Environment Canterbury
Regional Council
Kaunihera Taiao ki Waitaha

SUBMISSION OF ENVIRONMENT CANTERBURY TO

MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT ON

URBAN DEVELOPMENT AUTHORITIES - DISCUSSION DOCUMENT FEBRUARY 2017

To:

Construction and Housing Markets, BRM
Ministry of Business, Innovation and Employment
PO Box 1473
WELLINGTON 6140
Attention: Urban Development Authorities consultation

Sent by email to UDAconsult@mbie.govt.nz

Name of Submitter: Canterbury Regional Council

Submission:
This is the submission of Canterbury Regional Council (Environment Canterbury) on the Urban Development Authorities discussion document (February 2017).

Environment Canterbury generally supports the submission made by the Greater Christchurch Urban Development Strategy Partners.

Signed for and on behalf of Canterbury Regional Council, 15 May 2017

Chair David Bedford .....

Councillor Dr Cynthia Roberts .....

Councillor Prof Peter Skelton

Address for further contact: Chrissie Williams
Mobile: 027 702 7457
Email: chrissie.williams@ecan.govt.nz

Introduction

1. Environment Canterbury appreciates the opportunity to comment on the Urban Development Authorities (UDAs) discussion document.

2. We note that the discussion document and supporting regulatory impact statement outline proposals for new legislation. While they do provide detailed proposals, there are a wide number of aspects where it is acknowledged that further thinking and analysis is needed. Environment Canterbury would be willing to provide further advice or general assistance to help ensure the best outcomes for any new legislation.

3. The following submission is offered on the basis of Environment Canterbury's roles, functions and responsibilities under the:
   a. Resource Management Act 1991 (RMA),
   b. Reserves Act 1977
   c. Local Government Act 2002 (LGA),
   d. Land Transport Management Act 2003 (LTMA),
   e. Environment Canterbury (Transitional Governance Arrangements) Act 2016, and
   f. Greater Christchurch Regeneration Act 2016.

About Environment Canterbury

4. Environment Canterbury is the Regional Council for the largest geographical region in New Zealand. Canterbury has an estimated 586,500 residents (at 30 June 2015), or 13% of the national population, making it the second most populous region in New Zealand after the Auckland region. Our region includes communities, particularly in Waimakariri and Selwyn Districts, with urban growth rates among the highest in the country, as a consequence of the Canterbury earthquakes and subsequent relocations of residents and businesses.

5. Environment Canterbury is a partner in the Greater Christchurch Partnership, a voluntary collaborative initiative with Christchurch City Council, Waimakariri and Selwyn District Councils, Te Rūnanga o Ngāi Tahu and Canterbury District Health Board, with non-voting partners of New Zealand Transport Agency, Regenerate Christchurch and the Department of the Prime Minister and Cabinet.

6. The Partnership has the role of implementing the Greater Christchurch Urban Development Strategy (UDS). The UDS establishes a 35-year growth management and implementation plan for Greater Christchurch, to provide for sustainable urban form and future development for the city and peripheral rural communities close to Christchurch. The Strategy has recently been updated to reflect land use and legislative changes in Greater Christchurch following the Canterbury earthquakes in 2010 and 2011, and to highlight local priorities as Greater Christchurch moves into a new phase of regeneration. It takes an integrated and collaborative growth management approach to deal with land use, transport and infrastructure requirements while incorporating social, cultural, economic and environmental values.

7. Environment Canterbury endorses the submission provided by the Greater Christchurch Urban Development Strategy Partnership on the UDA discussion document.

8. At the wider regional level, Environment Canterbury works in close collaboration with the ten territorial authorities (TAs) in the region, via the Canterbury Mayoral Forum, Chief Executives Forum, Policy Forum and Planning Managers' Group. The Canterbury Regional Economic Development Strategy (CREDS) was launched by the Mayoral Forum in August 2015 with the overarching objective to:

   Maximise the economic growth of Canterbury, and position this for when the earthquake rebuild peaks, by ensuring the region makes co-ordinated, optimal investment and development decisions that position it for long-term, sustainable growth.

9. Environment Canterbury also works in close partnership with mana whenua of our region through our Tuia Relationship Agreement with the ten Papatipu Rūnanga of Ngāi Tahu in Canterbury, and the tribal authority Te Rūnanga o Ngāi Tahu. Tuia is a practical affirmation of Environment Canterbury's responsibilities under the RMA, the LGA and other legislation including the Ngāi Tahu Claims Settlement Act 1998, with regard to the principles of the Treaty of Waitangi.

Submission Summary

10. The importance of high performing cities and their role in the wellbeing and living standards of all New Zealanders is now well recognised. Environment Canterbury agrees that a suite of tools is necessary to better enable equitable and sustainable outcomes in urban areas. An improved legislative framework and range of non-regulatory methods are needed to support the management of cities and realise the enormous potential of New Zealand's cities.

11. A specific and targeted new regulatory regime for Canterbury was necessary to respond to the enormous challenge of recovery from the Canterbury earthquakes. The extraordinary powers given to the Minister supporting Greater Christchurch Regeneration (previously the Minister for Canterbury Earthquake Recovery), balanced with the collaborative working relationships between agencies and the community in Greater Christchurch, provided an enabling framework to deliver plan making and recovery actions, in order to respond to a particular task in a unique context.

12. Environment Canterbury suggests that the particular 'problem' that UDAs will help to solve needs to be more clearly articulated. We acknowledge that the immediate need of the legislation is focussed on Auckland (page 22), however the enduring legislation is also expected to be used in other urban areas in New Zealand, if not immediately then certainly over time.

13. Therefore, it is considered important that the legislative structure and processes established by these proposals are thoroughly tested and appropriate to support urban development around the country. To assist in achieving good outcomes, lessons from recent experience in Canterbury should also inform thinking on this topic, recognising the unique circumstances in greater Christchurch.

14. Environment Canterbury agrees with the statement on page 13 *that a development plan for the development project will be collaboratively prepared by the urban development authority, alongside the community, local government, iwi, local business owners and infrastructure providers*. However, we note that many of the proposals do not clearly enunciate the need for collaboration between all parties or provide explicit roles for agencies that should be involved.

15. The recently published *Better Urban Planning: Final Report* by the New Zealand Productivity Commission highlights a wide range of potential solutions and approaches to help manage urban centres to be high performing, well-functioning and enjoyable places. This is critical to the future success and productivity of New Zealand.

16. The proposals within the discussion document point to a potentially significant shift towards central government taking a greater role in resource decision making in urban areas, but on an ad-hoc project by project basis. The potential to override existing statutory frameworks (Part 2 of the RMA, Regional Policy Statements, District Plans, Reserves Act matters, Land Transport Management Act, Long Term Plans and others) might help to 'unlock' development potential and make houses available for occupation sooner. However, this needs to be undertaken within a robust, transparent and accountable process, which recognises why existing plans and strategies have been developed by relevant authorities and communities.

17. Without further clarity around proposals in the discussion document, or understanding the culture of how UDAs might operate in practice, there are a number of concerns that Environment Canterbury wishes to highlight.

18. The key concerns for Environment Canterbury revolve around the diluted role of regional councils in plan preparation and decision making, and therefore the risk of poor outcomes for the sustainability and liveability of cities, and the necessary integrated approach to the sustainable use of resources across a region.

