Kōmiti Whakarite Mahere / Planning Committee

OPEN ATTACHMENTS

ADDITIONAL ATTACHMENTS UNDER SEPARATE COVER

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Auckland Monthly Housing Update
January 2020
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1. Summary

Produced by the Auckland Council Research and Evaluation Unit (RIMU), the Auckland Monthly Housing Update brings together a number of significant Auckland housing related statistics.

The report includes:

- dwellings – consented, by type, and with CCCs issued
- residential parcels – created, and inside Auckland Plan monitoring boundaries – 2010 Metropolitan Urban Limit (MUL) and Rural Urban Boundary (RUB)
- permanent and long-term migration
- median residential sales price
- residential property buyer classification
- public housing supply and demand in Auckland.
2. Highlights

- 1120 dwellings were consented in November 2019.
- In the year ending November 2019, 14,866 dwellings were consented in the region.
- 54 per cent of new dwellings consented in November 2019 were houses, 12 per cent were apartments and 34 per cent were townhouses, flats, units, retirement village units, or other types of attached dwellings.
- 101 dwellings were consented on Housing New Zealand or Tāmaki Regeneration Company owned land in November 2019.
- 1067 dwellings consented in November 2019 were inside the RUB. Over the past 12 months, 94 per cent of new dwellings consented were inside the RUB.
- 27 per cent of dwellings consented were inside the 1500m walking catchments of the rapid transport network in November 2019.
- 1745 dwellings were ‘completed’ by having a Code Compliance Certificate (CCC) issued in November 2019.
- In the year ending November 2019, 12,700 dwellings had a CCC issued.
- 658 new residential parcels under 5000m² were created in December 2019.
- In the past 12 months, 7916 new residential parcels under 5000m² were created – an average of 660 each month.
- In December 2019, 631 new residential parcels of all sizes were created inside the RUB.
- Long-term arrivals in October 2019 were 4366.
- 27 per cent of residential properties sold in Auckland were purchased by first home owners in November 2019.
- 1027 public housing applications have been housed in the September quarter 2019.
3. Dwellings consented

In November 2019, 1,120 dwelling consents were issued, which saw 14,866 consents issued for the past 12 months.

<table>
<thead>
<tr>
<th>Nov 18</th>
<th>Aug 19</th>
<th>Sep 19</th>
<th>Oct 19</th>
<th>Nov 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,172</td>
<td>1,407</td>
<td>1,143</td>
<td>1,361</td>
<td>1,120</td>
</tr>
</tbody>
</table>

Data source: Statistics New Zealand
4. Dwellings consented by type

Of all the dwellings consented in November 2019, 602 were houses, 134 were apartments, and 384 were townhouses, flats, units, retirement village units or other types of attached dwellings.

Data source: Statistics New Zealand
5. Dwellings consented on Housing New Zealand or Tāmaki Regeneration Company owned land

In November 2019, 101 dwellings (9 per cent of total dwellings consented) were consented on Housing New Zealand (HNZ) or Tāmaki Regeneration Company (TRC) owned land. These included 0 apartment units, 55 houses and 32 townhouses, flats, and other attached dwelling types.

<table>
<thead>
<tr>
<th></th>
<th>Nov 18</th>
<th>Aug 19</th>
<th>Sep 19</th>
<th>Oct 19</th>
<th>Nov 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of HNZ/TRC dwellings consented</td>
<td>159</td>
<td>88</td>
<td>85</td>
<td>116</td>
<td>101</td>
</tr>
<tr>
<td>Percentage of total dwellings consented</td>
<td>14%</td>
<td>6%</td>
<td>7%</td>
<td>9%</td>
<td>9%</td>
</tr>
</tbody>
</table>

Data sources: Statistics New Zealand and Auckland Council
6. Dwellings consented by Auckland Plan monitoring boundaries

In November 2019, 895 dwellings consented were inside 2010 MUL and a total of 1067 dwellings consented were inside the RUB. Over the past 12 months, 94 per cent of the dwellings were consented inside the RUB.

<table>
<thead>
<tr>
<th></th>
<th>Nov 18</th>
<th>Aug 19</th>
<th>Sep 19</th>
<th>Oct 19</th>
<th>Nov 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inside 2010 MUL</td>
<td>974</td>
<td>1,139</td>
<td>960</td>
<td>1090</td>
<td>895</td>
</tr>
<tr>
<td>Between 2010 MUL and RUB</td>
<td>128</td>
<td>194</td>
<td>131</td>
<td>199</td>
<td>172</td>
</tr>
<tr>
<td>Outside RUB</td>
<td>70</td>
<td>74</td>
<td>52</td>
<td>72</td>
<td>53</td>
</tr>
</tbody>
</table>

Data source: Statistics New Zealand
7. Dwellings consented along the rapid transport network

In November 2019, 289 dwellings (27 per cent of total dwellings consented) were consented inside the rapid transport network’s (RTN) 1500m walking catchments. In the last 12 months, 4151 dwellings were consented inside the 1500m RTN walking catchments.

<table>
<thead>
<tr>
<th></th>
<th>Nov 18</th>
<th>Aug 19</th>
<th>Sep 19</th>
<th>Oct 19</th>
<th>Nov 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings consented inside the</td>
<td>379</td>
<td>368</td>
<td>285</td>
<td>341</td>
<td>299</td>
</tr>
<tr>
<td>1500m RTN walking catchments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage of total dwellings</td>
<td>32%</td>
<td>26%</td>
<td>25%</td>
<td>25%</td>
<td>27%</td>
</tr>
<tr>
<td>consented</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12-month rolling total inside RTN</td>
<td>3,403</td>
<td>4,038</td>
<td>4,130</td>
<td>4,231</td>
<td>4,151</td>
</tr>
<tr>
<td>walking catchments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proportion from the last 12-month</td>
<td>27%</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
</tr>
<tr>
<td>inside RTN walking catchments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Dwellings consented inside 1500m RTN walking catchments

Data sources: Statistics New Zealand and Auckland Council
Spatial distribution of dwelling consents

Data sources: Statistics New Zealand and Auckland Council
8. Dwellings with CCCs issued (completions)

1745 dwelling units had received CCCs in November 2019. 95 per cent of the CCCs were issued to dwelling units that had building consents granted within the past two years.

<table>
<thead>
<tr>
<th>CCCs issued</th>
<th>Nov 18</th>
<th>Aug 19</th>
<th>Sep 19</th>
<th>Oct 19</th>
<th>Nov 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2 years</td>
<td>773</td>
<td>1,066</td>
<td>1,117</td>
<td>1,371</td>
<td>1,652</td>
</tr>
<tr>
<td>3-4 years</td>
<td>102</td>
<td>169</td>
<td>51</td>
<td>80</td>
<td>69</td>
</tr>
<tr>
<td>4+ years</td>
<td>7</td>
<td>9</td>
<td>4</td>
<td>11</td>
<td>24</td>
</tr>
</tbody>
</table>

Data source: Auckland Council
9. Residential parcels created

In December 2019, the total number of residential parcels under 5000m$^2$ created was 658.

<table>
<thead>
<tr>
<th>Parcel size category</th>
<th>Dec 18</th>
<th>Sep 19</th>
<th>Oct 19</th>
<th>Nov 19</th>
<th>Dec 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1000 m$^2$</td>
<td>686</td>
<td>708</td>
<td>750</td>
<td>950</td>
<td>601</td>
</tr>
<tr>
<td>1000 m$^2$ to 1999 m$^2$</td>
<td>33</td>
<td>36</td>
<td>38</td>
<td>21</td>
<td>19</td>
</tr>
<tr>
<td>2000 m$^2$ to 2999 m$^2$</td>
<td>8</td>
<td>7</td>
<td>6</td>
<td>9</td>
<td>28</td>
</tr>
<tr>
<td>3000 m$^2$ to 3999 m$^2$</td>
<td>6</td>
<td>4</td>
<td>7</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>4000 m$^2$ to 4999 m$^2$</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Total number of residential parcels &lt; 5000m$^2$</td>
<td>734</td>
<td>757</td>
<td>805</td>
<td>984</td>
<td>658</td>
</tr>
</tbody>
</table>

Data source: RMU and Land Information New Zealand
10. Residential parcels by Auckland Plan monitoring boundaries

614 of new residential parcels of all sizes created in December 2019 were inside 2010 MUL and a total of 631 new residential parcels were inside the RUB.

<table>
<thead>
<tr>
<th></th>
<th>Dec 18</th>
<th>Sep 19</th>
<th>Oct 19</th>
<th>Nov 19</th>
<th>Dec 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inside 2010 MUL</td>
<td>559</td>
<td>694</td>
<td>536</td>
<td>548</td>
<td>614</td>
</tr>
<tr>
<td>Between 2010 MUL and RUB</td>
<td>-</td>
<td>72</td>
<td>169</td>
<td>440</td>
<td>17</td>
</tr>
<tr>
<td>Outside RUB</td>
<td>-</td>
<td>2</td>
<td>114</td>
<td>8</td>
<td>41</td>
</tr>
</tbody>
</table>

Data source: RIMU and Land Information New Zealand
11. Permanent and long-term migration

Long-term arrival number in October 2019 was 4366. Net migration to Auckland data was not available because the requirement for passengers to complete departure cards stopped in November 2018. A new methodology was developed by Statistics New Zealand, however, no regional output was released at the time this monitoring report was produced.

<table>
<thead>
<tr>
<th>Month</th>
<th>Oct 18</th>
<th>Jun 19</th>
<th>Aug 19</th>
<th>Sep 19</th>
<th>Oct 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrivals</td>
<td>4,815</td>
<td>4,343</td>
<td>4,023</td>
<td>4,357</td>
<td>4,366</td>
</tr>
<tr>
<td>Departures</td>
<td>1,550</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Net Change</td>
<td>3,265</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Permanent and long-term migration in Auckland
(last five years)

Data source: Statistics New Zealand
12. Median residential sales price

The median residential sales price from REINZ in November 2019 was $885,000. The District Valuation Roll (DVR) median sales price in October 2019 was $805,000.

<table>
<thead>
<tr>
<th>Data source</th>
<th>Nov 18</th>
<th>Aug 19</th>
<th>Sep 19</th>
<th>Oct 19</th>
<th>Nov 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>REINZ</td>
<td>$867,000</td>
<td>$820,000</td>
<td>$848,000</td>
<td>$868,000</td>
<td>$885,000</td>
</tr>
<tr>
<td>DVR sales¹</td>
<td>$867,000</td>
<td>$795,000</td>
<td>$802,000</td>
<td>$805,000</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Data source: Real Estate Institute of New Zealand and Auckland Council

¹ Back data has been updated to reflect the latest sales records captured in council’s District Valuation Roll database. Although conveyancers are required to inform council within 30 days after transactions have occurred, the monitoring team has identified the reporting process has not been thoroughly implemented. It should be noted that there is no penalty if a conveyancer fails to report to council within the 30-day period. As a result, the reporting lag varies from as short as one working day to as long as six months.
13. Residential property buyer classification

In November 2019, 27 per cent of residential properties sold in Auckland were purchased by first homeowners, 23 per cent were purchased by movers and 38 per cent were purchased by multi-property owners.

<table>
<thead>
<tr>
<th>Buyer classification</th>
<th>Nov 18</th>
<th>Aug 19</th>
<th>Sep 19</th>
<th>Oct 19</th>
<th>Nov 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>First home buyer</td>
<td>28%</td>
<td>27%</td>
<td>26%</td>
<td>26%</td>
<td>27%</td>
</tr>
<tr>
<td>Mover</td>
<td>24%</td>
<td>22%</td>
<td>23%</td>
<td>20%</td>
<td>23%</td>
</tr>
<tr>
<td>Multi-property owner</td>
<td>39%</td>
<td>39%</td>
<td>40%</td>
<td>42%</td>
<td>38%</td>
</tr>
<tr>
<td>New to market</td>
<td>5%</td>
<td>4%</td>
<td>4%</td>
<td>5%</td>
<td>4%</td>
</tr>
<tr>
<td>Other</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Re-entry</td>
<td>5%</td>
<td>6%</td>
<td>5%</td>
<td>6%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Data source: CoreLogic NZ
14. Public housing in Auckland

This section provides an overview of public housing demand and supply in Auckland region. These data are collected and distributed by the Ministry of Housing and Urban Development on a quarterly basis. In the September quarter 2019, 1027 public housing applications have been housed with Housing New Zealand or with a Community Housing Provider.

<table>
<thead>
<tr>
<th></th>
<th>September quarter 2018</th>
<th>December quarter 2018</th>
<th>March quarter 2019</th>
<th>June quarter 2019</th>
<th>September quarter 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public housing stock</td>
<td>31,004</td>
<td>31,341</td>
<td>31,452</td>
<td>32,184</td>
<td>32,326</td>
</tr>
<tr>
<td>Public housing register -</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>housing register (top row)</td>
<td>3,908</td>
<td>4,363</td>
<td>4,409</td>
<td>4,846</td>
<td>5,257</td>
</tr>
<tr>
<td>and transfer register (bottom row)</td>
<td>910</td>
<td>1,116</td>
<td>1,104</td>
<td>1,170</td>
<td>1,313</td>
</tr>
<tr>
<td>Public housing register</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>– applications housed</td>
<td>691</td>
<td>818</td>
<td>556</td>
<td>719</td>
<td>1,027</td>
</tr>
</tbody>
</table>

Data source: Ministry of Housing and Urban Development

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2 Public housing data are extracted from the Public Housing in Auckland Region factsheets. Detailed monthly and quarterly information can be found on the Ministry of Housing and Urban Development’s website: [https://www.hud.govt.nz/community-and-public-housing/follow-up-progress/](https://www.hud.govt.nz/community-and-public-housing/follow-up-progress/)
15. Notes on data and analysis

Dwellings consented and dwellings consented by type
Monthly building consent information is sourced from Statistics New Zealand’s InfoShare online portal, which includes counts of number of new dwellings consented, by type of dwelling.

Dwellings consented by Auckland Plan monitoring boundaries
Monthly data for individual building consents is supplied by Statistics New Zealand and mapped to properties by RIMU. This data is then analysed against its location relevant to the Auckland Plan monitoring boundaries, namely the 2010 Metropolitan Urban Limit (MUL) and the Rural Urban Boundary (RUB).

Dwellings with CCCs issued (completions)
Monthly building consent completions data is supplied by Auckland Council Building Control. The data shows the total number of dwelling units which have had Code Compliance Certificate (CCC) issued in that month. This gives an estimation of the number of dwellings being “completed”, or “released to the market”.

Residential parcels created and residential parcels created inside the 2010 Metropolitan Urban Limit and the Rural Urban Boundary
Parcel data is sourced from Land Information New Zealand (LINZ). A new dataset is downloaded from the LINZ Data Service by RIMU monthly. A list of parcels created in the previous month is also downloaded; this is used to extract new parcels created in the previous month. The new parcels created data is then analysed for size, the Auckland Unitary Plan (decisions version) zone it falls in and its location relevant to the 2010 MUL and the RUB.

Permanent and long-term migration
Migration data is sourced from Statistics New Zealand’s InfoShare online portal; arrivals, departures and net change are estimated for Auckland.

Median residential sales price
The Real Estate Institute of New Zealand (REINZ) produces monthly statistics on the median house price sales for Auckland from data provided to it by its members. This data is available on the REINZ website.
Public housing supply


Public Housing Register

The Public Housing Register is comprised of a Housing Register and a Transfer Register. The Housing Register is prioritised by need and consists of public housing applicants who have been assessed as being eligible. The Transfer Register is made up of people already in public housing, but who have requested and are eligible for a transfer to another property. (definition extracted from Ministry of Housing and Urban Development 2019, Public Housing in Auckland factsheet September 2019, page 3. https://www.hud.govt.nz/assets/Community-and-Public-Housing/Follow-our-progress/September-2019/Housing-regional-factsheets-September-2019/67824a28bb/Housing-regional-Factsheets-September-2019-Auckland.pdf)
5 February 2020

The Resource Management Review Panel
By email: rmreview@mfe.govt.nz

Auckland Council’s submission on Transforming the resource management system: opportunities for change - issues and options paper

Thank you for providing Auckland Council with the opportunity to submit on the issues and options paper Transforming the resource management system: opportunities for change. Auckland Council’s submission is attached.

It includes the input from Council Controlled Organisations (CCOs) Auckland Transport, Watercare Services Limited and Panuku Development Auckland.

This submission is endorsed by the Chair and Deputy Chair of the Planning Committee, and a member of the Independent Māori Statutory Board with delegation on behalf of the Planning Committee.

The Independent Māori Statutory Board supports the high-level positions of the submission and advises that it will be providing a submission on some specific matters that are of high interest to Māori in Tamaki Makaurau.

Six local boards have provided comments on the issues and options paper, and these are appended at the end of council’s submission.

Please contact Simon Randall (simon.randall@aucklandcouncil.govt.nz), Team Leader, Strategic Scanning (Auckland Plan, Strategy, and Research Department), if you have any queries regarding Auckland Council’s submission.

Yours sincerely

Councillor Chris Darby
Chair of the Planning Committee

Councillor Josephine Bartley
Deputy Chair of the Planning Committee

Member Liane Ngamane
Member of the Independent Māori Statutory Board
Submission to the Resource Management Review Panel

Transforming the resource management system: opportunities for change – Issues and options paper

Auckland Council 5 February 2020
<table>
<thead>
<tr>
<th>Mihimihi</th>
<th>I greet the mountains, repository of all that has been said of this place,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ka mihi ake ai ki ngā maunga here kōrero,</td>
<td>there I greet the cliffs that have heard the ebb and flow of the tides of time,</td>
</tr>
<tr>
<td>ki ngā pari whakarongo tai,</td>
<td>and the rivers that cleansed the forebears of all who came those born of this land</td>
</tr>
<tr>
<td>ki ngā awa tuku kiri o ēna manawhenua,</td>
<td>and the newcomers among us all.</td>
</tr>
<tr>
<td>ēna mana ā-iwi take take mai,</td>
<td>Auckland – beloved of hundreds,</td>
</tr>
<tr>
<td>tauiwi atu.</td>
<td>famed among the multitude, envy of thousands.</td>
</tr>
<tr>
<td>Tāmaki – makau a te rau, murau a te tini, wenerau a te mano.</td>
<td>You are unique in the world.</td>
</tr>
<tr>
<td>Kāhore tō rite i te ao.</td>
<td></td>
</tr>
</tbody>
</table>
Ko te tāpaetanga o te Kaunihera o Tāmaki Makaurau
Auckland Council Submission  5 February 2020

Auckland Council Submission on Transforming the resource management system: opportunities for change – Issues and options paper

Submission to the Resource Management Review Panel

Introduction

1. Auckland Council thanks the Resource Management Review Panel and the Ministry for the Environment for the opportunity to provide feedback on Transforming the resource management system: opportunities for change – Issues and options paper (the paper).

2. This submission is endorsed by the Chair and Deputy Chair of the Planning Committee, and a member of the Independent Māori Statutory Board with delegation on behalf of the Governing Body. It includes the input from Council Controlled Organisations (CCOs) Auckland Transport, Watercare Services Limited and Panuku Development Auckland.

3. Local board feedback is appended to the submission.

4. The Independent Māori Statutory Board supports the high-level positions of the Council’s submission and advises that it will be making its own submission on some key matters of interest to Māori in Tāmaki Makaurau.

5. Council’s submission consists first of key principles which it believes should underpin a future resource management system. The submission then follows the format of the options paper by responding to the challenges and reasons the system has not responded to these, followed by specific responses to the issues and proposals it considers most substantive.

6. Council views this review as a once in a generation opportunity to ensure we have the right system in place which actively meets the needs of current and future generations, and which addresses climate change. Council therefore supports fundamental change of the system in order to achieve this.

7. Council strongly encourages the panel and central government to ensure there is good alignment between any proposed resource management system changes and other work already on the government’s legislative and policy work programme. This review is the latest Government reform which impacts on resource management. Others include the Urban Development Bill, Kāinga Ora–Homes and Communities Act 2019, proposed National Policy Statements on urban development, highly productive land, freshwater, and indigenous biodiversity, the Infrastructure Funding and Financing Bill, and National Planning Standards.

8. Council considers central government has a more extensive role to play in supporting the delivery of better resource management system outcomes. Amongst other things, this includes providing funding to enable councils and iwi to deliver the system-level outcomes required. Council has identified a number of opportunities for central government to better support the resource management system within its submission and we are happy to work with Government on what these may look like in practice.

9. Council is also currently submitting to Select Committee on the Urban Development Bill. We have raised a number of issues within that submission for the Select Committee to consider, including the importance of aligning the Bill to the review and reform of the resource management system. Council notes that the government’s reform of the resource management system is seeking to gear the system towards broader outcomes and away from a narrow, effects focused system. In contrast, the Urban Development Bill’s current
approach is based on minimising effects and does not reflect a wider outcomes-based approach that the RM reform is seeking. The setting aside of planning instruments and the streamlining of processes cannot be at the expense of achieving overall outcomes for social, environmental, economic and cultural well-being. If these streamlined processes provide advances and models for more efficient ways of delivery, then they should assess for suitability at the wider local government level and looked at as part of other legislative initiatives.

Tāmaki Makaurau context

10. Council is a unitary authority. It is the largest council in New Zealand in terms of population and it is also the most diverse. The Auckland region covers a wide range of land uses from dense urban to rural productive.

11. Council is currently the only council in New Zealand which is required to develop a spatial plan which enables coherent and co-ordinated decision making and which provides a basis for aligning council’s implementation plans, regulatory plans, and funding programmes. This was first adopted in 2012 (“The Auckland Plan 2012”), with a revised version adopted in 2018 (“The Auckland Plan 2050”).

12. Auckland Council is also unique in having an Independent Māori Statutory Board (IMSB) to assist council to make decisions, perform functions, and exercise powers. The Schedule of Issues of Significance and The Māori Plan for Tāmaki Makaurau provide a framework for these to be considered. The IMSB also undertakes Te Tiriti o Waitangi Audits to assess whether council acts in accordance with its statutory Te Tiriti o Waitangi responsibilities. The IMSB has provided support and guidance on this submission.

13. The Auckland Plan 2050 identifies that to achieve the Auckland we want, we must address the three most important challenges of high population growth, ensuring prosperity is shared amongst all Aucklanders, and arresting and reversing environmental degradation.

14. More than 1.66 million people live in Auckland already. Over the next 30 years this could increase by another 720,000 people, potentially requiring another 313,000 dwellings and 263,000 jobs. The rate and speed of Auckland’s population growth puts pressure on our communities, our environment, and our housing and infrastructure networks, including roads. It also means increasing demand for space, infrastructure and services necessary to support this level of growth.

15. Many Aucklanders are prosperous and have high living standards, yet there are significant levels of socio-economic deprivation, often in distinct geographic areas. Key drivers of this include unequal access to education and employment opportunities, along with high, and often unaffordable, housing costs.

16. Much of Auckland’s appeal is based on the natural environment, but this is vulnerable to degradation from the impacts of human activities. Despite regulation and considerable effort, Auckland’s environment continues to be affected by past decisions, Auckland’s rapid growth and development, as well as emerging threats such as climate change.

17. In June 2019, Auckland Council formally declared a Climate Emergency, recognising the importance of and urgency required to address climate change for the benefit of current and future generations. As a C40 Innovator City and signatory to the New Zealand Climate Leaders Coalition, Auckland Council is also committed to doing its part in meeting the Paris Agreement ambitions of keeping global temperature rise to well below 2ºC while pursuing efforts to limit the increase to 1.5ºC.
18. This review is timely, providing us with the opportunity to look to the future and ensure we can better provide places to work, live and play for generations of Aucklanders to come, while addressing the significant environmental decline and challenges we are experiencing.
Key principles underpinning the future resource management system

19. There are several key principles that Auckland Council considers are critical to underpin any future resource management system.

- The system needs to be outcomes based. It needs to place more emphasis on improving outcomes for people, places and the environment, as well as manage adverse effects (including cumulative effects). The system should seek clearly stated positive outcomes, as well as avoid negative ones. This is the context in which effects should be managed. Council supports these outcomes being based on the four well-beings of the Local Government Act 2002.

- The system needs to be integrated.
  - Environmental outcomes and development outcomes need to be addressed in an integrated way. These cannot be separated from each other, as both interact and need to be delivered holistically, in legislation and in practice on the ground.
  - The principles and purpose of the system also need to be consistent with the processes the system regulates.
  - Given the dependent relationship, integration of funding and planning matters needs to be better facilitated by the resource management system, with appropriate mechanisms to enable this.
  - Other legislative, regulatory and policy tools that deal with related matters need to also be updated to better integrate with any changes to the resource management system. It is particularly important for the delivery of Resource Management Act (RMA) outcomes that these tools are aligned and reinforce delivery of the resource management system’s purpose and the outcomes it seeks to achieve.

- The system should consider wider impacts of decisions beyond the short term and those that can be measured with certainty. Impacts should be considered in the context of the life of the impact, meaning that the impact on, and concerns of, future generations need particular emphasis. The system needs also to be better enabled to consider things at a system level to avoid issues such as negative cumulative effects. Current approaches within the system, such as the weight given to individual outcomes over community outcomes, can entrench inequity and so these impacts should be able to be considered more in decision making. Council would support explicit consideration being given to the requirements of future generations in the section 6 and 7 matters.

- Better provision needs to be made in the system for a clear hierarchy of considerations. This hierarchy should support the delivery of integrated outcomes and help to resolve conflict between considerations in the way which best gives effect to the outcomes sought by the system.

- The system needs to better affirm Te Tiriti and give more opportunity for te ao Māori to be reflected in approaches and outcomes. This should include appropriate recognition of, and provision for, the Treaty Partnership, rangatiratanga, te ao Māori, tikanga and community practices and interests, and mātauranga Māori (Māori knowledge systems) within the resource management system.

