, changes in the scale of activity and any effects the applicant was unaware of at the time the original consent was approved.

Contact Energy noted in particular that while the provision might be appropriate for hydro or wind energy projects which generally proceed as previously consented, geothermal consents are a 'naturally evolving process', suggesting that this provision would limit those particular activities.

However the New Zealand Wind Energy Association considered that this option may still create issues for wind energy projects, limiting the ability for sites to be 're-powered' with newer, larger and more efficient technology.

15a(vi) constrain notification requirements and consultation

There was a reasonable degree of disagreement with this sub-option, largely from members of the public and some local government submitters. For example, Whangarei District Council was concerned that this option was against the principles of public participation and Christchurch City Council considered there must still be scope for public notification where there is uncertainty around who may be affected.

15b(i) and 15b(ii) – scope of consent authorities decision-making considerations

These two sub-options required submitters to choose which sub-option they preferred.

Infrastructure providers and commercial/industry submitters were strongly opposed to 15b(ii), stating that it provided too much discretion and in doing so, would go against the reform objective of investment certainty. Meridian noted that it could result in a consideration of a wide range of factors which may also be politically driven.

Local government submitters were equally balanced on their preferences for both options. Horizons Regional Council cited the example of 'installation of fish passages' as a 'new issue' that is being raised now during the re-consenting of existing dams and ancillary infrastructure. Far North District Council was strongly supportive of re-consenting in general and noted that authorities need only consider new effects and additional information not previously available.

Other submitters were also balanced in their responses to these options, with a marginal majority opting for 15b(i).

Summary: There was a reasonable level of support for the option of a distinct process for re-consenting. Questions were asked by submitters on how these options differ from or improve upon the RMA's existing re-consenting provisions set out in s124 and the case law.

7.6 Infrastructure Options 16-20

This set of options sought to gather feedback on enhancing the decision-making processes associated with designations.

7.6.1 Infrastructure Option 16 a

Option 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.*

The majority of submitters agreed with option 16a, except infrastructure providers and commercial/industry submitters. Many infrastructure providers and commercial/industry submitters strongly disagreed with the suggestion to remove the decision-making role from requiring authorities or limited requiring authorities. Local government submitters agreed with removing the decision-making role from limited requiring authorities, but not from requiring authorities that are also local authorities. These submitters generally either consider that the decision-making role should be carried out by local authorities or by independent decision-makers. The main reasons for this were that requiring authorities (especially private companies) have potential conflicts of interest. Two differing views on this issue (both from infrastructure providers) are set out below:

"Our experiences with some decisions on notices of requirement has been that local authorities have made recommendations with conditions that are completely unworkable. We have had a number of situations, where due to a lack of understanding of technical transmission issues, councils have sought inappropriate conditions on designations". Transpower New Zealand Ltd

"A fundamental requirement of the Act, and the processes that stem from it, is that the public are satisfied that transparent, robust and equitable decisions are issued. Anything that detracts from that creates cynicism and scepticism, which in turn has the potential to lead to protracted and inefficient processes." Trustpower

While the majority of submitters agreed with option 16b (including local government submitters), the majority of commercial/industry and infrastructure provider submitters disagreed with this option. Most of those submitters noted that if the decision-making responsibility on the notice of requirements is taken away from requiring authorities, it was essential that the requiring authority retain decision-making powers for the outline plan stage. These plans contain much of the technical detail associated with public works and it would not be efficient or effective having local authorities making decisions about matters they have little day-to-day understanding of.

Similar to option 16a, the majority of commercial/industry and infrastructure provider submitters disagreed with option 16c, while the majority of all other submitters agreed.

Option 16d received mixed responses from submitters, though most commercial/industrial and infrastructure provider submitters were generally in opposition. These submitters questioned how "significance" would be interpreted, noting that it is a subjective term and wide open for interpretation. Submitters also noted that there will be less clarity as to who the decision-maker would be, increased uncertainty, costs and time delays.

Summary: There was little support from infrastructure providers and commercial/industry submitters for most of these options, with the exception of option 16b. However most other groups of submitters generally agreed with the options as the options sought to remove the decision-making responsibilities from requiring authorities. There was however some issues raised with option 16d in respect of how it would work in practice and concerns about the interpretation of 'significance'.

7.6.2 Infrastructure Option 17a-h

Option 17: Ensure the objectives of infrastructure investment are appropriately recognised. Decisions on designations (both concept and project) should be based around the following considerations:

- (a) whether the project is consistent with the purpose and principles of the RMA*

- (b) the extent to which the project is consistent with any relevant NPSs, NESs, regulations and/or other nationally consistent standards*
- (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*
- (d) the extent to which any adverse effects of the option have been avoided, remedied or mitigated*
- (e) the benefits of the project*
- (f) the impacts of any conditions that are imposed on the delivery of the objectives of the project*
- (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, etc, and the need for consistency in approach across council boundaries*
- (h) the extent to which realistic options for co-location of infrastructure could be appropriate and have been considered*

Overall there was a high level of agreement from most submitters for many of these considerations. A number of submitters did however note that many of the matters listed in option 17 were already part of the RMA and taken into account during decision-making.

