

NZCID Submission on the Building competitive cities: Reform of the urban and infrastructure planning system

SUBMITTER DETAILS

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The New Zealand Council for Infrastructure Development ('NZCID')¹ appreciates the opportunity to make this written submission on the Building competitive cities: Reform of the urban and infrastructure planning system.

NZCID strongly supports the need for reform to the Resource management Act, Local Government Act and Public Works Act as proposed in the respective Urban and Infrastructure Technical Advisory Group reports. We comment below on the specific issues raised in the discussion paper using the form template as provided in the document.

Chapter 2: Problems with the planning system

1. Do you agree/disagree with the list of potential problems identified in the discussion document?

	Agree	Disagree
Urban planning system		
1. Inadequate recognition of urban environment in the RMA.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Complex planning system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Lack of consistency in decisions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

¹ NZCID is a non profit organisation. Members comprise a diverse range of leading private and public organisations including infrastructure equity owners, financiers, constructors, service providers, public sector agencies, and major infrastructure users. Information on the Council, its members, policy and work can be found at www.nzcid.org.nz. In developing its position on infrastructure issues, NZCID consults extensively with its member organisations, undertakes workshops and seminars on policy and undertakes independent research. This submission represents the views of NZCID as a collective whole, and may not necessarily represent the views of individual member organisations, some of whom will be making their own individual submissions.

- | | Agree | Disagree |
|--|-------------------------------------|--------------------------|
| 4. Barriers to effective implementation. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Infrastructure development

- | | | |
|--|-------------------------------------|--------------------------|
| 1. Lack of clarity and consistency of national objectives and standards. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Mixed access to designations. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Complex and inflexible approval processes. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Lack of robust and integrated decision-making. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Inefficient and inadequate land acquisition process. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comment:

The New Zealand Council for infrastructure development supports the recommendations of both the Urban and Infrastructure Technical Advisory Groups.

2. Can you provide any evidence that supports or questions the assessment of the problems identified?

Comment:

We attach a copy of a detailed discussion paper entitled "Improving the Effectiveness and Efficiency of Approval Processes for Critical Infrastructure. This paper provides a clear definition of the problems that NZCID considers must be addressed and includes recommendations for reform. These recommendations are consistent with the RMA reform proposals included in the ITAG report.

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

Comment:

Aligned decision making between national and local planning is important, but is seriously lacking in New Zealand. For example, at a national level the 2008 New Zealand Transport Strategy (NZTS) sets the Government's vision for transport to 2040 and the Government Policy Statement (GPS) details the Government's desired outcomes and funding priorities for land transport. The NZTS' vision is that people and freight in New Zealand have access to an affordable, integrated, safe, responsive and sustainable transport system. These words are also enshrined in the Land Transport Management Act, the main transport planning and funding statute. The GPS focuses on the promotion of economic

growth in New Zealand. The Government aims at achieving this through the completion of seven roads of national significance – major state highways that help ensure connectivity and reduce congestion. This is to be compared with Auckland’s land transport outcomes. Auckland’s Regional Land Transport Strategy is the guiding document for Auckland Transport. It is more focused on improving public transport and changing behaviours. It focuses on different projects, with a strategic priority being to build limited additional roads. Early indications are that the new Auckland Council will support substantial investment in rail and will favour investment in the CBD rail loop and other rail projects ahead of investment in roads of national significance. The new legislation for Auckland Transport (the Local Government (Auckland Law Reform) Act 2010 provides that the purpose of Auckland Transport is to ‘contribute to an effective and efficient land transport system to support Auckland’s social economic, environmental and cultural well being’. This is a different purpose from, and is not aligned with, the New Zealand Transport Agency’s purpose and obligations under the Land Transport Management Act. There is clear need for achieving alignment of statutory planning processes. In NZCID's view there is a need for subsidiarity of planning. This would require District, Regional plans to be subsidiary to higher level plans. In general NZCID supports the view that regional plans should be required to "give effect to" national plans and that district plans should also "give effect to" regional plans, where these have been developed and agreed.