- While ensuring the system is fit for the future and takes long-term views into account, the system also needs to deliver on key community expectations around participation and robustness of decision-making. We need to ensure the system better delivers to meet the increasing public expectations for local input into decision-making, transparency and robustness around planning, and clarity and fairness around resource
allocation decisions while not slowing processes by over consultation and creating “engagement fatigue”. Our understanding of the impact of human activity on our environment has evolved since the Act was introduced. We are much more cognisant of the value of our environment, the scarcity of our resources and the trade-offs the resource management system makes.
Responses to the Issues and options paper

20. Council’s response on individual sections of the issues and options paper is presented below and includes consideration of the questions raised.

21. Council refers to Part 2 (or sections 6, 7 or 8) of the RMA throughout this submission. This should be read to also mean the purpose and principles within any future resource management legislation.

Challenges of the current resource management system

22. At a high level, Auckland Council agrees with the three challenges as described in the paper. All three align to the three challenges identified by the Auckland Plan 2050 (population growth and its implications, sharing prosperity with all Aucklanders, and reducing environmental degradation).

23. Council notes that, unless meaningfully addressed, climate change over the short and medium terms will make the decline of natural ecosystems and biodiversity, and related low resilience of ecosystems, even more pronounced and increasingly irreversible. It also means that the associated benefits from improvements to ecosystems will not be realised.

24. In terms of urban areas not being able to keep up with demand for housing, council believes that as well as supply there is also a need for a high quality of housing and supporting spaces to be provided, and in such a way that enhances the wider urban environment. Sometimes planning decisions on urban development appear to consider only the effects on the natural environment or specific amenity considerations, and not how the urban environment meets the social, economic and cultural needs of people and communities.

25. For Auckland the challenge of housing provision is not one of planning but of how to enable and equitably fund bulk infrastructure (social and physical) to cater for growth. Through the Auckland Unitary Plan, Auckland Council has already enabled one million more dwellings in existing residential zones and almost another million in the city centre, town centres and mixed-use zones. There needs to be an appropriate framework that enables the supporting infrastructure.

Reasons why the system has not responded effectively

26. Council agrees at a high level with the reasons provided for why the system has not effectively responded to these challenges. Some of these issues cannot be completely resolved in each circumstance, i.e. there will always be a degree of cost, complexity and uncertainty and difficult choices to make, but it agrees that the system needs to be rebalanced to address the degree to which these are present.

27. There are several key reasons missing from the panel’s discussion document which warrant further consideration.

28. First, most people’s views of the system are based on their experiences with specific consent or zoning decisions that affect them at a neighbour/neighbourhood level rather than on the social, cultural, economic and environmental outcomes the resource management system and plans are seeking to achieve at a regional level. This can drive frustration with the system. There can also be tension between in-principle support for the social, cultural, economic and environmental outcomes and agreement of how those outcomes should be delivered and implemented at a neighbour/neighbourhood level. Council supports approaches which allow the vision for plans to be driven by people and communities,
and which enable them to understand how local decisions link to delivering on this vision.

29. Second, council does not believe that the discussion on "lack of recognition of the benefits of urban development" has captured the issue fully. **Council agrees that the system does not currently recognise benefits and it should, but it should also more adequately support good integrated urban development and achieving well-designed density.** A singular focus on supply without recognition of the need for quality affordable and environmentally sustainable housing (and the supporting infrastructure) which contributes to high quality urban environments would not deliver social, economic, cultural, or environment well-being for current or future communities. Access to housing is a key issue in Auckland and integrated approaches are required to enable this to be appropriately provided for.

30. Auckland’s development strategy sets out a quality compact approach to growth and development. In this context, the quality aspect of this approach means that:

- most development occurs in areas that are easily accessible by public transport, walking and cycling
- most development is within reasonable walking distance of services and facilities including centres, community facilities, employment opportunities, and open space
- future development maximises efficient use of land
- delivery of necessary infrastructure is coordinated to support growth in the right place at the right time
- we embed good design in all development. Good design includes the attributes of functionality, attractiveness, longevity, innovation and legibility. Good design needs to be integrated at all scales of development. It includes the quality of the city structure, the design of public places and spaces, as well as building and house design. The quality of city design is integral to how a city functions, which affects our overall wellbeing. Good design can contribute to making Auckland a sustainable, attractive, equitable and desirable place.

31. Third, there is a limited relationship between funding and financing systems and the resource management system, although they both have significant impacts on outcomes. **Council supports better integration of funding and planning matters within the resource management system.** In the current system, without these linkages, applications can be approved based on a narrow assessment of effects, but without full appreciation of related infrastructure funding and financing challenges or the need for the developer to stage their housing and infrastructure delivery. This impacts a council’s ability to fund and finance development and can mean that councils are less able to prioritise areas of investment in line with their infrastructure and development strategies, in turn undermining council’s delivery of quality urban development and the four well-beings. It is for this reason that council has opposed the current proposals in the National Policy Statement for Urban Development which more easily provide for out of sequence greenfield development.

**Issue One: Legislative architecture**

32. **Council supports the retention of a single integrated approach to land use planning and environmental management.** Environmental outcomes and development outcomes cannot be separated - both interact and need to be delivered holistically. Splitting the system would do nothing to resolve substantive issues with the system; it would merely reframe these issues, and potentially increase the negative impacts from land use decisions on environmental outcomes and vice versa. This would lead to legal arguments and
interpretations that would result in significant costs in terms of time and money and will increase uncertainty. Council does not see a compelling argument in favour of splitting the system into land use planning and environmental management and opposes it.

33. The current integrated approach more appropriately represents the holistic viewpoint of Māori; recognising the intrinsic relationship between built and natural environment. From a te ao Māori perspective, separating the legislation and moving away from an integrated resource management approach risks further diminishing the influence of the existing provisions designed to ensure Māori have a voice within the system and delivering on better outcomes for Māori.

34. Having separate legislation for the built and natural environment would create a multi-level planning structure. This would create further barriers and complexities for Māori to be fully engaged and effective in processes and could also lead to a situation where the multi-level planning structure could diverge more and more as legislation is amended and national direction is given. It also raises concerns that Māori views would be limited to the environmental management space.

35. Council supports having a resource management system that is reflective of the Te Mana o te Wai framework. It is not clear what, if any, implications a siloed approach would have for embedding the Te Mana o te Wai framework across the resource management system.

36. Council supports building on new thinking on how te ao Māori might be better reflected in our resource management system and embedded within its legislative architecture and encourages central government and Māori to develop this further.

37. Changes made to the resource management system following this review will have consequential impacts that need to be addressed to ensure consistency in dependent and related acts and regulations, for instance the Building Act 2004.

**Issue Two: Purpose and principles of the Resource Management Act 1991**

A resource management system that is outcomes driven

38. Council supports significant change to the purpose of the RMA to deliver improved outcomes for communities and the environment. The system needs to enable current and future generations to live and prosper in New Zealand through sustainable development and environmental improvement. This shift in purpose would help move from a system which can be singularly focussed on managing harm and adverse effects to one which delivers the positive outcomes people and communities need and desire. This would also better align the system with the outcomes focus of the Land Transport Management Act 2003 (LTMA) and the Local Government Act 2002 (LGA).

39. Council supports simplification of the purpose and principles of the Act. Part 2 of the Act is unnecessarily complex and has different legal requirements for the matters covered. It would be greatly enhanced if it focussed on the systems purpose and clearer outcomes. This streamlining also needs to ensure that the outcomes covered reflect what the system needs to deliver.

40. Council supports greater emphasis on providing outcomes for current and future generations. The issues identified by the paper and our submission clearly illustrate that there needs to be a rebalancing in the current approach to considering matters with more emphasis given to future generations.
41. Council does not support the separation of environmental and development issues in Part 2 for similar reasons that council does not support the separation of the Act along similar lines. The concerns raised could be more meaningfully addressed through other means such as National Policy Statements, and at the regional and district policy and plans level.

A resource management system that more appropriately references the benefits of urban development

42. Council supports the purpose and principles of the system to reflect urban development and the provision of infrastructure and community amenities this requires. Providing for appropriate urban development and the things that support and enable this is a fundamental requirement for the system but is currently not given appropriate prominence by the system. To enable this council supports expanding the purpose and principles to promote the delivery of:

- Quality urban environments. Quality urban environments is a focus for the proposed National Policy Statement on Urban Development. Council supported this focus but raised concerns with the lack of definition and reflection in objectives and policies. Significant work on understanding quality urban environments has been achieved through processes such as MFE’s Urban Design Protocol and Auckland Council’s Urban Design Manual.

- Sufficient appropriate capacity for development to meet current and future demands.

- Key infrastructure including important transport network components such as arterials and rail/rapid transit. The provision of key infrastructure is fundamental to development, especially quality integrated outcomes, and needs to be considered in other land use decisions. Where unavoidable due to functional, operational, or technical requirements key infrastructure may need to go in sensitive locations and the system needs to be able to enable this whilst also managing any effects. The implementation of spatial planning will help to further integrate these matters.

- Key community amenities. These are fundamental in promoting well-being of communities and are an essential component in urban development.

A resource management system that includes bottom lines and takes precautionary approaches when required

43. Council supports the resource management system more clearly requiring environmental bottom lines to be understood and given recognition. Setting environmental bottom lines and limits at a local level in a future system is necessary to support better decision making around allocation of resources, and to more appropriately take into account the cumulative effects of decisions.

44. Council supports the inclusion of the precautionary approach in managing effects on the natural environment (including coastal, indigenous biodiversity, allocation of resources) into Part 2. This would allow for a quicker or more adaptive response where there is a lack of full scientific certainty of effects and reduces risks of delaying decisions or measures to prevent environmental degradation. A high evidential burden should not be a barrier to preventing potential environmental harm. The inclusion of the precautionary approach is currently in the New Zealand Coastal Policy Statement and the draft National Policy Statement for Indigenous Biodiversity.

45. Council also supports communities being able to set limits above bottom lines. These higher limits should be able to be recognised, upheld, and enforced by the system and its institutions. Any acceptable level of uncertainty in setting such limits needs to be quantified.
and the balance needs to be shifted from best practical option towards meeting
environmental outcomes where appropriate. There needs to be recognition of the need to
limit urban development and the infrastructure demand this brings in some areas.

46. Council favours the use of precautionary approaches when biophysical limits have a
degree of uncertainty, but over-use would result in significant harm. National direction
which specifies what is to be considered in establishing the environmental bottom lines, such
as health of the environment/system and changing water availability needs as a result of
climate impact, would be useful.

47. Bottom lines should be set and revised in such a way that they are able to appropriately
respond to changes in conditions or improved monitoring information, and local authorities
should be able to modify existing consents in cases where revised limits are exceeded by
existing uses. This may require the reframing of the period consents are granted for, or the
way that existing use rights are dealt with in these instances.

A resource management system that establishes a clear framework for balancing trade-offs

48. Council suggests there needs to be a clearer hierarchy of considerations which
supports the delivery of integrated outcomes. The hierarchy offered by Te Mana o te Wai
is an example which provides for a clear cascade of what should be considered, and in what
order. Council is supportive of employing the Te Mana o te Wai framework as part of this
new resource management system.

49. As part of the hierarchy, the matters requiring consideration need to be more clearly
described as to what is a bottom line, such as not exceeding biophysical limits, and what is to
be balanced, with bottom lines taking precedence so as not to be exceeded. In the current
approach some matters get more easily traded off in favour of others, especially where they
do not align.

A resource management system that imposes positive duties to deliver on its outcomes

50. Council believes that there should be a stronger requirement to contribute net positive
outcomes through the system, particularly in areas or processes which have been lost
or degraded. Section 6 of the RMA currently talks about protection, but this does not
address ecological systems and processes that have been lost or degraded.

51. Currently the requirements to protect the environment and natural resources are
undermined, as the system allows for the mitigation of adverse effects and is often seen as
supporting developments that have only minor adverse effects. These contribute to
cumulative effects which are currently not adequately addressed and have caused the loss
or degradation of important ecological systems or ecosystem services.

52. An example of a system where such positive duties exist is the South Australian Landscape
South Australia Act 2019 which, after seeking to protect natural ecosystems, also seeks the
"the restoration or rehabilitation of ecological systems and processes that have been lost or
degraded, and promotes the health of ecosystems so that they are resilient in the face of
decline".

A resource management system that addresses climate change and natural hazards

53. Council supports changes to the current priorities for the effects of climate change to
be expanded beyond effects to also include mitigation and development of resilience.
This is further addressed in the climate change section of this submission. Allied to this,
council would be supportive of matters which would promote circular and regenerative economy approaches towards resource use.

54. Council supports a new matter which, in considering new activities with associated risk, will prioritise public safety and the protection of life over other considerations. This is expanded on in the climate change and natural hazards section.

A resource management system that is underpinned by Te Tiriti and te ao Māori considerations

55. The Act’s purpose should reflect a Treaty-based partnership with specific outcomes to be achieved. The Act’s purpose should also have an overarching goal to significantly improve the state of the natural environment. A review of the purpose and principles of the RMA is required as the balancing of these matters against each other impacts on the intent and implementation of s6(e) and s7(a). Outcomes should be developed in collaboration with Māori. Section 8 should require giving effect to, or recognising and providing for Te Tiriti.

56. Council supports new thinking on how te ao Māori is reflected in resource management. A Treaty partnership approach between Māori and the Crown is needed to develop this concept further. This is expanded on in the consideration of issue three in this submission.

57. Council supports the purpose and principles recognising kaitiakitanga and rangatiratanga. This is explored more in issue three in this submission and is consistent with recent Waitangi Tribunal findings and recommendations. Explicitly including rangatiratanga within the purpose and principles of the RMA recognises the fundamental Crown and Māori partnership underpinning all resource management issues in Aotearoa. It enables partnership-based decision-making at appropriate levels, in the right ways and at the right times, while also better supporting te ao Māori and mātauranga Māori to be reflected throughout the resource management system.

58. Cultural landscapes have little to no standing in the current Act, which make them hard to protect and be considered in plans. Council supports the panel further exploring how cultural landscapes could be better protected within the RMA.

Issue Three: Recognising Te Tiriti o Waitangi and te ao Māori

59. We recognise council’s commitment to a treaty-based partnership with Māori. In practice these commitments are delivered through:

- working together to achieve better outcomes for Māori and lifting economic, social and cultural wellbeing
- recognising the link between Māori and whenua through whakapapa
- strengthening our effectiveness for Māori
- optimising post-treaty settlement opportunities to benefit Māori and all Aucklanders.

The system needs to enable this and bring it to life. Therefore, council supports appropriate recognition of, and provision for, te ao Māori, tikanga and community practices and interests, and mātauranga Māori within the resource management system.

60. The purpose and principles of the Resource Management Act need to reflect a true Treaty partnership between the Crown and Māori and provide clarity on the intended outcomes from this partnership. The starting point is considering how rangatiratanga (which in practice looks like self-determination, independence and the right to exercise authority over decision-making and taonga) is applied across the resource management system.
61. The reform provides an opportunity to deliver better outcomes for Māori. It also provides an opportunity to strengthen and clarify the relationship between te ao Māori and how rangatiratanga is applied across the resource management framework (including clarifying local government responsibilities). The resource management system needs to be fit for purpose – an element of this means it needs to ensure it can deliver on intended Treaty settlement outcomes.

62. The Act includes several tools (e.g. iwi management plans, joint management agreements) to support Māori involvement in resource management processes. The success and uptake of these varies widely – further work is required to improve uptake and provide consistency across their use and intent. The tools and resource management processes more widely are very resource hungry, and there is a significant lack of access to information, technology and resourcing for Māori. This can impact on the effectiveness of these tools and processes. Council notes that central government needs to better fund and enable the resources required for capacity and capability for Māori to fully participate in the system and to ensure te ao Māori is appropriately reflected in practice on the ground.

63. There is an opportunity within the review to reorient the resource management system to deliver better outcomes for Māori: by developing a holistic and integrated framework that recognises and provides for te ao Māori and mātauranga Māori, and environmental, social, cultural, and economic wellbeing.

64. This reoriented resource management system should specifically recognise and provide for Māori resource management methods (e.g. rāhui), better enable consideration of customary interests and practices, and ensure greater recognition of intangible values and consideration of the impacts of activities on these elements.

65. Council supports redefining a Treaty-based approach to resource management. Current Māori resource management provisions offer some direction and tools. These have largely not been as effective as they could be, are resource intensive, are applied inconsistently, and there is a lack of clarity around their intent, scope and implementation that too frequently leads to appeals and litigation. This can undermine the ability of these provisions to deliver better outcomes for Māori and all Aucklanders.

66. There are a variety of opportunities across the existing resource management system to consider. Council supports central government engaging directly with Māori to explore these options and to consider how existing provisions within the RMA could be adapted, and what additional tools, mechanisms or direction would be required to support a resource management system that is underpinned by Māori rangatiratanga, and incorporates te ao Māori and mātauranga Māori appropriately.

67. Council supports central government working with Māori to set clear expectations around minimum standards and desired environmental outcomes required. It also supports central government and Māori working together to explore options for addressing concerns around the inconsistent use of permitted baselines and tensions created with requirements to avoid cumulative effects.

68. Council notes the treatment of Māori issues across the full spectrum of matters needs to be consistent. This means the approaches set out in the RMA, LTMA, proposed Urban Development Bill etc. all need to align. This may include clarifying the relationship between the RMA and Te Ture Whenua Māori Act 1993.

69. Council supports a National Māori Advisory Group being established to monitor the efficiency and effectiveness of provisions. In Auckland, the Independent Māori Statutory Board has specific responsibilities and powers under the Local Government (Auckland Council) Amendment Act 2010. One of the purposes of the Board is to measure and evaluate progress or change in Māori well-being over time, assisting Auckland Council to make decisions, perform functions and exercise powers by promoting cultural, economic,
environmental, and social issues of significance for mana whenua groups and mataawaka of Tamaki Makaurau. A critical part of that measurement and evaluation process is to help ensure Auckland Council and Council Controlled Organisations (CCOs) meet their broader Treaty of Waitangi obligations.

70. Council supports tripartite approaches to resource management involving central government, local government and iwi/tangata whenua. Council’s starting point is that we recognise the importance of relationships for delivering resource management outcomes. The Crown, iwi and council relationships are critical to delivery of good cultural, social, environmental, and economic outcomes for Māori and all New Zealanders. Given the Crown’s accountability for the Treaty partnership, Treaty objectives, and settlements, council considers the Crown needs to actively support delivery of those objectives as local government seeks to implement them.

71. Delivering on tripartite arrangements would require central government to provide support and resourcing for Māori for capacity and capability building. It would also require agreement around how primacy of Māori interests is addressed, and a better understanding of relationships and expectations of all parties, particularly where Māori rohe overlap territorial boundaries.

72. There needs to be agreement and clear expectations around who should be involved, how and when (i.e. consideration of how and when partnerships at iwi, hapū, marae, mana whenua, mataawaka, tangata whenua, rūnanga would work in practice). In a resource management context, there are many communities of interest that have varying degrees of interests that require consideration. Council’s view is that local government by the nature of its purpose and functions, has a great deal of expertise in working through such matters with all parties.

Issue Four: Strategic integration across the resource management system

73. Auckland Council is the only local authority in New Zealand required to develop and maintain a spatial plan by virtue of the Local Government (Auckland Council) Act 2009. The first spatial plan was adopted in 2012 (The Auckland Plan 2012) and was revised in 2018 (The Auckland Plan 2050). Spatial integration was seen as an important component of a more cohesive and joined up planning and development approach in Auckland.

74. The Auckland Plan 2012 defined spatial planning as a form of planning for cities, regions or countries that seeks to provide long-term direction for development and the achievement of social, economic and environmental wellbeing. The 2012 Auckland Plan provided explanatory information which related this definition back to the following core objectives set out in the European Regional/Spatial Planning charter 1983 (the Torremolinos Charter) which include:

- enhancing quality of life - strengthening communities, providing access to jobs, housing and community facilities
- improving and achieving balanced socio-economic development (growing the economy and reducing disparity)
- responsibly managing the environment, including heritage and the built environment
- developing a land-use plan in the public interest.

75. Council maintains this as its definition of spatial planning today. This definition was retained in the Auckland Plan 2050. It has proven useful in council’s experience as it provides an integrated approach to making decisions, particularly where trade-offs are required.
76. The Auckland Plan was not the first time local government in Auckland had developed spatial plans of this nature. However, it was the first time that spatial planning was integrated into the statutory framework of a council. Based on its experience to date, council has developed a strong understanding of the potential for spatial planning to deliver strategic integration.

77. The requirements of spatial planning in the Local Government (Auckland Council) Act 2009 are broad and outcome focussed with a strategic direction that is required to integrate the four well-beings (social, economic, environmental, and cultural) and provides a basis for aligning both regulatory plans and funding programmes. This has provided council with a holistic strategic umbrella to guide how, where, and when Auckland should grow, and enables alignment to the planning and delivery of infrastructure. It guides what council should invest in across all spheres of its role and functions, and what it is trying to achieve in all its other plans and policies. Council supports spatial planning being embedded in the LGA.

78. Council notes that it uses spatial planning as an approach at a finer-grain level in areas such as structure planning, area planning, and in exploring specific local opportunities or issues. Being a unitary authority has made this approach easier.

79. **Council supports spatial planning being used across the planning system to address strategic integration challenges.** The requirement for the spatial plan to form the basis for aligning regulatory and funding plans is open to interpretation. Alignment could be achieved by giving more weight to the plan itself or by requiring regulatory or funding plans to give greater effect to the spatial plan in some way. This includes, but is not limited to the:
   - resource management plans under the RMA. This could require the regional policy statement (RPS) to give effect to the spatial plan, or could even see aspects of the RPS being developed and adopted through the spatial planning process
   - Long-Term Plan under the LGA
   - Thirty-Year Infrastructure Strategy under the LGA
   - Regional Land Transport Plan under the LTMA

80. In some areas this would involve ensuring better alignment between purposes, principles, language, approaches, and intended outcomes of statutory tools across the resource management system. For example, in the creation of a spatial planning framework, consistency between the transport planning and funding legislation (currently sitting with the LTMA) and the land use and environmental planning legislation (RMA).

81. The benefit of spatial planning in Auckland as an integrating tool is in its broad outcomes-focussed approach. Council supports spatial planning continuing to be broad in its approach and would oppose it being narrowed to specific land use matters. This would limit its integrating potential, and add potential strategic confusion if separate planning approaches were then employed to consider those matters not included in a narrower spatial planning requirement. In practice this would have the effect of prioritising the narrower specific land use matters over broader economic, social, cultural and environmental well-being.

82. Council has seen real benefit from having its spatial plan linked to the purpose of local government through the four well-beings as this provides for greater alignment. This also means that community engagement on priorities and approaches for delivering the four well-beings occurs at a much earlier stage (through spatial planning engagement) rather than later, as regulatory or financial plans are developed. Communities are familiar with the four well-beings, and engage more at this outcomes level, and it means that they have greater understanding or support for the potentially challenging proposals required to meet an outcome. An example of this is council’s adoption of a quality compact city approach. There was extensive engagement with communities on this issue through LGA processes before it moved into the finer grained decisions in developing the Unitary Plan and providing for
infrastructure funding. This is why it is important for spatial planning to be embedded in the LGA.

83. The spatial planning requirements under the LGA allow council to take a more flexible approach to consultation, thereby engaging more meaningfully with our community, partners, and stakeholders. For this reason, council supports the more flexible and holistic approaches towards consultation and decision-making enabled by the Local Government Act for spatial planning rather than the more formal, potentially litigious, approaches within the RMA for the development of resource management plans. Given the nature of what spatial planning needs to achieve, its development needs to employ a collaborative engagement approach across its communities and with key partners such as mana whenua, central government, infrastructure providers, social service providers and all who have an interest in the region.

84. Further to this, council supports explicitly providing for mana whenua and mataawaka involvement in developing regional spatial plans. This could also include the development of specific inputs into spatial planning by Māori. To achieve this would require central government investment in building mana whenua and mataawaka capacity and capability.

85. The spatial plan should also be cognisant of Te Ture Whenua Māori Act and the Conservation Act, while ensuring consistency in provision for Māori values and interests across these Acts.

86. Council also believes that central government’s alignment of its infrastructure provision to regional spatial planning would enable closer cooperation between local and central government. This would need to be a collaborative endeavour involving central and local government, such as the Auckland Transport Alignment Plan. This would achieve better integration between national and local priorities in a spatial context.

87. Council notes that current issues around funding and financing of infrastructure would undermine any benefits from integrated planning since infrastructure is a key determinant of the timing and sequencing of growth and development.

88. Council supports all regions being required to develop some form of spatial plan. However, given the potential requirements for expertise and cost in the development of such plans, council suggests an approach that would scale the requirements and timeframes of plans based on regional needs. Regional councils would need to work with multiple district councils (and their communities) in developing a spatial plan and this could make the process far more complex.

89. Council would welcome approaches that could be employed to make inter-regional cooperation on plan development easier to achieve. A number of issues cross political boundaries, particularly environmental management, growth and development, and infrastructure provision and funding. Facilitating greater inter-regional co-operation would assist with developing and implementing shared approaches to shared issues. This could include guidance or standards which give all plans a standard approach or format, whilst allowing for responsiveness to the needs of a region.

90. Council supports spatial planning playing a key role in achieving improved environmental outcomes, particularly in being able to address cumulative effects. This could be achieved in a number of ways, for example:

- identifying environmental constraints at the strategic level (or apex of planning framework), for instance flood-prone or ecological areas, could guide development
- spatial mapping of environmental limits could enhance allocation approaches
• integrated planning of built form, transport and land use could support development which allows for less travel or more sustainable modes of travel, and enables adaptation and resilience.

91. Council notes that good information to inform decision making is required if spatial planning is to support improved environmental outcomes. Detailed spatial data is not always readily available for use. This means that environmental monitoring and analysis at the right level, frequency or times and in relation to the “right” matters is essential.

Issue Five: Addressing climate change and natural hazards

92. The resource management system is a significant tool in organising Auckland’s land use and spatial functions, as well as in protecting the life-sustaining capacity of our natural environment. It can be a significant tool in achieving climate mitigation and adaptation.