Some specific comments were raised by submitters on aspects of option 17. There were significantly more comments offered on options 17 (c), (f), (h). For those local government submitters opposing options (c) and (f) in particular, it was noted that these are not RMA considerations and therefore not relevant to the decision-making process. Infrastructure providers generally supported the inclusion of options (c) and (f), but were not particularly supportive of option (h) relating to co-location. Some infrastructure providers noted that co-location is not a technically feasible option for their type of infrastructure.

There was less response to option 17 (e) due to an error on the feedback form. For those that did respond, there was a more mixed level of support, with some submitters saying it was appropriate to consider the benefits of a project others noting that this should not be relevant.

Summary: There was high level of support from most submitters on many of the matters listed in option 17, except for options (c), (f) and (h) where there was a notable proportion of submitters who disagreed.

7.6.3 Infrastructure Option 18

18. Ensure that national consistency is achieved where appropriate by making use of the identified options to provide greater national direction on the objectives and standards set out above

Overall the majority of submitters agreed with this option with support across all sectors – commercial/business, infrastructure providers as well as local government and practitioners, professionals and members of the public.

Some submitters, although agreeing in general with the option, did not agree with making use of all of Options 1 – 3. Some did not support the use of national templates and others did not support changes to Part II.

Summary: Overall the majority of submitters agreed with this option to ensure national consistency.

7.6.4 Infrastructure Option 19

19. Amend the RMA in relation to projects called-in by the Minister, to give greater status to the reasons for ministerial call-in. [UTAG recommendation]

There was a discernable level of support for this option, though there was still a notable proportion of submitters who disagreed. Several submitters considered that this option needs to be based on section 142 management issues. Another submitter noted that the reasons for call-in need to be clarified and more detail should be provided. One submitter in agreement considered that this option would support decision makers in determining what designations are viewed to be of national importance.

Submitters who disagreed thought that this would only add to the complexity of the system without any benefit and would give extra weight to non-RMA matters. Palmerston North City Council considered that it would undermine the existing assessment of environmental effects process and undermine public engagement. Concerns were also raised that the RMA would end up being a 'political football'.

Summary: Overall there were more submitters in agreement with this option than in disagreement. It was recommended that it could be based on s142 matters. However, there was concern voiced from those that disagreed that it may undermine existing RMA matters and public engagement.

7.6.5 Infrastructure Option 20

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 application for designations that are not consistent with an existing spatial plan would need to provide an additional justification.

The majority of submitters supported option 20a, with some submitters noted that this is already happening in some areas of the country where growth strategies are in place. Those who disagreed or were neutral explained that they were not certain spatial plans would occur and be mandatory everywhere.

In respect of option 20b, more submitters were in support of this option than those in opposition. The Association of Proprietors of Integrated Schools considered that this option stemmed from a 'lack of willingness' of local authorities to integrate public works with zones and have rules to support infrastructure rather than zones and rules that conflict with it.

A number of submitters were unclear if spatial plans currently exist for every area in New Zealand and/or if the requirement to have a spatial plan will become mandatory. One submitter felt that this option was too strong and another considered the spatial plan an 'inappropriate concept'.

In contrast one submission received from Local Government considered that the linking of the concept designations and spatial planning process would provide integrated management between local authorities, infrastructure providers and affected parties.

A number of infrastructure providers both agreed and disagreed with this option. Those that disagreed provided some of the following reasons:

- No benefit to changing the existing system based on the lack of evidence supplied to show it needs changing.
- Spatial plans should not identify wind resources or potential areas for electricity generation activities.
- Consideration needs to be given to the role of spatial plans within the RMA, as concerned they may add an additional 'layer of complexity'.

"Pressure will be applied to include possible projects in spatial plans even if they are not particularly significant or likely, and the case will be built for high levels of public input with appeal rights on issues of substance. There is the risk that detailed planning of infrastructure will inhibit the proposals promoted by entrepreneurs." New Zealand Business Roundtable

Summary: A majority of submitters supported both options 20a and b. However, submitters did note caution that spatial plans do not currently exist everywhere and may not become mandatory.

7.7 Infrastructure Transitional Options 29-31

This set of three options sought feedback from submitters on how best to address transitional issues associated with any reform of the designations regime. There was mixed support for these, with many submitters questioning the need as the existing RMA provisions were adequate to address these issues.

7.7.1 Infrastructure Option 29

29. Introduce a sunset clause on existing designations that have not yet been used.

While the majority of submitters agreed with this option, many local government submitters and some infrastructure providers considered that the issue was already addressed through lapse periods for designations, review periods for district plans or existing legislation such as section 184 and 184A. Commercial/Industry submitters stated unexercised designations introduce 'blight on the land', and should therefore be terminated in order to preserve options for other requiring authorities. One submitter suggested a ten year timeframe, whereas other submitters considered it should be on a case-by-case basis in consultation with the requiring authority.

"Unexercised designations act as a blight on the land, on occasions for many decades. KIPT considers that designations that have not been exercised should terminate as to avoid impinging adversely on development potential of subject and nearby land for extended periods of time. Designations must not be used as a means of preserving options for requiring authorities". Kiwi Income Property Trust

Summary: Although the majority of submitters support this option of introducing a sunset clause on existing designations that have not been used, many question its necessity from the already existing lapse periods for designations and review periods for district plans.