19. Although the discussion document points to the need to engage with regional councils at the establishment phase (Proposal 28) and to consult on the content of a draft development plan (Proposal 36), there is limited other discussion about the role of regional councils, and no specific requirement within proposed legislation. It is considered important that the role of regional councils is more clearly included in any new legislation, and that engagement happens earlier in the process and more thoroughly throughout.

20. Without appropriate involvement in plan making and decision making processes from regional councils, Environment Canterbury is concerned at the extent of power being given to UDAs, the Minister and delegated development entities, and **does not agree** with proposals that may:

    a. Amend a Regional Policy Statement, regional plans, and other planning instruments under the RMA, LTMA, and Reserves Act – without agreement from regional councils;

    b. Transfer consenting responsibilities away from local and regional councils;

c. Create 'Strategic objectives' that may not necessarily align with (let alone 'give effect to') the relevant Regional Policy Statement, and more importantly have primacy over Part 2 of the RMA;

d. Potentially allow greenfield development outside of 'urban limits';

e. Amend LTMA documents, and for development to not align with existing infrastructure plans (there is limited attention to active and public transport considerations throughout the discussion document);

f. Potentially compete for experienced and skilled personnel to staff UDAs (the resourcing of UDAs is not explored in the discussion document). Environment Canterbury suggests that further work on this topic should consider how resources might be shared with local and regional councils, iwi and others).

g. Develop areas without appropriate level of expertise and information available from regional councils, with worst case scenarios that development in existing urban areas may be subject to natural hazards or other environmental constraints.

   Natural hazards need greater attention in many of the proposals, including proposals 40, 62 and 97. The importance of the consideration of natural hazards has been emphasised by the recent insertion of *'the management of significant risks from natural hazards'* as a matter of national importance in section 6(h) of the RMA.

21. The proposal is for enduring legislation that can be used by successive governments, to proceed with urban development projects as deemed appropriate. It is important that the purpose or objectives of any new legislation, and good planning and urban development principles, are embedded in any new legislation. This should include how development areas are chosen, outcomes expected, and implementation and financing of development projects.

22. There is a general lack of clarity about the process for establishment of UDAs, choosing development areas, preparing plans, funding and financing, and statutory rights and responsibilities of local and regional councils through the process, particularly decision making. Further work with regional and local councils to progress these initiatives is important.

23. There is an apparent lack of 'testing' of development proposals, through public engagement, 'impact assessment' or environmental studies, economic feasibilities, or other best practice planning processes.

24. There appears to be a limited role for the community in adding value to development proposals, as only 'affected parties' can submit on development plans and the suggested requirement is only for 'written submissions' with some discretion whether hearings are required, and the Minister is the final decision maker.

25. There are also a number of proposals that must be supported and remain in any new legislation, especially the requirement to gain agreement with the local council, to seek feedback from the community when choosing urban development areas and establishing UDAs, and the role of Maori. Without those measures in place, there would be significantly more concern with the government's proposals.

26. Raised in the recent New Zealand Productivity Commission (2017) *Better Urban Planning: Final Report are* some bigger questions. Now that the final report is released, the findings must inform any new legislation regarding UDAs, particularly regarding decision making processes and appointment of independent commissioners, discussed below.

Environment Canterbury's position

27. Environment Canterbury considers that, in its current form, new legislation for UDAs is unnecessary in Canterbury, at least until the expiry of the Greater Christchurch Regeneration Act in 2021.

28. Introducing such new legislation would cause confusion by having multiple powers available at the same time for similar purposes, in an already complex regeneration planning and institutional environment.

29. Environment Canterbury previously submitted on the Productivity Commission's *Using land for housing report* in 2015. Environment Canterbury outlined general support for the development of a UDA but only if it was to solve a specific housing issue, would be a voluntary agreement with local councils, would have a collaborative approach and would have no regulatory functions or powers.

30. The proposals in this discussion document go further than Environment Canterbury has previously suggested would be appropriate.

31. The role of regional councils in helping to produce good quality natural and built environments is not adequately recognised in the discussion document. The roles and responsibilities of regional councils under section 30 of the RMA are integral to managing urban areas (see paragraphs 48-53 below).

32. Environment Canterbury and other regional councils often take a leadership role in collaborative multi-agency processes, and of course provide for the overall integrated management of natural and physical resources in a region[1]. The Greater Christchurch Regeneration Act 2016 embeds these principles in legislation and provides a useful example of how the proposals could be improved (refer paragraphs 41-43 below).

33. Environment Canterbury would also recommend some significant changes to the proposals are made before these ideas are progressed to draft legislation. These are discussed in more detail below and in Appendix 1.

Overall Principles

34. Environment Canterbury does not agree with the statement on page 11 that land market constraints are *primarily* due to planning rules, costs of overcoming land use restrictions and infrastructure shortfalls. The *Better Urban Planning: Final Report* cites a number of other factors, including *landowners at the fringe and beyond who hope for large capital gains*[2].

[1] s30 (1) (a) of the Resource Management Act
[2] Page 150 *Better Urban Planning: Final Report*

35. A lot of emphasis seems to be placed on the establishment phase, requiring a lot of information to be gathered and understood to inform the Minister and relevant TA at the outset to determine whether to support a development project progressing.

36. Proposal 28 seems to suggest that the regional council and iwi/hapū will be engaged by the TA or government through the consultation process, i.e. at the same time as the public. Environment Canterbury suggests that the regional council and iwi/hapū must be engaged in the process, via the relevant TA, as early as possible. Both the regional council and iwi/hapū will hold valuable information and experience that should inform early discussions. Regional Councils and iwi/hapū should be added to the list of consultees at proposal 24, so that engagement happens at the same time as relevant public landholders, requiring authorities and established UDAs (if relevant).

37. Further initial decisions regarding 'strategic objectives', development powers, and some details of a project, need to be made available for public comments before a UDA is established. This means that either:

    a. The wording of strategic objectives and possible development powers will be very broad and will not pre-determine outcomes, allowing a UDA to prepare a development plan based on consultation and evidence; or

    b. Strategic objectives and development powers will be detailed and directive, specific to the development area, outlining expected outcomes.

38. If details about a development proposal are broad and general, but focussed on a specific development area, this is likely to raise anxiety in the surrounding community. This could occur at an early stage of the process before information is gathered and available to allay concerns, and there will not be an ability to engage meaningfully about positive urban design or public good outcomes that could be realised by a particular development.

39. Alternatively, if strategic objectives are specific and directive, particularly if they are quantitative (eg. x number of houses to be delivered within y timeframe or similar), then an evidence base and technical inputs (constraints, economic feasibility etc.) should be required at the outset. This doesn't appear to be have been factored into the proposals.

40. Extensive powers are proposed to be given to the Minister, which have not been fully justified within the discussion document or draft RIS. Devolution of government, participatory decision making and co-governance models for urban development and management of cities have been demonstrated to work well in high performing cities. A collaborative approach is preferred in Greater Christchurch. The proposals represent a shift away from that approach, which may alienate and disengage communities from positively participating in the evolution of their neighbourhood or city. This might (or might not) speed up decision making in the short term, but will lead to a wide range of negative implications in the short, medium and longer term. Cities greatest assets are their residents - people and urban communities - not just a collection of buildings.