93. To prepare Auckland for the risks from climate change, the resource management system needs to help Auckland take a precautionary approach to climate change adaptation and also help it transition to a low carbon city.

94. In November 2018, council committed the Auckland region to play its part in delivering the Paris Agreement objective of limiting global temperature rise to 1.5 degrees Celsius. Council also declared a Climate Emergency in June 2019, in response to the call for greater urgency in Auckland’s transition to a net zero carbon future.

95. To deliver on Auckland’s climate action commitments, council is currently developing Te Taruku-a-Tawhiti: Auckland’s Climate Action Framework. This framework outlines climate change mitigation actions to reduce greenhouse gas (GHG) emissions, while identifying adaptation actions to ensure the region is resilient to the impacts of climate change. There are a number of climate actions that are within council’s control but also a large number that are not, such as those that central government, industry, communities and individuals have control over.

Climate mitigation (emissions reduction)

96. Council supports the RMA being used as a tool to address climate change mitigation. Climate change mitigation should be prioritised as a matter of national importance, under Part 2 of the RMA.

97. The RMA should address climate change mitigation in a way that enables councils, through land use planning, to support certain activities that contribute to low carbon development and decarbonisation of the economy and discourage or prevent activities that will result in higher GHG emissions. It is critical that the RMA provides an effective mechanism to ensure we are not locking ourselves into a higher emissions trajectory as a result of land use decisions. The RMA needs to enable decision making that supports a low carbon future, and this needs to be identified as a key outcome for the system to deliver. In addition, a range of supporting approaches and mechanisms need to be built into the system which lead to improved energy or resource efficiency, support of low carbon technology such as electric vehicles, transport-oriented development or building sustainability.

98. National direction under the RMA should be provided to support climate change mitigation. This could include:

• A National Environment Standard with controls on emissions (linked to the carbon budgets being developed by the Climate Change Commission under the Climate Change Response (Zero Carbon) Amendment Act 2019).

• A National Policy Statement to support the transition to a low carbon, circular and regenerative economy.
99. **Council supports the RMA playing a complementary role to the New Zealand Emissions Trading Scheme (NZ ETS) in addressing climate change mitigation.** The current government focus is on the NZ ETS as the main policy tool to address climate change mitigation. Council’s position is that the NZ ETS is only one of several important tools to address climate change mitigation. We are concerned that relying on the NZ ETS as the main tool will be insufficient to reach our climate commitments, particularly as some of the largest contributors to New Zealand’s total GHG emissions have limited exposure to the market mechanism the NZ ETS uses to discourage emissions. From 2008, when the NZ ETS was introduced, to 2017, New Zealand’s net GHG emissions increased by 16.5 per cent.

100. To achieve the objectives of the Climate Change Response Act 2002, including reducing all GHG (except biogenic methane) to net zero by 2050, other central government legislation will need to support its delivery and not impose policy barriers or conflicts that undermine the Act’s intent. It is critical that other legislation, including the RMA and the Building Act, supports and aligns with the Climate Change Response Act 2002 as the framework for New Zealand’s transition to a low emissions and climate resilient economy.

**Climate adaptation**

101. Climate adaptation is adjusting to actual and expected effects of climate change. Climate change risks are inherently uncertain. Auckland’s ability to withstand known and unknown climate risks will significantly improve the region’s resilience.

102. To achieve this, **Council supports including climate adaptation as a matter of national importance under Part 2 of the Act.** The term ‘effects of climate change’ in Section 7(i) of the Act is unclear and open to interpretation, and does not adequately signal the seriousness or the urgency of the issue. It sits too far down the hierarchy of resource management considerations. Climate adaptation must not be traded off and must be prioritised against other resource management matters.

103. When making resource management decisions, climate adaptation requires an emphasis on the longer-term consequences. For instance, proposed housing in an area that might not be viable in the projected climate of 2050 due to the impact of sea level rise. Climate projections offer scenarios at 2040, 2090 and 2110 to help build adaptation action. Resource management decisions should consider these longer timeframes as well.

104. Climate adaptation requires a precautionary approach in resource management decisions. There is inherent uncertainty in understanding climate risks. Climate risks will emerge due to multiple stressors, such as emissions and population growth. A precautionary approach requires caution in decision making where the effect is unknown. This can be at odds with the enabling framework of the Act.

105. Climate adaptation need not be focused on limiting development; rather it should ensure that development occurs in the right places, and in the right way. It can also redirect the resource management system to better provide for innovation, so that communities can adapt. For instance, ‘sustainable innovation’ such as ‘green building’, food resilience, de-centralisation of energy grids etc. should be enabled and incentivised in the system. As such, climate adaptation needs a balance of the precautionary approach with flexibility and support for adaptive capacity, so that Aucklanders can be resilient in the face of climate change.

106. **Council supports clear national direction around climate adaptation matters, including central government providing clarity and direction around managing existing use rights in the context of managed retreat.** This would also help to provide certainty to affected communities, clear pathways and options for resolving issues, and better enable equitable outcomes for affected parties at a regional and national level.
107. Council supports central government investigation into a range of tools, including dynamic adaptive pathway approaches and spatial planning, to support long-term planning for climate adaptation. Council considers it is important to ensure these tools are legislatively enabled and in place as soon as practicable given the current climate change emergency we face.

108. Council supports clear and streamlined mechanisms being introduced to the resource management system to enable speedy adoption or incorporation of the national adaptation plan being developed under the Climate Change Response Act. Council notes that there will be public input opportunities as the national adaptation plan is developed, and adoption into regional plans should not provide the opportunity to re-litigate matters already agreed at a national level.

The avoidance and management of natural hazards

109. The paper considered the management of natural hazards in a similar vein to climate adaptation. While managing and avoiding hazards is part of climate adaptation, there is a nuanced distinction between these terms. Climate adaptation can be broader in its focus, i.e. food resilience, water security, low carbon living etc. Hazard management should have greater focus on the preservation of life and a focus on avoidance of risk.

110. Council supports the preservation of life being elevated above the matters of national importance under Part 2 of the Act where a precautionary approach is required (i.e. where natural hazards occur or are likely to present challenges in the future). Where the hazard presents known risks to human life and property, the focus should be on avoiding development rather than the option to remedy and mitigate the effects of development on risks. Protection of existing property should be treated as a secondary consideration but still take precedence over existing part 2 matters. Council considers human life and well-being should be the determining factor in how we respond to the threat of natural hazards. We do not think this should be traded off against other considerations. Council notes the potential complexities in implementing this in practice, including determining the criteria for assessing hazards and determining who makes these decisions and in what circumstances. There is an opportunity to draw on mātauranga Māori in working through these complexities as well as involving Māori in decision making, for example through co-governance approaches.

111. For instance, if a land use consent is likely to enable residential development in an area that will erode due to sea level rise, no development should occur in this area, or councils should be able to use limited duration consents in these areas, eg consent for 40 years. The regulatory framework needs to support territorial authorities to prohibit development where there is current or future risk to life and property.

112. An issue with enabling development in high-risk natural hazard areas is cumulative impacts. For instance, if a dwelling in a single house zone can convert into two dwellings, or if minor dwellings are enabled, over time the population in these areas starts to grow. There may be minor effects from additions to the property, but at the suburb level this changes the face of the suburb, and the risk profile of the area. The focus should be on avoiding, rather than to remedy or mitigate the effects of development.

113. Council also supports national direction that provides clearer planning restrictions for development in high risk areas. This guidance would be useful in supporting councils to consider and address resource consent applications in these cases. It would also be useful to require the Minister to develop and amend national direction under the RMA in response to the national adaptation plan developed under the Climate Change Response Act.

114. Climate change can exacerbate the intensity of natural hazards. There is inherent uncertainty around the effects of climate change, and natural hazards can evolve quickly. The system
needs to be able to respond to emerging threats or ‘crisis’ situations. For instance, a streamlined approach within the resource management system would help respond to threats. Council supports central government exploring options for introducing streamlined approaches and tools in the RMA that would allow more effective and efficient responses to emerging threats or crisis situations. Council notes this has not been specifically proposed in the paper but thinks it warrants further consideration by government.

115. There needs to be better information and disclosure requirements around the natural hazard risks when purchasing or renting property. While coastal inundation risk is currently included on Land Information Memorandums, this is insufficient to assume that the property owner understands the level of risk. Also, it is unclear if property owners assume that if their property is at risk, territorial authorities or central government will compensate for the loss of that property.

116. Council supports national guidance or direction around disclosure responsibilities being included in the RMA. This will help councils identify what level of risk needs to be disclosed and ensure councils will not be hesitant to disclose risk for fear of court litigation.

117. Council would also support the introduction of disclosure requirements on other parties. This might include requirements on property owners in relation to subsequent purchasers or occupiers, or on conveyancing solicitors as part of due diligence processes within property purchase transactions.

118. The resource management system should ensure that disclosure about the level of climate risk is easy to understand and not couched in jargon and is based on an agreed level of risk – i.e. clear standards to be developed around levels of known risk to support informed decision-making by affected parties.

119. As the resource management system begins to respond to climate adaptation and risks, general understanding around climate adaptation and natural hazard will grow and support better decision-making. Council also notes there are opportunities to improve the implementation of risk assessments.

**Issue Six: National direction**

120. Council agrees that national direction plays an important role in addressing issues that are clearly of national importance (for example those currently addressed in section 6 of the RMA). If strongly evidence-based and prepared with genuine public engagement, Council believes that national direction has the following key benefits:

- ensures a more consistent approach to issues of national importance
- provides more clarity and certainty to councils, tangata whenua and communities
- narrows the scope of debate about how to interpret provisions in the statute that address matters of national importance.

121. National direction needs to recognise that all communities are different, and therefore national direction should only be used for genuine issues of national importance and not for matters which are highly local. National direction needs to avoid being unnecessarily prescriptive which removes the ability for more locally tailored responses to issues of national importance.

122. However, council believes it is essential that national direction is genuinely integrated across issues and addresses the challenges of achieving positive economic, social, cultural and environmental outcomes. Any national direction should be required to demonstrate how integration has been achieved and where any trade-offs have been made.
123. Council agrees that central government should be required to produce an integrated suite of policies and standards for a range of matters, not just New Zealand’s coastal environment. We suggest national direction is reviewed within 15 years of it coming into effect.

124. Council is conscious of the amount of time and effort that would be required to deliver national direction through a single combined instrument such as a Government Policy Statement, while also ensuring it is robust and has broad community support. Despite this, council believes the preparation of a combined instrument such as a Government Policy Statement would assist central government in tackling the integration challenge previously mentioned, and therefore sees potential merit in such a document. Council supports central government further exploring the option of delivering national direction through a single combined instrument.

125. Council supports the use of more directive instruments for a limited range of matters. Matters that lend themselves to directive instruments are generally those where scientific measurement is required and/or where there is no logical reason why one council should have different standards to another. Directive instruments should be limited to matters of this type and should be supported by the same level of analysis and engagement required for the preparation of policy statements and plans. Council is not in a position to recommend a definitive list; however, it will undertake further work on this and will be in a position to provide a list at a later stage in the resource management reform process.

126. National planning standards are useful in freeing up councils and communities to focus on more strategic issues rather than getting bogged down in the detail of specific standards for which there is no reason why one council should have a different standard to another. Council supports further developing national planning standards, provided councils are able to prepare their own standards to address issues that justify a regional or city/district response.

127. As already noted, council supports stronger recognition of Te Tiriti through a range of mechanisms and a national policy statement could be beneficial in achieving this.

128. Council supports removing duplication of effort and improving clarity on issues through central government led direction in collaboration with Māori.

**Issue Seven: Policy and planning framework**

129. Council believes that much of the complexity within, and lack of integration between plans, is a result of the current statutory framework and statutes. The level of complexity and process can itself be a barrier to public input. Council agrees that the quality of plans can be improved through changes to the framework and the statutes themselves.

130. Council also believes that changes should be made to the statutory framework to enable plans to be prepared more efficiently, while still enabling a high degree of participation by communities.

131. **Council agrees that some oversight/review of council policy statements and plans by central government and the courts is beneficial. However, council believes the current level of oversight should be reduced.** Council believes this can be achieved without compromising natural justice, or social, economic, cultural and environmental outcomes. Any changes to the current arrangements would need to ensure that the principles of the Treaty are upheld, and that Māori can challenge council decisions if necessary, without having to go through an even more onerous process than at present.

132. As already noted, council supports introducing a requirement for regional spatial plans to be prepared that have effect across the RMA, Local Government Act and Land Transport Management Act.
133. With respect to combined RMA plans, council’s experience as a unitary authority is that preparing such a plan for Auckland has provided significant benefits in terms of addressing region-wide issues in a strategic and outcomes-focused way, ensuring greater integration and consistency, and ultimately reducing effort and cost. However, council is conscious of the governance challenges this option raises in other parts of New Zealand.

134. As council is a unitary authority, the allocation of functions of regional and district councils under the RMA is not a major issue for Auckland. Council’s experience in preparing the Auckland Unitary Plan is that there are some matters for which there is an overlapping responsibility, and that this resulted in some duplication of provisions and added complexity. Council is happy to discuss this matter directly with the Panel in greater detail if that would assist.

135. In relation to potential changes for the plan-making process, council is reasonably supportive of the current process set out in Schedule 1 of the Resource Management Act. This process allows a high degree of public participation and oversight.

136. However, council supports the ability to adopt a streamlined process similar to that through which decisions were made on the Proposed Auckland Unitary Plan. Council does not see any reason why this should require approval from central government, as it currently does. The streamlined process should be set out in the statute. While improvements could be made, Council’s overall view of the special process introduced for the Auckland Unitary Plan is that it provided huge benefits in terms of allowing the Auckland Unitary Plan to come into effect in a timely way, while ensuring a high-quality plan and enabling a high degree of public participation and natural justice. This is one example of how the role of the courts can be reduced without compromising natural justice or outcomes.

137. Council does not believe the appointment of hearing commissioners by central government is necessary. If the streamlined process is adopted, then council supports a joint council/central government process for appointing hearing commissioners. Council also supports a requirement for input from Māori and for the commissioners to be accredited.

138. Having indicated general support for the Schedule 1 process combined with allowing councils to adopt an alternative streamlined process, the council strongly encourages the Panel to thoroughly investigate the pros and cons of completely new processes for preparing plans, such as those used in countries with legal and planning systems that are very different to New Zealand’s.

139. Council supports early and ongoing involvement of central government in the preparation of plans, however council does not believe it is necessary for draft plans to be approved by central government before they can be notified.

140. Council is of a scale where it has a considerable amount of plan-making expertise, however it supports central government having a greater role in supporting best practice. A particular area where central government can provide a valuable role in plan-making is environmental monitoring. There are considerable benefits in having a single, centralised agency responsible for monitoring specific components of the environment to enable the preparation of robust evidence-based plans.

141. One option the council strongly supports is strengthening the ability to restrict private plan changes. Council accepts there are benefits in allowing private plan changes. However, plans should be council and community-led documents, and it is through the council-led plan-making process that the strategic content of policy statements and plans should be debated, tested and confirmed. This is the best way to ensure the integrity of the planning framework as a whole is maintained.
142. The Auckland Plan 2050 and the council’s regional policy statement are underpinned by robust evidence and engagement processes and linked to council and central government funding plans. For this reason, council supports introducing clear restrictions on private plan changes to ensure they do not challenge fundamental aspects of a council’s strategic planning framework that have already been set. A primary restriction should be that private plan changes that are contrary to a regional policy statement or regional spatial plan/future development strategy cannot be accepted. Private plan changes that are contrary to these higher-order documents are highly problematic and should be prevented.

143. Another critical matter is the need to ensure infrastructure planning and committed funding is in place before private plan changes can be accepted and notified for submissions. Decision making should be required to consider the timeframe of the delivery of the necessary infrastructure. Bulk infrastructure needs to be in place either before or at the time of decision making, or at the very least guaranteed to be in place within a short period of time thereafter. The network/system point of view needs to be considered, including any potential impact on existing infrastructure networks.

144. Council also supports allowing councils to reject private plan changes within five years of a plan becoming operative (or the matter having been considered) rather than two years, and limiting the ability to appeal decisions to reject private plan changes within this timeframe.

145. Councils have a limited ability (at the decision-making stage) to make amendments to private plan changes that have been accepted (as opposed to adopted). Under the current Schedule 1 process, councils are faced with having to make a submission to ensure there is scope for amendments to be made. This can add complexity and costs (including public costs) to the private plan change process. Council acknowledges the natural justice issues that arise when amendments are made that go beyond the scope of submissions, and suggests that a process such as the process the Environment Court is able to use under section 293 of the RMA could be used where a council in its decision-making role, seeks to make amendments that have not been requested in submissions. Council would strongly support the panel considering options for addressing this issue.

146. There are a number of other changes that could also reduce complexity across the resource management system. These are dealt with under Issue 14.

**Issue Eight: Consents and approvals**

147. Plan making (which forms the basis for resource consent assessment processes) is a process of ‘push and pull’ between interest groups with often strongly competing values. Decision makers will often need to weigh up these competing values, and a compromise position is not uncommon. Such compromise positions often constitute plan provisions that enable certain activities, provided adverse effects are avoided or mitigated. Often, this is a ‘juggling act’ to enable a certain amount of development in return for management of effects.

148. While the current system of generally aligning activity status to impact and risk is working reasonably well, improvements could be made through legislation and plan-making. These could include:

- **Enabling more use could be made of permitted activities for lower impact/risk activities.** (including through specification in in the RMA itself or through National Environmental Standards). However, this would have monitoring/compliance implications.

- **The number of activity statuses under the RMA could be reduced, for example controlled and non-complying activities could be removed.** There is overlap between
discretionary activities and non-complying activities, and one of these activity status
categories could be removed. Lay people often confuse non-complying activity status with
prohibited activities. Activities that are not provided for could revert to discretionary
activities. Non-complying activity status is often used in plans to denote the general
undesirability of a particular activity or form of development. We consider that if objectives
and policies are robust enough, there should be little inherent difficulty in declaring a
discretionary activity where it is considered undesirable relative to a plan’s intent. Further,
more use of prohibited activity status should be made where the community and council are
confident that certain activities are not desirable from an environmental or policy
perspective.

- Restricted discretionary activity status could be applied to activities that generally fit
within the plan’s policy expectations in terms of intensity and scale of development
and land use, but can be scrutinised in terms of design, localised impacts and other
relevant assessment criteria. Restricted discretionary activities status narrows the scope
of assessment, and if accompanied by non-notification provisions provides a significant
degree of certainty.

- Discretionary activity status could be applied for activities that require a more
detailed or broader assessment, or that push a plan’s boundaries, and are assessed
on their merits.

- Prohibited activity status could be used more frequently to provide certainty where
particular activities are highly undesirable (including through specification in the
RMA itself or through National Environmental Standards). The ‘enabling’ ethos of the
RMA and case law have tended to steer council’s away from using prohibited activity status
in their plans, even where an activity is likely to have potentially significant adverse effects.
The council encourages the Panel to consider ways in which the statutory framework can
provide greater certainty in relation to the prohibition of activities.

- Graduated and proportionate timeframes that reflect the nature and complexity of a
proposal/consent application. The one-size-fits-all approach to timeframes under the
current system does not reflect the diverse range of resource consent applications that are
processed by councils.

Notification process for resource consents

149. Currently a large proportion of resource consent applications are required to go through a
notification assessment, the majority of which ultimately proceed on a non-notified basis. This
requirement can involve a significant investment of resource by councils and contributes to
uncertainty. In the international setting, many jurisdictions have much quicker and more
streamlined processes for assessing and determining notification. For example, in many
Australian states the planning legislation is much more prescriptive than the RMA as to what is
and isn’t publicly notified, and consent planners are not required to undertake bespoke
notification assessments on each application – following lodgements, applications are either
notified, or not, on a prompt basis.

150. Council encourages the panel to explore an approach where status is linked to
requirements of notification. For instance, discretionary activity status could link to automatic
public notification. While this would be prescribed by the legislation, there would be discretion
for councils in their plan-making process in terms of setting activity status. For example, a plan
could prescribe whether a building height infringement in a residential zone is a restricted
discretionary or discretionary activity. The choice of activity status would then dictate the
notification pathway. There may be need for provision that in exceptional circumstances
councils could exercise some discretion to notify applications with a restricted discretionary status.

151. There are widespread benefits associated with this approach to both applicants and councils. There is more certainty, less cost and less waste. This approach is also likely to lead to more streamlined process and shorter consenting timeframes. It is, however, heavily reliant on the plan-making stage to ensure activity status is carefully analysed and established, taking into account the potential impacts including on infrastructure assets, as this will dictate the approach to all applications with regard to notification.

Appeals and hearings

152. It is important to provide some potential for the appeal of decisions. However, this needs to be proportionate to the issues being addressed in an application.

153. Council supports the establishment of a less formal and legalistic Planning Tribunal to hear appeals on applications that do not challenge the fundamental intent of a plan.

154. More generally, the processes around hearings need to be improved, supplemented by more public education. The current hearings process can be confusing and problematic – hearings can be called by the applicant or submitter.

155. Environment Court appeal rights could be retained for discretionary activities, which should be activities that potentially challenge the fundamental policy direction of a plan.

Changes to the process for designations

156. Council supports the system making it easier to designate and build public infrastructure.

157. A benefit of using designations is they help protect a route for future activities. The current interpretation of the Act and practices have resulted in an expanded level of detail being requested as part of Designation applications, with potential to lose sight of the intent of the RMA. This needs to be improved. The consent process should be used for a greater level of detail on environmental matters.

158. Designations are usually put into place before final designs are undertaken which can result in conflict between requiring authority applicants and council planners as to the level of information that must be supplied with a designation application.

159. It is acknowledged that there should be an appropriate level of detail provided to enable a proper assessment of the proposal, for example an assessment on infrastructure requirements to support a school. However, it may not require, for example, an in-depth geotechnical assessment at that point in time.

160. Council supports consideration of options to address this and suggests a solution could be introducing different types of designations. For example, one type of designation could achieve route protection earlier at a lower level of design information, and another type of designation could be applied for situations where designs have been done which would provide for all of the benefits of designation and overcome the current conflicts.

161. Council supports longer lapse times for key infrastructure projects to enable long term infrastructure funding and planning, particularly for linear infrastructure. The timeframes for lapse dates on Notices of Requirement and designations are insufficient for long term infrastructure planning and funding, particularly for linear infrastructure. A 15-year lapse period for full designations and up to 30 years for concept designations may be more appropriate.
Changes to matters such as the review and variation of consents and conditions and use of receiving environment baselines

162. The remit and intent of section 127 of the RMA should be made clearer in legislation, and guidance on how it should be applied should be provided to avoid ambiguity, exploitation and confusion. Section 127 can currently be exploited to increase building height, move whole buildings, and add additional development rights. A future system could benefit from employing a similar approach to that under the Building Act for varying building consents. That is, new provisions could allow for applications to vary resource consents rather than the conditions of resource consents.

163. Challenges exist around resource consent applicants using either implemented or unimplemented consents as ‘receiving environment’ baselines against which new or amended applications are assessed. While the RMA enables cumulative effects to be considered, the incrementalism that can occur through using implemented or unimplemented consent baselines can be a challenging matter for councils to manage. Council supports consideration being given to the way in which such issues can be better addressed.

Te Ao Māori and Treaty considerations

164. There has been significant time and effort committed by Māori into the resource consenting processes. There is concern about mana whenua capacity to review and respond to consent applications. There are cost, capacity and prioritisation issues arising from this. There are also issues around how no response from mana whenua is managed i.e. it can sometimes be treated as a “no issue” response.

165. Council encourages central government to consider options for addressing this issue. Options may include:
- providing more resources and funding to Māori to better enable active participation in resource consent decisions
- making mana whenua pre-engagement a requirement for large/complex projects
- improving the options for better and more timely sharing of information to mana whenua with the expectation this will enable and improve timeliness of responses to applicants.

Issue Nine: Economic instruments

166. A future system has the potential to enable a range of economic instruments to be applied in a variety of settings. Auckland Council submits that a future system should provide for a suite of economic instruments to ensure they are relevant, responsive, adaptable, flexible, and able to be systematically monitored where they are being used to ensure benefits are being achieved and costs are estimated correctly.

167. Economic instruments could be applied in a variety of instances, for example land-use impacts and allocation of scarce public resources. They can:
- help strike the right balance between allowing activities to occur and minimising and/or offsetting that activity’s adverse impacts
- be used to gear a system towards achieving positive outcomes, not just levying charges for adverse effects on the local catchment in the short-term.

168. We agree economic instruments are underused under the current system and that they should be an integral part of any reformed resource management system. Council supports the
options the panel has cited in its issues and options paper in principle, noting that the options at 118.e. and f. would require further clarification. Council’s position is that a future system must avoid creating incentives for resource hoarding or commercialisation/exploitation of economic instruments.

169. Council would support reviewing the Local Government (Rating) Act 2002 to achieve a broader remit and consistent system approach for economic instruments.

170. Council submits that economic instruments should be applicable to all public resources, including resources that are administered via separate statutes, such as minerals.

171. A resource management system must ensure that the full costs of environmental impacts are borne by those causing them. People should pay the full costs they incur on society; otherwise, negative activities will not be reduced. This means the Crown must therefore also be subject to economic instruments.

172. Economic instruments (such as funding mitigation strategies and congestion charging) should be able to be tailored/customised at the regional/local level. They should acknowledge cumulative effects and also be consistent with Te ao Māori and Te Tiriti o Waitangi.

173. Council submits that there is a need to set standards and guidance at the national level (for example, how costs are to be apportioned and how to achieve best and highest use). This must include guidance on when making trade-offs to achieve wider benefits is appropriate, and how it should occur, for instance in deciding whether to continue protecting certain sites or allowing development to occur.

**Issue Ten: Allocation**

174. The complex and connected issues of population growth, growing inequity, environmental degradation and climate change mean that persisting with a system of allocating resources based on past approaches and expectations is unlikely to remain fit for purpose in the future. Council agrees that the “first in first served” approach has not been an effective mechanism to achieve highest value use of resources. This approach has fallen short of achieving equity or wider societal beneficial outcomes when allocating resources, particularly as resources become over-allocated.

