

Our Reference: A939616

Otago Regional Council Submission
to the
NZ Productivity Commission
on the
Better Urban Planning Draft Report

This is a submission to the NZ Productivity Commission (the Commission) on the Better Urban Planning Draft Report August 2016

The Otago Regional Council (ORC) wishes to be heard in support of this submission if the opportunity arises.

Signature of submitter (or person authorised to sign on behalf of submitter):



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3 October 2016

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1. Executive Summary

- 1.1 The Better Urban Planning Draft report (the draft report) sets out a significant suite of changes to the current urban planning legislative framework.
- 1.2 ORC supports change that will result in a more integrated approach to urban planning and resource management, including better alignment of key legislation [Resource Management Act 1991 (the RMA), Land Transport Management Act 2003, Local Government Act 2002], ensuring that urban areas are well adapted to their environment and function effectively and efficiently.
- 1.3 ORC considers that it is critical an outcome-focused approach is taken, and that every effort is made to ensure the planning framework is clear, easy to use and sufficiently flexible to address emerging issues. Spatial planning is one concept that assists in achieving this.
- 1.4 ORC considers that a single resource management law is necessary as the natural and built environments are complex and interconnected. A robust understanding of these systems and interconnections is important to achieve good long term urban outcomes.
- 1.5 ORC considers that the proposed urban planning framework is overly focussed on the immediate needs of Auckland and fast growing urban areas, and does not give adequate recognition to cities like Dunedin and the many smaller towns found throughout Otago where the pressures from population change are different.
- 1.6 ORC considers that the draft report touches a wide variety of issues and mechanisms that first need to be worked through carefully, in consultation with those involved in resource management functions.

2. A single legislative approach for planning and environmental protection

- 2.1 New Zealand's planning regime has evolved over time, from earlier more prescriptive town planning legislation to today's RMA legislation which has a more enabling focus on outcomes and effects management.

- 2.2 ORC appreciates there are complexities and frustrations with the current planning framework. However, Otago's experience is that it can be successful and that more effort is needed to improve it rather than a complete restart.
- 2.3 ORC advocates that *Option A: a refined single resource management law* is preferred to *Option B: separate planning and natural environment laws*. The second option, separating out development and environmental laws, would be a backwards step, undoing years of work by local, regional and central government in developing legislation and planning documents. Communities in Otago value their natural environments highly. Queenstown's success as a tourism centre depends on having a urban environment that reinforces its location in an outstanding landscape. Dunedin prizes its Town Belt, harbour, beaches and mountains. Each town has its own unique natural environment. Within each urban area, there will be situations where development is not acceptable based on environmental values.
- 2.4 In Otago, ORC's regional planning documents have contributed to good outcomes for its communities in respect to development and environmental outcomes. Regional plans have assisted in facilitating growth and development in Otago, particularly in the high growth areas of Queenstown Lakes and Central Otago Districts while improving environmental outcomes, such as by reducing the amount of direct discharges of urban waste to Otago's rivers.
- 2.5 ORC considers that it is important to retain the enabling focus of the RMA, with clear environmental bottom lines set and strong measures to retain our most highly valued resources. Any development proposal needs to manage its environmental effects well. Separation of urban planning from environmental planning risks not putting enough weight on environmental matters, at a long term cost to the environment.

3. Urban development

- 3.1 ORC supports a planning framework that enables development, but that must occur within the constraints of the local natural environment and with regards to the social, economic and cultural aspirations of each community.
- 3.2 ORC notes that the draft report suggests the purposes of an urban planning system are to enable development and land use change, ensure sufficient development capacity and promote the mobility of people in and through cities. While these are important, they do not solely determine good urban outcomes. A much more complex set of factors are involved, including the fit of any development to the environment, the aspirations of the community and the resources available to that community.

4. Integrated provisions for infrastructure

- 4.1 ORC supports any changes that will achieve a more efficient and coordinated approach to urban infrastructure planning, service provision and cost recovery, including between the three key pieces of legislation [Resource Management Act 1991 (the RMA), Land Transport Management Act 2003, Local Government Act 2002]. Currently, these acts have different purposes and processes and their functions overlap. This is inefficient and makes it difficult to ensure consistent decision making, ensuring that decisions made for an activity under one act support outcomes desired under another.
- 4.2 While integration is especially important for high growth areas like Queenstown, it is also vital for ensuring that the network of infrastructural services across the region remain fit for purpose, supporting the regional economy and communities.

5. Spatial planning

- 5.1 ORC supports the use of spatial planning as an important way of identifying how an urban area should develop, and accordingly being able to integrate the development of infrastructure and to achieve that outcome.

5.2 ORC considers that the requirement to undertake the concept of spatial planning should be inserted directly into regional policy statements. This will reinforce current use of spatial planning tools, without introducing further complexity into legislation.

5.3 ORC considers that legislation should provide more weight for spatial planning to enable local authorities to deliver on the vision in the spatial plan, including through direction of urban infrastructure provided by others.

6. Retain decision making powers of local authority

6.1 ORC opposes the proposal to have permanent independent hearing panels for plan changes.

6.2 ORC considers that decisions on policy and planning are critical for the community, and should be made by councillors, independent panels or some combination of both, at the discretion of council. This is the current situation, which enables the application of a good mix of technical, resource management and local community knowledge, as appropriate to the proposal.

7. Other proposals

7.1 There are a wide range of other proposals in this draft report, many of which relate to resource management principles and procedures in general, and could apply anywhere. These include:

- Any hierarchy of priorities for managing the natural environment;
- Environmental management tools;
- Opportunities for consultation and changes to plan making, including the ability to participate in proceedings;
- Decision making for plans and resource consents, including appeal to the Environment Court;
- Continued recognition and protection of Maori interests;
- Role of central government in planning.

- 7.2 ORC considers that there are some opportunities where consistent national direction is necessary to ensure better integration of urban development with the environment, especially of infrastructure. However, they should be used sparingly and only after consultation with all affected parties.
- 7.3 Generally, ORC considers that decision making should be undertaken as close as possible to those affected and accordingly, does not support re-introduction of the concept of ‘standing’, or a high level of intervention by central government in local decision making. Should national direction be required, it should first be well consulted on, and then clearly specified and not subject to further local consultation processes.

END