41. Environment Canterbury **does not agree** with the steps that seem to be proposed in the discussion document regarding the establishment phase and particularly the timing for consultation with regional councils and iwi/hapū.

Lessons from Canterbury

42. A multi-agency collaborative approach to plan making in Canterbury was established by the Greater Christchurch UDS Partnership before the earthquakes, and reinforced and expanded post-earthquake. This was recognised in the legislation and governance arrangements post-earthquake under the Canterbury Earthquake Recovery Act 2011 (CER Act) and reflected in the Greater Christchurch Regeneration Act 2016 (GCR Act). The purpose of the GCR Act explicitly recognises that planning for urban areas is best done collaboratively, at the local level, and with the community.

> **Greater Christchurch Regeneration Act 2016**
>
> **3 Purposes**
>
> (1) This Act supports the regeneration of greater Christchurch through the following purposes:
> (a) enabling a focused and expedited regeneration process:
>
> (b) facilitating the ongoing planning and regeneration of greater Christchurch:
>
> (c) **enabling community input** into decisions on the exercise of powers under section 71 and the development of Regeneration Plans:
>
> (d) **recognising the local leadership of Canterbury Regional Council,** Christchurch City Council, Regenerate Christchurch, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council **and providing them with a role in decision making under this Act**:
>
> (e) enabling the Crown to efficiently and effectively manage, hold, and dispose of land acquired by the Crown under the Canterbury Earthquake Recovery Act 2011 or this Act.

43. While the previous CER Act gave extraordinary powers to the Minister for Canterbury Earthquake Recovery to suspend, amend or revoke RMA plans, and that recovery plans could direct amendments to instruments under the RMA, LTMA, and LGA, these powers were only exercised with the agreement of the Greater Christchurch Partnership. For example, recovery plans such as the Land Use Recovery Plan and Lyttelton Port Recovery Plan did amend the regional policy statement, regional plans and district plans. However, the draft recovery plans were prepared by the relevant local authority (Environment Canterbury, in a collaborative multi-agency process), and agreed, prior to being presented to the Minister. Further changes were agreed between the Minister and local authorities before amendments were made to instruments that local authorities administer.

44. Some of the proposals in the discussion document need to better reflect a more collaborative model, and provide a role for different tiers of government to retain decision making power and leadership on those matters for which they have a responsibility under the RMA (regional plans, district plans, consenting powers and the like).

Determining where urban development can occur

45. Development should normally align with the existing spatial plan for a city or urban area, which should be explained and illustrated in an RPS. To create high performing cities, development should generally support the aggregation of activities in identified areas through a city (central city CBD, suburban nodes etc.), be accessible by public and active transport, align with social and horizontal infrastructure, provide great places to live in and visit, and should obviously avoid natural hazards and environmental constraints. These and other basic planning principles would be explained in an RPS, and district plans.

46. Environment Canterbury agrees with the need to better use existing urban areas for urban activity and development, and the need to regenerate areas not providing optimal outcomes for cities and the community. However, the ability to amend an RPS to allow development outside of urban limits, or in areas where that type of development would contravene the RPS, should only be a rare exception. Requiring a UDA or the Minister to gain agreement from the regional council before proceeding should be included in any new legislation. In addition, if the types of principles above were embedded in the purpose or objectives of the Act (if it proceeds) or explained in the proposed legislation, then this would allay some of Environment Canterbury's concerns.

Who should be the decision maker?

47. There is another significant question that should be answered before the proposal to establish an UDA is progressed, that is: Who is best to make decisions about the sustainable use of resources in relation to urban development projects? The government appointed Independent Hearings Panel on the Christchurch Replacement District Plan repeatedly stated that plans are for the community. The recently released Productivity Commission *Better Urban Planning: Final Report* also recommends (at R8.6, pg245) that independent hearing panels should be established. So, the government and those involved in urban development need to reach a consensus about whether the most appropriate decision maker is:

    a. A government Minister;

    b. The Environment Court;

    c. Elected regional or territorial authority councillors;

    d. Government or Council appointed 'independent hearing panels';

    e. Some other entity or person independently appointed.

48. The need for informed, robust and fair decisions on urban developments should be paramount. Further, the cost, time, equity, fairness, acceptance, collaboration and implementation implications of reaching decisions under a given framework need to be analysed and compared. The draft RIS and discussion document do not address these questions in any great detail.

49. Further discussions with local authorities should be entered in to, to determine the preferred approach, and the logistics of who will carry the costs associated with the UDA proposal, which process offers the most value for robust decision making and participation

of those parties that can help reach good decisions that will be implemented to achieve the best outcomes possible.

Importance of Regional Council involvement

50. Environment Canterbury and other regional councils have particular expertise and experience regarding a wide range of topics, including but not limited to: natural hazards; ecosystem management; water management (including land drainage, stormwater and water quality, groundwater, coastal environment); land transport (freight, public and active transport); coastal management; quarries; managing air quality and other matters all relevant to the urban environment.

51. At Environment Canterbury we understand that *everything is connected.* Our roles and responsibilities mean that technical expertise, leadership and collaborative engagement models and plan making and consenting processes are well established.

52. Regional Councils should be working hand in glove with TAs regarding those topics listed above and wider urban development initiatives.

53. In Greater Christchurch an integrated catchment management approach has meant that Stormwater Management Plans (SMP) have been developed with TAs to ensure improvement in water quality, flood management, bio-diversity and other outcomes in the urban environment. The South-West Christchurch SMP and Pūharakekenui / Styx River SMP have streamlined consenting processes normally handled by the regional council, enabling significant housing and urban development in the north and south-west of Christchurch to proceed very quickly to respond to housing needs following the Canterbury earthquakes, using existing RMA processes.

54. In the field of natural hazard management local government has extensive experience and expertise – more resides in the local government sector than in any other. Section 30 (1) (c) (iv) of the RMA states that regional councils have the function of the control of the use of land for the purpose of the avoidance or mitigation of natural hazards. This is a pronounced responsibility in Canterbury. Decision making on development projects for urban regeneration or greenfield growth must include the regional council, as historic land use patterns and zoning decisions mean that urban areas can be subject to natural hazards. The probability and consequence of those risks needs to inform any land use decisions.

55. Regional Councils also have responsibilities under the LTMA, and work across topics such as freight, public and active transport. To ensure the overall integration of the transport network, and optimal outcomes for new development, regional councils should be engaged early in any development project.

Better Urban Planning: Final Report

56. Although the recently released Productivity Commission *Better Urban Planning: Final Report* goes in to extensive detail, the UDA discussion document and the RIS do not detail the alternative tools available, or contrast and compare the UDA option with those. It is

unclear if the time, cost, risk, decision making and resourcing associated with a UDA process compares well with other processes available under the RMA and existing legislative framework.

57. The need to gain agreement between TAs and across government to establish a development project, gazette an Order in Council, establish a new organisation, prepare plans, consult, reach decisions, gain approvals from the Minister and then potentially undertake consenting, before physical development work can commence is still a time consuming and resource intensive process.

58. It would be useful to run through a simple cost/benefit analysis, including time and other pros and cons, comparing the different options available to get plans and consents in place for some typical scenarios that may use the proposed UDA legislation.