175. In council’s experience, allocation decisions work better when existing and potential uses/users are considered at the same time. A future system supporting such an approach would allow for prioritisation of uses to achieve outcomes and enable a better understanding of cumulative effects and changing demands on resource use. This is difficult to achieve under the current system and “first in first served” approach.

*Need for certainty and avoiding perverse outcomes*

176. Council would support a future resource management system that provides flexibility by offering a suite of approaches/options that can be applied to manage allocation of resources. This should include the current “first in first served” approach, which despite its limitations, may still be appropriate in some circumstances.

177. For instance, where resources are not under significant pressure, a “first in first served” allocation approach may still be appropriate within a system with ‘safety nets’. This includes being established within an environmental bottom line and with robust monitoring to send early signals that the system may be coming under pressure. For an approach to work, the system needs to provide the ability to apply adaptive management and thus provide the ability to move to a different allocation approach where necessary.
178. Council recognises that a future system needs to achieve a balance between providing certainty for users and flexibility for the system to be more responsive to adapt to declining environmental quality, changing land use and climate change impacts.

179. **Council supports timeliness of allocation decisions being a key factor in any allocation system.** Allocation decisions can involve resources which are essential for communities to be able to function. In particular, providers of water, wastewater and other essential public services who are reliant on allocation decisions will benefit substantially, in terms of both the efficiency and effectiveness of their operations, if more timely and consistent processing of allocation applications is required. In turn, this will result in wider benefits for the overall wellbeing of communities who rely on the provision of these essential services. There are likely to be a variety of ways open to the Review Panel to achieve more timeliness and consistency in allocation decisions, but it will require new methods, systems and structures rather than the status quo.

180. This submission discusses the concept of a clear hierarchy of obligations and system outcomes. Having clear national and local direction on prioritisation of uses is necessary to assist with improving certainty for allocation of resources along with integration of various legislation and their instruments in relation to infrastructure. An option in a future system could be setting timeframes for allocation decisions to be made based on where a matter may sit in relation to prioritisation of uses and/or the hierarchy of obligations.

181. **A future system must therefore consider economic, social, cultural and environmental trade-offs when allocating a resource.** A narrow focus on economic outcomes only is likely to result in perverse outcomes for wider society, the natural environment and future generations’ ability to meet their needs.

182. The current consenting framework for discharge to water and allocation rights also raises concern from a te ao Māori and Māori interests perspective. Council understands government intends to deal with water allocation issues.

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**A possible approach to allocating in a future system**

Council suggests that a possible approach (out of a suite) to allocation in a future resource management system could be considering a precautionary approach whereby the decisionmaker leans towards taking caution and environmental protection where there is uncertain or inadequate information and where a proposed activity’s effects could be significantly adverse.

The New Zealand Coastal Policy Statement and the draft National Policy Statements for Indigenous Biodiversity include this principle. The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 includes a similar requirement on the responsible minister.

A precautionary approach could allow for a quicker or adaptive response where there is lack of full scientific certainty, which often results in delaying decisions or measures to prevent environmental degradation.

Alternatively, a future system could establish levels of certainty/uncertainty or acceptable levels of evidence for various attributes/criteria such that a decision is made to act rather than being delayed.

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**Environmental bottom lines**

183. Council considers that setting environmental bottom lines/limits in a future system is necessary to identify an allocation allowance. It may also be appropriate for legislation to specify what is to be considered in establishing environmental bottom lines, such as health of the environment/system and changing water availability needs as a result of climate change impacts.

184. A future system needs to be able to provide methods/tools that can quantify an acceptable level of uncertainty to help decision makers strike the right balance between the best practical option and environmental outcomes sought.
185. Limits are established on best available information and a future system would need to be flexible to adapt and respond as new or more information becomes available.

*National guidance and a guiding framework*

186. As stated above, council considers allocation matters are a structural issue. Council considers that national guidance or direction is useful on matters where prioritisation of uses is necessary to assist in trade-offs made in decision making at the local level. This particularly applies to arguments where economic certainty and investment may hold more weight for longer consent duration rather than a shorter consent duration necessary to better manage the resource.

187. Council supports a future system having a guiding framework, setting out national and local level allocation principles, including prioritisation of uses. Such a framework should consider matters such as:

- diversity of catchments, resources, values and demand
- clear articulation of the trade-offs for assessment approaches councils may use
- balancing differing demands and needs, e.g. personal use vs productive use, different agricultural activities
- economic investment/returns and environmental outcomes are a dynamic balance which needs greater transparency
- use of communal resources comes with an obligation to be responsible for future generations ability to use resource i.e. use now will not preclude the right of future uses. This may mean reallocation of over allocated resources, lower limits on discharges or not getting full allocation requested.
- reconciling central government directions and policies that conflict with allocation of resources, e.g. push for growth in urban areas or in agriculture and the conflicting impact this has on natural resources through associated allocation.

*Principles to guide local decision making about allocation of resources*

188. Council supports the RMA providing principles to guide local decision making for the allocation of resources and to achieve consistency across New Zealand. Ideally these are set within a national framework, as discussed above. Local principles should:

- include prioritisation of uses/users
- state that resource allocation is a primary purpose of the resource management system, established in a clear hierarchy of obligations and outcomes.

189. The principles need to be clear and directly flow from national outcomes, whilst providing flexibility to recognise local differences in resources and community outcomes. Elevating the principle of Te Mana o te Wai currently in the National Policy Statement on Freshwater Management, or similar, into the RMA’s purpose would provide a positive foundation to establish principles for allocation within legislation.

190. Establishing outcomes and principles at the national level, supported by guidance for local decision making, would assist in providing an alternative to the “first in first served” approach. Elevating the importance of future generations, health of the natural environment, and the impact of climate change in the allocation system is critical.
191. If the future system strengthens the use of spatial plans, council suggests they could play a strategic role in the overall identification of priorities for potential allocation uses or could be linked into the plan-making/allocation process to inform development of priorities.

Allocating resources across boundaries

192. A future system should recognise that inter-regional issues can potentially become national issues and may need to be assessed differently. Assessing one region’s needs over another may need to consider well-being and resource use outcomes at the system level, particularly if there are national economic and social implications of not gaining access to a resource. For example, some regions may need to import resources from an adjoining region e.g. Auckland sourcing water from the Waikato region.

193. While some resources extend across regional boundaries – for example, groundwater aquifers – or have shared resources where allocation of discharges need to be managed – for instance, harbours – working together is necessary to share the responsibility, achieve fairness, and better understand and manage cumulative effects on the resource. Council suggests that a future system should encourage and support councils to work together when allocating discharges into the shared spaces. For example, Auckland Council and Northland Regional Council are working together on discharge allocation into the Kaipara Harbour. Such joint approaches are likely to require financial support from central government.

Ability to intervene

194. Councils should have the ability, and system support, to intervene when desired outcomes are not being met. This goes over and above current monitoring and review of consent conditions and is geared towards requiring a consent holder to undertake positive action.

195. Better monitoring is required to understand reasonable use and triggers for adverse effects.

196. It would also be useful to nationally define ‘reasonable use’ to enable improved understanding of cumulative effects. In the case of water, this would mean going beyond the requirements under section 14(3)(b) of the RMA.

197. Section 14(3)(b) of the RMA currently provides a legal right for reasonable domestic use and stock water purposes, if adverse effects are not generated. The legal right to take water for stock, recognising the animal welfare issues at stake, does not recognise other sectors such as horticulture. It may be a step too far to enable this, but there may need to be better management of this in future. Metering and/or an ability to monitor and charge for such services may be options under a future system.

Distinction in the approach taken to allocation

198. Council submits that a future system should have distinct approaches in allocating rights to take resources, discharge to resources and occupy public space, although it may rely on the same set of overall allocation principles.

199. Recognising that all three allocation types require the determination of environmental bottom lines prior to determining what is to be allocated, the actual allocation is influenced by different criteria and therefore the system should provide for different approaches.

200. Catchment-based allocation systems/plans should have greater importance and support within a future system, including the collaborative processes used to establish limits and determine the allocation approach appropriate for that catchment given present and future demand. Catchment allocation plans can include both taking and discharging.
201. The allocation of public space to occupy largely affects the coastal marine space. The existing approaches to date seem to work. The New Zealand Coastal Policy Statement provides guidance on values and prioritisation. However, council would support consideration around how a future system could make it easier to use economic or financial instruments such as coastal occupation charges. This should include considering whether the RMA is the right legislative tool for such instruments to sit in, given it can be a litigious process to develop charges such that it discourages their use.

202. There may be aspects of the fisheries quota management system that may be appropriate for allocating water. Under the RMA councils tend to issue static amounts of water – up to x cubic metres per day and y cubic metres per annum. For resources that have high levels of variability, such as surface water, a consent that offers a percentage of the available resource may provide a more dynamic mechanism that provides for greater protection of the natural environment. It is noted that the RMA may not potentially preclude such an approach now or encourage it.

Dealing with the allocation of resources such as water and coastal marine space outside the RMA

203. Council notes that the removal of resource allocation matters from the RMA would not remove the need to allocate resources. Nor would it remove the need for clear processes to enable allocation. Separation would simply take this requirement and place it elsewhere. Council is not convinced that separation of resource allocation from the RMA would fix issues relating to allocation or ensuring the need for a robust, fair system.

Monitoring and allocation issues

A key question to address when considering whether to retain resource allocation under the RMA or to separate it, is whether allocation can be separated from the setting of sustainable limits that determine the amount of a resource that can be allocated.

One process is determining what is available for allocation, and the other is determining who or what sector benefits from the allocation. From a simple conceptual approach these look like different activities. Once the resource availability has been determined, from the resource’s perspective it does not matter who or what gets to utilise that resource.

The main risk from such a separation is the loss of the dynamic response between the two systems. Such a separation would limit the effectiveness of any monitoring and response type systems that may underpin the resource consent process.

The RMA contains several tools that councils use to manage resource use. For example, the RMA allows for resource consents to be issued for up to 35 years. Councils usually issue water take consents for a much shorter period (e.g. 15 years) and can link commencement and expiry dates to enable cumulative effects and allocation decisions for a resource to be made jointly. The separation of the setting of allocation limits and the allocation would limit the use of such techniques. The separation of these two functions would reduce councils’ ability to take a dynamic or adaptive approach to management, and would create two separate processes with limited, if any, linkages. It may also limit the development of thinking around the linking of taking resources with the discharge to resources.

204. Council considers that for a separate system to work effectively, it would require robust and committed monitoring and enforcement resources. This needs to be supported by robust feedback loops between the regulatory system and the allocation system, particularly if it involves different agencies with different roles and/or goals.

205. Further work is required to better understand allocation issues for Māori, including ownership and Treaty settlements and claims.

Issue Eleven: System monitoring and oversight

206. Council supports the statutory framework requiring local and central government to monitor the state of the environment and the effectiveness of their policies and plans in achieving their intended outcomes. Council also supports a greater emphasis being placed on the interconnectedness between monitoring and decision-making.
207. Council notes, however, that despite current statutory monitoring requirements, the quality of environmental and plan-monitoring is highly variable, and in some cases poor or non-existent. Council encourages the Panel to explore options to address this.

208. With respect to the performance of the resource management system as a whole, council supports central government (or an independent agency established by central government) playing a more active role.

209. On a more specific note, council is aware of the challenges that exist in monitoring the impact of some activities that are permitted in plans or in the RMA itself (e.g. water takes for domestic use), and encourages the panel to explore options to ensure the impacts of these activities can be effectively monitored.

210. Current monitoring and reporting do not provide a full picture of whether resource management outcomes from a te ao Māori perspective have improved. Council supports the use of mātauranga Māori to develop a monitoring framework. It also supports involvement of Māori in state of the environment monitoring and reporting.

**Issue Twelve: Compliance, monitoring and enforcement**

211. It is important that the infringement regime recognises that not all non-compliance can be considered equal. For this reason, it is necessary to have a variation of infringement amounts available for councils to use, including spot fines, restorative justice, enforceable undertakings and more sentencing options such as community service, home detention, or even development or consent suspensions.

212. New legislation should consider the potential for providing a formal mandatory completion process within the RMA. As per the Code Compliance Certificate process under the Building Act, a formal completion process for resource consents will provide more certainty for property owners that a consented activity has been undertaken in accordance with the approved plans and will encourage consent holders to ensure they submit the necessary information to get their final sign off. A formal mandatory completion process will result in more consent holders voluntarily submitting the necessary information, assisting councils to focus their resources on the things that matter. It is recognised that the matter of cost implications of this would need to be considered and weighed up with the potential benefits of such an approach.

*Bearing the cost of carrying out compliance services*

213. The current user pays system has limitations. It focuses the costs on the party benefitting from the consented activity. The user pays system can also detract from planning being viewed as a public good.

214. Council supports consideration of whether the processing of consent applications in a future system should:
   - remain applicant funded
   - be rates funded
   - be funded by central government
   - be funded by some combination of the approaches above.

215. Greater central government funding is needed to support monitoring national priorities (national policy statements and national environmental standards). This could incentivise people to do the right thing and apply for a consent.
Issue Thirteen: Institutional roles and responsibilities

216. Council supports Māori involvement in discussions regarding roles and responsibilities, recognising that the relationship with Māori is at a central government level through the Treaty partnership.

217. It seeks clarification on the role and mandate of a potential National Māori Advisory Board and will support Crown and Māori exploring options for formalising mechanisms to provide more opportunity for Māori as decision-makers and contributors i.e. through mana whenua fora and membership of planning committees on councils.

Issue Fourteen: Reducing complexity across the system

218. There are a number of other changes that could also reduce complexity across the resource management system.

219. As discussed in response to other issues, council also supports the statutory framework and statutes themselves clearly specifying activities that are prohibited. Given the case law associated with prohibited activities under the RMA, councils often rely on non-complying activity status for activities that are likely to have significant adverse effects. This has led to considerable complexity in the resource management system and uncertainty for applicants and the community.

220. Council supports government working with Māori to better inform government’s understanding of the barriers to Māori involvement in the resource management system and in developing responses.

221. Council submits that a future resource management system should be easy to navigate and not be complex. This would require legislation that uses plain language and avoids unnecessary words.

222. Evaluating what are ‘low-impact/low-consequence consents’ and identifying what these impacts might be could enable applications that go beyond such a baseline to be assessed differently. Such an approach would complement a focus on taking cumulative effects into account.

223. A future system could also make more use of online consenting. Council submits there should be consideration of a comprehensive nationwide system for online consenting (including automated processing). In addition to increasing efficiency, it would make data collection and monitoring easier, thereby enhancing effectiveness.
Aotea / Great Barrier Local Board feedback on the reform of the resource management system

Context

- Aotea Great Barrier Island lies 90km east of Auckland City in the Hauraki Gulf and is Auckland Council’s most remote and isolated area.
- Over 60 per cent of the island is Department of Conservation (DoC) estate; 43 per cent of which is the Aotea Conservation Park.
- The island has no reticulated power nor water.
- The island has a permanent population of 936 residents (2018 Census).
- There is a total of 1,135 dwellings of which 573 are considered unoccupied private dwellings.
- Almost half (44 per cent) of households were one-person households; this is a high proportion when compared with the regional average of 19 per cent.
- In 2013, the median household income was $30,100, much lower than the regional median of $76,500 and the lowest income across all local board areas in the Auckland region.
- There is no public transport and transport to and from the mainland is by either plane, a 35-minute flight one way, or by ferry a four-and-a-half-hour trip one way.

Environmental and resource management concerns for the Aotea / Great Barrier Local Board Area

There are many environmental issues and resource management concerns facing the Aotea / Great Barrier Local Board area including but not limited to:

- Climate change concerns including drought, increased forest fire risks, coastal erosion and food production shortages.
- Degradation of the marine environment including the ongoing depletion of marine biodiversity and increased marine pollution and pests.
- Marine dumping as an acceptable way of disposal of dredged sludge and the lack of policies for the Exclusive Economic Zone.
- The long-term effects of development on the terrestrial environment including erosion, biosecurity, sedimentation, loss and pollution of wetlands, potable water, water security, and wastewater damage.
- A housing crisis where locals struggle to afford to live on the island due to a shortage of rental availability, housing affordability and social housing.
- Frustration to build on Aotea with the increased cost, delays, bureaucracy and centralisation of the Auckland Council planning and building consent processes.
- Aotea is an International Dark Sky Sanctuary and increased urbanisation of surrounding mainland areas could cause future light pollution.

Aotea / Great Barrier Local Board feedback

Aotea / Great Barrier Local Board makes the following high-level comments concerning changes that need to be made to the country’s resource management system:

1. We are a strong advocate for protection of the environment. Climate change and environmental protection needs to be of priority in all our decision-making at every step of the journey from national direction to spade in the ground. It needs to be forefront in our vision and people need to be held accountable for the protection of our environment.

2. We seek provision for the protection of “wild places” where nature is not impacted by humans.
3. We support a holistic approach to resource management. In Aotearoa New Zealand a Te Ao Maori perspective must be used which recognises the interconnectedness of all living and non-living things, and which seeks to understand and work within the total system, not just parts of it.

4. We support giving effect to Te Tiriti o Waitangi / Treaty of Waitangi by making it more integral and provision made for Māori participation.

5. Current consent process methodologies deal better with localised environmental impacts from single applications, than with the cumulative effects of multiple proposals in a similar location. A new act must develop new strategies for protecting whole catchments over the longer term from potentially harmful developments.

6. Adequate resourcing for resource management compliance must be provided. The strengthening of local authority powers to monitor and enforce compliance in a timely, efficient and effective way is imperative.

7. We would be supportive of green bonds being used as an economic instrument within the bounds of the Resource Management Act (RMA).

8. We support streamlining the processes to be cheaper, easier and quicker. The RMA needs to be equitable for everyone.

9. The system should not just set a minimum standard of pass/fail but should incentivise and reward those who achieve higher standards. This should include incentives and support for new models of housing including building materials and designs, especially in rural areas. There are already ways to support stakeholders in the property and construction sectors to design, construct and operate projects in a more sustainable, efficient and productive way that can be recognised by planning authorities, e.g. Green Star.

10. We would be supportive of the inclusion of zero waste principles to all RMA activities and this would be dealt appropriately within consent application provisions. Waste and pollution should not exist by design and products and materials must as far as possible be reused, repurposed or recycled, i.e. the system must promote a circular economy.
Attachment B


Relevance to the Albert-Eden Local Board
1. Local boards are a key part of the governance of Auckland Council. Local boards have responsibilities set out in the Local Government (Auckland Council) Act 2009, specifically:
   - identifying and communicating the interests and preferences of the people in its local board area in relation to the content of the strategies, policies, plans, and bylaws of the Auckland Council.
2. Local boards provide important local input into region-wide strategies/plans and can also represent the views of their communities to other agencies, including those of central government.

Albert-Eden Local Board planning framework
3. Every three years local boards set their strategic direction through a local board plan.
4. Albert-Eden Local Board Plan 2017 outcomes, and the objectives under these outcomes, that relate to the review of the Resource Management System, include:
   - Albert-Eden has a strong sense of community
   - Our parks are enjoyed by all
     - Our parks are well maintained, appropriately developed, and our community feels a sense of ownership of them
     - Our parks meet the needs of our growing population and our diverse communities
   - Our community spaces are well used by everyone
     - Our facilities provide diverse and inclusive spaces that meet the changing needs of our community
   - Albert-Eden has thriving town centres and a growing local economy
     - Our town centres are attractive destinations
   - Travelling around Albert-Eden is safe and easy
     - We have transport options that are easy to access and suit the different needs of our community
     - Our streets are safe and enjoyable to use.
   - Our natural and cultural heritage is valued
     - Our unique cultural and environmental heritage is identified and protected
   - We respect and protect our environment
     - Sustainable practices are encouraged and fostered
     - Our unique environment is protected and enhanced.
5. The full 2017 Albert-Eden Local Board Plan can be found at:
Albert-Eden Local Board feedback on the Review of the Resource Management System:

6. We recognise the significance of Tiriti o Waitangi and Te Ao Māori and the importance of the role of Māori as kaitiaki.

7. The local board support changes to the resource management system that will improve outcomes for the environment, people and places. This includes cutting the current complexity and cost, while better protecting our natural environment and providing a more holistic response to climate change (adaptation, mitigation, resilience) and the development of high-quality urban environments.

8. The local board requests a resource management system to allow for improved protection of trees, and groups of trees, that are of significance and/or in areas of low tree cover. This includes increased community involvement in the identification of trees for protection and the reinstatement of the ability to have a general tree protection rule.

Issue 1: Legislative architecture

9. Retain the RMA as an integrated statute with enhanced principles for land use and environmental management.

Issue 2: Purpose and principles of the Resource Management Act 1991

10. Reframe ss. 5, 6, 7 to more clearly provide for outcomes-based planning.

11. Strengthen ss. 5, 6 and 7 to more explicitly require environmental limits and/or targets to be set.

12. Recognise the need to ensure there is sufficient development capacity to meet existing and future demands including for affordable housing.

13. Recognise other urban planning objectives. We request consideration of a new duty for local authorities to make local decisions and exercise their powers so as to minimize contributions to climate change. If that is not possible, we request consideration be given to ensuring decisions promote adaptation to the effect of climate change. In the current RMA, this would sit around the second group of provisions in Part 4 (sections 30-36E).

14. Provide for new concepts to address climate change. Recognise Te Mana o te Wai, or its underlying principles in Part 2.

Commentary: The main problem with the RMA as presently constituted is that it is overly focused on preventing negative effects on the environment and does not have a lot to say about how best to achieve desirable outcomes (such as urban development) in keeping with desirable environmental outcomes. The purpose of the Act is clearly stated in Section 5 (1) to be “to promote the sustainable management of natural and physical resources” but a lot of the detail is about avoiding, remedying or mitigating adverse effects.

The new act should include a section or chapter specifically on managing urban development. There are currently proposals for the new Urban Development Authority to allow it to over-ride the relevant District or Regional Plans and in effect to be given decision-making power to approve its own plans. This is contrary to the legal system and unnecessary, the plan change process can accommodate the requirements and ensure that there is adequate opportunity for public participation in major decisions which will have effects extending for a century or longer.
The new act should include climate change as a matter of national importance.

**Issue 3: Recognising Te Tiriti o Waitangi (the Treaty of Waitangi and Te Ao Māori**

15. Strengthen the reference to the Treaty in s8.
16. Remove barriers to the uptake of opportunities for joint management arrangements in s36B and transfer of powers in s33.
17. Make provision for new approaches and partnership arrangements in the management of resources, drawing on the experience of Treaty settlements. Clarify meaning of iwi authorities and hapū.
18. Provide funding mechanisms to support Māori participation. Provide for regular auditing of council performance in meeting Treaty requirements.
19. Provide for other bodies to promote issues of significance to Māori and develop capability and capacity, building on the examples of the Independent Māori Statutory Board in Auckland, and the Environmental Protection Authority’s (EPA) statutory Māori advisory committee, Ngā Kaitiānū Tikanga Talao

**Issue 4: Strategic integration across the resource management system**

20. Provide for spatial planning within the RMA with statutory linkages to other relevant legislation.
21. Expand spatial plans scope to include other matters such as environmental protection and restoration, climate change mitigation and adaptation, rural land use change and resource management in the coastal marine area.
22. Give spatial plans legal weight under the RMA, LGA and LTMA.

Commentary: Private plan changes can undermine or change key provisions of the relevant District Plan, which should be considered when progressing a private plan change or not. For example, the Auckland Unitary Plan includes large areas designated as Future Urban, where planned urban development can occur years or even decades ahead, but only when it is judged to be appropriate and funding is on hand to develop the required infrastructure for a complete new community.

Some developers who have land-banked parts of the Future Urban zone have sought to force Council’s hand through private plan changes, leading to poorly planned incremental sprawl rather than properly considered development of new communities.

**Issue 5: Addressing climate change and natural hazards**

23. Develop national direction to encourage the types of activities needed to facilitate New Zealand’s transition to a low carbon economy. This includes renewable energy, carbon capture and storage, uptake of low emissions technologies and efficient urban form.
24. Use “spatial planning” for land use and infrastructure as a tool for addressing climate change mitigation.
25. Use spatial planning processes to identify future adaptation responses (in the context of the national adaptation plan) that connect with regulation, infrastructure provision and adaptation funding. Improve implementation of risk assessment.
26. Clarify what changes might be needed to existing use rights in the context of managed retreat. Introduce new planning tools such as “dynamic adaptive planning pathways” and other measures.
Commentary: Climate change needs to be properly integrated into the new RMA. Planning law is one of the key tools for emissions mitigation; a more compact city will reduce the need for commuting and other forms of travel, and more energy efficient buildings will further reduce energy consumption. Auckland Council proposed in the Draft Unitary Plan that mandatory Green Star Energy Rating were required for larger buildings (residential and commercial) but this was struck out by the Hearing Panel, on the reason that this was covered by the Building Act. This is an example of a step councils could include though a plan change, or by the Government through a national policy instrument.

Another area is to give councils the power to declare certain land off-limits for development because it is prone to flood damage or permanent inundation due to sea-level rise. At present councils are in a double bind, if they formally declare properties to be flood-prone they run the risk of legal action for reducing the value of private properties, but if they do not make such rulings they run the risk of legal action for failing to act when they knew of the hazard. Several councils have already been subject to legal action or received threats from law firms acting for affected property owners.

The new act should to make it possible for councils to take into account:
1. the likely impact on climate change (i.e., potential to increase or decrease to New Zealand’s emissions) and also
2. the likely impact of climate change on projects, for example through sea level rise, more extreme weather events etc when considering whether or not to grant consent under the RMA.

Issue 6: National direction
27. Require a mandatory suite of national direction, including provision for regular review.

Issue 7: Policy and planning framework
29. Provide for an “outcomes”-based approach to the content of plans.