7.7.2 Infrastructure Option 30

30. 'Grandfather' existing designations into any new system for minor improvements or maintenance.

The majority of submitters agreed with this option. The main reason for supporting this option was that it avoids duplication of effort and is efficient. Submitters in support of this option also noted care needs to be taken around the definition of 'minor improvements'. However, many submitters were unsure what the option was trying to achieve, suggesting that it was already available in relevant legislation.

Summary: The majority of submitters support this option, as will avoid duplication of effort and is more efficient. However, many submitters required more clarification on what the option was actually trying to achieve.

7.7.3 Infrastructure Option 31

31. Ensure that the next generation of district plans give due account to existing designations, where development and investment has taken place in accordance with the designation.

Local Government submitters largely agreed with this option. One submitter also suggested this should include where development and investment has not taken place. As with the other transitional options, questions were raised on the extent to which the option relates to existing provisions in the legislation.

Summary: The majority of submitters support this option, although questioned if the issue is already sufficiently addressed in the legislation.

8 Public Works Act – Compensation Options

8.1 Infrastructure Options 21-28

Overall, most submitters agreed with the range of proposals set out in the discussion document for reviewing the compensation regime under the PWA. It was largely considered that the options seemed fair and reasonable and would provide some scope for flexibility in how negotiations could occur.

"The PWA is a good backstop to have. Its presence encourages the making of fair deals and discourages brinksmanship from either party (seller and buyer). The fact that it is not used is an indication of its usefulness. No rational person would want to use it in a bulldozer type fashion."
Aurora Energy Limited

While some submitters did consider a review was overdue, there were some submitters who questioned the need for review, stating that the case had not been made out.

8.1.1 Infrastructure Option 21

21. Increase the current solatium of NZ\$2000 [ITAG recommendation].

The majority of submitters agree with this option. There was a high-level of support from practitioner and professional organisation submitters, with a mixed-level of support from the other submitter groups. The main reason for support was because the current solatium of NZ\$2000 was first set in 1975, and should be reviewed and updated using the appropriate adjusted indicators such as the Consumer Price Index. Two local government submitters also supported it as provides a fairer and more streamlined process, providing compensation for landowners.

Summary: The majority of submitters support this option, as they considered the current solatium to be outdated.

8.1.2 Infrastructure Option 22

22. Link the value of the solatium to the length of time an affected landowner has owned the property [ITAG recommendation].

The majority of submitters agreed with this option. However there was a mixed-level of support amongst local government submitters, as some considered this option increased flexibility while others felt it would introduce complications and difficulties. For example, evaluating how emotionally connected to the land someone is, is a subjective test. The main reasons for support of this option included:

- There needs to be recognition of the inconvenience and emotional harm on affected landowners, increased due to the length of time a person has lived at a property rather than merely the length of time they have owned it, for example the difference between intergenerational family landowners and investment owners.
- This should be in the form of a fair market price/value to re-establish elsewhere.

Summary: Although the majority of submitters support the option, local government submitters expressed mixed views on this; some being concerned about its subjective nature.

8.1.3 Infrastructure Option 23

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.

The majority of submitters agreed with this option. The main reasons included the fact that the land could still be a source of income and there may be an emotional attachment to the land. Infrastructure provider submitters were more mixed in their support however, with some requesting the inclusion of objective criteria and guidelines, exclusion of residential rental properties (but not commercial buildings owned by family businesses) and fair market price/value as this needs to be separate from Court processes.

Summary: The majority of submitters support this option, though some infrastructure providers raised concerns on a number of matters.

8.1.4 Infrastructure Option 24

24. Introduce a hardship payment mechanism that provides for a discretionary payment to enable landowners vacating low-value dwellings to, where possible, buy a home that is of a similar standard and in a similar location.

Although the majority of submitters agreed with the option, there was a relatively mixed response from commercial/industry submitters and local government submitters. These submitters disagreed on the basis that section 73 of the PWA 1981 already provides a mechanism for this. A concern was also raised that this creates an incentive (once the notice of requirement is lodged) to neglect the property. Another submitter also cautioned the use of the hardship payment mechanism, and suggested guidance for landowners and those approving payments.

Summary: Although the majority of submitters support the option to introduce a hardship payment mechanism, they also cautioned its use, noting it may create an incentive for landowners to not upkeep their property.

8.1.5 Infrastructure Option 25

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 [ITAG Recommendation]

The majority of submitters agreed with the option to undertake further research into the accuracy, objectivity and reliability of current New Zealand valuation practices. Infrastructure provider submitters in support of the option also recommended that the research investigate:

- Developing standardised approaches to valuations.
- Easement valuations with regard to 'injurious effect' under the PWA and Electricity Act, and
- Ability to strongly question or limit valuers who over-value for the purpose of ongoing litigation.

Summary: The majority of submitters support the need to undertake further research.