59. The options that are available include:

    a. Housing Accords and Special Housing Areas Act 2013

    b. Streamlining the process for producing an NPS and regulations;

    c. Direct referral to the Environment Court or EPA process;

    d. Extending the timeframe of the Greater Christchurch Regeneration Act 2016;

    e. Existing RMA and Public Works Act processes; and

    f. Resource Legislation Amendment Act 2017 which makes further avenues available for amending existing planning instruments.

60. The draft RIS provides a number of arguments against the proposals. For example, in regard to land assembly, the RIS states that it would be possible to achieve land assembly projects without extending compulsory acquisition powers to UDAs. Capacity building that supports local authorities to use these powers may be a viable alternative to legislative reform.

61. Clear guidance at a national level through the NPS - Urban Development Capacity, coupled with capacity building and awareness regarding other available legislative options, might also be a powerful tool in facilitating urban development projects.

62. Both of those measures would retain local control, without the need for government intervention in planning and development processes.

Other examples

63. Environment Canterbury assumes the agencies have or will be exploring the examples from other jurisdictions mentioned in the discussion document – Barangaroo in Sydney; London Docklands; Singapore and others.

64. Environment Canterbury wanted to highlight a few points by way of comparison to the objects of the Barangaroo Delivery Authority Act, which provide broad positive objectives, with aspirational outcomes regarding urban design, public space and the like. This is one example that could be followed in drafting objectives or aims for any new legislation, which should be framed around public good outcomes, and not necessarily around specific

housing targets for a particular site or economic return or other numerical targets, which are very hard to quantify at the early stage of establishing a UDA. These types of details should be carefully considered and comments sought before legislation progresses.

Conclusion

65. Environment Canterbury thanks the Minister and MBIE for the opportunity to make this submission on the discussion document. We consider that the proposals raised in the discussion document are of such significance for Environment Canterbury that more consideration needs to be given before introducing legislation enabling Urban Development Authorities. The issues raised in our submission will need adequate discussion to achieve effective legislation and the outcomes sought.

66. Environment Canterbury looks forward to being involved in further ongoing discussions.

Appendix 1 - Specific submission points

Proposals: Framework – Core components (Proposal 1 – 10)

Environment Canterbury generally agrees with the principle of enabling necessary urban development projects to proceed in a timely manner. Urban Development needs to involve the regional council and to avoid or mitigate natural hazards, use infrastructure and resources efficiently and effectively and ensure good quality outcomes for NZ cities, residents and the environment. Clear and directive plans, and supporting legislative frameworks to streamline processes are necessary.

It is important to note that the legislation is proposed to endure through many election cycles and could be used by future governments. A range of necessary caveats or checks and balances are recommended. This includes the need for clear objectives within any new Act to guide how and when these powers should be used. These objectives would need to be consistent with Part 2 of the RMA and have clear aspirations regarding the public good. The government should only exercise these powers with the agreement of the relevant territorial authority and the regional council, tāngata whenua and relevant infrastructure providers.

Strategic Objectives are proposed to be set for each development project by the government or TA, and it seems that both TA and Government must agree on the strategic objectives. Because of the importance these strategic objectives have, Environment Canterbury considers that regional councils and other partners should also be involved in setting the strategic objectives. The powers to be granted to the UDA must reflect the strategic objectives, which is sensible, however the general approach to setting those strategic objectives at this stage is unclear.

Environment Canterbury generally agrees that powers should not extend outside of the relevant development project (Proposal 9), however, clear wording regarding limitations on the geographic scope will be needed to avoid scope creep and on the other hand enable inclusion of land or overcome unforeseen issues as development proceeds – this is particularly relevant to infrastructure and also to ensure a holistic or catchment wide approach to environmental matters.

Once established it seems that Proposal 10 is for the UDA to exercise relevant powers, without interference or veto from TA or government. This raises the importance of setting clear objectives and conditions when the project is established. It also raises the importance of understanding the constraints and opportunities for development in the establishment phase, which puts a burden on the initial consultation, including the regional council, and those drafting objectives and conditions at the outset. For those reasons Environment Canterbury **does not agree** with the proposals, and suggest that the TA and regional council be given a more collaborative co-governance role in preparing development plans.

The proposals may save time and money, however a more detailed comparison might reveal that the time and effort involved in agreeing an Order in Council, establishing, resourcing and managing a new organisation (UDA), consulting and agreeing a development plan, and delivering development may be comparable to an enabling planning framework using the existing statutory framework. The potentially extraordinary powers and lack of process under the UDA arrangements would then come with significant concerns from the local community, the environment and resilience/sustainability of developments and communities.

Environment Canterbury supports the submissions made by the UDS Partnership and Christchurch City Council, that if this legislation in progressed then Urban Development

Authorities should be known as Urban Development Partnerships, to better reflect how they need to operate.

Proposals: Framework – Scope (Proposal 11 – 14)

The definition of urban development needs further refinement and consideration in light of its use throughout RMA planning instruments. A refined definition and list of the types of activities that should be listed as 'urban development' is necessary. Some specific suggestions to cover areas outside of urban limits, if the government want to proceed there in limited circumstances, should also be included.

The definition of 'urban development' and 'urban areas' needs further thought before any legislation progresses. The suggestion to include any land near existing built up areas raises significant concerns given the need to integrate land use and infrastructure. Given the regional council does not have any veto rights and the RPS and regional plans can be overridden and changed by the UDA, Environment Canterbury **does not agree** with Proposal 12.

While the legislation would be enduring, it is proposed to limit powers to achievement of a development proposal. This needs further refinement before drafting any legislation, as large complex projects can take 20 years or more to be planned, constructed and finished. Funding, governance arrangements and other changes over that time period need to be considered and adequately reflected in the legislation.

The proposal to maintain public control of UDAs must be included in proposed legislation, if it progresses.

Proposals: Framework – Application (Proposal 15 – 20)

Environment Canterbury support the need to require both central government and TA approval before proceeding (Proposal 15), however there should be a greater role for regional councils, given the range of responsibilities under the RMA and expertise regarding natural hazards, environmental management, oversight and integration of urban development, and public transport.

The geographic location of development projects should be guided by some general principals to ensure the best outcomes for cities and regions. Those principles include the need to support existing CBD's, integrate land use, transport and infrastructure, avoid natural hazards and the like.

It is unclear how the government would prioritise projects to support, given the range of complex or 'strategically important' urban development projects that may be needed across NZ. Further clarity within legislation is requested, to provide certainty to all parties with an interest in urban development.

Environment Canterbury generally agrees that both commercial/business projects and housing projects are important to the functioning of cities and wellbeing of people. However, we are not aware that the discussion document or the draft RIS have set out the strategic case for why employment land should be prioritised for delivery by a UDA. Further justification and potential outcomes should be provided, recognising that employment land is critical for the success of high performing cities, and should not be converted to housing unless surplus to long term requirements for employment in a city.

UDAs cannot be established to assist in the delivery of infrastructure projects and is focussed on urban development, rather than any rural infrastructure development. Strategic

infrastructure (airports, ports, highways, transmission lines etc.) would presumably need to follow existing RMA processes.