Issue 8: Consents/approvals
30. Simplify notification decisions by:
   o requiring that plans specify the activities that must be notified,
   o more clearly defining who is an “affected party” or when “special circumstances” that require notification would apply.
31. Maintain a separate consent pathway for nationally significant public infrastructure proposals.
32. Improve transparency by requiring all applications and consents issued to be electronically available to the public.
33. Facilitate lower cost consent processes by mandating online systems.

Commentary: The notification system can again be made more flexible. Currently there are just 3 possible choices: Full Notification (open to anybody), Non-Notification or Limited Notification, which is very tightly limited to only allow those who are immediate neighbours of the subject site, which can mean as few as three or four directly adjacent property owners to submit.

Limited Notification should be expanded to include persons with a greater than average interest in the proposal e.g., persons who can demonstrate that they may suffer adverse effects such as
traffic or shading generated by the proposed development despite not being an immediate neighbour, or a local planning or neighbourhood group with a history of advocacy on behalf of the community likely to be affected by the proposal, or a special interest group such as the Tree Council, Forest & Bird etc. At present, only very large proposals are fully notified, so in most cases there are either no submitters at all or a very small number and consequently very little likelihood of independent expertise being considered by the decision makers.

**Issue 9: Economic instruments**

34. Broaden and strengthen provisions for financial contributions.
35. Require mandatory charges for use of public resources, such as coastal space.
36. Develop national direction and guidance on use of economic instruments.
37. Offer councils a broader range of economic tools to support the resource management system such as emissions taxes, tradable emissions permits, transferable development rights, tools for environmental offsetting, and congestion charges.
38. Allow or require councils to use revenue from economic instruments to protect, restore and maintain natural resources.
39. Enable easy short- and longer-term transfers of consents to facilitate markets for resources.

**Issue 10: Allocation**

40. Provide for new resource allocation methods and criteria to be developed nationally or locally.
41. Consider the role of specific tools in resource allocation such as spatial planning, transferable rights, tendering or auctioning.

Commentary: Over the last decade water rights have become a significant issue. The review of the resource management system should include provisions for councils to restrict permissible takes.

**Issue 11: System monitoring and oversight**

42. Require a policy response from central/local government in response to outcomes identified by environmental reporting.
43. Develop an outcomes monitoring system that is culturally appropriate and recognises mātauranga Māori.

**Issue 12: Compliance, monitoring and enforcement**

44. Provide for strengthened statutory powers and penalties, including for where non-compliance has resulted in or been motivated by commercial gain.
45. Provide for improved cost recovery of CME functions (including permitted activity monitoring and investigation of unauthorised activities).
46. Consider the role of restorative justice in enforcement processes.
47. Establish improved data gathering and reporting processes.

**Issue 14: Reducing complexity across the system**

48. Reduce complexity through a systemic approach of reform.
Papakura Local Board input into the review of the resource management system

Background

The government is undertaking a comprehensive review of the resource management system with a primary focus on the Resource Management Act 1991 (RMA).

The review is being led by the Resource Management Review Panel. The panel has just released an issues and options paper that starts a conversation about issues to be considered and addressed by the review, and sets out some initial thoughts on possible options.

The review's aim is to improve environmental outcomes and better enable urban and other development within environmental limits.

This is part of a two-stage process to improve the resource management system. The first stage aims to reverse some changes made by the previous government and to make some changes to freshwater management. Auckland Council made a submission on these changes which are currently before Parliament.

The second stage is a more comprehensive review of the resource management system which seeks to build on the government's work priorities across urban development, climate change, and freshwater, and wider projects being led by various external groups. The review's aim is to improve environmental outcomes and better enable urban and other development within environmental limits.

The review's scope includes:

- a primary focus on the RMA
- looking at how the RMA interfaces with the Local Government Act 2002, Land Transport Management Act 2003 and Climate Change Response Act 2002
- the role of spatial planning
- consideration of the potential impact of and alignment with other relevant legislation (including the Building Act 2004 and Fisheries Act 1996), government programmes and regulatory reviews currently underway within the resource management system
- role of institutions, that is, consideration of which entities are best placed to perform resource management functions.

The panel’s issues and options paper highlights three key challenges facing the resource management system:

- the natural environment is under significant pressure
- urban areas are struggling to keep pace with population growth
- rapid changes in rural land use have increased the pressure on ecosystems.

The panel has also identified the below three topics of interest:

- the natural and rural environment
- urban and built environment
- te ao Māori.
The issues and options paper identifies several reasons why the resource management system has not responded effectively. These include a lack of clear environmental protections, a lack of recognition of the benefits of urban development, a focus on managing the effects of resource use rather than planning to achieve outcomes, lack of effective integration across the resource management system, insufficient recognition of the Treaty and lack of support for Māori participation, and issues with compliance, monitoring and enforcement.

The paper identifies 14 key issues and invites submissions on options to address these. The issues covered are:

- Legislative architecture
- Purpose and principles of the RMA
- Recognising the Treaty of Waitangi and te ao Māori
- Strategic integration across the resource management system
- Addressing climate change and natural hazards
- The role of national direction
- Policy and planning framework
- Consents/approvals
- Economic instruments
- Allocation of resources e.g. water
- System monitoring and oversight
- Compliance, monitoring and enforcement
- Institutional roles and responsibilities
- Reducing complexity.

The panel will submit its final report to the Minister for the Environment by 31 May 2020. Following that, the government is expected to engage with iwi/Māori and stakeholders and undertake public consultations on the development of its reform proposals.

Local board input is required by Friday, 24 January 2020 for views to be incorporated into the Auckland Council submission. If received after that date the input will be appended to the council submission.

The submission period closes on Monday, 3 February 2020.

**Papakura Local Board feedback**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Papakura Local Board Feedback</th>
</tr>
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<tbody>
<tr>
<td><strong>Issue 1: Legislative Architecture</strong></td>
<td>The Papakura Local Board support a single integrated approach.</td>
</tr>
<tr>
<td>1. Should there be separate legislation dealing with environmental management and land use planning for development, or is the current integrated approach preferable?</td>
<td>If the RMA were to be split into an environment management statute and a land use planning statute alignment, integration would be required as both areas are inter-related.</td>
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<td>Issue</td>
<td>Papakura Local Board Feedback</td>
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<tr>
<td><strong>Issue 2: Purpose and principles of the Resource Management Act 1991</strong></td>
<td>The Papakura Local Board support the RMA purpose being outcomes focussed as opposed to an enabling approach, ie: by managing natural resources sustainably for improved outcomes for people, places and the environment.</td>
</tr>
<tr>
<td>2. What changes should be made to Part 2 of the RMA? For example:</td>
<td>The board believe there should be a clear hierarchy of consideration that support the delivery of integrated outcomes, eg: similar to Te mana o te wai approach - 1 protect health and mauri of nature, 2 essential needs of people, 3 consumptive use that does not adversely impact the mauri of nature).</td>
</tr>
<tr>
<td>3. Does s15 require any modification?</td>
<td>The board believe the following priorities should also be included:</td>
</tr>
<tr>
<td>4. Should ss. 6 and 7 be amended?</td>
<td>- Impacts of accumulate effects</td>
</tr>
<tr>
<td>5. Should the relationship or ‘hierarchy’ of the matters in section 6 and 7 be changed?</td>
<td>- Climate change including mitigation and development of resilience</td>
</tr>
<tr>
<td>6. Should there be separate statements of principles for environmental values and development issues (and in particular housing and urban development) and, if so, how are these to be reconciled?</td>
<td>- High quality urban developments that take into account the practicalities of living, ie: street widths, public transport, on site parking, on street parking, communal gardening opportunities, urban forest opportunities.</td>
</tr>
<tr>
<td>7. Are changes required to better reflect te ao Māori</td>
<td>- Capacity for developments to meet current and future demand</td>
</tr>
<tr>
<td>8. What other changes are needed to the purpose and principles in Part 2 of the RMA?</td>
<td>- Provision of key infrastructure and Community amenities including public transport</td>
</tr>
<tr>
<td><strong>Issue 3: Recognising Te Tiriti o Waitangi / the Treaty of Waitangi and te ao Māori</strong></td>
<td>The Papakura Local Board believe if a ‘te ao Māori’ approach is taken at a high level the outcomes will benefit all.</td>
</tr>
<tr>
<td>9. Are changes required to s8, including the hierarchy with regard to ss. 6 and 7?</td>
<td></td>
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<tr>
<td>10. Are other changes needed to address Māori interests and engagement when decisions are made under the RMA?</td>
<td></td>
</tr>
<tr>
<td><strong>Issue 4: Strategic integration across the resource management system</strong></td>
<td>The Papakura Local Board support legislation giving greater weight to spatial planning. Spatial plans should have statutory status.</td>
</tr>
<tr>
<td>11. How could land use planning processes under the RMA be better aligned with processes under the LGA and LTMA?</td>
<td>Spatial planning is a consultative process yet can potentially be undermined through the private plan change process.</td>
</tr>
<tr>
<td>Issue 12</td>
<td>Papakura Local Board Feedback</td>
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<tr>
<td>12. What role should spatial planning have in achieving better integrated planning at a national and regional level?</td>
<td>The board agree that spatial planning at a national level by central government would be useful in terms of national infrastructure provision. This is particularly relevant to Papakura, as people are now buying properties in the Waikato region and commuting to Auckland due to accommodation costs.</td>
</tr>
<tr>
<td>13. What role could spatial planning have in achieving improved environmental outcomes?</td>
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<tr>
<td>14. What strategic function should spatial plans have and should they be legally binding?</td>
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<tr>
<td>15. How should spatial plans be integrated with land use plans under the RMA?</td>
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**Issue 5**

**Addressing climate change and natural hazards**

| 16. Should the RMA be used as a tool to address climate change mitigation, and if so, how? | The Papakura Local Board believe the RMA could be used to mitigate climate change. A sliding scale could be applied to existing use consents particularly for air emissions and other types of contaminant discharge consents that would require actions to improve on the contaminant discharge levels over time. Limitations should be placed on land use in areas prone to inundation, eg requirements for raised habitual floor height thresholds. |
| 17. What changes to the RMA are required to address climate change adaptation and natural hazards? | |
| 18. How should the RMA be amended to align with the Climate Change Response Act 2002? | |

**Issue 6**

**National direction**

| 19. What role should more mandatory national direction have in setting environmental standards, protection of the environment generally, and in managing urban development? | The board support mandatory national direction in setting environmental standards, protection of the environment and in managing urban development which enables local decision-making and/or tailoring for implementation to suit local circumstances. |

**Issue 7**

**Policy and planning framework**

<p>| 20. How could the content of plans be improved? | The board believe legislation should have an emphasis on achieving positive environmental outcomes. Private plan changes should not be able to undermine the Regional Policy Statement. |
| 21. How can certainty be improved, while ensuring responsiveness? | The board agree that spatial planning is a useful tool that should align with the planning and budget processes. |
| 22. How could planning processes at the regional and district level be improved to deliver more efficient and effective outcomes while preserving adequate opportunity for public participation? | The board support the current Schedule 1 plan-making process however believe councils should be able to elect to use alternative |</p>
<table>
<thead>
<tr>
<th>Issue</th>
<th>Papakura Local Board Feedback</th>
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<tbody>
<tr>
<td></td>
<td>streamlined processes for full plan reviews without the need for Ministerial approval.</td>
</tr>
<tr>
<td></td>
<td>Where a streamlined process is adopted the board support a joint central government / council appointment process to the panel with input from mana whenua.</td>
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<tr>
<td></td>
<td>The board does not support the proposal for ministerial appointment of panel.</td>
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<tr>
<td></td>
<td>The board also support greater weight being given to iwi management plans.</td>
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</table>

**Issue 8**

**Consents/approvals**

24. How could consent processes at the national, regional and district levels be improved to deliver more efficient and effective outcomes while preserving appropriate opportunities for public participation?

25. How might consent processes be better tailored to the scale of environmental risk and impact?

26. Are changes required for other matters such as the process for designations?

27. Are changes required for other matters such as the review and variation of consents and conditions?

28. Are changes required for other matters such as the role of certificates of compliance?

- The board has a concern about situations that occur on a regular basis when an applicant applies for a consent that slightly infringes the rules. Then at a later date applies for an expansion of use and gets it approved based on the existing use rights being place. Whereas if the applicant had applied for the full extent of the use in the original application it would have been declined. To some extent this speaks to cumulative effects. The rules are being undermined by stealth.

- The board agree with simplifying the categories of activities (controlled, restricted discretionary, etc) and processing nationally significant proposals, direct referrals, etc.

- The board believe the legislation should require applicants to conduct assessments that address improving environmental outcomes for the community as part of consenting process.

- The board agree with reducing the complexity of minor consent processes by only requiring certain applications to conduct a full assessment of environmental effects. However cumulative effects of developments may be significant even though the consent is minor.

- The board agree with establishing a separate permitting process and dispute resolution pathway for residential activities with localised/minor effects (building on the current process for marginal or temporary non-compliance or boundary activities).

- The board agree with more clearly specifying permitted development rights for residential activities.
<table>
<thead>
<tr>
<th>Issue 9</th>
<th>Papakura Local Board Feedback</th>
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<tbody>
<tr>
<td>Economic instruments</td>
<td>The board agree with broadening and strengthening provisions for financial contributions. This should not be used as a cost effective way for developers to avoid responsibilities of mitigating impacts.</td>
</tr>
<tr>
<td>29. What role should economic instruments and other incentives have in achieving the identified outcomes of the resource management system?</td>
<td>The board agree with requiring mandatory charges for use of public resources, such as coastal space, but would not support the public being charged for use of a public space.</td>
</tr>
<tr>
<td>30. Is the RMA the appropriate legislative vehicle for economic instruments?</td>
<td>The board agree with developing national direction and guidance on use of economic instruments.</td>
</tr>
<tr>
<td></td>
<td>The board agree with councils being offered a broader range of economic tools to support the resource management system such as emissions taxes, tradable emissions permits, transferable development rights, tools for environmental offsetting, and congestion charges.</td>
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<td></td>
<td>The board agree with allowing or requiring councils to use revenue from economic instruments to protect, restore and maintain natural resources.</td>
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<tr>
<th>Issue 10</th>
<th>Papakura Local Board Feedback</th>
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<tbody>
<tr>
<td>Allocation</td>
<td>The board support the “first come first served” approach being modified as this approach has not been an effective mechanism to achieve highest value use of resources.</td>
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<tr>
<td>Issue</td>
<td>Papakura Local Board Feedback</td>
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<tr>
<td>31. Should the RMA provide principles to guide local decision making about allocation of resources?</td>
<td>The board agree that new resource allocation methods and criteria should be developed nationally and/or locally. Cumulative effects should be a consideration.</td>
</tr>
<tr>
<td>32. Should there be a distinction in the approach taken to allocation of the right to take resources, the right to discharge to resources, and the right to occupy public space?</td>
<td>The board support the RMA providing principles to guide local decision making about allocation of resources.</td>
</tr>
<tr>
<td>33. Should allocation of resources use such as water and coastal marine space be dealt with under the RMA or elsewhere as is the case with minerals and fisheries, leaving the RMA for regulatory issues?</td>
<td>The board believe the allocation of resources use such as water and coastal marine space is best dealt with under the RMA. Legislation needs to be aligned with other relevant Acts. The board believe there is a need to collaborate across regional boundaries in relation to resource takes (ie: water) and other consenting matters. A government contribution/cost sharing approach is required to ensure the burden of protection of resources doesn’t fall to councils with ‘deepest pockets’ where there are cross-boundary considerations. The board agree that greater power should be given to the consent authority to carry or cancel a consent. The board agree that the basis upon which the holder of a consent may obtain a renewal needs to be changed to reflect better environmental outcomes than that originally consented.</td>
</tr>
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**Issue 11**

**System monitoring and oversight**

34. What changes are needed to improve monitoring of the resource management system, including data collection, management and use?  
35. Who should have institutional oversight of these functions?  

The board agree with developing an outcomes monitoring system that is culturally appropriate and recognises mātauranga Māori. The board agree with requiring a policy response from either central or local government in response to outcomes identified by environmental reporting. However it should be noted adequate funding would be required to implement the policies developed. To give greater oversight and monitoring to central government (eg: the Ministry for the Environment, the Environmental Protection Authority or a new agency) will create another layer of administration that will need to be funded. Funds would be better utilised in funding policy implementation.
<table>
<thead>
<tr>
<th>Issue 12</th>
<th>Papakura Local Board Feedback</th>
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<tbody>
<tr>
<td>Compliance, monitoring and enforcement</td>
<td>The board believe institutional changes for delivery of compliance, monitoring and enforcement functions could be progressed in a number of ways as suggested:</td>
</tr>
<tr>
<td>36. What changes are needed to compliance, monitoring and enforcement functions under the RMA to improve efficiency and effectiveness?</td>
<td>i. retain a devolved system with stronger support, guidance, and performance monitoring from central government. However the board would want to see a collaborative / educational approach as opposed to a &quot;big brother&quot; approach.</td>
</tr>
<tr>
<td>37. Who should have institutional responsibility for delivery and oversight of these functions?</td>
<td>ii. provide for central and/or regional oversight/delivery of enforcement functions. The board would want to see a collaborative / educational approach.</td>
</tr>
<tr>
<td>38. Who should bear the cost of carrying out compliance services?</td>
<td>iii. provide for escalation of enforcement matters to a central agency, such as the Environmental Protection Authority.</td>
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The board agree with providing for strengthened statutory powers and penalties, including for where non-compliance has resulted in or been motivated by commercial gain.

The board agree with providing for improved cost recovery of compliance, monitoring and enforcement functions (including permitted activity monitoring and investigation of unauthorised activities).

The board agree with considering the role of restorative justice in enforcement processes.

The board agree with establishing improved data gathering and reporting processes. Data gathered should be environmental outcome focussed.

The board support stronger penalties for non-compliance, eg: demolishing a scheduled building without consent would attract a moratorium on that land for no building for over ten years. Monetary penalties are not effective. A developer will gladly pay a fine.

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<thead>
<tr>
<th>Issue 13</th>
<th>Papakura Local Board Feedback</th>
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<tr>
<td>Institutional roles and responsibilities</td>
<td>The board do not believe central government agencies playing a greater hands-on role in the RMA system (for example, through a greater operational role for the Ministry for the Environment, or an expanded role for the EPA) would simplify the RMA system. Roles would need to be clearly defined.</td>
</tr>
<tr>
<td>39. Although significant change to institutions is outside the terms of reference for this review, are changes needed to the functions and roles or responsibilities of institutions and</td>
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## Issue

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<tr>
<td><strong>bodies exercising authority under the system and, if so, what changes?</strong></td>
<td><strong>Papakura Local Board Feedback</strong></td>
</tr>
<tr>
<td><strong>40. How could existing institutions and bodies be rationalised or improved?</strong></td>
<td>That board agree with pooling planning resources of central and local government to enhance capacity and capability. Outcomes would need to be clearly defined.</td>
</tr>
<tr>
<td><strong>41. Are any new institutions or bodies required and what functions should they have?</strong></td>
<td>The board agree with the principle for providing for combined decision-making by regional councils and territorial authorities. Although in general this would not apply to Auckland, there are situations where this would apply in terms of the areas bounding other local authorities. The board does not agree with establishing a new agency to appoint and provide administrative support to Independent Hearing Panels. The board agree with providing for an expanded role for Judges and Commissioners of the Environment Court in other decision-making bodies such as Boards of Inquiry and Independent Hearing Panels. The board does not agree with providing for independent oversight of the system through:</td>
</tr>
<tr>
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<td>i. a greater role for the Parliamentary Commissioner for the Environment or the Environmental Protection Authority</td>
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<td>ii. establishing a Water Commission or broader Resource Management Commission</td>
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<td></td>
<td>iii. establishing a National Māori Advisory Board on Planning and the Treaty.</td>
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<tr>
<td>These would add additional complexity to the RMA system. If they were established, roles and responsibilities would need to be clearly defined. The board agree with the creation of accountability mechanisms within larger councils, to enable them to better exercise democratic oversight of planning departments and council controlled organisations.</td>
<td></td>
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<tr>
<td><strong>Issue 14</strong></td>
<td><strong>Reducing complexity</strong></td>
</tr>
<tr>
<td><strong>42. What other changes should be made to the RMA to reduce undue complexity, improve accessibility and increase efficiency and effectiveness?</strong></td>
<td>The board acknowledge that balancing planning for development and growth, resource allocation and managing outcomes for the environment are complex. The board believe that duplication of provisions at the regional and district level should be reduced.</td>
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<td>Issue</td>
<td>Papakura Local Board Feedback</td>
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<tr>
<td>43. How can we remove unnecessary detail from the RMA?</td>
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<tr>
<td>44. Are any changes required to address issues in the interface of the RMA and other legislation beyond the LGA, LTMA?</td>
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Brent Catchpole  
Chairperson  
Papakura Local Board  

Jan Robinson  
Deputy Chairperson  
Papakura Local Board  

Date: 28/01/2020
Attachment B

14/01/2020

Relevance to the Puketāpapa Local Board
1. Local boards are a key part of the governance of Auckland Council. Local boards have responsibilities set out in the Local Government (Auckland Council) Act 2009, specifically:
   - identifying and communicating the interests and preferences of the people in its local board area in relation to the content of the strategies, policies, plans, and bylaws of the Auckland Council
2. Local boards provide important local input into region-wide strategies/plans and can also represent the views of their communities to other agencies, including those of central government.

Puketāpapa Local Board planning framework
3. Every three years local boards set their strategic direction through a local board plan. Changes to the has relevance to many of the outcomes and objectives in the 2017 Puketāpapa Local Board Plan.
4. Local Board Plan outcomes, and the objectives under these outcomes, that relate to the review of the Resource Management System, include:
   - Connected communities with a sense of belonging
     - Maori are recognised and affirmed as mana whenua
     - Our cultural diversity is valued and communities feel recognised and included
   - Improved wellbeing and safety
     - Neighbourhoods where people know each other and feel safe and valued
     - Provision and promotion of opportunities and services supporting healthy and active lifestyles
   - Thriving local economy and good job opportunities
     - A wide range of local businesses and social enterprises, creating meaningful employment and work experience
     - More job opportunities for local people, particularly those who face barriers to employment
   - Transport choices meet our varied travel needs
     - Affordable and frequent public transport options that are well linked and easy to access
     - More environmentally sensitive transport
   - Urban development meets community needs
     - Provision of more healthy and affordable housing
     - Well-planned, connected neighbourhoods that are appealing and sustainable
     - Lively town centres that are accessible, attractive and safe
• Vibrant and popular parks and facilities
  o An accessible network of open spaces that provides a variety of sports and recreational opportunities
  o Safe and accessible facilities for the whole community
  o The Waikowhai coast is enhanced and accessible

• Treasured and enhanced natural environment
  o Mana whenua are valued partners on key environmental projects
  o The mana of our harbour, waterways and maunga is recognised
  o Biodiversity and significant trees are protected
  o People and businesses adopt sustainable practices


Puketāpapa Local Board feedback on the Review of the Resource Management System:

We support changes to the resource management system that will improve outcomes for the environment, people and places. This includes prioritising a more holistic response to climate change (adaptation, mitigation, resilience) and high-quality urban environments. We also recognise the significance of Tiriti o Waitangi and Te Ao Māori and the importance of the role of Māori as kaitiaki.

We suggest that improving the legal standing of locally developed spatial plans (as discussed in Issue 4) for localised areas on an as-needed basis will contribute to a more flexible resource management system that can adapt to changing issues and opportunities within local communities and environments, such as the ever-evolving challenges related to climate change discussed in Issue 5.

We would like local councils to receive clear direction from central government on how to produce spatial plans that can become mandated components of the wider resource management system. If this occurs, we believe that the aspirations of local communities can be better integrated into the system. Understanding and implementing the aspirations of local communities should be an important component of a system that improves outcomes for people, places and the environment.

In relation to the points in the Issues and Options Paper:
• Issue 1 Purpose and Principles: Largely still relevant especially the three pillars of sustainability: social, economic and environmental. However, in practice the outcomes have not addressed in an integrated way.
  Localised spatial planning is an opportunity to look at these points holistically in manageable packages.
• Item 87 e: Triggers in legislation to require spatial plans can help develop a finer resolution of planning for localised contexts beyond the general planning rules (eg Unitary Plans or District Plans)
• Item 87 f: Within the current context where cumulative adverse effects have led to the purpose of the RMA is not being achieved (as noted in Items 23 and 24), spatial planning should be widened in scope to address more holistic issues than housing and urban growth.
  With sufficient consultation, spatial planning has the potential to address sustainable
resource management challenges with buy in from the community, providing more access and equity to resource management processes.

- **Issue 13 Institutional Roles and Responsibilities**: Local councils, particularly at the Local Board level, are closest to their places and communities. As the Puketāpapa Local Board, we are currently in the process of developing spatial plans, including an Integrated Area Plan around housing developments. Spatial planning as an exercise is valuable in its collaborative and focused approach and we would like to see similar or more successful models adopted in a consistent framework as a part of the resource management system.

- **Issue 9 Economic Instruments & Issue 12 Compliance, Monitoring and Enforcement**: There should be more severe consequences to breaking consent conditions – we have seen a general disregard for breaking conditions in our area. There is also an opportunity to utilise revenue from economic instruments and enforcement to fund locally beneficial activities such as spatial planning. Spatial planning is a resource heavy exercise in terms of cost, human resource and community capacity. If spatial plans were to be mandated by statute, then extra resources need to be allocated to allow for this work to take place.

We would also like the resource management system to allow for improved protection of trees, and groups of trees, that are of significance and/or in areas of low tree cover. This includes increased community involvement in the identification of trees for protection.

End.
Formal feedback from the Waiheke Local Board on the reform of the resource management system

The Waiheke Local Board is a strong advocate for protection of the environment and for an inclusive approach to resource management. This is reflected in its Local Board Plan 2017-2020 which has as a key outcome:

“Inclusive planning and place-making through fostering a regulatory environment which protects and enhances the unique character of Waiheke’s people and environment.”