8.1.6 Infrastructure Option 26

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. The percentage premium paid and the required time limits for early settlement would be at the discretion of the requiring authority taking account of the urgency and immediacy of the infrastructure project. [ITAG recommendation].

Many of the submitters agreed with this option, mainly because it provided more flexibility in the system and the ability to pay above market value. Some submitters also suggested it should be at the requiring authority's discretion, and that if private companies are to remain capable of being requiring authorities, then a premium should be mandatory when they seek to access the PWA mechanisms.

Summary: The majority of submitters agree with this option, as more flexibility will increase the ability to pay above market value.

8.1.7 Infrastructure Option 27

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. Any shortfall between this initial payment and the value subsequently determined by the Land Valuation Tribunal should be paid, along with any interest [ITAG recommendation].

There was a high level of support across all submitter groups because it will help to speed up the acquisition process. However, some submitters noted it must be fair and reasonable based on a 'willing buyer and a willing seller' negotiation; with the PWA as the fall back position.

Summary: The majority of submitters support this option.

8.1.8 Infrastructure Option 28

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. This would be in addition to the valuation obtained by the requiring authority, and would enable compensation to be based on more than one valuation.

There was a high level of support for this option. This was because it would assist in developing timeframes for this part of the process. Waikato District Council suggested a period of not more than 6 months. Watercare Services Ltd highlighted that it maybe difficult to avoid the perception of a conflict of interest if the requiring authority obtains and pays for a further evaluation.

Summary: The majority of submitters supported this option.

9 Other Feedback

A number of submitters also provided feedback on matters that were not raised directly in the Discussion Document, but which they considered were relevant to the reform process. This chapter of the report briefly outlines the scope of issues raised.

9.1 Feedback on UTAG or ITAG Recommendations not contained in the Discussion Document

Whilst the Discussion Document contained many of the UTAG and ITAG recommendations, other recommendations were referred to more generically or were not explicitly included. Both TAG reports were however available to be read alongside the discussion document and as a result a number of submitters have identified TAG report recommendations that they consider needed to be addressed more directly by MfE during the reforms. The specific recommendations that submitters supported included:

- UTAG Recommendation 24: To develop more tools/incentives for redevelopment. Five submitters explicitly referred to this recommendation and urged that it be picked up by the government due to its fundamental role in helping to facilitate implementation of growth management or urban space enhancement strategies and plans developed by local communities. This feedback should be read in tandem with those submitters who supported Option 20 of the Urban Planning options, which outlined the need for additional tools to be made available for land assembly. A number of submitters noted in that section that funding and financing was a critical issue that does not appear to be addressed specifically by the discussion document.
- UTAG Recommendation 25: To consider merit based appeals to the Environment Court on development contributions. Two submitters expressed their support for this recommendation.
- One submitter expressly supported the discussion on Metropolitan Urban Limits and the need for further non-statutory guidance on this.

9.2 Resource consent process issues

Three issues were raised by some submitters on the resource consent process. These related to the duration of consents, notification processes, and consent condition monitoring.

With respect to 'consent duration', many submitters noted within the discussion on option 15 and in the problem statements that longer consent periods were needed. Contact Energy noted that extending consent duration was not an option explicitly covered in the Discussion Document, yet considered this to be one of the more straightforward options that could be adopted to address the issues. The submitter noted that any concerns regarding extended consent periods could be addressed by mandatory mid-consent condition reviews. Other submitters noted the need for the

consent duration to reflect the design life of a structure and the extent of infrastructure investment. Watercare Services Ltd stated that a case could be made for longer term consents (ie, 50 years plus) on long lived, critical infrastructure. The submitter noted that the Land and Water Forum also raised this possibility.

Three submitters offered comments on the notification provisions of the RMA. These included the need to 'scrap' the current notification process and replace with a system used in the United Kingdom and Australia whereby all applications are automatically notified for 20 working days (sub. 1). Phillips Rhodes considered all applications should be notified. A third submitter considered the Act should provide for notification to be limited in scope to those parts of an application that are in the public interest.

Ralph Wallace raised the issue of consent holders being able to effectively 'self-monitor' their consents. He noted this should not be allowed and also did not support the system of 'complaints-based' monitoring.

9.3 Plan development processes

A number of different issues were raised on the plan development process.

In terms of general concerns with the overall plan change process, two submitters raised concerns (outlined below) that the process is resource hungry and litigious.

"There is undoubtedly a lack of thought, or too much thought, going into many plan change proposals, where many are minor amendments that prove to be pointless, yet often interconnected to so many parts of the plan it would result in a comprehensive re-write of the Plan. This certainly creates plenty of local authority planning work at the communities expense". Donaldson's Registered Land Surveyors

"Current appeal rights on plans/policy statements meant that the average length of time taken to make a plan operative is seven years. The litigious process is a priority area for reform." Tasman District Council

Three submitters outlined concerns with aspects of the private plan change process. Christchurch City Council noted that the discussion document had not helped to address issues of plan integration and administration that are created by private plan changes. In a similar vein, Local Government New Zealand noted that private plan changes can, at times, be at odds with urban growth strategies adopted by councils. The submitter also outlined an issue relating to the role of councils in the private plan change process. They explained that sometimes the most effective way for councils to become involved was in as a submitter; however this would then affect their ability to be the decision-maker. Drury & Ramarama Protection Society Inc opposed private plan changes, citing these were ad-hoc and usually for the benefit of the developer, not the wider community.