Proposal 20 includes a useful starting point to list where UDAs may be necessary and/or supported by government (acute housing need, fragmented land ownership, large scale, major infrastructure investment, high deprivation, and across TA boundaries). However, it is unclear if it is necessary to tick all or one (none?) of the boxes to be eligible. It is suggested that the list is not exclusive and needs further refinement before any legislation is progressed. A general catch all regarding complexity and importance to the urban environment and local area may be needed. If a development area is considered to be strategically important by the local TA, regional council and government then that should be reason enough to use the proposed legislation. However, clearer guidance that is qualitative (not quantitative based on value or land area) would assist.

Proposal: Framework – Benefits (Proposal 21) – Securing public good outcomes.

The potential to leverage public good outcomes, particularly social and horizontal infrastructure, from development expedited by UDAs is supported (Proposal 21). The government should further refine the list through discussion with TAs and regional councils. The short list included in the discussion document omits public transport, environmental enhancements and other aspects important to well-functioning cities. Other jurisdictions cited in the discussion document (Sydney, London etc.) capture contributions from those benefiting from development (private developers etc.) for a range of public good outcomes, including affordable housing, public transport, environmental rehabilitation, public realm improvements, and a whole range of public good outcomes that the market would not otherwise provide, or may be regarded as externalities to the development.

Proposals: Processes – Establishment stage (Proposal 22 – 33)

The initial assessment for a development project would presumably follow the model in Christchurch to prepare an 'outline' for how a regeneration plan will be prepared and what it will cover. For the red zone and other recovery plans these have been relatively uncontroversial as the regeneration case is relatively obvious. However, a proposal establish a UDA to regenerate existing urban areas with a high concentration of Housing NZ land, or intensification of existing suburbs and the like, will be controversial. The level of information required to support an 'initial assessment' and to avoid unnecessary protest from the community at the outset, means this step needs to be carefully considered.

Environment Canterbury **does not agree** that consultation with the regional council (and iwi and hapū) should happen after discussions between the TA and government have already generally agreed that a development project warrants initial support (Proposal 28). Engagement with the regional council should occur at the earliest opportunity. This will help to identify any particular constraints on the land and potential development (natural hazards, contamination, environmentally sensitive areas, infrastructure, air quality issues and the like). This should be embedded in the legislation if it proceeds, and additionally that comments are to be given *particular regard*.

Requiring agreement between the local council and central government is a fundamental component of this process, and Environment Canterbury agrees with Proposal 25.

Requiring consultation on the project area, objectives and development powers and other aspects is a good principle, however this may become problematic depending on what

information is available at that early stage, and how consultation is undertaken. This aspect of the process requires further consideration by government, as calling for written submissions, without an accompanying communications and media strategy, or detail about a potential development project, has the potential to alienate and antagonise the public. With limited rights for appeal and further work to be undertaken on development proposals, it will be unclear how the public can engage with the process at the establishment phase.

Environment Canterbury agrees with the need for the order in council to stipulate relevant details at the outset (proposal 32). However, gaining agreement between the local council and government on all of these detailed matters is likely to take significant time, (refer timeframes to get an Order in Council agreed and gazetted for the Christchurch Replacement District Plan; or the Ministers Direction to prepare Recovery Plans).

Proposals: Processes – Development plan stage (Proposal 34 – 39)

The proposal to require consultation with relevant TAs, regional council and central government on the content of the draft development plan is supported (Proposal 36). However, it should be strengthened and further explained how this 'engagement' will take place and what requirements there are to incorporate comments received. As noted elsewhere, Environment Canterbury supports a more collaborative approach, where information can be freely exchanged and the local agencies work alongside government and a UDA. The preparation of recovery plans in Canterbury have shared resources among agencies, co-located multi-agency project teams within shared space, and worked closely to ensure the community is involved in preparing plans as much as possible. While all of those logistical details are not included or required by legislation, the principles for a collaborative approach can be captured in legislation.

Proposal 38 is unclear if the government needs support of the local council before proceeding with an amended Order in Council, and how comments from the regional council and Māori interests are to be incorporated. In its current form, Environment Canterbury **does not agree** with Proposal 38.

Proposals: Processes – Contents of the development plan (Proposal 40)

Proposal 40 includes a list of topics that must be covered in a development plan. This is a useful starting point and something similar will be needed if legislation progresses. However, the list currently mixes up the contents of the actual plan with the supporting documents (eg. *include assessment of environmental effects*...). This list needs further refinement and should be made clear, to ensure relevant agencies understand the expectations of a development plan, what a table of contents might look like, what is a supporting or explanatory document and what is asking the government for more powers.

There are a few 'top of mind' topics missing that should be captured also, including:

- the need for consideration of natural hazards, environmental constraints etc.
- social, economic, cultural, and environmental implications of the proposal
- funding implications and the economic case for development proposal
- consistencies and inconsistencies with relevant RMA, LTMA, Reserves Act, LGA instruments.
- appropriate Impact Assessment methodology
- clarification whether s32 assessment is needed or not

Proposals: Processes – Objections (Proposal 41 – 42)

The proposal is to limit the right to object to 'affected persons' (directly affected residents, business and land owners). Providing these limitations seems unnecessary and restricts the ability to engage the community that may have useful information to share or may be indirectly affected by a proposal. Determining who is an 'affected person' raises the potential for judicial review that could be avoided by letting everyone 'have their say'.

It seems a little naïve to think that no objections will be received on complex and strategically important urban development projects (Proposal 43). In practice, it seems likely that all UDA proposals will be referred to independent commissioners. This process requires more consideration given the time, cost, logistics and choices that need to be made in establishing a panel or choosing independent commissioners. Should there be a greater threshold than 1 objection, or the nature of objections or an alternative process, such as mediation, before progressing to independent commissioners. If those commissioners are generally used to holding a hearing under the RMA, and need to make an informed decision based on evidence, usually from experts, then what are the costs and benefits of that process vs a normal RMA hearing process or Environment Court hearing?

This then raises a fundamental question about who is best placed to make decisions about the objections – whether that should be elected councillors; a Minister; the Environment Court; or independent commissioners appointed by Council and/or the Minister; or a UDA quango. The RIS should consider this in more detail before any legislation progresses, and this discussion should be informed by the findings of the recent Productivity Commission *Better Urban Planning: Final Report*. A proposal for the government and local councils to appoint an independent hearings panel (commensurate with the scale and complexity of the development) is preferred.

Proposals: Processes – Approval of the development plan (Proposal 43 – 48)

The proposal to restrict decision making power to only change the development plan based on objections (Proposal 42) is supported, otherwise a development plan should be referred back to the UDA for amendment.

Proposal 45 needs some more thought, and perhaps a provision for 'minor' amendments should be built in to avoid lengthy processes for any unintended errors or omissions in the development plan.

Environment Canterbury agrees that appeal on merits to the Environment Court is unnecessary (proposal 46), given the process that should be followed (note comments above on other proposals and who should be the decision maker). Presumably appeals to the High Court and higher courts will remain, on points of law – or in other words on process provisions. Given that, it is considered important from a natural justice perspective, to include all necessary steps within the legislation. We suggest that reference to the need for collaborative involvement of TAs, regional councils and local communities, rather than just relying on 'good practice', is necessary in any new legislation. This will ensure all appropriate agencies and communities are consulted and particular regard is given to their comments.

Requiring relevant authorities to have regard to a development plan is logical (Proposal 48), however, greater emphasis should be given to the need for a development plan to also not be inconsistent with existing plans and strategies.

