

Spatial Planning Options for the Auckland Council

Reference number:

CAB Min (09) 10/1

Proactively released

On 15 October 2009, the Cabinet Committee on Implementation of Auckland Governance Reforms (AGR):

Background

1. **noted** that:

- 1.1 on 6 April 2009, Cabinet agreed in principle that the functions of the Auckland Council include the development of a single spatial plan and regional infrastructure plan [CAB Min (09) 12/7];
- 1.2 on 30 July 2009, AGR agreed that further investigation of integrated planning, including a regional spatial plan and regional infrastructure investment plan, be included in Phase Two of the resource management reforms, through the work stream focusing on improving approaches to urban planning [AGR Min (09) 5/1];
- 1.3 on 17 September 2009, AGR noted a submission in issues relating to a spatial plan for the Auckland region, and directed the Ministry for the Environment, in consultation with the Ministry of Transport and the Department of Internal Affairs, to report back on 15 October 2009 with a revised paper which includes further detail on:
 - 1.3.1 what comparable overseas jurisdictions do for planning purposes;
 - 1.3.2 the number and status of the planning documents that the Auckland region has currently, and how they relate to each other;
 - 1.3.3 the appropriate legal status of a spatial plan and its relationship to, and implications for, the planning instruments outlined in paragraph 1.3.2 above;
 - 1.3.4 an analysis of the various planning options, including possible timeframes, legislative vehicles for the options, and the implications for the Auckland Transition Agency;
- [AGR Min (09) 9/1]

Other context

2. **noted** that:

- 2.1 Auckland is predicted to take up to 60 percent of New Zealand's population growth over the next 30 years;
- 2.2 The Auckland region already has a different statutory framework to the rest of New Zealand to help manage growth, through the requirement for an Auckland Regional Growth Strategy under the Local Government Act (the Act);
- 2.3 The Act's provision for a growth strategy was aimed at resolving the difficulties that the councils of the Auckland region face managing Auckland's growth;

Spatial planning

- **3 Confirmed** the in principle decision, outlined in paragraph 1.1 above, that a spatial plan be a function of the Auckland Council;
- **4 agreed** that the purpose of a spatial plan for Auckland is to provide an effective and broad long term strategy for growth and development of the region;
- **5 agreed** that the function of the spatial plan for Auckland, drawn from international best practice, is to:
 - 5.1 articulate the long term (20-30 years) vision/strategic direction for the region and its communities, including broad objectives;
 - 5.2 articulate the city region's role in a country;
 - 5.3 visually illustrate how the region may develop in the future, including the sequencing of growth and infrastructure provision;
 - 5.4 provide an evidence base to support decision making, including trends, opportunities and constraints facing the city region;
 - 5.5 translate this strategic direction into a set of policies, priorities, programmes and land allocations, together with resources to deliver them;
 - 5.6 set out a development strategy for how broad policy goals, involving land use, transport, other infrastructure, and environmental management, can be achieved;
 - 5.7 involve effective participation (including community participation) leading to confidence in plans and decisions;
 - 5.8 identify and guide the location of critical infrastructure services and associated investment (e.g. open space, water and wastewater services, transport etc);
 - 5.9 identify the existing, and guide the future, location and mix of residential, business and industrial activities within specific geographic areas;
 - 5.10 identify significant ecological areas of the region's areas that should be protected from development;
 - 5.11 give direction to and effectively align implementation, regulatory and funding plans of the council;
 - 5.12 integrate otherwise competing policy goals, and provide opportunities for coherent and combined investment and regulatory decision making;
 - 5.13 act as an information and coordination mechanism between the spatial planning agency and other parties (e.g. central government, the private sector, infrastructure providers) that provide services, infrastructure, and other investment, to enable discussion and agreement on the timing, location and outcomes;
- **6 noted** that the policy options for a spatial plan as a function of the Auckland Council are:
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 - 6.1 Option 1: Status quo – wait for possible changes through Phase Two of the resource management reform process (urban work stream);
 - 6.2 Option 2: A long term Council community plan that contains elements of a spatial plan with legislative linkages to other plans, under the Local Government (Auckland Law Reform) Bill;
 - 6.3 Option 3: A statutory spatial plan under the Local Government (Auckland Law Reform) Bill that replaces existing strategic plans under the Resource Management Act 1991 and the Land Transport Management Act 2003 (*the preferred long term option*);
 - 6.4 Option 4: A statutory spatial plan with strengthened legislative linkages to effectively influence other planning under the Local Government (Auckland Law Reform) Bill (*the alternative long term options*);
 - 6.5 Option 5: (*the preferred interim option*)