The Architecture Centre and Telecom sought a review of the section 32 process used during the plan development process. The Architecture Centre considered it a 'waste of time'.

Auckland Airport sought changes to the process for accepting and considering submissions on plan changes, notices of requirement and resource consents. The submitter outlined that submissions should be required to be sufficiently clear and unambiguous regarding the relief sought and the reasons. It was considered that significant time and money was wasted trying to clarify submissions.

Lastly, Christchurch City Council outlined an issue with the 2009 Resource Management (Simplifying and Streamlining) Amendment Act in relation to the provisions that delay the effect of plan changes until decisions have been released. The submitter noted that this could cause significant challenges for councils staging the release of plan change decisions.

9.4 General legal system issues

A range of more general issues were raised by submitters. These included:

- Concern over the costly burden placed by communities wanting to be involved in RMA processes
- Bain Cross noted that the discussion document did not consider opportunities for a pared down appeals system such as the one operating in the Scottish system.
- A technical issue was raised by Environment Waikato regarding the link between the 2010 Discount Regulations and plan policies that set common expiry dates for certain consents (eg. related to water management). The effect of these policies is that many consents will expire at once, and it is expected that councils will be required to process numerous re-consenting consents at once, affecting the council's ability to process them on-time to avoid paying the discount. The submitter considered the Regulations should recognise this scenario.
- Progressive Enterprises raised concerns with the 'burgeoning' use of comprehensive development plans, considering them inconsistent with the Reform objectives and creating additional complexity.

9.5 Amendments needed to other Acts

Some submitters outlined the need for reform of other Acts (ie. not directly related to the main 'planning-related' statutes).

- **Historic Places Act:** Wellington City Council acknowledged the pending amendments to this Act, which include reforming the archaeological authority process. However, the submitter considered that for councils that have expertise and capability then there should be scope for the Historic Places Trust to delegate decision-making to those councils to provide for integrated decision-making.
- **Building Act:** Ngati Kahungunu Iwi Inc considered the Act could be used to provide quality assurance for the construction of infrastructure. It noted the Act already addressed these issues in respect of water storage dams.
- **State Owned Enterprises Act:** Makara Guardians Incorporated considered that the real problem with infrastructure projects lies in the passing of the State Owned Enterprise Act in 1986 and that this conflicted with the RMA when introduced in 1991.

- **Civil Aviation Act:** The Civil Aviation Authority made detailed submissions on the interface issues associated with land use planning and the requirements of the Civil Aviation Act. They seek some form of national guidance to assist with this issue.
- **Electricity (Hazard from Trees) Regulations 2008:** Hastings District Council considered these need to be modified so that safety issues take precedence over aesthetics.

9.6 Enforcement

Part 12 of the RMA outlines the enforcement regime for dealing with offences under the RMA. Two submitters commented on this part of the Act.

Environment Waikato raised specific issues with section 338 and section 339 of the RMA and their link to the Summary Proceedings Act. They explained a potential loophole had been found might result in all prosecutions since 2000 being unlawful. The submission provided extensive detail on the situation and explained that an impending decision of the Court may result in the need for a legislative fix to clarify the situation.

Canterbury Regional Council presented information on an Alternative Environmental Justice scheme that it operates in its region. The submitter explained why the scheme did not need to become a formal part of the RMA, and noted that the scheme may be of interest to other local and regional authorities in managing offences created under the RMA.

Appendix 1: List of Acronyms

ITAG:	Infrastructure Technical Advisory Group
LGA:	Local Government Act 2002
LTCCP:	Long-term Council Community Plan
LTMA:	Land Transport Management Act 2003
MfE:	Ministry for the Environment
NES:	National environmental standard
NGO:	Non-governmental organisation
NIP:	National infrastructure plan
NPS:	National policy statement
PWA:	Public Works Act 1981
RA:	Requiring Authority
RLTS:	Regional Land Transport Strategy
RMA:	Resource Management Act 1991
RPS:	Regional policy statement
The Act:	The Resource Management Act 1991
TLA:	Territorial Local Authority
The Ministry:	The Ministry for the Environment
UTAG:	Urban Technical Advisory Group

Appendix 2: List of Submitters

Note that some submitters specifically requested anonymity.

