

Making Good Decisions Recertification Course (May 2016)

I attended the Making Good Decisions Recertification Course in May 2016. The course is designed to suit decision makers under the Resource Management Act 1991 (RMA) which includes council planners, engineers, lawyers, independent commissioners, elected councillors or local or community board members.

All accredited planning commissioners are required to have a current Making Good Decisions certificate, which expires after five years. All certificate holders' names are listed on the Ministry for the Environment Website.

The course consisted of 2 parts – a one day workshop held on 10th May at Ellerslie, and a written assignment to be completed and returned within one month. To receive a certificate participants are required to gain over 50% in the assignment.

The course covers many principles which apply to the decision making process on a range of hearings: resource consent decision making and policy statement and plan-related matters, as well as decision making on notices of requirement for designations and heritage protection orders. These decisions affect the lives and livelihoods of applicants, submitters and sometimes entire communities. Many decisions relate to local significance, but some have national significance.

Because the course is for participants from throughout New Zealand its scope is far beyond that normally encountered by urban-based commissioners such as myself. This is the third time that I have done the MGD programme, and each time the key case study was very rural (they usually involve a dairy farm or a coastal subdivision with heaps of environmental and iwi issues to be taken into account– scenarios that seem very alien to me.

Despite this criticism, this is a comprehensive and thought-provoking course and I encourage other board members to undertake the training to broaden and strengthen their knowledge base.

Some of the issues covered include the following (a potted summary):

Natural justice and ethics – which underpin every hearing, it relates to the elements of fairness in the process. A fair process is one where there can be no suggestion that the decision was made in any way other than on its merits. At the heart of natural justice lie ethics. People who sit on hearings committees need to manage conflict of interest or perceptions of conflict of interest.

Key principles of RMA:

- The RMA is NZ's primary environmental legislation.
- Philosophy of the RMA – based on the concept of sustainable management of natural and physical resources.

- The Act requires that when people use natural and physical resources for their various pursuits, they must consider future generations and the need to preserve the life-supporting capacity of natural resources, as well as ways of avoiding, remedying or mitigating any adverse effects on the environment.
- The purpose of the RMA – “sustainable management”.

Functions, powers and duties:

Decision making is best made at an appropriate level – RMA allocates responsibilities for managing different aspects of the environment to particular tiers of governments – district and city councils – land use, subdivision and noise, protecting indigenous biological diversity and historical heritage, controlling effects of activities on the surface of lakes and rivers;

- Regional council – responsible for controlling the taking, use, damming of surface water, ground water, discharge of water, activities in the coastal marine area, managing natural hazards;
- Unitary authorities such as Auckland Council – have the functions of both regional councils and territorial authorities under the RMA
- The Minister for Conservation – approves regional coastal plans
- The Minister of the Environment – has overall responsibilities for the RMA

Policy statements and plans:

A hierarchy of instruments – top level national policy statements, national environmental standards, regional policy statements, regional plans, district plans.

Two main types of hearings:

- Policy statement and plan hearings – always go through a hearing process
- Resource consent hearings – applications assessed by council officers (or increasingly by outside contractors), based on consideration of potential adverse effects. 3 possible routes – public notification, limited notification and non-notification. Only a small proportion of such consents go to a hearing

Procedures for hearings under the RMA and roles of panel members

The course allows for recertification and eligibility to be part of a panel of commissioners available to decide on resource consent applications made to the Auckland Council. In practice, most hearings are allocated to independent members of the panel rather than politicians – I have only had two hearings in the last 6 years. Having passed the course, my certificate is valid until June 2021.

Graeme Easte

REPORT on WALK2CYCLE CONFERENCE 2016

I attended the Walk2Cycle Conference on 6th-8th July. This was the third occasion in New Zealand that walking and cycling advocates have clubbed together to hold a joint conference, following similar events in 2012 and 2014. The event was jointly hosted by Living Streets Aotearoa (the umbrella group for walking advocates) and CAN (The Cycling Advocates Network), with contributions from the NZTA and university researchers.

The conference's focus was on active, human-powered transport to achieve healthier, smarter and more liveable cities. Discussions focused on achieving this through balancing our extensive car travel network with better provision for walking and cycling.

Walk2Cycle showcased strategies to enable us to achieve these goals. International and national researchers, practitioners and health professionals spoke about the methods, policies and programmes that have been used to promote walking and cycling, and that can inform our journey towards better transport systems in the future.