- 6.5.1 a statutory spatial plan with no additional or strengthened legislative linkages to other planning under the Local Government (Auckland Law Reform) Bill; and
- 6.5.2 consider replacing existing strategic plans, legislative links, appeal rights, and consultative processes through the Phase Two resource management reform process;
- **7 agreed** that:
 - 7.1 a statutory spatial plan with no additional or strengthened legislative linkages to other planning be provided for within Local Government (Auckland Law Reform) Bill (Option 5 above), with the following attributes:
 - 7.1.1 be a function of the Auckland Council;
 - 7.1.2 set out the strategic direction for the Auckland region;
 - 7.1.3 be part of the planning framework for the Auckland region;
 - 7.1.4 be available to inform other Auckland Council plans with the strategic direction;
 - 7.1.5 be developed using the special consultative procedure contained in the Local Government Act 2002;
 - 7.1.6 replace the requirement for Auckland Regional Growth Strategy under the Local Government Act 1974;
 - 7.2 the Ministry for the Environment, in consultation with other relevant agencies, investigate as part of the urban work stream within Phase Two of the resource management reform process, opportunities to further simplify, streamline and make planning instruments and mechanisms more effective, including:
 - 7.2.1 whether a spatial plan should supplement or replace councils' existing strategic plans (e.g. Regional Policy Statement, Regional Land Transport Strategy);
 - 7.2.2 the strength of the legal relationship between the spatial plan and other plans (e.g. District/Regional Plan, Long Term Council Community Plan);
 - 7.2.3 the relationship of the spatial plan to national planning instruments (e.g. National Policy Statement, Government Policy Statement, National Infrastructure Plan);
 - 7.2.4 consultation and appeal rights;
 - 7.3 provisions in the Local Government Act 1974 and the Local Government (Auckland) Amendment Act 2004 establishing and giving some effect to the Auckland Regional Growth Strategy should be the subject of savings provisions in the Local Government (Auckland Law Reform) Bill until such time as the last appeal on related matters to the Regional Policy Statement and existing District Plans are resolved;
- **8 noted** that:
 - 8.1 establishing new or strengthening existing legislative linkages between the spatial plan and other plans could require an amendment the Local Government (Auckland Council) Act 2009 in the future;
 - 8.2 the legislative vehicle for enabling the outcome of the process referred to in paragraph 7.2 above, will also be investigated as part of the Phase Two of the resource management reform process;
- **9 noted** that:
 - 9.1 paragraph 7.2 above will also enable the spatial plan to be considered in relation to the resource management reform process objective of providing for efficient and effective participation by Maori in resource management processes;
 - 9.2 existing provisions in the Local Government Act 2002 and the Resource Management Act 1991 in relation to the Treaty of Waitangi and Maori will

continue to apply to implementation of the Auckland spatial plan through other plans;

Transition to one Auckland Council with one set of plans

- 10 **agreed** that the councils of the Auckland region be encouraged to work together to progress work on Auckland spatial plan to be presented to the Auckland Council on its establishment in November 2010, including;
 - 10.1 detailed analysis and an evidence base to underpin and inform a spatial plan and modelling of regional growth scenarios;
 - 10.2 a range of different options for a draft spatial plan;
 - 10.3 detailed analysis of how the different options for a draft Auckland spatial plan could be implemented through the Auckland Council's lower level plans in both the short and medium term (e.g. Long Term Council Community Plans, Regional Policy Statement, District Plan, Regional Land Transport Strategy);
- 11 **directed** the Ministry for the Environment, the Ministry of Transport, the Ministry of Economic Development, the Treasury, the Department of Internal Affairs, and the Department of Building and Housing to work with councils of the Auckland region and the Auckland Transition Agency and other relevant agencies as appropriate, to represent central government interest through the Auckland spatial plan options development process as outlined in paragraph 10 above, and to report progress to Ministers as appropriate.

Committee Secretary
Reference: AGR (09) 16

Note: AGR Min (09) 10/1 was approved by CAB Min (09) 34/8.