Submitter Number	First Name	Surname	Organisation (if relevant)
1	Scott	Macarthur	
2	Micah	Donaldsons	Donaldsons Registered Land Surveyors
3	Submitter Requested Anonymity		
4	Fraser	McRae	Otago Regional Council
5	Kathleen	Vitasovich	
6	Ant	Frith	Ardmore Airport Ltd
7	Patrick	McHardy	South Waikato District Council - NE
8	John	Robinson	
9	Eilene	Lamb	
10	Helen	O'Shaughnessy	Central Hawke's Bay District Council
11	Arnold	Turner	
12	Chris	Currie	
13	Steve	Butler	Royal Astronomical Society of New Zealand
14	Bill	Lee	Far North District Council
15	Rob	Guild	Guild and McCambridge Architects Ltd
16	Jim	Glass	
17	Michael	Parkin	Opus International Consultants Ltd
18	Submitter Requested Anonymity		
19	Ian	Thorn	
20	Les	Dykstra	Architects-Idl
21	Gerald	Parsonson	Parsonson architects ltd
22	Gerald	Austin	Austin Architects Limited
23	Allan	Matheson	A.M.S Design Ltd
24	Amy	Hendry	Four Walls Architecture Ltd
25	Travis	Gray	John Wright: Architect Ltd
26	Matthew	Gribben	
27	Stephen	Bird	Stephen Bird Architect Ltd
28	Duval	O'Neill	Herriot+Melhuish: Architecture Ltd
29	Beverly	McRae	New Zealand Institute of Architects
30	Neil	Wyatt	Opus Architecture
31	Glenn	Potier	Potier Architecture
32	Kevin	Findsen	
33	Jeremy	Gray	Mercer and Mercer Architects Ltd
34	Massimiliano	Capocaccia	mc architecture studio ltd
35	Phil	Mark	
36	Shannon	Hatalafale	
37	Guy	Evans	Flying Buttress International

Submitter Number	First Name	Surname	Organisation (if relevant)
38	David	Craig	craig&coltart, architects interior designers limited
39	Graeme	Jacobs	Graeme Jacobs Architect Ltd
40	Gordon	Stringer	
41	Peter	Milivojevic	Jasmax Ltd
42	Anna	Litschkovskij	
43	Nigel	Ball	Transfield Worley Ltd
44	Nicole	Tarlton	Tarlton Architects Limited
45	James	Solari	Novak+Middleton Architects Ltd
46	John	Sinclair	JSA Consultants, Architecture + Urban Development
47	Janine	Mitchell	Studio8 Architecture Ltd
48	Roger	Loveless	CCS Disability Action, Waikato Branch
49	Sharmian	Firth	Wellington Civic Trust
50	Gordon	Moller	Moller Architects
51	Michael	Garland	Robson Garland Limited
52	Ruth	Bartlett	Solid Energy New Zealand Limited
53	Garth	Falconer	Reset Urban Design Ltd
54	Mark	Leys	
55	David	Willmott	Centre for Urban and Transportation Studies
56	Peck	Yee Tan	
57	Submitter Requested Anonymity		
58	Submitter Requested Anonymity		
59	George	Preddey	
60	Submitter Requested Anonymity		
61	Bruce	Owen	Drury & Ramarama Protection Society Inc
62	Submitter Requested Anonymity		
63	Ralph	Wallace	
64	Bruce	Dickson	DLA Architects Limited
65	Philip	Pannett	Queenstown Lakes District Council
66	Mary-Anne	MacLeod	Bay of Plenty Regional Council
67	Nick	Fisher	Alliance for a Sustainable Kapiti (ASK), Incorporated
68	Will	Green	Powerco
69	John	Dryden	
70	Keith	Hall	
71	Shannon	Joe	Auckland Urban Issues Group
72	Barry	Holton	Gulf Design Ltd
73	Stan	Price	The Pines and Kairaki Beaches Association
74	Marjan	van den Belt	Ecological Economics Research New Zealand
75	Mathew	Brown	Wingate Farquhar
76	Mary	Mc Donald	
77	Kathryn	Martin	O'Connor Planning Consultants Limited

Submitter Number	First Name	Surname	Organisation (if relevant)
78	Shane	McGhie	Wanganui District Council
79	Justin	Rae	Vodafone New Zealand Limited
80	Raewyn	Catlow	
81	Lyn	Pearson	
82	David	Coleman	Whangarei District Council
83	Rupert	Statham	
84	Jim	Elliott	Elliott Architects NP Ltd
85	Nick	Carroll	Taupo District Council
86	Rachel	Helme	
87	Wayne	Crowley	The Property Group Limited
88	Warwick	Alenxander	
89	John	Drury	Orewa Ratepayers and Residents Association Incorporated
90	Val	Kenyon	Templeton Residents Association Inc
91	Blair	Farquhar	Wingate and Farquhar Limited
92	Gina	Jones	Accent Architects Limited
93	Hugh	Tennent	Tennent + Brown Architects Ltd
94	Tass	Larsen	Wellington City Council
95	Wendy	Moore	Strategic Development, Hutt City Council
96	Robin	White	Ngaio Progressive Association
97	Rachel	Pawson	Greater Wellington Regional Council
98	Susan	Rhodes	Parker Rhodes Lawyers, on behalf of Fletcher Building Limited
99	Sally	Peake	New Zealand Institute of Landscape Architects
100	Dot	Kettle	Nelson Tasman Chamber of Commerce
101	Len	Brown	Auckland Council
102	Mark	Luker	Kiwi Income Property Trust
103	Tony	Watkins	
104	Jim	Ebebhoh	Kapiti Coast District Council
105	Betty	van Gaalen	Kapiti Coast Grey Power Association Inc.
106	Ben	Farrell	New Zealand Wind Energy Association
107	Damien	Matthews	Damien Matthews Architecture
108	Katie	Greer	Tasman District Council
109	Robin	Boldarin	Miramar/Maupuia Progressive Association
110	Bill	Mitchelmore	
111	Phil	Marshall	
112	Submitter Requested Anonymity		
113	Chris	Doudney	
114	Jackie	Clark	Telecommunications Industry Group
115	Karol	Helmink	Resource Management Law Association of New Zealand
116	Anthony	Britton	
117	Graham	Young	Ngati Ruanui Group Management Limited