Chapter 3: Options for change: Planning and urban design

3.1 Recognise urban environment in the RMA framework

4. Do you agree/disagree with Options 1 and 2 to more adequately recognise the urban environment in the RMA framework?

	Agree	Disagree
• Option 1: Broaden definitions to include the urban environment by:		
a) modifying the definition of ‘environment’ to specifically include the urban environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) extending the definition of ‘amenity values’ so that it addresses the quality of the urban environment to a greater extent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 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) and/or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) section 7 (other matters for which to have particular regard).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment:

This is a complex issue and goes to the core of concerns with respective land and transport planning statutes in New Zealand. While the purpose of the Resource management Act (the Act) is enabling,

3.3 Spatial planning – enhancing it for Auckland and implementing it for other regions

6. Do you agree/disagree with Options 5 to 9 for spatial planning in Auckland?

	Agree	Disagree
• Option 5: Retain the current spatial planning legislation, which provides flexibility for the Auckland Council in developing and implementing the spatial plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Option 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. the Regional Land Transport Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) replacing RMA plans (ie, regional policy statement, regional and district plans) for Auckland with a requirement for a single unitary plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 7: Improve the effectiveness of the Auckland Spatial Plan by giving it an appropriate level of statutory influence on the RMA, ² LGA ³ and LTMA ⁴ Plans by either:		
i. ‘giving effect to’ ⁵ the Auckland spatial plan or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. ‘being consistent with’ ⁶ the Auckland spatial plan or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. ‘having regard for’ ⁷ the Auckland spatial plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. considering the Auckland spatial plan on a voluntary basis.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Option 8: Reduce litigation and improve the certainty of decisions, while providing safeguards during development of the spatial plan by either:		
a) providing for:		

² Regional policy statement, regional plans, district plans.

³ Long-term council community plans.

⁴ Regional Land Transport Strategy, Regional Land Transport Programme.

⁵ ‘Give effect’ has a high level of influence, and requires implementation plans to actively implement the spatial plan without any flexibility.

⁶ ‘Be consistent with’ has a medium level of influence, and provides some flexibility on how implementation plans implement the spatial plan.

⁷ ‘Having regard for’ has a low level of influence, and provides guidance on how implementation plans implement the spatial plan.

	Agree	Disagree
i. full appeal rights on the spatial plan or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. limiting appeal rights to points of law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. improves iwi/Māori participation in resource management decision-making	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 one year prior to adoption of the LTCCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment:

NZCID proposes changes to the statutory planning process as depicted in Figure 1 below.

The process is designed to achieve alignment between the National Infrastructure Plan, Regional Spatial Plans, and Local Plans. While modelled on the Auckland spatial planning process, the model would be replicable across other regions and districts, although the need for sectoral plans as a component of the regional spatial plan would be determined by the region. The following amendments to existing legislation would be required:

Local Government Act:

- Regional Spatial Plan shall take account of the National Infrastructure Plan
- Council Long Term Plans shall give effect to the regional spatial plan

Resource Management Act:

- National Infrastructure Plan shall be consistent with any relevant National Policy Statements and its implementation shall be compliant with any National Environmental Standards

-In the development of National Policy Statements and National Environmental Standards central government shall take account of the requirements of the National Infrastructure Plan

- All government department and agency sector plans shall be consistent with NPSs and NESs

- Regional Spatial Plan shall give effect to any National Policy Statements and comply with all National Environmental Standards. NB. Although there is no formal requirement for Regional Spatial Plans to give effect to National Infrastructure Sector Plans, central government could chose to develop a NPS by sector under the RMA (similar to that proposed by UTAG for Auckland) to require conformity to government policies.