Essentially Waiheke

Adopted in 2000, and refreshed in 2016, the board recognises Essentially Waiheke as the voice of the community on matters of future planning and development. Its values and principles are considered central to the Hauraki Gulf Islands District Plan and subsequent planning documents. The vision for the Essentially Waiheke Refresh 2016 is included below:

Waiheke, a beautiful island that embraces its essential character through:

1. Restoring, protecting and enhancing what makes Waiheke special: its character as a place and as a Community
2. Keeping the beauty, integrating the precious natural environment with the island’s village and rural features.
3. Being home to a small, active community that is thriving, active, opinionated, caring, creative, diverse, environmentally-aware, and where resources are accessed equitably.
4. Creating social, cultural and economic opportunities that give the community hope and prosperity.
5. Becoming a sustainable tourist destination, that attracts people for its natural environment and the symbiotic, relaxed island pace of life.

The Waiheke Local Board believes that changes to the resource management system should align in terms of these values. The aspirations and concerns of the Waiheke community about the environment are relevant to this document and can be accessed on page 13 of the document.

Environmental and Resource Management Issues of concern for the Waiheke Local Board Area

There are a large number of environmental and resource management issues facing the islands in the Waiheke Local Board area including but not limited to:

- The degradation of the marine environment including the ongoing depletion of marine biodiversity and increasing marine pollution.

• Land biodiversity is also under threat due to certain types of development. For example, coastal developments have caused the degradation of shore bird and penguin nesting sites. The inadvertent introduction of predators and diseases has had major impacts on forest flora and native species.

• The long-term effects of the removal of vegetation, protection of mature trees and development on the terrestrial environment including the resulting erosion, pest incursion, sedimentation, loss of wetlands, stormwater and wastewater damage.

• An increasingly disenfranchised community where residents, and elected members alike, feel they have minimal say over building and infrastructure developments on the island, due to political frameworks which are exacerbated due to planning interpretations of the Resource Management Act.

• Frustration from those attempting to build on the islands with, delays, bureaucracy ever-increasing costs, as well as centralisation of Auckland Council planning and building consent processes.

• Climate change is already impacting the islands with the imminent inundation of low-lying areas, the collapse of natural coastal structures and the impacts of destructive and adverse weather events on infrastructure.

Other areas of concern linked to the broader resource management system include:

- An inequitable ferry service, which is more expensive than trips of similar distance in Auckland.
- A housing crisis where Waiheke residents and other Aucklanders struggle to afford rising rents and house prices. The board recognises that this is not a product of the resource management system alone but also of adverse social and political factors.

The board makes the following high-level comments concerning changes that need to be made to the country’s resource management system:

1. New Zealand needs an holistic approach to resource management which recognises the interrelationships between all facets of the natural environment encompassing the land, sea and the air which involves the changing climate, rising sea levels, the electromagnetic spectrum and all other relevant dimensions. In Aotearoa New Zealand a Te Ao Māori perspective must be used which recognises the interconnectedness of all living and non-living things, and which seeks to understand the system, not just parts of it.3

2. A new resource management act is required to not only manage land-use but also to rigorously enshrine environmental protection measures. Over the time that the Resource Management Act 1991 has been in force, this central purpose has been out-prioritised by other criteria in the Act, and this must be rectified. Part Two of the Act should be rewritten to recognise the pre-eminence of environmental bottom lines, as recommended by the Environmental Defense Society in its report on reform of the resource management system.4

3. To gain sustained environmental enhancements, the country needs more than just an act which manages and controls the impacts of development. It needs to be aligned with a plan for environmental restoration which is targeted, measurable, and which holds those delivering the plan accountable. The board endorses the Environment Defense Society’s call for a National Environmental Plan which would be a single, integrated and coherent piece of national direction that would address all matters of national importance and the relationships between them (page 1)^4.

4. A resource management act cannot deal effectively with the vast issues affecting the marine environment and new statutes are required to deal with restoration of the seas.

5. The community perceives that damaging development continues to occur despite council policies, plans and national legislation. The reform needs to result in a greater ability for communities to influence consent decisions in favour of environmental protection. The current “effects-based” act seems to put greater emphasis on allowing applicants to mitigate non-complying activities, than prohibiting those which could have damaging long-term outcomes. This needs to change. A new act must develop clearer escalating definitions of environmental effects and the extent to which they impact on the environment.

6. The elected members have a strong view that multitudes of “no-more than minor effects” have caused major negative environmental impacts and have been permissive by nature. A new act must develop new strategies for protecting whole catchments, over the longer term, from potentially harmful developments.

7. In areas where development has been traditionally allowed, and generally accepted, consenting processes need to be cheaper, easier and quicker. The National Policy Statement on Urban Development is producing planning standards and district plan templates which will be used to make planning processes faster, more universal and user-friendly. Local authorities need to align with these new processes for the benefit of their communities.

8. The government needs to recognise and enable new housing models to emerge, or be supported actively, through the terms of a new Resource Management Act. There needs to be a national approach to enabling affordable housing initiatives which is actively empowered through legislation.

9. We need a significant change to the country’s approach to waste management which recognises the full cost of waste and its removal. A new resource management system needs to control actions which grow the country’s waste pile rather than merely mitigating the impacts of accumulating waste.

10. The current system has become a litigious one, with many consent approvals fought through the courts at great expense to applicants, councils and communities who want to oppose potentially damaging developments. A reformed resource management system should enable outcomes decided by agreed environmentally-driven policies rather than through drawn-out court battles.

11. The movement of earth from site to landfill should be minimised due to the shortage of clean fill sites and their effects on the environment. Planning protocols should promote retention of fill on site, within existing contours and without extensive cut and fill.
12. In keeping with Essentially Waiheke, the board contends that character is part of the built environment and that there needs to be a greater weighting given to community character as an environmental attribute.

13. The awareness of the value of trees in the landscape is critical. Tree protections are outdated and fines an encouragement to fell existing mature and developing trees.

14. A new resource management act might be more prescriptive on the expectations of local authorities as to the level of monitoring required to assure resource management compliance e.g. a higher level of compliance is required for the protection of trees and vegetation on road reserves and development sites.

Memorandum

To: Planning Committee
Cc: All Waitematā Local Board members
Subject: Resource Management Review Panel’s *Issues and Options* paper

From: Waitematā Local Board

22 January 2020

**Purpose**

1. To provide Waitematā Local Board’s feedback on the Resource Management Review Panel’s *Issues and Options* paper.

**Context/Background**

2. The government is undertaking a comprehensive review of the resource management system with a primary focus on the Resource Management Act 1991.

3. The review is being led by the Resource Management Review Panel. The panel has just released an issues and options paper that starts a conversation about issues to be considered and addressed by the review and sets out some initial thoughts on possible options.

4. The review’s aim is to improve environmental outcomes and better enable urban and other development within environmental limits.

5. Local boards can provide formal feedback on the *Issues and Options* paper by 24 January 2020, which will be included verbatim as part of council’s submission before submissions close on 3 February 2020.

6. Council will have a further opportunity to provide a submission on the next phase when the Ministry releases its proposals for reform, expected in mid-2020. This second submission will look at the more detailed attributes of the proposed reforms.
Waitematā Local Board Feedback

Issue 1: Legislative Framework

1. The Waitematā Local Board strongly oppose any concepts that would separate urban development laws from the Resource Management Act, and the same requirement of net environmental enhancement should apply to both urban and rural areas.

Issue 2: Purpose

2. The Waitematā Local Board recommends that the purpose of the Resource Management Act should aim to improve the environment as well as mitigation with a focus on net positive outcomes. The board further specifies there should be a requirement for every development to have a net positive effect on the environment.

Issue 3: Recognising Te Tiriti o Waitangi

3. The Waitematā Local Board supports entwining the principles of Te Ao Māori through the act and supports Māori involvement in spatial planning and significant resource development and extraction.

Issue 4: Strategic Integration

4. Strategic integrated planning will be better achieved through spatial planning that is led and managed at a regional level in consultation with local stakeholders, other regions, and central government.

5. The scope of spatial plans should be expanded beyond housing and growth to include environmental protection and restoration, land and sea management, and climate change mitigation and adaptation.

Issue 5: Addressing Climate Change

6. The Waitematā Local Board supports the RMA to be used as a tool to address climate change by allowing regional authorities to protect its natural resources that serve a carbon sequestration and biodiversity function, and to reduce carbon intensive transport requirements through good spatial planning.

7. The RMA should incorporate the principles of the Climate Change Response Act 2002 or be secondary to it. Clear direction should be given within the RMA that councils must consider climate emergency response in decision-making.

Issue 6: National Direction

8. The Waitematā Local Board supports the establishment of clear high environmental standards through regulation that strengthen environmental protections and requirements. National direction may play a role in guiding local authorities and facilitating good planning and decision-making. The establishment of National Planning standards is welcome.
Issue 7: Policy and Planning Framework

9. The Waitematā Local Board supports spatial planning at a regional level and the facilitation of coordination and collaboration across the regions to share ideas and best practice.

10. Good spatial planning should communicate a vision that facilitate positive development and provide for an outcomes-based approach that requires developments to have a net positive outcome and that these documents should be legally binding.

Issue 8: Consents/Approval

11. The Waitematā Local Board supports a simple consent framework with a focus on positive outcomes and suggests a single stage plan making process.

12. There needs to be better transparency in the consenting process that provides opportunities for public involvement where the effects of the activity are more than minor to the community or the environment.

Issue 9: Economic Instruments

13. The Waitematā Local Board supports the use and development of economic instruments, as described in 118d, to incentivise the use of resources more efficiently, and revenue from economic instruments ringfenced to improve environmental quality, fund environmental remediation, fund the setting aside of public land, and the transition to a low carbon/low waste economy. Within an urban context this could also encompass improving amenity within a more compact urban form.

Issue 10: Allocation

14. The Waitematā Local Board supports the idea that principles guide local decision-making, which would be subject to judicial review, that prioritises the current and future needs of the maori of the land and waterways and the community. The board proposes that climate change, the environment and its ecosystems and the current and future needs of NZ residents be considered in the allocation and renewal of consents. Further the board proposes that the duration of consents be reduced and the power to the consent authority to vary or cancel a consent be increased to allow them to act in special circumstances. The principles would apply to resource extraction, discharge into resources and the right to occupy public space.

Issue 11: System Monitoring and Oversight

15. The Waitematā Local Board supports that institutional oversight of all monitoring functions should be the responsibility of the Parliamentary Commissioner for the Environment, and functions should include data collection of environmental and urban outcomes. Further it supports local and central government to provide policies in response to outcomes identified by environmental reporting.
Issue 12: Compliance, monitoring and enforcement

16. The Waitematā Local Board supports consistent, firm and effective enforcement of resource consents by local government under the oversight of the Parliamentary Commissioner for the Environment.

17. Further the board proposes that a portion of the revenue collected through enforcement should be ringfenced for environmental remediation and a portion used to offset the administrative costs for enforcement.

Issue 13: Institutional Roles and Responsibilities

18. It is the view of the Waitematā Local Board that good regional planning is at the heart of the RMA and this is a core service of local government so proposes that decision-making and enforcement powers should be at a local level.

Issue 14: Reducing Complexity across the System

19. The Waitematā Local Board supports the clarification of priorities in the RMA to align with the LGA, LTMA and Climate Change Response Act to reduce complexity and facilitate ambitious future-focused strategic planning that provides more protections for the environment, more effective planning of homes, provision of infrastructure and social infrastructure like schools, parks, libraries, cafes and more certainty and less risk for development.
14 February 2020

Committee Secretariat
Environment Committee
Via online submission form

**Auckland Council’s submission on the Urban Development Bill**

Please find attached Auckland Council’s submission on the Urban Development Bill. This submission is in two main parts, the front section which provides high level feedback and a detailed table that addresses specific clauses.

This submission includes the input from Council Controlled Organisations (CCOs) Auckland Transport (AT), Watercare Services Limited (Watercare) and Panuku Development Auckland. It is acknowledged that AT and Watercare have made separate submissions. We request to be jointly heard by the Select Committee.

This submission is endorsed by the Chair and Deputy Chair of the Planning Committee, and a member of the Independent Māori Statutory Board with delegation on behalf of the Planning Committee. 13 local boards have provided submissions to the Urban Development Bill, and these are appended to the Council’s submission.

Please contact Anna Jennings (anna.jennings@aucklandcouncil.govt.nz), Principal Advisor Urban Growth and Housing, if you have any queries regarding Auckland Council’s submission.

Yours sincerely

![Signature]

Councillor Chris Darby
Chair of the Planning Committee

Councillor Josephine Bartley
Deputy Chair of the Planning Committee

Member Tau Henare
Member of the Independent Māori Statutory Board
Submission to the Urban Development Bill

Auckland Council 14 February 2020
<table>
<thead>
<tr>
<th><strong>Mihimihi</strong></th>
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<tbody>
<tr>
<td>Ka mihi ake ai ki ngā maunga here kōrero,</td>
<td>I greet the mountains, repository of all that has been said of this place,</td>
</tr>
<tr>
<td>ki ngā pari whakarongo tāi,</td>
<td>there I greet the cliffs that have heard the ebb and flow of the tides of time,</td>
</tr>
<tr>
<td>ki ngā awa tuku kiri o ēna manawhenua,</td>
<td>and the rivers that cleansed the forebears of all who came those born of this land</td>
</tr>
<tr>
<td>ēna mana ā-iwi taketake mai, tauliwi atu.</td>
<td>and the newcomers among us all.</td>
</tr>
<tr>
<td>Tāmaki – makau a te rau, murau a te tīni, wenerau a te mano.</td>
<td>Auckland – beloved of hundreds, famed among the multitude, envy of thousands.</td>
</tr>
<tr>
<td>Kāhore tō rite i te ao.</td>
<td>You are unique in the world.</td>
</tr>
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</table>
Submission to the Urban Development Bill Select Committee

Introduction

1. Auckland Council thanks the Government through the Select Committee for the opportunity to provide a submission on the Urban Development Bill.

2. This submission is endorsed by the Chair and Deputy Chair of the Planning Committee, and a member of the Independent Māori Statutory Board with delegation on behalf of the Governing Body. It includes the input from Council Controlled Organisations (CCOs) Auckland Transport, Watercare Services Limited and Panuku Development Auckland.

3. In accordance with Auckland Council’s unique governance model our local boards have also provided their submissions. These are attached in Attachment A.

4. Building sustainable urban environments is a complex process. The Bill reflects that complexity and in doing so includes provisions that may lead to unintended consequences, duplication and confusion for developers and communities. Auckland Council has therefore spent considerable effort in providing what it hopes are practical suggestions on how the Bill can be improved so that the purpose of Kāinga Ora – Homes and Communities (Kāinga Ora) is achieved. Council’s submission consists of suggested amendments to the Bill, followed by high-level comments and more detailed commentary on these amendments.

Tāmaki Makaurau context

5. Council is a unitary authority and is the largest council in New Zealand in terms of population and it is also the most diverse. The Auckland region covers a wide range of land uses from dense urban to rural productive and conservation islands.

6. Council is currently the only council in New Zealand that is required to develop a spatial plan, which enables coherent and co-ordinated decision making and provides a basis for aligning council’s implementation plans, regulatory plans, and funding programmes. This was first adopted in 2012 (The Auckland Plan 2012), with a significantly revised version being adopted in 2018 (The Auckland Plan 2050).

7. Auckland Council is also unique in having an Independent Māori Statutory Board (IMSB) in order to assist council to make decisions, perform functions, and exercise powers. The Schedule of Issues of Significance and The Māori Plan for Tāmaki Makaurau provide a framework for these to be considered. The IMSB has provided support and guidance on this submission.

8. The Auckland Plan 2050 identifies that to achieve the Auckland we want, we must address the three most important challenges of high population growth, ensuring prosperity is shared amongst all Aucklanders, and arresting and reversing environmental degradation. Auckland’s
success is dependent on how well Auckland’s prosperity is shared and in doing so avoiding gentrification that does not benefit those most in need.

9. Around 1.64 million people live in Auckland already. Over the next 30 years this could increase by another 720,000 people, potentially requiring about another 313,000 dwellings and 263,000 jobs. The rate and speed of Auckland’s population growth puts pressure on our communities, our environment, our housing and infrastructure networks, including roads. It also means increasing demand for space, infrastructure and services necessary to support this level of growth.

10. Many Aucklanders are prosperous and have high living standards, yet there are significant levels of socio-economic deprivation, often in distinct geographic areas. Key drivers of this include unequal access to education and employment opportunities, along with high – and often unaffordable – housing costs.

11. Much of Auckland’s appeal is based on the natural environment, but this is vulnerable to degradation from the impacts of human activities. Despite regulation and considerable effort, Auckland’s environment continues to be affected by past decisions, Auckland’s rapid growth and development, as well as emerging threats such as climate change.

12. In June 2019, Auckland Council formally declared a Climate Emergency, recognising the importance of and urgency required to address climate change for the benefit of current and future generations. As a C40 Innovator City and signatory to the New Zealand Climate Leaders Coalition, Auckland Council is also committed to doing its part in meeting the Paris Agreement ambitions of keeping global temperature rise to below 2°C, while pursuing efforts to limit the increase to 1.5°C. From July to September 2019, Auckland Council consulted on a region-wide climate action framework, Te Tāruke-a-Tawhiti. The framework takes an integrated approach, setting a path to rapidly reduce our emissions while preparing for the impacts of climate change. An updated digital plan, informed by consultation feedback, will be launched mid-2020.

13. This Bill comes at an important time for Auckland where there is a need to look to the future and ensure we can better provide places to work, live and play for generations of Aucklanders to come, while addressing the significant environmental decline and challenges we are experiencing.

14. In the Auckland Council context, mana whenua means the indigenous people (Māori) who have historic and territorial rights over the land. Forming about 15 per cent of Auckland’s Māori population, it refers to Māori who whakapapa to (have genealogical links with) Tamaki Makaurau iwi and hapū. Mana whenua interests are represented by 18 iwi (tribal) authorities in Tamaki Makaurau, Auckland.

15. Auckland Council has a commitment to a treaty-based partnership with Māori. In practice, these commitments are delivered through working together to achieve better outcomes for Māori, lifting economic, social and cultural wellbeing and recognising the link between Māori and whenua through whakapapa, strengthening our effectiveness for Māori and optimising post-treaty settlement opportunities to benefit Māori and all Aucklanders.

16. Furthermore, Auckland Council engages with mana whenua as residents and ratepayers through our community engagement processes. Standard master service agreements (also known as mana whenua service contracts) have been agreed with 14 of the 19 mana whenua iwi authority groups.
Summary of submission points

17. Auckland Council has consistently supported, in principle, the concept of an Urban Development entity as one tool to enable more housing to be built in a manner that creates sustainable and thriving communities. That support has always been qualified by the need to understand the powers being provided to that entity, and how the entity may work with local government in using those powers.

18. The Urban Development Bill sets out to ensure that Kāinga Ora is required to undertake transparent processes in both the establishment of a Specified Development Project Area (SPDA) and in the production of a development plan for that project area. Auckland Council supports the intent of these processes and considers that they could be strengthened and improved by greater clarity of roles, by removal of duplication and potential for confusion, and ensuring decision making sits at the appropriate level.

19. Auckland Council also supports the principles for specified development powers and considers that these would benefit from the inclusion of reference to Kāinga Ora being required to demonstrate in its specified development projects exemplar examples of sustainable urban development and follow best practice urban design and urban planning principles.

20. Auckland Council supports the creation of a Development Plan for each SPDA that sets out the Kāinga Ora’s ability to acquire land, construct and provide infrastructure and set development standards for density and urban development. The success of each specified development project will rely on the ability of Kāinga Ora to successfully undertake urban development in a manner which understands the complex interplays between development and infrastructure capacity and costs (both capital and operational), existing and future community needs, growth demands and climate change/natural environment protection. Critical to that understanding will be how Kāinga Ora works with local government and mana whenua.

21. Auckland Council considers that in order to achieve sustainable urban development, a partnership approach is required between central government, local government, and mana whenua to provide for local decision making, avoid unnecessary duplication and confusion for the community, applicants and developers. To support this partnership approach, several provisions in the Bill require a repositioning to elevate local government from being a ‘key stakeholder’ to a role where collaboration and solution focussed behaviours are paramount.

22. The powers that Kāinga Ora are provided should only be used where local government and Kāinga Ora agree that standard processes would not achieve the mutually accepted outcomes and in areas where the market is not delivering. This would avoid both unintended consequences and enable Kāinga Ora to focus its efforts and resources on development rather than on becoming a ‘quasi’ local authority. For example, this potential lack of focus is a real likelihood in the Bill’s provision that Kāinga Ora becomes the mandatory resource consent Authority in a SDPA. Rather than taking on that local government role, provisions could be included in the Bill which require the existing Territorial Authority (TA) to consult with Kāinga Ora and have regard to the SDPA development plan in relevant resource consent applications. Such an approach is already happening in Auckland through the Auckland Housing Programme (a collaborative process between Kāinga Ora and the Auckland Council group).
23. The submission seeks to ensure alignment with the Auckland Plan 2050 to provide certainty to our communities, infrastructure providers and for funding and implementation in the long-term plan and to ensure that appropriate safeguards are put in place in relation to social and physical infrastructure networks.

24. Auckland Council requests the acknowledgement that Auckland Council has a different governance structure (a Governing Body; 21 Local Boards, five substantive Council COs and the IMSB), as established under the Local Government (Auckland Council) Act 2009, and to ensure ample time and opportunity is provided for input. Our COs that manage critical infrastructure including transport, water supply and wastewater, are also governed by their own board of directors and governance structures.

25. There is concern over the role of ministers making the final decisions, and the lack of guidance to help them, on several matters including what is deemed generally suitable for urban use in the establishment of a SPDA, and on the final development plan. Such decisions should be made based on evidence and in relation to the development plan, which has been through an Independent Hearings Panel process. It would be more appropriate for the Kāinga Ora Board to make the final decisions with suitable checks along the lines adopted by the Crown for the Auckland Unitary Plan.

26. Auckland Council supports those parts of the Bill that support Māori aspirations such as the protection of Māori land, First Right of Refusal and the involvement of Māori in the development of the Government Policy Statement (GPS). However, the Bill raises concerns for iwi (recognised by local government) who are yet to reach Treaty Settlements and as such will not need to be recognised by Kāinga Ora.

27. Auckland Council supports the infrastructure financing and funding elements of the Bill. The legislation will support the provision of infrastructure to support housing and urban development.

28. However, the ability for Kāinga Ora to build new infrastructure and alter existing infrastructure in not only a SPDA but beyond its boundaries and potentially without regard to established engineering standards or network controls is of significant concern. It could have costly unintended health, safety and wider capacity issues for infrastructure provision across a district if the Bill is not revised to address these matters.

29. This Bill is the latest piece of legislation that impacts on urban growth and housing in addition to: Resource Management Act (RMA) reforms; proposed National Policy Statements on Urban Development, and Highly Productive Land; Essential Freshwater and Indigenous Biodiversity; Infrastructure Funding and Financing Bill; and the National Planning Standards. Auckland Council advocate strongly to Central Government that these changes all be aligned.
High level feedback

30. Council’s submission on general issues of concern is presented below. This should be read in conjunction with the detailed clause by clause submissions, relief sought, and suggested amendments in the table in Attachment B.

Opportunity: Partnership model

31. There is a clear opportunity to provide for partnership and collaboration with Kāinga Ora. This would increase the capacity and capability of Kāinga Ora to achieve the Bill’s urban development objectives and resolve some of the issues which are detailed below. Auckland Council advocates that partnership is needed with mana whenua and local government (which includes local boards) to underpin all stages of the processes outlined in the Bill.

32. The Bill sets out extensive powers for Kāinga Ora to expedite and integrate urban development. The success of this model on the ground will be dependent on Kāinga Ora’s ability to work well with the local government, mana whenua and infrastructure providers who have extensive capabilities, local knowledge and responsibility relevant to a development. Accordingly, it is necessary for the Bill to support Kāinga Ora’s powers to fast-track development with more opportunities for meaningful collaboration with local government and infrastructure providers. The Bill should include a mechanism for formal partnership.

33. A partnership approach is consistent with the explanatory note of the Bill which “recognises the essential role of territorial authorities in realising transformational urban development and provides for their partnership with Kāinga Ora.” We consider that local government (including its infrastructure providers) and mana whenua must be identified as more than a key stakeholder and suggest that further steps are required to truly reflect a partnership approach. Where appropriate, this could mean working with existing local processes for procurement, strategy, asset management and environmental compliance.

34. Auckland Council (and its CCOs) has already established a strong partnership with Kāinga Ora and provides significant regulatory and non-regulatory support to the government programme. Auckland Council has worked closely with Homes Land Communities and Housing New Zealand for the last three years, establishing appropriate systems to support central government’s housing programme that has yielded positive results to date with 2,429 new household units created over a 19-month time period.

35. There is a limited pool of specialist staff within the urban development sector. The duplication of local government functions will necessitate new staff. It is likely that these staff will come from existing local government, which will significantly diminish their ability to undertake their existing functions. In Auckland Council, this is already creating issues in parts of the organisation including building consents. A partnership model will provide the ability to share resources and put agreements in place to ensure the focus is on enabling good development across the entire region, not just within Kāinga Ora’s SPDA.

Issue: Alignment with Local Government’s Strategic Framework

36. The strategic, regional picture must be considered as part of planning for specific areas through SDPAs. In any district and region, how a community grows and develops and the impact that has on infrastructure networks forms a complex and interconnected system. The
networks may overlap and have different scales and focal points. No area exists in isolation from its wider context.

37. Every growth district or region in New Zealand has over the years developed a strategic framework with mana whenua, its communities, stakeholders, developers and government agencies. The frameworks include spatial plans, planning instruments (such as Regional Policy Statements, District Plans), Infrastructure Strategies and Network Plans, and Long Term Plans. All of these have been developed through legislative submission processes which have required significant input from communities, business, developers and mana whenua. These strategic frameworks provide for the obligations local government has under the Local Government Act and under the National Policy Statement Urban Development Capacity (NPS UDC).

