



Cabinet Business Committee

Minute of Decision

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23 MAY 2011

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Phase II of the Resource Management Reforms: Urban and Infrastructure Planning and General Issues

Portfolio: Environment

On 23 May 2011, the Cabinet Business Committee:

Background

- 1 **noted** that the paper under CBC (11) 28:
 - 1.1 provides an update on the urban and infrastructure work streams of Phase Two of the resource management reforms (RMII);
 - 1.2 seeks approval for an ongoing work programme;
- 2 **noted** that, on 6 April 2009, the Cabinet Strategy Committee agreed:
 - 2.1 that the primary objective of the RMII is to achieve least cost delivery of good environmental outcomes;
 - 2.2 to a work programme and objectives for RMII, which were to:
 - 2.2.1 provide greater central government direction on resource management;
 - 2.2.2 improve economic efficiency of implementation without compromising underlying environmental integrity;
 - 2.2.3 avoid duplication of processes under the Resource Management Act 1991 (RMA) and other statutes;
 - 2.2.4 provide for efficient and improved participation of Maori in resource management processes;

[STR Min (09) 5/3]
- 3 **noted** that, on 11 October 2010, Cabinet agreed to the release of a discussion document *Building Competitive Cities* for public consultation that canvassed options for reform to urban and infrastructure planning [CAB Min (10) 36/2];

- 4 **noted** that, on 6 December 2010, Cabinet noted that the Minister for the Environment and the Minister of Maori Affairs, in consultation with the Prime Minister, would give further consideration to the issue of Maori participation in resource management processes [CAB Min (10) 44/5];
- 5 **noted** that:
- 5.1 on 11 October 2010, Cabinet invited the Minister for the Environment to report back on the RMII urban and infrastructure work streams by the end of March 2011 [CAB Min (10) 36/2];
- 5.2 the report back date referred to in paragraph 5.1 above was subsequently extended to the end of May 2011;
- 6 **noted** that, on 15 October 2009, the Cabinet Committee on Auckland Governance Reforms directed the Ministry for the Environment, in consultation with other relevant agencies, to investigate as part of RMII opportunities how to further simplify, streamline and make planning instruments and mechanisms more effective, including:
- 6.1 whether a spatial plan should supplement or replace councils' existing strategic plans (e.g. the Auckland Regional Policy Statement, and Auckland Regional Land Transport Strategy);
- 6.2 the strength of the legal relationship between the spatial plan and other plans (e.g. District/Regional Plan, and Long Term Council Community Plan);
- 6.3 the relationship of the spatial plan to national planning instruments (e.g. National Policy Statement, Government Policy Statement, and National Infrastructure Plan);
- 6.4 consultation and appeal rights;
- [AGR Min (09) 10/1]

Spatial planning

- 7 **noted** that the Auckland Council proposes to adopt the first Auckland spatial plan in December 2011;
- 8 **noted** that there is currently no requirement for local government outside of Auckland to produce a spatial plan;

Ongoing work programmes

- 9 **invited** the Minister for the Environment to report to the Cabinet Economic Growth and Infrastructure Committee (EGI) by 14 September 2011 with recommendations for achieving greater recognition of the importance of urban areas in resource management practice (including on the scope of a potential National Policy Statement to address issues such as urban design and affordable housing) and their environmental, social and economic benefits;

- 10 **invited** the Minister for the Environment to report to EGI no later than 30 March 2012 with:
- 10.1 recommendations for implementing spatial planning in Auckland, including:
 - 10.1.1 clarifying the legal relationship between the Auckland spatial plan and other plans and policy statements;
 - 10.1.2 clarifying the role for public participation and appeal processes;
 - 10.1.3 developing transitional arrangements, with the intention of reducing duplication across the planning system;
 - 10.2 recommendations for increasing central government direction in resource management;
 - 10.3 recommendations for addressing practice issues across urban planning;
 - 10.4 recommendations for improving the approvals process for infrastructure projects under the RMA;
 - 10.5 initial advice on re-consenting processes and collaborative planning mechanisms for plan development under the RMA, in particular private plan changes;
- 11 **invited** the Minister for the Environment and the Minister for Land Information to report to EGI no later than 30 March 2012 with recommendations for improving the process for land acquisition and compensation under the Public Works Act 1981;
- 12 **invited** the Minister for the Environment and the Minister of Conservation to report to EGI no later than 30 March 2012 with recommendations for addressing the complexities of projects requiring both a concession under the Conservation Act 1987, and a resource consent under the RMA;
- 13 **noted** that the terms of reference for the Smarter Government, Stronger Communities review of the system of local government provide for a review of the structure, functions and funding of local government, and the Minister of Local Government is due to report to EGI on progress by 6 July 2011 [EGI Min (11) 1/11];
- 14 **invited** the Minister for the Environment, in consultation with the Minister of Local Government, to report to EGI no later than 30 March 2012 with initial advice on the role of spatial planning outside of Auckland;
- 15 **noted** that the Ministry for the Environment, in conjunction with Department of Internal Affairs and other central government agencies, and the Auckland Council, will make available supporting information on the development and implementation of spatial planning with a particular focus on Auckland initially;
- 16 **noted** that the work referred to in paragraphs 14 and 15 will progress alongside the Smarter Government, Stronger Communities review of the system of local government;
- 17 **invited** the Minister for the Environment and the Minister of Maori Affairs to report back to EGI no later than 30 March 2012 on progress for options to achieve efficient and improved participation of Maori in resource management processes;

Next steps

- 18 **noted** that there are no financial impacts from the decisions set out above, and the financial implications of any decisions will be considered as part of the report to EGI in March 2012;
- 19 **noted** that consultation may be required on some of the issues identified and Cabinet approval will be sought where appropriate;
- 20 **noted** that the Resource Management Urban and Infrastructure Planning Amendment Bill holds a category 4 priority on the 2011 Legislation Programme (to be referred to a select committee in 2011);
- 21 **agreed** that the Resource Management Urban and Infrastructure Planning Amendment Bill be changed to a category 5 priority on the 2011 Legislation Programme (to be introduced in the next calendar year);
- 22 **noted** that the Minister for the Environment will proactively release a summary of the submissions received on the *Building Competitive Cities* discussion document on the Ministry for the Environment's website, subject to the relevant provisions of the Official Information Act 1982;
- 23 **noted** that the Minister for the Environment will proactively release the paper under CBC (11) 28 on the Ministry for the Environment's website, subject to the relevant provisions of the Official Information Act 1982.

Committee Secretary

Reference: CBC (11) 28

Present:

Rt Hon John Key (Chair)
Hon Simon Power
Hon Tony Ryall
Hon Dr Nick Smith
Hon Judith Collins
Hon Anne Tolley
Hon Christopher Finlayson
Hon David Carter
Hon Steven Joyce
Hon Georgina te Heuheu
Hon Hekia Parata
Hon Dr Pita Sharples
Hon Peter Dunne

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet

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