Submitter Number	First Name	Surname	Organisation (if relevant)
118	Kim	Smith	Gisbourne District Council
119	Lynette	Pearson	Sustainable Whanganui Trust
120	Chris	Freke	
121	Roger	Kerr	New Zealand Business Roundtable
122	Kirstin	Lindberg	
123	Kelsey	Serjeant	Environmental Defence Society Inc
124	Alice	Morris	Hamilton City Council
125	Toa	Greening	Auckland City Council
126	Environmental Strategy and Policy Group		New Plymouth District Council
127	Owen	Hughes	Office for Disability Issues
128	Craig	Hopkins	
129	Blair	O'Keefee	CentrePort Limited
130	Nigel	Foster	
131	Ken	Meredith	Nelson Resident's Association Incorporated
132	Nic	Sewell	
133	Steve	Southall	Cycle Action Auckland
134	Submitter Requested Anonymity		
135	Tim	Harris	Selwyn District Council
136	Rod	Glengarry	
137	Daphne	Bell	Living Streets Aotearoa
138	Mark	Dyer	The New Zealand Institute of Surveyors
139	Tracey	Ayre	Institution of Professional Engineers, Association of Consulting Engineers of New Zealand, Association of Local Government Engineering New Zealand and The New Zealand Contractors Federation
140	Andrew	Roche	Auckland Regional Public Health Service
141	Aimee	Barwick	Auckland Transport
142	Phillip	Rhodes	
143	Ilze	Gotelli	Watercare Services Limited
144	Judith	McDonald	Living Streets Hamilton
145	Morry	Black	Ngati Kahungunu Iwi Incorporated
146	Max	Robitzsch	IPENZ Transportation Group, Auckland / Northland Branch
147	Mitch	Lewandowski	Upper Hutt City Council
148	Pieter	Burghout	The Construction Industry Council
149	Daniel	Casas	
150	Ann Tracey	O'Meahger	Beca Architects
151	Grant	Bailey	
152	Karen	Sanderson	
153	Roger	Dowling	
154	Alana	Thorn	
155	Morgan	Houton	
156	Paul	Houthuyzen	

Submitter Number	First Name	Surname	Organisation (if relevant)
157	Luke	Henry	
158	Christopher	Kelly	Architecture Workshop Ltd
159	Matthew	Hay	Matthew Hay Architecture
160	Jeff	Armstrong	
161	Troy	Martin	Waikato District Council
162	Submitter Requested Anonymity		
163	Rod	Slater	
164	Marty	Thomson	New Zealand Police
165	Clare	Barton	Horizons Regional Council
166	Jeremy	Stevenson-Wright	Genesis Energy
167	Steve	Russell	Makara Guardians Incorporated
168	Billy	Brown	Ngai Tai Ki Tamaki Tribal Trust
169	John	Blackstock	Maui Development Limited
170	Mike	Brown	Wellington International Airport Limited
171	David	Clendon	
172	Sam	Kebbell	KebbellDaish Architects Ltd
173	Lorraine	Guthrie	Barrier Free New Zealand Trust
174	Chris	Dearden	
175	Rowan	Little	Hastings District Council
176	Karen	Remetis	Town Centre Development Group
177	Submitter Requested Anonymity		
178	Nigel	Harwood	Aurora Energy Limited
179	Stephanie	Blick	Harrison Grierson Consultants Limited, Aggregate and Quarry Association of New Zealand
180	Lance	Adolph	Matrixx Consultants Ltd, Architects & Engineers
181	Matthew	Ensoll	Quantum Meruit Project Management Ltd, on behalf of Association of Proprietors of Integrated Schools
182	Sylvia	Allan	Allan Planning & Research Ltd
183	Suzanne	Vallance	Faculty of Environment, Society and Design, Lincoln University
184	Craig	Brown	Northland Regional Council
185	David	Mead	National Committee, Urban Design Forum
186	David	le Marquand	Burton Consultants, on behalf of Oil Industry Environmental Working Group
187	Christina	Kaiser	New Zealand Planning Institute
188	Barrie	Saunders	Saunders Unsworth
189	Linda	Conning	
190	Mark	Stewart	
191	Raewyn	Moss	Meridian Energy Limited
192	Ralf	Kessel	Cement & Concrete Association of New Zealand
193	Alan	MacDonald	