It seems unusual that independent commissioners would be needed to resolve disputes between UDAs and government departments (Proposal 49), particularly as it appears that other government departments do not have veto rights. If a collaborative 'all of government' and multi-agency approach is followed through the process, particularly with local authorities, there should not be a need for an independent commissioner to resolve any differences. It is unclear which agency would fund the independent commissioner/s and question whether it would be a good use of tax payers/rate payers' money.

Proposals: Processes – Role of territorial authorities (Proposal 50 – 54)

Agreement between central government and the relevant local council/s before establishing a development project is a fundamental requirement for any new legislation (Proposal 50).

Environment Canterbury **does not agree** with Proposal 53 that UDAs are only required to *consult* with relevant TAs and regional council on the content of development plans. It is essential that UDAs are required to work collaboratively with the regional council and the UDA is required to have particular regard to comments provided. A more positive proactive approach to working with the regional council, and all relevant local agencies, will have commensurate benefits to development outcomes.

Proposal 54 suggests that additional consultation with the community is not necessary, although not precluded. Although written submissions are invited on both the establishment phase and the development plan phase, this undervalues the input that can be gained from the local community to shape their local environment and contribute in a positive way to urban development. The discussion document does not mention any further consultation or engagement exercises can elicit better outcomes for development and allay concerns from local residents that will likely arise during the establishment phase and continue as plans are prepared. If the UDA is focussed on getting good quality outcomes for urban development, particularly regarding intensification and redevelopment of existing suburbs, then appropriate consultation at the right time is essential.

Proposals: Processes – Role of regional councils (Proposal 55)

Given the responsibilities of regional councils under the RMA, and the ability for UDAs to amend an RPS and regional plans, it seems essential that regional councils are properly consulted and general agreement is gained prior to progressing with a development project. The government, TAs, and UDAs should be working collaboratively towards facilitating good quality urban development, and this should not be perceived as an impediment to development. Environment Canterbury **does not agree** with Proposal 55 as it does not go far enough.

Proposals: Urban development authorities – Organisational form (Proposal 56 – 61)

Establishing a UDA for the purpose of taking over a regulatory role from the relevant TA or other body seems unnecessary and Environment Canterbury **does not agree** with those Proposals. The government has other avenues to step in to improve poorly performing Councils and regulatory processes, without setting up a UDA to prepare a plan, process consents and enforce regulations within a specific geographic area. Environment Canterbury **does not agree** with Proposal 56.

If a UDA is established and tackling a range of development projects across a city, powers can be used for each of those projects. It is not discussed whether a UDA established in

Christchurch could also lead a development project in Dunedin or Auckland (with the local council's approval).

It is unclear how prescriptive or general the strategic objectives might be. This is a critical point that should be further explained and discussed with interested parties prior to legislation progressing.

The inclusion of core government departments (like MBIE or MfE) becoming a UDA is surprising and not something that Environment Canterbury supports.

The type of entity to be established (Proposal 61) should be on a case by case basis, dependent on the scale and complexity of the development proposal and other factors. A collaborative approach between central and local government is preferred.

Proposal: Urban development authorities – Objectives (Proposal 62)

The objectives of the legislation should be broad enough to capture key principles that apply across the country, and be consistent with Part 2 of the RMA, along with providing good quality urban development, avoiding or mitigating natural hazards and being fiscally responsible (among others). Without knowing how prescriptive strategic objectives might be, it is hard to understand what the implications may be, however it seems that the intent of this proposal is too narrow.

Proposals: Urban development authorities – Accountability and monitoring (Proposal 63 – 64)

Environment Canterbury agrees with these proposals, however, the specific urban development experience within central government will need to be improved to add value to monitoring progress. In practise we assume this will be a 'hands-off' approach to enable UDAs to continue necessary work. It is assumed that progress will be monitored against the strategic objectives and previously agreed timeframes and other outcomes.

Proposals: Urban development authorities – Lead development entities (Proposal 65 -68)

The proposed arrangements (Proposals 65-68) set up a lot of steps between local councils and those making decisions on development. One of the qualities of plan making in New Zealand is the devolution of governance and the participatory approach with the community, and accountability to elected representatives. Accountability and transparency might suffer if these proposals were followed to their full extent.

It is not explained what might happen if a lead development entity fails to perform its functions or deliver on the strategic objectives. The local community, TA and other agencies would suffer. Appropriate statutory steps should be outlined in legislation, in case such a situation arises.

Proposals: Urban development authorities – Disestablishment (Proposal 69 – 71)

The power of the Minister to remove some or all development powers from a UDA, replace board members, appoint an alternative entity need to be balanced and carried out only with the agreement of the relevant TA and other entities that may be involved in a development project. Much greater clarity is required on the disestablishment of UDAs and the transfer of their powers to other agencies.

Proposals: Land assembly – Market based negotiations (Proposal 72 – 74)

The disposal of land by a UDA (Proposal 74), should include a step to gain agreement of the relevant TA and other government agencies, in case that land is needed for some other public purpose or particular reason.

Proposals: Land assembly – Compulsory acquisition (Proposal 75 – 81)

Noted

Proposal: Land assembly – Value of compensation (Proposal 82)

Noted.

Proposals: Land assembly – Assembling public land (Proposal 83 – 84)

These matters should be highlighted at the establishment phase, when general agreement is needed prior to choosing the geographic extent of a development area and the powers to be given to a UDA.

The need to prove that land is no longer required for an existing public work should be explained more clearly within any new legislation.

Proposals: Land Assembly – Dealing with lesser interests in land (Proposal 85-87)

Any new legislation should include a requirement to identify existing easements and covenants with a development project area at the establishment phase, to ensure all parties are aware that easements and covenants could be removed (Proposal 85).

Any new legislation should explain how compensation would be determined and agreed for the removal of encumbrances (Proposal 86).

Proposals: Land Assembly – Amalgamation and subdivision (Proposal 88)

Relevant considerations normally assessed through subdivision processes should be attached to any new legislation (Proposal 88). Subdivision, consolidation and other land assembly should generally be not inconsistent with the prevailing statutory framework, including relevant district plan controls.

Proposals: Reserves – General matters (Proposal 89 – 91)

The powers available under any new legislation should not extend to reserves, without very good reasons (Proposal 89-91). At the establishment phase, all reserves should be identified and feedback from the relevant TA, regional Council, iwi and the community should inform whether any powers should be extended to a UDA at that stage. The case would need to be very clearly made at an early stage of the process, and generally should only incorporate those developments that might enhance public reserves and therefore require special legislation to expedite positive outcomes for the community.

It is considered important that nature reserves, scientific reserves and Maori reserves are not included in the list of reserves that can be changed under the proposed legislation (Proposal 90).

Proposals: Reserves – Other matters (Proposal 92 – 93)

The requirement to consult with relevant bodies regarding reserves is supported, however this proposal does not go far enough. At a minimum 'particular regard' should be had to any comments received, but further the local council and bodies that administer reserves should normally have the power of veto over what happens to existing reserves.

Proposals: Reserves – Management plans and by-laws (Proposal 94)

The types of issues that may arise should be identified at the establishment phase, in order to identify what powers are necessary and which will be excessive, and also to set appropriate strategic objectives at the outset with consideration of reserves within and around the development project area (Proposal 94).