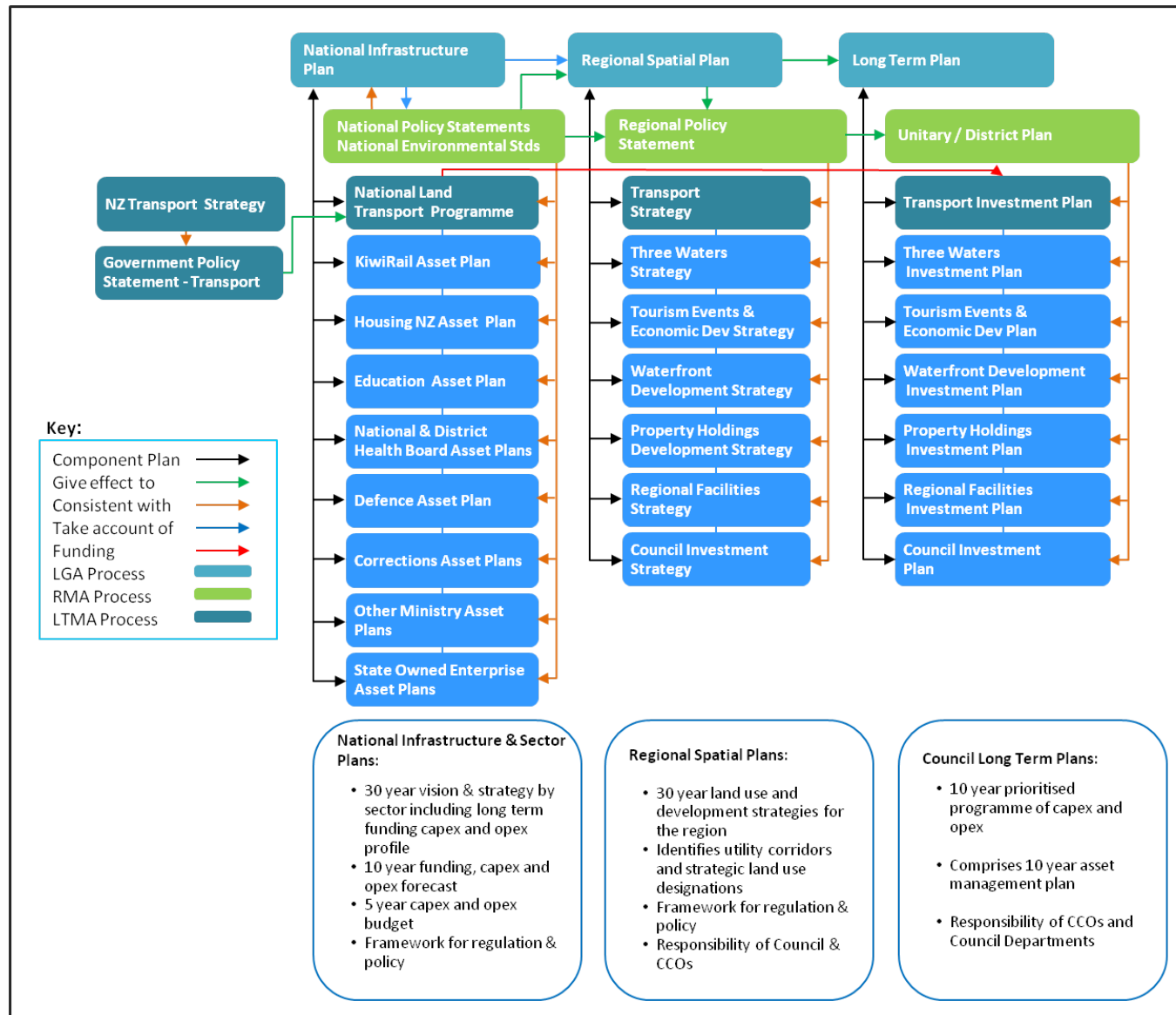
Regional Policy Statement shall give effect to the Regional Spatial Plan

-All Regional and District plans shall be consistent with the RPS

Land Transport Management Act

- The National Land Transport Programme will form the land transport investment component of the National Infrastructure Plan