Submitter Number	First Name	Surname	Organisation (if relevant)
194	Craig	Batchelar	Boffa Miskell, on behalf of Hawridge Developments Limited
195	Sarah	Brownie	Northpower Ltd
196	Wayne	Heerdegen	Invercargill City Council and Southland District Council
197	Tanya	Ashby	Electricity Networks Association
198	Chris	Simmons	ChanceryGreen, Environment Law and Strategy, on behalf of The New Zealand Refining Company Limited
199	Susannah	Peddie	Water New Zealand Limited
200	Susannah	Sharpe	Transpower New Zealand Ltd
201	John	Mills	
202	Duplication of 128		
203	Karen	Watson	KiwiRail
204	David	McCartney	Community Housing Aotearoa
205	Robert	McClean	New Zealand Historic Places Trust Pouhere Taonga
206	Ivan	Thomson	Christchurch City Council
207	Daniel	Newman	Property Council
208	Submitter Requested Anonymity		
209	Joan	Hamilton	
210	Brendon	Harper	
211	N/A		
212	Ben	Williams	Chapman Tripp, on behalf of Christchurch International Airport Limited
213	Brian	Sandle	
214	Harriet	Cruden	Porirua City Council
215	Greg	Marr	Civic Futures Ltd
216	Gerald	Blunt	Wellington Branch of the New Zealand Institute of Architects
217	Christopher	Dempsey	
218	Hamish	Orbell	Dunedin City Council
219	Dave	Gibson	New Zealand Institute of Surveyors - Wellington Branch
220	Emma	Swete	Waipa District Council
221	Tom	Bland	Cheal Consultants Ltd
222	Christine	Cheyne	Cycling Advocates Network
223	Nick	Roberts	Ngati Whatua o Orakei
224	Trevor	Daya-Winterbottom	Dilworth Trust
225	Trevor	Daya-Winterbottom	Viaduct Harbour Holdings Ltd
226	Trevor	Daya-Winterbottom	Living Earth
227	Alan	Matson	Civic Trust Auckland
228	William	Woods	New Zealand Defence Force
229	Ray	Horton	
230	Duplication of 207		

Submitter Number	First Name	Surname	Organisation (if relevant)
231	N/A		
232	John	McShane	Auckland Airport
233	Jo	Dovey	
234	Tom	Taylor	Sustainable Otauhahi Christchurch
235	Shannon	Scott	Civil Aviation Authority of NZ
236	Tex	Edwards	2Degrees Mobile Ltd
237	Christopher	Wragge	Waiheke Island Community Planning Group
238	Tim	Graham	
239	David	Murphy	Palmerston North City Council
240	Andrew	Just	
241	Guy	Marriage	Architecture Centre
242	Cath	Wallace	ECO
243	Leigh	Morris	
244	Vanessa	Osbourn	Regional Public Health
245	Kevin	Ward	NZ Airports Association
246	Alex	Roberts	Contact Energy
247	Murray	Parrish	Carter Holt Harvey
248	Chris	Williams	
249	Sarah	Sinclair	
250	Sonia	Dolan	
251	Dean	Moriarity	Napier City Council
252	Louise	Delamare	Vector Limited
253	Liz	White	Orion NZ Ltd
254	Roger	Gummer	Roberts
255	Justin	Tighe-Umbers	Chorus/Telecom
256	Malibu	Hamilton	Te Ngaru Roa ā Maui
257	Laura	Peddie	TrustPower
258	Fiona	Knight	New Zealand Utilities Advisory Group
259	Cliff	Mason	Pacific Institute of Resource Management
260	Jacob	Haronga	Federated Farmers of NZ
261	Richard	Johnson	Nelson City Council
262	Mark	Bellingham	Royal Forest and Bird Society of NZ Inc.
263	Bain	Cross	
264	Bill	Wasley	Combined submission of Future Proof, Greater Christchurch urban Development Strategy and Smart Growth
265	Bill	Wasley	Greater Christchurch Urban Development Strategy Implementation Committee
266	Bill	Wasley	Future Proof Implementation Committee
267	Bill	Wasley	Smart Growth Implementation Committee
268	Blair	Dickie	Environment Waikato
269	Gavin	Ide	Hawkes Bay Regional Council
270	Angela	Bull	Foodstuffs

Submitter Number	First Name	Surname	Organisation (if relevant)
271	Alistair	Humphrey	Canterbury District Health Board
272	Jon		Auckland Developers Group
273	Submitter Requested Anonymity		
274	Natasha	Bava	Local Government New Zealand
275	Submitter Requested Anonymity		
276	Dion	Cowley	Working Group of the NZ Sustainable Infrastructure Initiative
277	Duplication of 151		
278	David	Drew	Westfield (New Zealand) Ltd
279	Rebecca	Jull	Rotorua District Council
280	Bob	Lack	Counties Power
281	Chris	Keenan	Horticulture New Zealand
282	Phillippa	Clifford	Progressive Enterprises Ltd
283	Stephen	Selwood	NZ Council for Infrastructure Development
284	R	England	
285	Ron	Sang	Sang Architects and Company Ltd
286	Andy	Ralph	Tauranga City Council
287	Tim	Robinson	Jasmax Ltd
288	Alex	Woods	
289	Kristy	Rusher	Environment Canterbury
290*	Lani and Frank	Whelan	
291*	Andrew	Crosby	RICS
292*	Rhys	Philips	

* Late submissions, not included in the submission summary analysis or report.