Proposals: Reserves – Other matters (Proposal 95 – 96)

Appropriate strategic objectives should clarify the outcomes sought regarding any reserves within the development area (Proposal 95). There is a concern about who is the decision maker in relation to 'purpose' and 'values' of the reserve land, and it is considered that the TA should be involved in that decision-making process.

As comments above allude to, the selling of reserve land should follow an identified process, and should include the relevant authority. If it is the most appropriate long term solution to sell reserve land, then other government agencies should be advised through that process also in case it could be out to a better public use.

Proposals: Planning, land use and consenting – Decision-making considerations (Proposal 97)

The requirement for decision makers to give more weight to government/TA set 'strategic objectives', than to Part 2 of the RMA or other parts of the RMA proposes a fundamental shift away from the principles of sustainable management, and without further detail or justification raises a number of significant concerns.

From the regional councils' perspective the need to consider natural hazards, environmental matters and transport within land use decision making is fundamental. Any direction to place the delivery of a minimum number of houses or other outcome required by a strategic objective within a defined geographic area, above Part 2 of the RMA could lead to undesirable outcomes. Qualitative and technical assessment is key when increased density is being considered, to ensure good outcomes for the intended residents. Any new legislation would need to clarify how strategic objectives should be drafted, and that strategic objectives should be embedded in good planning principles and certainly should not override considerations of relevant matters to produce safe, resilient, and sustainable developments, neighbourhoods and cities as per the RMA.

Proposals: Planning, land use and consenting – Role of existing RMA instruments and entities (Proposal 98 – 100)

The discussion document states: As with all of the powers under the proposed legislation, the Government will have discretion over the selection and extent of the powers that are granted.

Environment Canterbury **does not agree** with Proposal 98 (a). The regional council should have a say over how and whether the RPS, regional plan and relevant instruments can be changed by a UDA. Most plans have been through a robust process of gathering evidence,

testing through hearings and/or Courts and are in place to guide good development. There may be instances where they can or need to be amended for various reasons, however, that must be only with the agreement and input of the regional council, to avoid unintended consequences. If regional councils were involved in the establish phase, and inform the preparation of strategic objectives, disagreements at this stage could be avoided.

Environment Canterbury **does not agree** with the proposal to take planning and consenting powers from the local councils (Proposal 98 and 100). Conditions about the use of powers should be agreed with the regional council prior to and during the establishment phase.

The proposal requiring the integration of development plans with surrounding planning context should go both ways, and UDAs should be required to have particular regard to the existing planning framework when preparing development plans. The involvement of local planners and other staff in the preparation of development plans would be a sensible step to ensure a development project is sympathetic to and enhances the surrounding environment.

The proposal (100) to give veto powers to a UDA for consents within a project area may need further consideration at the establishment phase, to consider the potential implications and avoid unintended consequences.

Proposals: Planning, land use and consenting – Development plan (Proposal 101 – 104)

The proposal to override or effectively replace the relevant RPS, regional plan and district plan must only be undertaken with the agreement of the relevant regional council and TA. Environment Canterbury does not oppose the potential of these powers all together, as similar provisions were necessary to enable earthquake recovery activities and provide certainty for development projects following the earthquakes in Canterbury. However, as the discussion document does not give statutory rights to regional councils, Environment Canterbury **does not agree** with the prospect of a UDA amending the RPS and regional plans. This proposal further raises the importance of carefully setting out strategic objectives and powers to be given to a UDA on each specific development project at the outset.

If these proposals are progressed, there needs to be an explicit role for the regional council to be involved and agree to any amendments to a Regional Policy Statement and regional plans.

Environment Canterbury generally agrees rules should continue to apply (Proposal 101 (b)).

An assessment of efficiency and effectiveness of proposed rules in a development plan should be a minimum requirement, and this should be expanded (Proposal 101 (c)).

The list of required information and explanation needed within a development plan is a useful starting point (Proposal 102). There are a number of other matters that should be explained within a development plan that are not included in the discussion document, including all relevant details of the development proposal, a map, spatial plan/masterplan of proposals, and all other relevant detail needed to properly inform the community, agencies and others about what is proposed and why the existing statutory planning framework should be amended.

The activity class of consents seem to have been designed to delete "discretionary" activities (Proposal 102), presumably in order to provide certainty and streamline the process. This would set a concerning precedent for 'holistic' consideration of matters before determining consents. This concern is increased because of the primacy given to the strategic objectives of a process, and the lack of consultation with only 'affected parties'. A thorough examination

of potential implications of a development would need to support proposals to delete discretionary activity status as an option for large scale development proposals. This then puts the onus on understanding potential implications of development during the plan making stage, which is a positive, but also requires a robust evidence base with an appropriate level of technical information to support making some activities permitted, restricted discretionary or controlled.

Coupled with limited public engagement, the proposal may not lead to the best decision making process or optimal outcomes for the community or the environment.

Environment Canterbury generally agrees with the approach at Proposal 104, however for site specific development proposals, the detail of future stages should be explained in enough detail so that a decision maker and the community understand what is proposed and how it integrates with the rest of the development and the surroundings.

Proposals: Planning, land use and consenting – Consenting and enforcement (Proposal 105 – 107)

Environment Canterbury **does not agree** with the proposals that would allow UDAs to assume consenting responsibilities. The discussion document does not allude to how a new UDA will be resourced, and how taking control of consenting processes will be more efficient or streamlined than existing processes run by local and regional councils. Having appropriate checks and oversight of development from the regional and local council is considered necessary.

The proposal to elevate 'strategic objectives' for a development project above Part 2 of the RMA is a significant shift away from the existing statutory hierarchy. Without further detail about what principles underpin the setting of strategic objectives this is a significant concern and Environment Canterbury **does not agree** with this proposal.

There is some concern about promoting the use of permitted activity status for controversial or large scale development projects, particularly given the limited opportunities for public input at the development plan stage, and that the discussion document does not elaborate on how relevant technical studies and reports will be interrogated and tested to ensure that implications from development are fully understood, to provide the certainty required in granting permitted activity status for some development types.

Proposals: Planning, land use and consenting – Activities included in the development plan (Proposal 108)

This proposal appears to be a logical step in the process, given the intention of the overall proposals. However, if consultation with the community is inadequate or the 'testing' and decision making for development plans does not address specific details likely to arise with regard to development within the UDA area, that may affect a neighbour or the environment, then the presumption towards non-notification of consents is concerning.

The community generally find it challenging to meaningfully engage in strategic land use planning. Developments of the scale anticipated, and the proposed process for preparing development plans, consulting and calling for written submission, are likely to alienate the local community unless additional steps and engagement are embedded in the process. Without that, it is possible that unanticipated development will attract opposition from affected parties or environmental effects may arise after it is too late to amend development proposals.

It is recommended that additional explanation is provided to ensure that proper engagement with the local community becomes the modus operandi for UDAs.

Proposals: Planning, land use and consenting – Activities not included in the development plan (Proposal 109)

This proposal very generally conforms to existing arrangements under the RMA. On the face of it this seems sensible. However, this gives right of veto to a UDA regarding consents and takes decision making away from the normal RMA process.

Proposals: Planning, land use and consenting – designations and heritage orders Proposal 110-111

Presumably the removal of designations will be with the agreement of the relevant requiring authority. (Proposal 110), if so Environment Canterbury has no objections to this proposal.

