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Dear Murray

Submission - Better Urban Planning Draft Report

Thank you for the opportunity to comment on the Better Urban Planning Draft Report. The changes proposed in the Report are significant for the whole of New Zealand, so it is important that local councils provide their perspectives.

The Council has confined its comment to those issues raised in the report which are most significant for the Rangitikei District. These are the distinction between urban and rural, consultation, Maori/Iwi interests, the proposed independent hearings panel, central government involvement, spatial plans and infrastructure funding.

Distinction between urban and rural

The Report proposes a stronger distinction between the natural environment and the urban environment - providing increased flexibility in land use for urban areas and increasing central government oversight for the natural environment. Council supports that approach. Flexibility within the urban environment is consistent with the philosophy of the Rangitikei District and the current district plan. Council recognises the need to balance economic development with environmental protection.

Council would like the Commission to consider how the requirements of the Building Act 2004 interact with the proposal to increase flexibility in the urban environment. The requirements under section 115 of the Building Act related to 'changes of use' can reduce flexibility for development. An example is a change of use for a commercial building to a residential building triggers earthquake strengthening requirements up to 100% of the Building Code. This type of requirement does not support the envisaged flexibility in urban environments.

Consultation

The draft Report identifies increased flexibility for consultation under the Resource Management Act (RMA) 1991 to match the flexibility provided in the Local Government Act (LGA) 2002 and Land Transport Management Act (LTMA) 2003. Council supports that proposed flexibility. The Schedule 1 process and Environment Court appeal abilities under the RMA for plan changes and reviews discourage local authorities from undertaking frequent plan changes. This reduces the adaptability of the district planning documents to changing conditions or to address unforeseen issues.

The consultation processes under the LGA 2002, particularly through the mandatory Significance and Engagement Policy, allows consultation resources to be directly targeted at directly affected parties. A recent example in the Rangitikei is amendments to Council's Animal Control Bylaw. Changes to the Bylaw affected specific communities, therefore, consultation was directly only at those communities (rather than occurring through public notices). Council also supports innovative consultation opportunities and the increased use of technology in consultation (e.g. the use of skype, online surveys and reference panels).

Maori/Iwi interests

The Report identifies the importance of expanding on existing engagement processes with Iwi, but particularly increasing understanding of Maori interests. Council agrees that increasing understanding of Maori interests is important in future planning frameworks. However, this understanding needs to extend from the Council and throughout the wider community. Council is already discussing ways to better engage and increase understanding of Iwi interests. One example is for councillors to engage with Iwi in their post-election induction processes. Council would also like to highlight the diversity of communities and the needs to engage with a range of ethnicities. In Marton, there is a significant Samoan community and it is important their aspirations are reflected.

Independent hearings panel

The Report has proposed the use of an independent hearings panel for plan changes, with reduced Environment Court appeal rights. Council understands the importance of robust resource management decision making. However, we are concerned that an independent hearings panel may not have appropriate local knowledge to inform decision making.

Given the large number of plan changes and reviews underway around New Zealand, there would need to be a pool of approved experts which could be used. This range of experts should include individuals with experience in rural, declining communities as well as urban, growing communities. The ability to use just one panel member should be available for small scale plan changes. This would reduce potential costs. Council considers that the use of the independent hearings panel should remain optional, particularly for minor plan changes. The cost of using the independent review panel has not been stated but, given the experience required to be a part of the panel, the cost of using such an expert may be significant. It may be beneficial to have members on the panel with various expertise, which could be used based on the significance of the plan change/review. The minimum standard the experts need to have is experience and an in depth understanding of the RMA and the ability to write their own decision. Council agrees that the role of the panel would be to provide recommendations back to Council to approve/decline.

Central government involvement

The draft Report identifies increased direction from central government in planning processes and monitoring. Council supports central government developing national direction, particularly in setting national bottom lines. However, any central government direction needs to be informed by robust science or research and needs to be developed in consultation with local government. A good example of issues that benefit from central government guidance are the existing National Environmental Standards for Telecommunications and Soil Contamination.

Spatial Plans

Spatial plans have been identified in the Report as a preferred mechanism for integrating urban planning. It is important that, if spatial planning is made compulsory, it does not duplicate efforts in other documents, such as the Long Term Plan. Council is generally supportive of the concept of spatial planning, but would like the Commission to consider potential cost implications associated with an extra layer of planning being added. Additionally, it is important that the spatial plans take into account not just the location of future development, but the non-tangible aspirations of communities.

Infrastructure funding

The provision of infrastructure within the Rangitikei District is the most significant service provided to ratepayer. Consequently, the provision of infrastructure represents about two thirds of Council's rates spending. The Report identifies the importance of infrastructure growth in assessing options for the future provision of infrastructure. However, much less thought seems to have been given to issues associated with communities that are in decline.

The Rangitikei District's reticulated potable water and wastewater systems were developed to serve populations that were considerably larger than they are today. For example, 2,472 people were living in Taihape in 1975 whereas there were only 1,509 recorded there in the 2013 Census. Substantial renewals and/or upgrades to all these systems will be needed within the next 30 years. There are affordability issues, particularly for systems serving small communities. This is particularly the case for wastewater systems. The requirements of the Horizons "One Plan" and the National Policy Statement for Freshwater mean higher and more consistent standards for wastewater treatment. Council is supportive of these increasingly stringent requirements because we know how important water quality is for the health of the rivers in our District.

Council's preference would be to retain reticulated water/wastewater services in small communities. However, the tools for growing communities are not obviously applicable to declining ones. Some Government funding seems the only realistic option to enable reticulated system to be affordable in declining communities. Community desire to retain waste water services was recently demonstrated by the Mangaweka Community's response, when they received notice that Council was considering alternative options for waste water supply (individual septic systems). Alternatively, the Government could lead a national approach to developing standards and affordable systems for safe potable water and disposal of wastewater in smaller communities with declining populations. These would potentially be available to people in rural areas presently not connected to town reticulated systems.

Wider planning context

The focus of the current report is on the urban planning context for cities and towns. However, many of the concepts identified, translate into the wider environmental context. These concepts include discussions about the natural environment, the Government Policy Statement on sustainability and spatial planning. It is important that any reforms consider the whole planning system, including rural and conservation areas, not just the urban environment.

The Council hopes these comments are useful.

Yours sincerely

Andy Watson
Mayor of Rangitikei