Figure 1: NZCID Proposed Alignment of Planning Statutes



7. Do you agree/disagree with Options 10 and 11 to clarify central government’s role in Auckland’s planning?

	Agree	Disagree
<ul style="list-style-type: none"> • Option 10: Mechanisms for central government to influence the Auckland spatial plan: <ul style="list-style-type: none"> a) a GPS that sets out the Crown (or national) objectives for Auckland and/or <input checked="" type="checkbox"/> <input type="checkbox"/> b) require ministerial certification that the Auckland spatial plan complies with all GPSs, before final adoption by the Auckland Council and/or <input checked="" type="checkbox"/> <input type="checkbox"/> c) make more effective use of existing mechanisms to express Government priorities and direction, including NPSs and NESs and/or <input checked="" type="checkbox"/> <input type="checkbox"/> d) express central government priorities and objectives in a policy mechanism, such as the National Infrastructure Plan and/or <input checked="" type="checkbox"/> <input type="checkbox"/> e) use the spatial plan as the mechanism for engagement between central government and the Auckland Council. <input checked="" type="checkbox"/> <input type="checkbox"/> • Option 11: Central government using suitable and appropriate mechanisms to direct its entities, agencies and departments, and funding agencies to <ul style="list-style-type: none"> a) give effect to a GPS for Auckland and/or <input checked="" type="checkbox"/> <input type="checkbox"/> b) be consistent with the adopted Auckland spatial plan in decision-making and/or <input type="checkbox"/> <input checked="" type="checkbox"/> c) have regard to the adopted Auckland spatial plan in decision-making and/or <input checked="" type="checkbox"/> <input type="checkbox"/> d) reflect central government’s priorities and objectives for Auckland in their statements of intent. <input checked="" type="checkbox"/> <input type="checkbox"/> 		

Comment:

NZCID supports the UTAG recommendations in this regard

8. Do you agree/disagree with the range of options set out in Option 12 to consider extending spatial planning with legislative influence to areas outside of Auckland?

- | | Agree | Disagree |
|---|-------------------------------------|-------------------------------------|
| • Option 12: Regional spatial planning with legislative influence to be: | | |
| a) limited to Auckland only or | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) mandatory in all regions facing growth pressures and subject to significant levels of local and central government investment in infrastructure and services or | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) implemented on a voluntary basis by regions, for all regions or | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) mandatory for all regions. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comment:

NZCID envisages a national spatial planning process modelled on the Auckland process as depicted in Figure 1. This would be expected to lead integration of asset management planning and shared service arrangements across district boundaries.

3.4 Improve tools

9. Do you agree/disagree with Options 13–20 that aim to improve the delivery of quality urban environments through effective implementation tools?

- | | Agree | Disagree |
|---|-------------------------------------|-------------------------------------|
| • Option 13: Introduce a national template for local and regional plans. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • Option 14: Stage the implementation of a national template plan for NPSs and NESs. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • Option 15: Provide for the production of a combined NPS and NES as a single document. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Option 16: Establish a National Urban Design Panel. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • Option 17: Establish a Government Architect. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Option 18: Rely on existing methods and processes to amalgamate land, including purchase, negotiation and joint ventures. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

12. Can you provide any data or other information to support the views you have expressed in this section?

Comment:

Refer to the detailed discussion paper entitled "Improving the Effectiveness and Efficiency of Approval Processes for Critical Infrastructure appended to this submission.

Chapter 4: Options for change: Social and economic infrastructure development

4.1 Greater national direction and consistency

13. Do you agree/disagree with Options 1–3 that will improve the clarity and consistency of national objectives for infrastructure?

	Agree	Disagree
<ul style="list-style-type: none"> • Option 1: Using NPSs, NESs⁸ and other forms of national standards in a more systematic way through <ul style="list-style-type: none"> a) developing an agenda of proposed NPSs and NESs <input checked="" type="checkbox"/> <input type="checkbox"/> b) developing a greater number of nationally-consistent standards <input checked="" type="checkbox"/> <input type="checkbox"/> 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 <input checked="" type="checkbox"/> <input type="checkbox"/> d) taking into account where ‘reverse sensitivity’⁹ issues are, or could be, an issue. <input checked="" type="checkbox"/> <input type="checkbox"/> • Option 2: Making use of the options in Chapter 3 to support the efficient delivery of infrastructure: <ul style="list-style-type: none"> a) enabling the development of combined NPS and NES documents to communicate national priorities, so councils can more easily incorporate national direction into plans <input type="checkbox"/> <input checked="" type="checkbox"/> b) introducing a national template plan for local and regional plans. <input checked="" type="checkbox"/> <input type="checkbox"/> 		

⁸ National policy statements (NPS) and national environmental standards (NES) are explained in Appendix 3.

