



MP for Te Atatu

Minister for Economic Development

Minister of Transport

Minister for Urban Development

Hon David Parker
Minister for the Environment
Parliament Buildings
WELLINGTON

26 AUG 2019

Dear David

I am writing to you in response to the Cabinet's invitation to identify any specific issues relevant to my transport portfolio that fall within the scope of the Resource Management Act Review, to enable them to be considered as part of the review process.

For this portfolio, there are a number of key issues that warrant particular consideration in the Resource Management Act Review, including the Act's clarity of purpose, provision for spatial planning, network designations and development approval processes.

Purpose and decision criteria

Any new legislation needs to establish a distinct set of principles for safeguarding environmental bottom lines, addressing development impacts on wellbeing, and stewardship of the public estate, as recommended by the Productivity Commission in its 2017 report *Better Urban Planning*. Specifically:

- Clear environmental bottom lines are needed to safeguard ecosystems that might otherwise be irreversibly impacted by development (e.g. river ecology and bush habitats).
- The impact of public and private development on shared assets (common goods) needs to be regulated to ensure that these shared assets are maintained (e.g. road safety and capacity, and local character and amenity).
- Stewardship of the public estate (public goods) is needed to enable sound management and development of these assets (e.g. roads, cycleways, railways, airspace, and coastal marine areas).

The environmental protection function and the development control function need to be dealt with through separate decision criteria. In assessing development proposals, the benefits of transport infrastructure need to be recognised and balanced in considering any adverse impacts. The criteria should reveal relevant impacts across the four wellbeings – environmental, social, cultural and economic.

Forward planning

The plan making process should recognise the value of long-term spatial plans that provide an integrated view of transport, land use and environmental protection at a regional level. Specifically:

- Spatial plans should take a system-wide approach to the transport networks needed to support growth (e.g. transit-oriented development and new growth areas). There is currently only limited recognition of this integration in Regional Policy Statements.
- Spatial plans are needed to safeguard the operation of existing networks, identify the scale of land use change, enable timely delivery of essential infrastructure to unlock new development

opportunities and address reverse sensitivity issues. This would help ensure the costs of unlocking growth are known and planned for from an early stage. Current practice is uneven.

- The approach to spatial planning should enable a long-term strategic view that is capable of enduring at the national, regional and local levels. The approach needs to be cascaded into realistic structure and precinct plans, with underpinning funding commitments. Currently spatial plans and RMA plans are developed under different decision criteria and levels of independent review.
- Plans should also enable a systematic approach to improving the resilience of the transport system to extreme natural events, including those related to climate change.

Transport infrastructure providers should be able to plan for the provision and development of transport infrastructure through a designation-like process that enables them to plan ahead in the medium to long term. Designations should apply consistently to all of the forward plans that apply to the land, subject to the designation. Investment that falls within scope needs to include linear transport networks (e.g. roads, cycleways and railways), transport interchanges (e.g. ports, airports, stations, park and rides) and the associated public realm (e.g. streetscape and amenities).

The designation-like process should:

- Be undertaken at a regional level to reflect the national and regional significance of securing current and future network capacity. Designations currently tend to be treated as applications for specific projects with local impacts.
- Provide for concept designations to secure an alignment. Designations are currently limited to five years by default.
- Include all forms of publicly owned transport infrastructure. Ports currently cannot designate.
- Apply consistently to land and water areas. Designations currently cannot extend over the sea.

Development approval

New designations, as with other plan changes, should be determined through a single hearing by independent decision makers, informed by public participation. Specifically:

- A single hearing for all transport infrastructure projects that warrant independent review is favoured as this would save time and cost without materially impacting on the quality of decision making. Only very large transport projects are currently determined through a single stage hearing process.
- Parties that are affected more than the public generally should continue to be able to submit on infrastructure projects. This is needed to ensure that decision makers are well informed about the impacts of transport infrastructure proposals.
- Continued provision for independent review of new designations is essential in view of the potential for these public works to disproportionately impact on a few people. In these circumstances electoral accountability alone does not provide sufficient safeguards.
- An independent review mechanism, along the lines of the United Kingdom Planning Inspectorate, is favoured. This is an independent review that is inquisitorial rather than adversarial, less formal, and just as expert as existing review mechanisms.

Once a designation is in place subsequent development would be controlled by the terms of the designation, as with any other form of zoning. The designation would specify which forms of development are permitted as of right, as a controlled activity, or a controlled activity subject to public notification and further independent review.

Asset stewardship

There is an opportunity to improve consistency in the way we manage the public estate. We need to be clear about the difference between environmental protection, development control and stewardship of public assets.

We currently have a coherent system for owning, providing and investing in the transport system. Similar levels of clarity in the management of water and coastal marine assets would be helpful.

A coherent approach to the coast is of particular concern as climate change responses are likely to involve increased transport intervention across the coastal margin. Examples of current coastal issues include:

- Ports have a right to occupy the coastal waters used to berth ships which expires at a nominal date in 2026. There is no clear reason for this time restriction on port operations.
- Airports can control adjacent land uses that put aircraft or neighbours at risk, but have no similar control over the use of adjacent coastal waters. There is no clear reason for this inconsistent approach to airport safety and security.

Next steps

I understand that transport officials are working closely with the Ministry for the Environment to ensure that these transport issues are addressed in the course of the current review. I have asked them to focus particularly on assisting with advice on the clarity of purpose, spatial planning and the designations processes, which are vital to the integration of transport and land use policy.

Yours sincerely



Phil Twyford
Minister of Transport