38. In Auckland, the Auckland Plan 2050 provides this strategic picture – how Auckland will accommodate growth over the next 30 years. The Plan, required by legislation, acknowledges Auckland’s physical context and the integrated nature of land use and infrastructure planning. It is based on a quality compact approach to accommodating growth. The Auckland Plan 2050 forms the basis for an on-going conversation about Auckland’s priorities informed by its environmental, social, economic and cultural context. The Auckland Plan 2050 also provides a base for the Auckland Unitary Plan and other strategy and policy documents. The Auckland Plan also links land-use planning with infrastructure delivery and funding (through the Development Strategy and the Long Term Plan).

39. The Auckland Plan was shaped by 18,742 written and 5,865 in person submissions. Similarly, the Auckland Unitary Plan, which is a living document and can be revised as needed, was designed based on extensive community involvement. There were 21,000 pieces of written feedback on the draft and 13,000 submissions in the formal consultation period and an Independent Hearings Panel (IHP) process. Due to the significant level of local input that has gone into these, Kāinga Ora would need to have good reason not to align.

40. In light of the extensive process that local government must go through to develop its strategic frameworks (evidence based, public submission, subject to scrutiny from the Court), it is concerning that the Bill does not require Kāinga Ora to give greater regard to the established strategic framework of the district and region within which it wishes to undertake a SDPA.

41. Clause 69 requires that in preparing a development plan, Kāinga Ora “must have regard to” documents including regional policy statement, regional plans and district plans. It is suggested that the legislation is broadened (from “have regard to”) to require that Kāinga Ora recognises and provides for the long-term outcomes sought for regions through documents including spatial plans required by legislation (in the case of Auckland this would be the Auckland Plan required under Local Government Auckland Council Act (LGACA), Future Development Strategies (under the NPS UDC), as well as regional and local planning documents (under the RMA) and other documents mentioned in the Bill.

42. This would provide alignment with a strategic direction already agreed with local communities. It would also provide more certainty for infrastructure providers – both our CCOs and other providers such as Vector and Chorus –as to their on-going priorities, funding and implementation of projects and programmes already in process through long-term Plans.
43. In addition, the Bill does not appear to define or limit the scale of projects that Kāinga Ora may propose, with the land area for specified development project (SDP) not needing to be contiguous. The Bill needs to clarify that there will be limits to the extent of interventions so that the integrity of planning through local government is not undermined. Planning documents and a TA’s long-term plan are developed using a strong evidence base and have been through extensive community consultation. They provide a level of certainty for developers and infrastructure providers, particularly during the transitional period.

**Issue: Decision making process impact**

44. Decisions made on urban development projects can have far reaching consequences for a district and region. The consequences can either be positive or negative for the wider community and environment depending on whether decisions made on the development were based on evidence and have been scrutinised carefully, or not. The local knowledge and evidence that usually sits within a TA is a critical input into that process.

45. Auckland Council is concerned that while the Bill sets out some useful guidance (in Clause 30) on the criteria for establishing a specified development project area, this guidance can be totally disregarded if the joint ministers “consider an area is generally suitable for urban use” (Clause 30(c)(i)). This ability of the joint ministers to make a decision based on what they ‘consider’ is of significant concern rather than on the evidence.

46. Decisions about appropriate land for urbanisation are properly made in the participatory strategic planning processes of a region and district so that strategic issues of growth, infrastructure capacity and funding, staging, environmental, social, cultural and economic matters can be considered in an integrated way. Kāinga Ora should be operating in urban areas or on land identified as appropriate for future urban use through a statutory document such as regional policy statement implemented through a district plan. All growth councils are required under the NPS Urban Development Capacity 2016 to provide for feasible development capacity over and above projected demand in their RMA plans. Having the joint minister make a call on what land is “generally suitable for urban use” contradicts the outcomes being sought by those NPS provisions.

47. Auckland Council supports the provision in the Bill which requires Kāinga Ora to seek the views of the relevant TA over the establishment of a SDPA. However, Council considers that the relevant Regional Council should also be consulted as the SDPA could impact on regional outcomes and infrastructure provision.

48. Auckland Council is concerned that if the relevant TA indicates opposition to the establishment of a SDPA then the joint ministers can overrule that if they ‘consider the project is in the national interest’ (Clause 30(h)(i)). The Bill does not indicate how “national interest” will be determined in such a situation. If this aspect of the Bill is to remain then it is suggested that the “national interest” is defined and linked to the GPS on Housing and Urban Development.

49. However, as indicated previously Auckland Council considers that for Kāinga Ora to be successful in achieving its outcomes it must work in a collaborative partnership with local government and Māori. It would not be a good start to such a relationship if the ministers chose to override a TA’s opposition that is based on sound evidence.
50. Auckland Council supports the use of an IHP to hear submissions on a proposed development plan for a SDPA, and to make recommendations on how that development plan may be improved. That process is very similar to the one used for the Auckland Unitary Plan (AUP) and advice can be given on the IHP process for the AUP.

51. However, once the IHP makes its recommendations then, unlike the AUP process where Auckland Council was tasked with making the final decisions on the recommendations of the IHP with a right of appeal if Council rejected a recommendation of the IHP, under the Bill it is the minister who makes those decisions with no ability to appeal except on a point of law.

52. Auckland Council considers that leaving the final decision on whether the recommendations of the IHP are accepted or not to the minister is risky and undermines the integrity of the process. The IHP will be resourced with highly skilled commissioners who will have read and listened to all the detail in the submissions and weighed that information up against the objectives of the SDPA. Any decision to accept or reject the IHP’s recommendations are best made by the entity who will be responsible for delivering the development plan i.e. the Kāinga Ora Board. If the Board chooses to reject a recommendation of IHP then, just like the AUP process, recourse should be available to the submitters to the Environment Court. Leaving the final decisions in the hands of a minister, who has not been privy to the submission and hearing process, politicises the process unnecessarily.

**Issue: Timeframes for consultation processes**

53. Urban development within the New Zealand and Auckland context is complex. There are several factors to consider from infrastructure provision, to environmental considerations, urban design and community engagement. Auckland Council has significant concerns that the consultation processes and timeframes (for the Bill and development plans) will not provide sufficient ability for local government specialist staff, infrastructure providers, communities and developers to provide input.

54. The Bill only provides minimal time and emphasis on local authorities being able to consult on Kāinga Ora project assessments within their own organisations or with their stakeholders. Auckland Council has specific requirements under the LGACA (e.g. local board consultation) and / or Treaty obligations (e.g. consultation with mana whenua). Using a partnership approach, as set out previously in this submission, would enable greater ability to undertake engagement and therefore provide more robust evidence for decision-making.

55. The proposed 10 working day timeframe – within which the relevant TA must indicate whether it supports unconditionally the establishment of a specified development project area, supports it with conditions or opposes it – is insufficient to review the project assessment report and respond in a meaningful way given the governance requirements of any TA (i.e. political sign off would be required which involves a formal meeting of the Council), the specialist input required from across a TA and infrastructure providers and the complexity of urban development. Such a timeframe will likely always result in a TA providing support with conditions due to insufficient time to consider the project assessment report. At a minimum it is recommended that the response time be doubled to 20 working days (approximately one calendar month) to enable a TA to respond effectively.

56. The Bill also does not provide clarity on what public consultation entails (e.g. what level of detail on the proposed development is being put forward to the public). To enable having meaningful public consultation requires a level of information to assess intended
redevelopment proposals and extent of change. It also requires sufficient time and a considered approach to provide opportunities for New Zealand’s diverse communities to respond in a meaningful way.

**Issues: Duplication of processes**

**Consents**

57. Working together to avoid duplication of systems and sharing resources would also be advantageous. It is difficult to see how duplication of systems (e.g. consent processing and monitoring) would lead to efficiencies. For instance, monitoring of consents needs to be have a consistency in methodology to be able to show overall regional results including those for SDPAs. There is a limited pool of people with expertise in monitoring across the range of topics, particularly environmental. It would make sense to share resources and build a common evidence base where the trends and results from the Kāinga Ora projects can be highlighted.

58. It is unclear what benefit Kāinga Ora would gain by taking on the role of the Resource Consenting Authority in a SDPA, particularly when the powers given to it by the Bill do not include regional consenting functions. In most urban development projects of any scale both district and regional consents are required. For example, in the period from July 2016 to December 2019, within the Central area of Auckland, 16% of consents were regional consents. This was higher in Orewa and Pukekohe, where 26% and 22% of consents were regional, respectively.

59. Introducing Kāinga Ora as a third consenting authority into the consenting process, will in many regions cause unnecessary confusion and complexity. In Auckland where Auckland Council, as a unitary authority, is already providing integrated regional and district consenting, the efficiencies and integrated processes that have been developed could be significantly impacted. This will lead to confusion for both developers and the community.

60. Under the provisions of the Bill, Kāinga Ora cannot consent its own resource consents nor those of any entity it is in partnership with or has a contractual arrangement with. This means that Kāinga Ora will have to resource itself to deal with other resource consent applications within the SDPA, which may have no impact at all on the outcomes of a development plan.

61. The table below covering the period from July 2016 to December 2019 provides an idea of the type and number of consents that Kāinga Ora would need to cover in the Auckland context (depending on the size or scale of a SPDA).
<table>
<thead>
<tr>
<th>Type Description</th>
<th>Central</th>
<th>Henderson</th>
<th>Manukau</th>
<th>Orewa</th>
<th>Papakura</th>
<th>Pukekohe</th>
<th>Takapuna</th>
<th>Grand Total</th>
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<td>1</td>
<td>7</td>
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<td>239</td>
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<td>14</td>
<td>4</td>
<td>3</td>
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<td>Extension of lapse date</td>
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<td>75</td>
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<td>3,711</td>
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<td>24</td>
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<td>32</td>
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<td>5</td>
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<td>3,477</td>
<td>9,427</td>
<td>68,671</td>
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</table>

62. It does not seem to be the best use of Kainga Ora’s resources for it to set itself up as a resource consent authority and will take focus away from its main function of developing new houses and urban environments.
63. Auckland Council recommends that Kāinga Ora is not given the mandatory function of a resource consent authority in a SDPA. Rather Kāinga Ora should have a choice to use such powers. If Kāinga Ora chooses not to become a resource consent authority, then the relevant TA in the SDPA should be required to advise Kāinga Ora of any resource consent applications which may impact on the outcomes of the development plan prior to processing the applications and get Kāinga Ora feedback. If a TA declines a resource consent based on Kāinga Ora feedback (i.e. it will have a negative impact on the outcomes of the development plan), Kāinga Ora would be an automatic party to any appeal process.

**Data and monitoring**

64. TAs are the entities that customers will naturally approach for property information in various forms, such as general enquiry, property information requests, LGOIMA, site reports (such as contamination) and LIM reports.

65. TAs are required to provide statistical information to the Ministry for the Environment National Monitoring Service on an annual basis. This includes a vast array of information relating to application types, timeliness and fees.

66. To meet both customer expectations and legislative requirements, TAs must retain ownership of all documentation relating to resource consents, infrastructure and utility works. The Bill does not require Kāinga Ora to provide a TA with all of the relevant documentation it may collect when using its powers of a resource consent authority and/or as an infrastructure provider. This omission must be rectified.

67. In addition, the Bill needs to explicitly require Kāinga Ora to advise the relevant TA of any identification or remediation plans for natural hazards, as such information also held in TA databases as information for developers and landowners to access during the LIM process.

**Issue: Impact on Auckland Council’s infrastructure provision**

68. Auckland Council’s Infrastructure Strategy outlines significant infrastructure issues facing Auckland over the next 30 years, including the sequencing and coordination of infrastructure. The Strategy outlines how council will manage its infrastructure considering factors such as renewals, growth in the demand for services, levels of service provision, public health and environmental outcomes and resilience and risks relating to natural hazards. Network planning is complex and the timing and scale of development must be considered in conjunction with overall network constraints.

69. Auckland Council also includes community facilities and open spaces in its infrastructure network planning. The Bill does recognise this and as a result the Bill includes no duty on Kāinga Ora to consider the implications of its plans on the wider provision networks. This contrasts to the approach proposed for other types of network infrastructure such as roading and three waters.

70. Consequently, the provisions in the Bill which give Kāinga Ora the powers to not only construct and build new infrastructure within a SDPA, but also in areas beyond a SDPA, are of significant concern for Auckland Council. The provisions in the Bill do not sufficiently protect the wider infrastructure networks that exist across a district, and could have unintended consequences on health, safety and capacity issues.
71. Of particular concern is the lack in the Bill of any requirements for Kāinga Ora to comply with established engineering standards or to consult with infrastructure providers on the capacity of the network and to understand the flow on effects of development for the infrastructure provider who will eventually own and operate the asset.

72. Unintended consequences of this gap include potentially incompatible infrastructure networks or Kāinga Ora assets that are developed to a higher or lower standard or level of service than the connecting network, resulting in operational and maintenance costs. Accordingly, Kāinga Ora should be required to comply with the established engineering standards for infrastructure or agree any changes in standards. Additionally, a TA or infrastructure provider should not be required to accept any assets created by Kāinga Ora which do not meet relevant standards or codes of practice unless a mechanism is be provided in the Bill for Kāinga Ora to pay ongoing additional costs associated with asset incompatibility.

73. The timeframes in the Bill for notifying an infrastructure provider of a (potentially significant) connection to their existing network are unreasonable and could have consequences for the wider network. As a connection will be planned significantly more than 20 days prior to construction, it is recommended that the timeframes in this section are extended to allow for parties to agree reasonable conditions.

74. The intent of Clause 157 is supported in principle, as it generally encourages utilities and infrastructure providers, including Kāinga Ora, to work together through observance of the Utilities Access Code. It is noted, however, that Clause 157(c) gives Kāinga Ora the ability to override conditions that would ‘unreasonably delay’ project objectives being achieved. The Utilities Access Code itself does not allow for unreasonable conditions to be imposed. Therefore, while the need to avoid delay to the SDPAs is understood, there is concern that any conditions that could be overridden would be important to the effective operation of the existing networks.

75. There is a lack of incentives in the Bill for best practice in the infrastructure systems that Kāinga Ora will be responsible for developing. The Bill presents a significant opportunity for integrated transport and water management, grey-water recycling, community scale renewable energy, multi-use ‘green’ community facilities which have been shown to be best done at the community scale in coordinated developments such as those enabled by this Bill. With the aim of achieving “sustainable, inclusive and thriving communities” the Bill should promote opportunities for best practice design at draft development plan stage.

76. The Bill does not reflect both roading and non-roading infrastructure is often linear and may pass through an SDPA. To consent the linear infrastructure, the infrastructure provider would now need to seek three consents from two different entities, rather than the single bundled consent as is currently required in Auckland. They would have to seek a consent from Kāinga Ora for the district plan rules for the segment within the SDPA, a consent from Auckland Council for any applicable regional rules with the SDPA, and a bundled consent from Auckland Council for the segment of the infrastructure outside of the SDPA. This is inefficient and runs directly contrary to the express purposes of the Auckland Unitary Plan.

Infrastructure Bylaws

77. Auckland Council is concerned about Kāinga Ora’s ability to propose bylaw changes through Clause 172, as there are likely to be flow on effects to infrastructure networks outside the project area. There may be particular implications for the Auckland Council Water Supply

78. As an example, Kāinga Ora can override the Water and Wastewater Bylaw in the SDPA. The Water and Wastewater bylaw contains key provisions to:
   • protect the network from damage by third parties (Works Over)
   • require third parties to meet Watercare standards
   • control connections to the network.

79. Kāinga Ora can override all of these in the SDPA – this would not just be for Kāinga Ora developments but would mean that any development (including non Kāinga Ora developments) would not (potentially) have to take measures to protect existing water supply and waste water within the SDPA (and potentially infrastructure outside of the SDPA).

80. Furthermore, the ability for Kāinga Ora to make, amend, suspend or suspend other Bylaws raises several substantive issues:
   • potential to create confusion and inconsistent regulatory regimes across Auckland
   • potential to introduce confusion around bylaw coverage with respect to geographical boundaries and other criteria such as class of vehicles.
   • potential to undermine long-standing and well understood bylaw setting and enforcement arrangements

Watercare Services Ltd

81. Watercare Services Ltd (Watercare) is a Council-Controlled Organisation (CCO) wholly owned by Auckland Council. Watercare ensures Auckland and its people continue to enjoy dependable services by upgrading assets, and by planning, building and delivering new infrastructure. Watercare provides 379 million litres of water to Auckland every day from 27 sources and collects, treats and disposes of 396 million litres of wastewater daily.

82. As well as collaborating with Auckland Council on this submission, Watercare is also submitting its own more detailed submission on the Bill.

83. Auckland Council is concerned that the Bill creates several significant implications for Watercare. The Bill sets out that Kāinga Ora will build the water supply and wastewater infrastructure within the SDPA, and outside to service the SDPA. There is no requirement to meet Watercare’s standards for the construction of water supply and wastewater assets. These standards have been developed expressly to ensure that developers construct and transfer high quality assets that will be fit for purpose for the long-term, and can be operated and maintained by the infrastructure provider. There is also no requirement that Kāinga Ora consults with Watercare during the resource consent process to ensure there is sufficient capacity in the water supply and wastewater network, both within the SDPA and upstream or downstream, to service the development.

84. Kāinga Ora has to notify Watercare 20 days before constructing assets. Watercare can impose “reasonable conditions” up to 5 days before construction starts. As indicated previously in this submission the notification timeframe is insufficient. In addition, the reasonableness test is limited and does not include anything about Watercare’s requirements
to meet Drinking Water Standards, ensure network capacity, and meet Watercare’s requirements under its Network Wastewater Discharge consent that controls wastewater overflows to the environment. The assets would then be transferred to Watercare either:

- by agreement (there is no issue if constructed to standards)
- by consent order – if Watercare refuses to accept assets.

85. Watercare then owns and operates the assets but cannot do any work on its assets within the SDPA without written permission from Kāinga Ora. Kāinga Ora can “alter” existing infrastructure – the definition includes connecting to existing infrastructure. This could mean that Kāinga Ora can make network connections and house connections to the network without Watercare approval.

86. Kāinga Ora can exclude Watercare designations, in particular:

- Kāinga Ora only has to include the designations for “national significant infrastructure” in the Development Plan.
- Watercare infrastructure is not “nationally significant infrastructure” in terms of this Bill.
- Kāinga Ora has to provide a designation for WSL infrastructure that is “similar” but does not need to agree with Watercare.

87. A significant issue for Auckland Council is that the Bill fails to recognise that Watercare is a water and wastewater operator and would be automatically responsible for any breaches of drinking water standards, and any consequential “public health events” from any Kāinga Ora inherited assets. In light of recent events with other local government districts around water quality and safety of consumers, it is of concern that the processes proposed in the Bill may put communities in Auckland at risk from similar health scares. This appears to be directly contrary to the purpose of the Water Services Regulator Bill that seeks to impose stricter requirements on providers of drinking water.

**Auckland Transport**

88. Auckland Transport (AT) is a CCO of Auckland Council and has the legislated purpose to contribute to an “effective, efficient and safe Auckland land transport system in the public interest.” While Auckland Council has ownership of Auckland’s roading network, AT is responsible for the planning and funding of most public transport in Auckland; operating the local roading network; and developing and enhancing the local road, public transport, walking and cycling network.

89. As well as collaborating with Auckland Council on this submission, Auckland Transport is also submitting its own more detailed submission on the Bill.

90. In the development area, Kāinga Ora potentially has the same powers over the local roading network as Auckland Transport. This ranges from corridor management, to altering the course and width of roads, closing roads, building footpaths and cycleways, providing parking spaces and collecting fees and charges, and prosecuting stationary vehicle offences.

91. The proposed arrangements raise several substantive issues:

- potential to undermine network planning, land use goals and provision of an integrated transport network
ability for Kāinga Ora to develop transport facilities could confuse and complicate existing Public Transport planning and provider arrangements.

confusion of roles and responsibilities for local communities and developers

limited requirement to align design and construction standards with AT

potential for ambiguity and confusion around roading boundaries

potential for confusion around enforcement functions and practice, for example with respect to development and enforcement of parking restrictions.

**Issue: Payment of ongoing operational costs of new infrastructure**

92. The Bill does not make provision for Kāinga Ora to consider and pay for the ongoing operational cost of any new infrastructure they create, with a targeted rates impact. The Bill should be altered to provide for an assessment of the ongoing infrastructure operating costs of an SDPA, and agreements reached over contingent liabilities, particularly as assets may be transferred to the TA by order. The assessment should include trade-offs between upfront capital expenditure and ongoing operating expenditure.

93. The Bill has several requirements for TAs to undertake administration, information and data sharing, monitoring etc with no provision to provide for the recovery from Kāinga Ora of the cost to the TA in doing that work. This needs to be addressed in the Bill as the impact on a TA’s budget and resources could be considerable.

94. One option for addressing these financial and other resource costs could be the creation of a Memorandum of Understanding (MoU) pertaining to costs and resources which could be put in place to address cost sharing and resourcing. The MoU can be established as a separate process but should be included as a key action point/trigger within the Bill.

**Issue: Impact on community facilities and open space**

95. In general, the Bill’s provisions relating to reserves appear generally consistent with the intent of the Reserves Act 1977. It is noted that the proposed reserve powers should help to expedite the reconfiguration of reserves within development areas (for example, via land exchanges) supporting improved spatial outcomes and amenity values.

96. The process for independent hearings under the Bill allows for the equal consideration of all public submissions. This is preferable to the comparable provisions under the Reserves Act 1977, which place emphasis on submissions from objectors.

97. Auckland Council is concerned that while the Bill includes detailed rules and safeguards governing the treatment of reserves held under the Reserves Act 1977, it has no comparable provisions for the treatment of land administered as park under the Local Government Act 2002. In addition, the Bill expressly requires Kāinga Ora to take existing reserves into account in its project planning but includes no similar obligation to account for other existing open space or community facilities. Land administered as park under the Local Government Act 2002 will be part of a network of open spaces across a district. As such Kāinga Ora must be required to consider the impact on those open spaces as well as Reserves in its development plan.

98. Auckland Council is also concerned that while conservation and scenic reserves are specifically excluded from SDPAs, the same does not apply to regionally significant parks.
such as regional parks or to open space/reserves held for historic reasons (e.g. Chelsea Estate Heritage Park and Fort Takapuna). These parks/reserves contribute significantly to local government’s ability to provide for the recreational, leisure and civic needs of the communities in their region/district and should not be available for development.

99. Auckland Council acknowledges that there may be other reserves or open spaces that could be reconfigured or better used for urban development in a district and supports the ability of Kāinga Ora to consider these in its development plan. However, where a reserve/open space is to be used for urban development Kāinga Ora should be required to provide replacement reserves/open spaces of similar size elsewhere in the surrounding area to ensure that the community is not negatively impacted. The Bill needs to be amended to require this.

100. Finally, it is noted that the Bill proposes Kāinga Ora may unilaterally vest assets in the territorial authority. In the context of community facilities and open spaces, this may have problematic network implications, unless Kāinga Ora is required to meet local provision and service level standards (as is the case for private developers).

**Issue: Funding and financing**

101. The Auckland region needs to accelerate investment in infrastructure to address the city’s housing issues and to meet the goals of major public and private developers. The Unitary Plan makes land available with a feasible development capacity for 326,000 dwellings. While the council has committed to a record $26 billion capital investment programme further infrastructure investment is required for this land to be developed at the pace required.

102. Auckland Council’s lack of debt headroom is the primary constraint on our ability to provide the infrastructure needed to meet Auckland’s growth challenges. Borrowing beyond our debt ceiling would risk a downgrade to the council’s credit rating, meaning higher interest costs across all our borrowing. Limits on the council’s ability to borrow mean that additional investment requires new or alternative financing mechanisms allowing third parties to provide the capital for investment in public infrastructure.

103. As such, Auckland Council supports the infrastructure financing and funding elements of the Bill. The legislation will support the provision of infrastructure to support housing and urban development.

104. Auckland Council supports the compensation for the costs of administering the funding mechanisms. There are no limitations on the ability of either the council or Kāinga Ora to recover the costs of their investments from benefiting landowners (using development contributions and/or rates) within the development area.

105. However, some technical issues need to be addressed to ensure that the seamless operation of both rates and development contributions to maintain cashflow. These technical issues are set out in Attachment two.

106. The council has reviewed the funding arrangements proposed in this Bill alongside those in the complementary Infrastructure Funding and Financing (IFF) Bill, which deals only with raising capital from private sources. The council sees these two Bills as part of a financial package that makes provision for new sources of capital, public (Kāinga Ora) and private (IFF), to increase infrastructure investment without jeopardising the council’s financial stability. The council will be making a submission on the IFF Bill in early March.
107. Further technical advice on funding and financing is provided in Attachment C.

**Issue: Māori aspirations**

108. In relation to the provisions in the Bill relating to Māori the submissions have been guided by views from practitioners within the Auckland Council whānau and the IMSB secretariat with experience in Māori resource management. These views are not a replacement or substitute for central government engagement with mana whenua and mataawaka or intended to represent their position on issues.

109. Auckland Council supports the inclusions in the Bill in regards to Māori aspirations such as the protection of Māori land, First Right of Refusal and the involvement of Māori in the development of the GPS.

110. Early engagement in SDPA development with Māori is essential and critical to partnership/relationships. This was one of the shortfalls of Housing Accord and Special Housing Areas Act and resulted in unease with some Māori. Kāinga Ora’s approach to ensure appropriate Māori entities/mana whenua are engaged needs to be addressed consistently throughout the Bill.

111. Clarification is sought in several areas including:
   - whether Kāinga Ora has the power as a resource consent authority to remove rules in a district plan that protect sites of significance to mana whenua (as part of their plan making powers) and how they will assess applications impacting on such sites
   - provision for the accidental discoveries of artefacts
   - confusion if only hapu groups are considered as post-settlement governance entities where iwi groups also have PSGEs established through Treaty settlement
   - whether written approval is provided by Māori landowners or PSGEs to Council if they are the requiring authority, if Kāinga Ora develops on Māori or RFR land?
   - whether Kāinga Ora as a consent authority is required to consult with mana whenua groups, that have not yet settled, who have an interest in a project area.
   - consistency of language and intent in relation to Māori interests e.g. Iwi Management Plans as included in the RMA.¹

**Issue: Alignment with other legislation**

112. Several other significant government policy proposals are also being consulted on and drafted. The government’s reform of the resource management system is seeking to gear the system towards broader outcomes and away from a narrow, effects focused system.