Many synergies of cycling and walking were highlighted but so too were the disjunctions. It was very noticeable for example that some speakers, including the Minister of Transport, were totally focused on cycling and cycling infrastructure to the exclusion of any reference to walking. And other speakers had the word walking or pedestrian in the title of their presentation but then failed to offer anything for those on foot. To balance this there was a powerful presentation from Ben Rossiter of Victoria Walks which strongly questioned how much walking and cycling could share the same page (despite best intentions) – pointing to walking and cycling strategies and programmes which used inclusionary language but then overwhelmingly favoured cycling over walking. It will be interesting to see how the next conference deals with this tension.

The conference highlight was definitely Gil Penalosa, former mayor of Bogota and founder of **8 80 Cities** – so called because his basic thesis is that we should build our cities for 8 year olds and 80 year olds (if we can get that right then everybody should be catered for). Because of his unique blend of pragmatism and passion, Gil's leadership and advice has been sought out by organizations in more than 200 different cities across six continents. Rather than a long written summary of his very inspirational presentation, I have attached images of two large hand drawn posters featuring a collection of key quotes from Gil which were displayed on the wall outside the main plenary room.

Graeme Easte

8 THINGS FOR AUCKLAND

2 WALK and CYCLE CONFERENCE
JULY 2016

2 CHANGE IS HARD BUT IT IS DOABLE

Not just doing things right (better) but doing the right things

3 CONSIDERATIONS:

- change is not unanimous - general interest must prevail over the particular
- be clear when you are saying 'no' to something you are saying 'yes' to something else
- have no complacency - benchmark against the best of the best



It's not a \$ issue but a political issue



- adopt & improve, not paste & copy

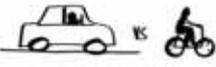
7 It's about EQUITY, not equality

How do we treat our most VULNERABLE citizens - children, elderly, disabled, poor



+ geographic equity

MOBILITY BY CAR: 25% of income
40% of low income
MOBILITY BY SUSTAINABLE MODE: 5% of income



6 FOOTPATHS, CYCLEWAYS & PARKS ARE IMPORTANT

Streets make up between 20-40% of a city or 70-90% of public spaces

Are we doing streets for cars or for people?

5 PLAY EVERYWHERE



For children, play is learning, belonging, friendship

Every child must have a play area within 500m - a short walk

There should be a right to safe & reliable mobility

4 WALK HAS TO BE A PRIORITY



Every trip begins & ends with a walk

PEDESTRIANS FIRST

- improve walkability - make it safe
reduce speed to 30km/hr in residential streets



3 WE RIDE BICYCLES its not a fad!

the way we use cars is changing fast, older people fear losing mobility & in developed countries the car is not a status symbol

It is the only form of mobility for children youth

- improve bikeability, not by making it nicer for the 2-5% of people who already cycle
- low speed in residential areas
- create a connected network of cycleways

2 CITIZEN ENGAGEMENT listen to the community IDEAS:

IMPATIENTS - do this year
low cost & risk / high visibility
ORARDS - do in 2-5 years

BENEFITS

E-nvironment
Activity-economic
Recreation
Transport
Health - obesity

→ Create broad alliances to talk about creating VIBRANT CITIES WHERE PEOPLE ARE HAPPY

Quality infrastructure = respect for people

A quality city is where the rich use public transport, not one where the poor have cars



has to be like a power or water network

NOTE GIL PENALOSA



The weather is always an excuse to not bike or walk... there's no such thing as bad weather but is bad clothes

THE QUESTION IS: HOW DO WE WANT TO LIVE



we meet each other as equals EQUITY

SUSTAINABLE MOBILITY

MOVING PEOPLE TOWARD A BRIGHTER HEALTHIER, MORE EQUITABLE FUTURE

EXAMPLE BOGOTA COLOMBIA

It's not about money, it's about PRIORITIES

Change is hard - we need to be CHAMPIONS to find solutions



This changes minds...



streets are public spaces belonging to everyone

a positive virus

PROTECTED BIKEWAY NETWORK

- what is important is CONNECTIVITY



it's about SAFETY, but also DIGNITY

We need to create a CULTURE not just an infrastructure



880 CITIES

creating vibrant cities with healthy communities - SUSTAINABLE HAPPINESS

Everyone should have access to quality urban parks



80 RULE OF COMMON SENSE

Is it safe & enjoyable enough for them - If it is for them, it is for everyone

We can't build cities for 30 year old athletes only



There is a sense of URGENCY

We've learnt how to survive, we need to learn how to live



CITIES ARE FOR PEOPLE



SPICE CITIES quality cities for all people

attracting & retaining our best people

We can't solve problems by using the same kind of thinking we used to create them - Galton