⁹ ‘Reverse sensitivity’ arises where a new activity sets up near an existing, lawfully established activity, and the new activity objects to the effects generated by the existing activity, thereby threatening the latter’s continued operation. Options to manage reverse sensitivity can impose additional costs on projects.

- | | Agree | Disagree |
|---|-------------------------------------|--------------------------|
| <ul style="list-style-type: none"> Option 3: Amending sections 6 or 7 of the RMA to explicitly refer to importance of infrastructure and the benefits that derive from it. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comment:

See comments in section 4 above.

4.2 Changing access to the designation system

14. Do you agree/disagree with Options 4–8 that seek to change access to the designations system?

- | | Agree | Disagree |
|---|-------------------------------------|-------------------------------------|
| <ul style="list-style-type: none"> Option 4: Extend eligibility to a broader range of infrastructure types, particularly to ports and electricity generation. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> Option 5: Define eligibility based on the ‘nature of development’ rather than the type of infrastructure. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> Option 6: Narrow eligibility for full ‘requiring authority’ status¹⁰ and establish a new status of “limited requiring authority”: <ul style="list-style-type: none"> 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 b) approval process: approve ‘limited requiring authority’ status on a project-specific basis only, to reflect the purposes of each particular project 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. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> Option 7: Change all references in RMA from ‘network utility operator’ to ‘infrastructure provider’. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> Option 8: Amend definition of ‘infrastructure’ in the RMA so it reflects the full range of eligibility for requiring authority status. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

¹⁰ ‘Requiring authorities’ are explained in Appendix 4.

Comment:

NZCID supports the ITAG recommendations in respect of requiring authority status.

4.3 Improved approval processes: increased streamlining and flexibility

15. Do you agree/disagree with Options 9–11 to introduce ‘concept designations’ as a way to support longer-term infrastructure planning?

	Agree	Disagree
• Option 9: Eligibility for concept designations. Either:		
a) all infrastructure projects eligible for designations should be able to make use of concept designations or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) only a subset of projects eligible for designations should be able to make use of concept designations and/or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) concept designation status should be conferred on any future infrastructure identified in a statutory spatial plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 10: Level of detail required with application. Either:		
a) sufficient detail is required to identify a comprehensive envelope of future impacts or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) sufficient detail is required to identify high-level impacts only.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 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 PWA powers or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) infrastructure providers would have more limited range of powers than currently provided under notices of requirement, and limited PWA powers and/or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) a maximum lapse period of 10 years would apply or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) a longer maximum lapse period, such as 20–30 years would apply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment:

NZCID supports the ITAG recommendations except as indicated above.

16. Do you agree/disagree with Options 12 to 15 that seek to streamline approval processes?

	Agree	Disagree
• Option 12: Integrate multiple approval processes into a single approval process for a nationally significant infrastructure project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 13: Remove duplicated processes through:		
a) providing for designations to be automatically 'rolled over' into updated district plans when provided for in a spatial plan ¹¹ and/or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) removing the current two-stage process ('notice of requirement' and 'outline plan') for approving development by establishing the development's limits when the initial designation is approved and/or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) providing that where a concept designation is in place, 'controlled activity' consent status ¹² would automatically apply to any subsequent resource consent applications.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 14: Establish consistent processes by:		
a) requiring 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) introducing pre-application consultation requirements for concept and project designations and/or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) requiring public hearings for any concept designation and/or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) providing non-statutory guidance to inform 'notice of requirement' and 'outline plan' processes and/or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) applying consistent statutory timeframes to all project designations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 15: Improve investment certainty for resource consents.		
a) introduce a new process for re-consenting with the following features:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. confer rights to apply for an existing consent holder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. expressly allow renewal applications well within the existing consent term	<input checked="" type="checkbox"/>	<input type="checkbox"/>

¹¹ 'Spatial plan' in this context means a spatial plan adopted through the types of options set out in chapter 3.

¹² 'Controlled activity status' means a decision-maker may impose conditions on a resource consent, but may not decline the application.