Proposals: Infrastructure – General matters (Proposal 112 – 118)

These powers would enable an urban development authority to create, stop, move, build and/or alter a wide range of infrastructure provisions. Environment Canterbury **does not agree** with proposals that might alter stormwater and land drainage infrastructure, or the public transport facilities and services, together with network infrastructure associated with transport, including services such as timetabled bus or rail routes and any ancillary infrastructure such as bus shelters, interchanges, park-and-ride facilities and railway stations. Although consultation is required while preparing a development plan, the regional council is not proposed to have any statutory rights regarding services that it provides. A worse-case scenario could see an UDA alter bus timetables and bus stops to suit a development project, or alter stormwater facilities. Although the development plan should be prepared in collaboration with service providers, there is a lack of detail regarding this in the proposals and limited (if any) statutory rights afforded to regional councils.

Proposals: Infrastructure – Independent method for providing infrastructure (Proposal 119 – 122)

As above, this topic needs to be more fully explored with TAs, given the potentially significant funding implications.

Proposals: Infrastructure – Link with local government planning (Proposal 123 – 124)

The powers to require TAs to amend financial planning instruments to support development projects needs to be balanced against the wider considerations that a TA is required to have. The ability for a UDA to step in and change these is considered to be excessive and needs to be with the general agreement of relevant agencies, including the local and regional council.

Proposals: Infrastructure – Performance requirements and standards (Proposal 125 – 126)

It is imperative that infrastructure associated with a development project integrates with that in the surrounding areas and meets the relevant expected standards. From a regional council perspective the provision of infrastructure is important for a number of reasons, including but not limited to:

a) Resilience – ensuring that infrastructure is built to avoid or mitigate the effects of natural hazards and minimise on-going maintenance costs;
b) Sustainability – ensuring that infrastructure improves environmental outcomes for water quality, ecosystem health, land, air and coastal environments, and avoids implications of contaminated land;
c) Integration - ensuring that infrastructure is effective and efficient, and helps to best manage resources across an urban area and a region.

Proposals: Infrastructure – Winding-up the development project (Proposal 127 – 131)

Environment Canterbury generally agrees with these proposals, and they should remain, however submissions from the city council and other TAs should guide how these issues are dealt with.

Proposals: Funding and financing – General matters (Proposal 132 – 135)

These provisions (Proposals 132-135), point towards the need for UDAs to have an appropriate skill set at board level and within the organisations to ensure financial sustainability and on-going funding streams to deliver developments.

Intergenerational and intragenerational equity are important considerations when deciding to introduce a new levy on existing property owners. Proposal 133 needs further explanation to ensure these powers are used fairly. A methodology to calculate the distribution of any new charges would be warranted. Such proposals should be agreed with the relevant TA.

Proposals: Funding and financing – Collecting targeted infrastructure charges (Proposal 136 – 139)

As above, the proposal to require consultation on any additional charges to property owners within a development area to fund infrastructure or other matters is important (proposal 139). The inclusion within a development plan is the obvious place and the timing is sensible, however a requirement to notify existing property owners separately should also be included, as these details could be missed within a development plan.

Proposals: Funding and financing – Cross border funding issues (Proposal 140 – 145)

As above. The recovery of costs from a TA should only be reasonable and necessary, and legislation should reflect relevant principles.

Proposal 141 should be more thoroughly tested with TAs prior to any new legislation progressing. It is likely that issues around funding and financing will become a point of contention through the whole process of establishment and preparing a development plan. If those issues cannot be resolved at the establishment phase it has the potential delay an order in council to establish a UDA.

Proposals: Māori interests – Honouring Treaty settlements (Proposal 146 – 151)

Environment Canterbury generally agrees with the intentions behind Proposals 146-151. We disagree with the prospect of consenting powers being given to UDAs (proposal 149), however the obligation to abide by treaty settlements is supported.

Proposals: Māori interests – Process of establishing a development project (Proposal 152 – 158)

The requirement to identify land within a development area that Māori may have an interest in is a positive step that we support. This will ensure that Māori are engaged as early as possible in the development project process, with commensurate benefits for the overall approach to development and involvement of the community. It should also identify potential issues, areas that may cause delays or topics that need specific attention early in the development process.

Environment Canterbury agrees with giving the owners of land held under the Te Ture Whenua Māori Act 1993 or land that has been transferred to post-settlement governance entities as part of a Treaty settlement, the right to choose whether that land should be included in a development project, before it is established (Proposal 154).

Environment Canterbury agrees with this step (Proposal 155) being enunciated within legislation, as it raises the importance of meeting with and seeking feedback from Māori in the manner agreed with them.

Environment Canterbury agrees that a strategic objective of every development site should include maintaining the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (Proposal 158).

Given these provisions are also included in Part 2 of the RMA, it remains unclear why strategic objectives should have primacy over Part 2, and if strategic objectives should make reference to Part 2, along with more specific objectives relevant to the development project and outcomes anticipated.

Proposals: Māori interests – Preparation of a development plan (Proposal 159 – 160)

Environment Canterbury agrees with the need for a development plan to demonstrate how all Māori cultural interests will be catered for, and the need to comply with the relevant regional and district plans in relation to sites of significance and implementation of treaty settlement legislation.

Given the range of controls included, and the wide range of topics covered in implementing treaty settlement provisions, it is considered that

Proposals: Māori interests – Rights of first refusal (Proposal 161 – 164)

Refer to comments above.

Proposals: Māori interests – Land assembly powers (Proposal 165 – 169)

Refer to comments above.

Appendix 2 – Information from other jurisdictions

Barangaroo Delivery Authority Act 2009 No 2

The comparison of powers afforded to UDAs or equivalent in different jurisdictions is noted. It is assumed that MBIE and other agencies have or will be exploring the examples from other jurisdictions mentioned in the discussion document – Barangaroo in Sydney; London Docklands; Singapore and others with regard to how they operate, funding, time savings compared to 'business as usual processes' and the wording of guiding legislation, particularly objectives.

Environment Canterbury wanted to highlight a few points by way of comparison to the objects of the Barangaroo Delivery Authority Act, which provides broad positive objectives, with aspirational outcomes regarding urban design, public space and the like. This is just one example that should be considered when drafting objectives or aims for any new legislation.

It is suggested that objectives should be framed around public good outcomes, and not necessarily around specific housing targets for a particular site or economic return or other numerical targets, which are very hard to quantify at the early stage of establishing a UDA.

Barangaroo still delivers significant economic benefits for the landowner and the Sydney CBD that is driven by underlying needs of developers to make a profit. However, other objectives regarding environmental and public good outcomes mean Barangaroo is a new *destination* in NSW and an asset to the city of Sydney. As the draft legislation, particularly overarching objectives, are developed they should be tested with relevant and interested parties before legislation progresses.

The objects of the Barangaroo Delivery Authority Act 2009 No 2 are as follows:

(a) to encourage the development of Barangaroo as an active, vibrant and sustainable community and as a location for national and global business,

(b) to create a high quality commercial and mixed use precinct connected to and supporting the economic development of Sydney,

(c) to facilitate the establishment of Barangaroo Headland Park and public domain land,

(d) to promote the orderly and sustainable development of Barangaroo balancing social, economic and environmental outcomes,

(e) to create in Barangaroo an opportunity for design excellence outcomes in architecture and public domain design.