	Agree	Disagree
iii. provide for the consented scale of activity to continue while the re-consenting application is being processed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. limit the scope of the new consent to the existing scale of activity within the same 'effects envelope' ¹³ , where practical	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi. constrain notification and consultation requirements to directly affected parties, rather than the public at large	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vii. take account of Treaty settlement issues where they are relevant.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. allowing a consent authority to consider any matter it considers relevant and reasonably necessary to determine the application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment:

Please refer to the detailed discussion paper entitled "Improving the Effectiveness and Efficiency of Approval Processes for Critical Infrastructure for discussion of these issues. This paper provides a clear definition of the problems that NZCID considers must be addressed and includes recommendations for reform. These recommendations are consistent with the RMA reform proposals included in the ITAG report.

4.4 Enhanced decision-making framework

17. Do you agree/disagree with Options 16–19 to enhance decision-making for designations?

¹³ 'Effects envelope' refers to the type and magnitude of effects from an activity.

	Agree	Disagree
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) the extent to which realistic options for co-location of infrastructure could be appropriate and have been considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 18: Ensure that national consistency is achieved where appropriate by making use of the identified options (1 to 3) to provide greater national direction on objectives and standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 19: Amend the RMA in relation to projects called-in by the Minister, to give greater status to the reasons for ministerial call-in.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) any applications for designations that are not consistent with an existing spatial plan would need to provide additional justification.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment:

NZCID fully supports these measures.

4.5 An efficient compensation process under the Public Works Act 1981

18. Do you agree/disagree with Options 21–26 that seek to provide adequate compensation under the PWA?

	Agree	Disagree
• Option 21: Increase the current solatium ¹⁴ of NZ\$2000.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Option 22: Link the value of the solatium to the length of time an affected landowner has owned the property.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

¹⁴ A solatium is paid as compensation for emotional loss when acquired land contains a dwelling used as a private residence. It is in addition to compensation for loss of value.

- | | Agree | Disagree |
|---|-------------------------------------|--------------------------|
| • Option 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. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • Option 24: Introduce a hardship payment mechanism. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • Option 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. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • Option 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. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comment:

We note with concern that the discussion paper has not fully explained the recommendations of the ITAG report on this issue. NZCID fully supports the recommendations of the ITAG in respect of compensation under the Public Works Act. This includes a mandatory 5% premium over market value in addition to an additional premium of up to 10% early settlement.

19. Do you agree/disagree with Options 27–28 that seek to improve the acquisition process under the PWA?

- | | Agree | Disagree |
|--|-------------------------------------|-------------------------------------|
| • Option 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. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • Option 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. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment:

4.6 Transitional issues

20. Do you agree/disagree with Options 29–31 for managing the transition of adopting any of the options?

- | | Agree | Disagree |
|--|-------------------------------------|-------------------------------------|
| • Option 29: Introduce a sunset clause on existing designations that have not yet been used. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Option 30: ‘Grandfather’ existing designations into any new system for minor improvements or maintenance. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • Option 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. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comment:

21. Are there any other options for infrastructure that you think need to be considered to address any of the problems identified in chapter 2 or any alternative problems you have identified?

Comment:

22. When decisions are taken to adopt a set of preferred options they will need to work together as a coherent approval system. Do you think your feedback helps to maintain a coherent system for infrastructure approvals?

Comment:

23. Can you provide any data or other information to support the views you have expressed in this section?

Comment:

Please refer to the detailed discussion paper entitled "Improving the Effectiveness and Efficiency of Approval Processes for Critical Infrastructure. This paper provides a clear definition of the problems that must be addressed and includes recommendations for reform. These recommendations are consistent with the RMA reform proposals included in the ITAG report.

Privacy Act 1993 and Official Information Act 1982 (OIA) declarations

- a) Please indicate whether you want to have your name on your submission when it is released.
- Yes. I give permission for my name to remain on my submission when it is released.
- No. Please remove my name from my submission before it is released and record my submission as 'anonymous' in any summary of submissions.
- b) Please outline if this submission contains commercially sensitive information that has been included to support your submission, but which you feel should be withheld under the OIA.

Comments:

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