113. In contrast, the Urban Development Bill’s current approach is based on minimising effects and does not reflect a wider outcomes-based approach that the RM reform is seeking. For instance, the Bill does not require Kāinga Ora to take into account cumulative effects of its activities (cumulative effects are currently limited to the issue of development contributions objections). The Bill also gives Kāinga Ora the ability to streamline processes and override

¹ Source: https://www.mfe.govt.nz/ma/national-monitoring-system/reporting-data/m%2481ori-participation/iwi-hap%C5%AB-management-plans
Resource Management Act 1991 planning instruments and processes to achieve a development project's objectives.

114. However, the setting aside of planning instruments and the streamlining of processes cannot be at the expense of achieving overall outcomes for social, environmental, economic and cultural wellbeing. If these streamlined processes provide advances and models for more efficient ways of delivery, then they should assess for suitability at the wider local government level and be looked at as part of other legislative initiatives.

115. There are opportunities for integration of this Bill with the other directions and/or initiatives, examples of which include the proposed Water Services Bill and Taumata Arowai – Water Services Regulator Bill, RMA reforms, and proposed National Policy Statements on Urban Development, Highly Productive Land, Essential Freshwater and Indigenous Biodiversity.
Attachment A – Local Board Submissions
Feedback of the Albert-Eden Local Board of Auckland Council on the Urban Development Bill

1. The Board are supportive of the Government looking for new or adapted tools to increase the supply of housing in a strategic approach to remove barriers to construction, given the significant housing supply issue across Tamaki Makaurau.

2. We consider that rather than providing these broad new powers now, the Government should refine other processes first to understand their effect on progressing housing supply. Prior to this Bill being progressed further, we urge that the review and reform of the Resource Management Act should be completed, changes to any problematic building and planning rules undertaken and further exploration of appropriate new tools should be undertaken.

3. In relation to the Bill, we acknowledge the critical housing shortage in Tamaki Makaurau. However, the proposed bill is blunt, loses the opportunity for good design and community participation and for the wider Local Government voice to be heard.

4. Local Government NZ has been working to ensure localism is a focus of the Government and wherever possible, decisions are made locally, and that Central Government is devolved to the local. This New Act will undermine the local, in the planning of our city.

5. In Auckland, local boards have a statutory obligation and key role in placemaking. This is one of the key foci of our work. The current Bill omits to include any reference to, or engagement with, local boards and therefore quashes our ability to fulfil our legislated obligations.

Issues that should not be progressed in the Bill:

6. Kāinga Ora and the Independent Hearing Panel should not be able to set the rules for development. The Auckland Unitary Plan (AUP) should be adhered to, in setting the rules for all Specified Development Projects (SDP). The AUP already sets the rules to ensure economic and housing needs are met. The process included a comprehensive decision-making process during which 13,200 submitters were heard. Collectively, they raised more than 93,600 unique requests regarding the AUP. Another body should not be able to set the planning rules for Auckland without full and proper process.

7. Kāinga Ora should not be empowered with Requiring Authority status. That should only be allocated to infrastructure and utility providers and networks.

8. Two Government Ministers should not be able to make the decision whether to accept the recommendations of the Independent Hearing Panel (IHP).

9. Local authorities should retain the consent monitoring and enforcement functions for the development.

10. Kāinga Ora should not be empowered with the ability to process, and veto, all other consent applications within their area, and especially when it is not related to the development. A landowner may be vetoed from constructing a garage or undertaking house modifications, that has no relevance to the development.

11. Kāinga Ora is proposed to have powers similar to the Public Works Act (PWA). Land should only ever be taken under the PWA for significant local or central government infrastructure or utility projects. The PWA should not apply to privately owned housing for new housing projects.

12. Property taken under the PWA should be offered to original owners should it not be used. The Bill proposes that is not required. Land that is taken under the PWA should not be transferred or on-sold to other parties, including developers.
13. Kāinga Ora or their developer should not have the ability to set, change or suspend bylaws in their area. For example, a suburb with its own specific speed limit, alcohol ban or rules regarding animal welfare is inappropriate. A city should be able to set regionally applicable rules so all residents understand the bylaws in place. Another issue that comes out of this, is who will enforce the bylaws. Will Kāinga Ora or future owners employ their own compliance teams to enforce the bylaws?

14. Kāinga Ora should not be able to revoke, reclassify and reconfigure reserves.

15. Kāinga Ora should not be able to determine the need for open space. This is a role for local authorities in determining the provision and service level required in its areas. The Bill proposes that Kāinga Ora will be able to determine that there are adequate reserves in the area or that provision is impractical. They may then use the development contribution set aside for reserves for other purposes. We disagree.

Amendments that should be made to the Bill:

16. Extend the 10-day timeframe for feedback from the Local Authority in the initial proposal phase. Those most knowledgeable about local areas and challenges are local boards and 10 days is insufficient time for feedback to be provided. In Auckland, local boards should be part of that engagement given their significant powers, placemaking role and their local focus.

17. The inclusion of infrastructure, such as new stormwater connections, must consider the impact on the wider infrastructure network and any network upgrades required as a result.

18. Local Boards hold landowner status for the majority of parks and reserves in Auckland. Local Boards must be consulted to ensure approval will be forthcoming, should any new connection or infrastructure impact on Local Board-governed public open space.

19. If Kāinga Ora do retain the power to revoke, reclassify and reconfigure reserves, that should only be undertaken once the approval of the body that maintains and governs reserves in the local area is secured. In Auckland, reserves managed by Local Boards must have Local Board approval to be changed.

20. Categories of reserves that should be “absolutely protected” should be extended to include historic and scientific reserves.

21. Land that has been gifted to local authorities should be protected to ensure the gift was intended to be a legacy, is enduring for future generations.

22. In Auckland, Local Boards must be able to submit on the SDP.

23. With regard to roading, the design standards of the local authority must be applied to the design and construction of footpath and roads.

24. The creation of cycleways, pedestrian ways or shared-access ways should not be considered ‘betterment’ but as part of the transport network and should not attract betterment revenue.

25. At least two representatives from the Local Authority should sit on the Governance Team for the SDP.

26. The Independent Hearing Panel (IHP) is only required to give 10 days’ notice for the hearing. This should be extended to 20 working days to enable submitters to be able to organise themselves to attend and participate.

New matters for inclusion in the bill:

27. The Bill should include a reference stating that reclamation is not possible under the Act.

28. Iwi Management Plans should be given weight in the consenting process.
29. Existing Integrated Area Plans or Spatial Plans should be planning tools that have weight in the consenting process.

30. All applications should have a timeframe at least as long as that which applies to Resource Consents. However, given the extent of planning required for a SDPs, a longer timeframe before the consent expires should sit at 5 years. This is requested as communities and environments change with time especially in rapidly expanding urban environments.

END
Memorandum

7 February 2020

To: Anna Jennings, Principal Advisor – Urban Growth and Housing
Cc: Glenn Boyd – Relationship Manager, Henderson-Massey, Waiakere Ranges and Whau
     Wendy Kjestrup – Senior Local Board Advisor, Henderson-Massey
     Carol Stewart – Senior Policy Advisor, Local Board Services

Subject: Henderson-Massey Local Board feedback on the Urban Development Bill

From: Chris Carter, Henderson-Massey Local Board Chair

Purpose
1. To provide feedback from the Henderson-Massey Local Board to inform Auckland Council’s submission on the Urban Development Bill.

Context
2. The Urban Development Bill is a complex piece of legislation which provides specific powers to enable Kāinga Ora-Homes and Communities (Kāinga Ora) to undertake urban development within a defined specified development project area and provides the ability to use powers of acquisition for all Kāinga Ora’s development activities.

3. Auckland Council staff have identified some key themes for consideration to inform Auckland Council’s submission on the Bill, and local boards have also been invited to provide feedback as part of that submission.

4. Henderson-Massey Local Board agrees with the staff recommendation that Auckland Council maintain support for Kāinga Ora to undertake urban development within specified development areas while noting the following areas of concern:
   - the impact on local decision-making processes
   - duplication of process (particularly consenting)
   - lack of strategic alignment
   - challenges for network planning and funding and infrastructure delivery
   - unachievable timeframes

Feedback from the Henderson-Massey Local Board
5. Henderson-Massey Local Board also wishes to highlight the following concerns.

   General
6. Henderson-Massey Local Board supports in principle the proposal to enable Kainga Ora to undertake urban development in certain areas.

7. Henderson-Massey Local Board shares concerns noted in advice to the Planning Committee around duplication of processes and resources, particularly in consenting.

8. Henderson-Massey Local Board shares concerns noted in advice to the Planning Committee around lack of alignment to Auckland Council’s strategic planning framework
Auckland Council governance model

9. Henderson-Massey Local Board is concerned about the lack of regard in the bill for Auckland Council’s governance model, considering that Auckland will likely be an area of focus for potential Kainga Ora developments due to its size and the high levels of population growth predicted in the region. Not only does the bill create confusion for unitary authorities with its specific provisions around local and regional authorities, but it also fails to recognise the role of local boards and CCOs. Of particular concern are the very tight timeframes proposed in the bill around establishment of Special Development Project Areas.

Acquisition powers

10. Henderson-Massey Local Board has concerns around the potential impact of the powers of acquisition on public open space. Local boards as the landowners for local parks and reserves have effectively no opportunity under this bill to provide meaningful input into a decision which may impact on these reserves. Local plans and strategies developed to guide Auckland Council and CCO project delivery decisions, for example the Henderson-Massey Open Space Network Plan, Connections Plan and Harbourview-Orangihina Masterplan may be overridden, inhibiting cohesive planning within local communities. Overall, the bill does not appear to reflect an understanding of the value of open space to local communities, in particular the value of local parks, recreational reserve or sports parks.

Standards and codes of practice

11. The absence of requirement for Kainga Ora developments to meet normal codes of practice or to work closely with Auckland Transport or Watercare could have negative impacts on the infrastructure network. Issues could arise around health and safety, costs (where the Auckland Council Group takes over maintenance of infrastructure not built to its normal standards) and impacts on traffic congestion and public transport service provision. The local board considers that the bill should include requirements for Kainga Ora to work with the Auckland Council Group to ensure that infrastructure provision in Kainga Ora developments will be safe, meet the needs of growth, and not impose a consequent financial burden on the council group and ratepayers.

Consistency

12. Henderson-Massey Local Board notes the need for regional consistency around provision of assets and infrastructure and service levels. The bill creates potential for inconsistency around the management and maintenance of public assets which could create reputational risk for local boards.

Community infrastructure

13. There is potential for consequential maintenance costs falling to local boards for community infrastructure built as a part of Kainga Ora developments. This is essentially forcing local boards to pay for assets they were not involved in planning.

Engagement with Māori

The local board sees full, meaningful engagement with mana whenua as essential to ensure kaitakitanga and best practices around environmental management (for example around stormwater run-off and protection of local waterways).

Climate change

14. The Henderson-Massey Local Board is concerned about the lack of consideration for the impacts of climate change in the bill. Auckland Council’s Environment and Community Committee declared a climate emergency in June 2019 and committed to, amongst other things:

- providing strong local government leadership in the face of climate change, including working with local and central government partners to ensure a collaborative response.
• advocating strongly for greater central government leadership and action on climate change.

15. Sustainability and the impacts of climate change need to be a high priority in all new urban development projects. The board considers inclusion of requirements for best practice sustainable urban design within the bill, especially in light of extreme weather events in recent years that have had significant financial and infrastructure impacts on local authorities.

Next Steps

16. This feedback will be reported to the 17 March meeting of the Henderson-Massey Local Board for retrospective ratification.

17. If staff have questions about any of the above feedback, please contact the Senior Local Board Advisor – wendy.kjestrup@aucklandcouncil.govt.nz.

__________________________ Date 7 February 2020

Chris Carter
Chairperson, Henderson-Massey Local Board
Kaipātiki Local Board submission on Kāinga Ora - the Urban Development Bill

The Kaipātiki Local Board would like to acknowledge the work done by Auckland Council staff to prepare a detailed response to the Kāinga Ora - Urban Development Bill. We endorse the suggestions provided in the Auckland Council response.

The Kaipātiki Local Board agree that there is a significant need to increase housing and support in principle the objectives of the Urban Development Bill. It is important that Auckland Council as a Territorial Authority be seen as a partner with government with a focus on collaboration.

The Kaipātiki Local Board note the following points:

- The Urban Development Bill (UDB) should be put on hold until any future changes to the Resource Management Act have been made, to ensure alignment between both Acts.

- Territorial Authorities should be seen as a key partner, not just a stakeholder and a barrier to progress.

- UDB can override the Auckland Unitary Plan and have little regard for development beyond the urban boundary, or the infrastructure required for growth in greenfield areas.

- Kāinga Ora should not be a Resource Consenting Authority as this will cause confusion and unintended consequences of becoming a ‘quasi’ local authority, creating a duplicate consenting authority within the Auckland region.

- Territorial Authorities should retain the consenting and monitoring functions of housing developments.

- Kāinga Ora should not have the power to veto all other consent applications within their area, especially if the application is from a landowner who wants to make changes on their private land, but finds themselves within a new Special Development Area.

- Special Development Areas are undefined in size and scale. When they are being established SDAs should be defined as properties that are either contiguous to each other in side by side or within close proximity to each other.

- More regard to good Urban Design principles should be incorporated into the UDB.

- More reference needs to be given to the social needs for the people who will live in these Special Development Areas, ensuring that there is a provision for adequate schooling at all levels, medical centres, libraries, urban public space such as plazas, open space and recreational areas.
- The UDB is unclear about what protections are given to recreational land and Kāngarora should not be able to revoke, reclassify and reconfigure Reserves. This could have significant impacts on our local communities if our Reserves are targeted for Special Development Areas.

- It is being proposed in the UDB that Kāngarora be able to determine the provision and service levels required for reserves land. Kāngarora also believe that where there is adequate provision, that the development contributions set aside for Reserves could be used for other purposes. We do not support this point and believe that Territorial Authorities and in the case of Auckland Council, that Local Boards also need to be involved in determining the need for open space.

- There is inadequate time for Territorial Authorities to provide accurate infrastructure feedback, both in terms of the funding required to implement the necessary infrastructure and to accurately anticipate the appropriate levels needed for the housing developments.

- Greater clarification on who will incur the costs of future-proofed infrastructure and how this will impact on the surrounding and adjacent areas beyond the designated Kāngarora Special Development Areas.

- The rights of appeal are limited to an Independent Hearings Panel who will present to the Ministers responsible for a final decision. It is unclear if the Minister can override the recommendations of the Independent Hearings Panel.

- The setting of Targeted Rates will be removed from local authorities and it is unclear what input Territorial Authorities will have on the setting of these rates.

- It is unclear what safeguards will be put in place for properties acquired under the Public Works Act and transferred to developers. It should be a requirement that unused land be transferred back to the original owner in the first instance.

The Kaipatiki Local Board acknowledges the work of Deputy Chair Danielle Grant, for her contribution to the Urban Development Bill political working party and her preparation of the Board’s submission.
Māngere-Ōtāhuhu Local Board’s Submission: Urban Development Bill

Kāinga Ora – Homes and Communities (Kāinga Ora) is leading the Māngere Development. The Māngere West stage 1 is underway, and Aorere stage 2 will begin work in 2020. The Mangere Development will replace 2,700 state houses with up to 10,000 new mixed healthy homes over the next 10 – 15 years. This submission is the Māngere-Ōtāhuhu Local Board’s position on the Bill, with additional recommendations:

LOCAL BOARD POSITION

The Māngere-Ōtāhuhu Local Board support in principle the Urban Development Bill. As the Bill's outcome resonates throughout the local board’s local board plan (2017) in particular: A place where everyone thrives and belongs, and, Facilities to meet diverse needs, outcomes.

IN ADDITION, THE MANGERE-OTAHUHU LOCAL BOARD:

1. Supports it's 2019 submission when, Kāinga Ora – Homes and Communities was established as a new Crown entity, to be part of this submission and highlighting the following:

   - opposes the lack of recognition of local government and supports the inclusion of an operating principle relating to how Kāinga Ora will partner with local authorities within the areas it is operating, including explicit requirements for Kāinga Ora to engage with local government.

   - supports an explicit provision establishing any development by or on behalf of Kāinga Ora, is liable for development contributions, as decisions regarding potential operational infrastructure and amenities will have significant ongoing costs to local government and impact on wider infrastructure networks.

   - supports an explicit provision that any major operational infrastructure decisions in Auckland are subject to ratification by the Governing Body of Auckland Council.
2. Endorse that none of the Bill's powers can be used in respect of Māori customary land, Māori reserves and reservations, or any parts of the common marine and coastal area in which customary marine title or protected customary rights have been recognised.

3. Agree that mitigation with the new type of urban development project called specified development project (SDP) are resolved to achieve the Bill's intended outcomes these concerns are as follows:
   - the impact on decision making processes
   - duplication of process (particularly consenting between Auckland Council and Kāinga Ora)
   - lack of strategic alignment
   - challenges for network planning, funding and infrastructure delivery, and
   - unachievable timeframes.

4. Request clarity to Kāinga Ora’s ‘tool box’ of development powers, that appears to exist through numerous separate pieces of legislation, and how each legislation may impact the implementation of the Bill’s delivery; as each is designed to address a specific barrier to complex, transformational urban development in a specific project area. These powers broadly cover Infrastructure, Planning and Consent and Funding and further explained as follows:
   - the ability to override, add to, or suspend provisions in Resource Management Act (RMA) plans or policy statements in the development plan that applies to the project area
   - act as a consent authority and requiring authority under the RMA
   - the ability to create, reconfigure and reclassify reserves
   - the ability to build, change, and move infrastructure
   - tools to fund infrastructure and development activities, including the ability to levy targeted rates.
5. Request clarity on the decision-making delegation of Kāinga Ora and the local board’s governance role over local facilities and local targeted rate, and implications to the Māngere-Ōtāhuhu community.

6. Supports Auckland Council’s position to advocate strongly to central government to ensure alignment of the Bill’s strategy is aligned to the latest piece of legislation that impacts on urban growth and housing in particular: Resource Management Act reforms; proposed National Policy Statements on Urban Development, and Highly Productive Land; Essential Freshwater and Indigenous Biodiversity; Infrastructure Funding and Financing Bill; and the National Planning Standards.

7. Endorse the Bill’s safeguards that ensure the benefits of development are balanced against environmental, cultural and heritage considerations. The local board request that this goes further to include vulnerable communities and avoid the mistakes from the Tāmaki urban regeneration project. That saw protests and many families alienated after being evicted from their state homes that they’ve lived in for generations.

8. Request for local Mana whenua, local council governance and community stakeholders are included in the early development planning phase and in a meaningful way, for localised input in context to how the special project area can coherently blend with existing local amenities, natural environment, and transport options to meet the needs of local communities, rather than being informed after Kāinga Ora have completed development plans.

9. Agree for the local board chair or delegate to present the local board’s views on the Urban Development Bill to Auckland Council’s Planning Committee.
Manurewa Local Board feedback on the Auckland Council submission to the Urban Development Bill

The Manurewa Local Board supported the establishment of Kāinga Ora – Homes and Communities in feedback on that Bill (Resolution number MR/2019/135). However, at that time the board expressed concern that the urban development powers of the new entity were to be subject to a separate Bill as this made it difficult to accurately assess the likely impact of the new entity.

The board was also concerned about potential overlaps in responsibility between Kāinga Ora – Homes and Communities and local government. We felt that care needed to be taken that the new entity should engage with, and work in partnership with, local government when appropriate.

Having now had the opportunity to review the Urban Development Bill, we feel that these concerns have been validated. We believe that the powers proposed in this Bill do not balance the need to facilitate large urban development projects with the need for engagement with local communities and their elected representatives. Many of the powers that are proposed in the Bill give the appearance of overriding local democracy.

For example, the process to establish a specified development project (SDP) area requires local authorities to express whether or not they support the proposal in a short timeframe and without undertaking consultation with their constituents and stakeholders. This is particularly concerning because the establishment of the SDP involves creating a development plan to replace, in part, the existing regional or district plan within that area. The plans being replaced have been created using a process that residents were able to have input into. To replace it using a process with more limited public input, and potentially against the wishes of members of the community and their elected representatives, is damaging to local democracy.

Our board would like to see this process replaced by one where local authorities and community members are allowed more input into deciding where SDP areas should be established. There should be provision for local authorities to define areas where it would not be appropriate to make use of SDPs. A partnership approach between Kāinga Ora – Homes and Communities, local authorities and community stakeholders should be used for decision-making during the project.

The criteria for establishing an SDP in the Bill are very broad and could be used to support a wide variety of projects, including commercial projects. We feel that use of the SPD process should be limited to projects that have a social housing or affordable housing component, or otherwise include a demonstrable public good.

The Auckland Unitary Plan contains protections for Historic Heritage and Special Character Areas. We believe that areas that have been recognised as having heritage or special character value should not be used for SDPs, and that the Bill should include provisions to prevent SDPs from having detrimental effect on the character of such areas. Additionally, the Bill should provide measures to ensure that development carried out in SDPs does not negatively affect neighbouring areas. Care should be taken when defining SDP boundaries to respect communities of interest.
Our board believes that the Bill should include requirements that SDPs reflect principles of quality urban design. Intensive developments should include sufficient provision of green space, whether private or shared. Public open space should not be relied upon to meet these requirements.

We feel that the relationship of this Bill with the current review of the Resource Management Act is unclear. One of the purposes of that review is to recommend changes to planning legislation in order to reduce restrictions on urban development. If the review is successful in achieving that purpose, it would render the provisions of this Bill unnecessary. Additionally, the policy work that was undertaken to establish the need for an urban development authority took place under the existing planning legislation. If that legislation is to change, this advice might no longer be relevant. For these reasons, we believe that it would be more prudent to wait until the Resource Management Act review is completed before progressing the Bill.

Our board is concerned that this Bill does not address the potential issues that could be created when infrastructure and assets created as part of an SDP are transferred to a local authority at the conclusion of the project. Provision should be made to ensure that this does not impose unfunded costs of the local authority. The impact of this issue could be lessened if local authorities were given more involvement in decision making on the SDP. In that case, the local authority would be able to advise on the likely effects that the creation of the asset would have once the project is completed, and provision to address that impact could be agreed at the time of creation.

While we acknowledge that this legislation is part of a larger suite of measures to address planning and infrastructure issues, we note that it is unlikely that the measures in this Bill will be effective in enabling urban development if the problems of infrastructure financing and shortages of skilled labour, plant and equipment to carry out development are not also addressed. Without measures to address these issues, it seems unlikely that the Bill will succeed in its aims.

Joseph Allan, Chairperson
4 February 2020
On behalf of the Manurewa Local Board
Memorandum

4 February 2020

To: Chris Makore, Chairperson – Maungakiekie-Tāmaki Local Board; Debbie Burrows, Deputy Chairperson – Maungakiekie-Tāmaki Local Board; Nina Siers, Relationship Manager – Maungakiekie-Tāmaki and Puketāpapa Local Boards

cc: Christie McFadyen, Senior Local Board Advisor – Maungakiekie-Tāmaki Local Board; Anna Jennings, Principle Advisor – Urban Growth and Housing

Subject: Urgent decision request of the Maungakiekie-Tāmaki Local Board

From: Mal Ahmu, Local Board Advisor – Maungakiekie-Tāmaki Local Board

Purpose

1. To initially seek the local board relationship manager’s authorisation to commence the urgent decision-making process and if granted, seek formal approval from the chair and deputy chair (or any person acting in these roles) to use the process to make an urgent decision.

2. The decision required, and the supporting report, are attached to this memo. The urgent decision being sought needs to be authorised by the chair and deputy chair (or any person acting in these roles) by signing this memo. Both this memo and the report will be reported as an information item at the next business meeting if the urgent decision-making process proceeds.

Reason for the urgency

3. Local Boards have a role in representing the views of their communities on issues of local importance, such as inputting local impacts of Central Government proposals into Auckland Council submissions.

4. Due to the Christmas/New Year period, Maungakiekie-Tāmaki Local Board’s first business meeting for the 2020 calendar year is on 25 February 2020.

5. The due date for submissions to Central Government’s Urban Development Bill is 14 February 2020. A workshop was held for local board members on the Bill on 31 January 2020. The draft Auckland Council submission will be presented to the Planning Committee on 4 March 2020 and final approval by delegates on 11 February 2020. To meet these timeframes local board feedback is due by 7 February 2020.

Decision sought from the chair and deputy chair (or any person acting in these roles)

That the Maungakiekie-Tāmaki Local Board:

a) provide input into Auckland Council’s submission on Central Government’s Urban Development Bill.

Context

6. On 1 October 2019, the Kāinga Ora – Homes and Communities Bill established Kāinga Ora – Homes and Communities as a new Crown entity by:
• disestablishing Housing New Zealand Corporation (HNZC) and Homes Land Community (HLC)
• putting HNZC and HLC’s assets into Kāinga Ora - Homes and Communities
• repealing the Housing Corporation Act 1974
• putting some of the functions and assets related to KiwiBuild that currently sit in the Ministry for Housing and Urban Development into Kāinga Ora - Homes and Communities.

7. Kāinga Ora has two key functions; being a public housing landlord and leading and coordinating urban development. The entity’s objective is to “contribute to sustainable, inclusive and thriving communities that:
• provide people with good quality, affordable housing choices that meet diverse needs; and
• support good access to jobs, amenities and services; and
• otherwise sustain or enhance the overall economic, social, environmental and cultural wellbeing of current and future generations.”

8. The Urban Development Bill was introduced to Parliament on 5 December 2019 and had its First Reading on 10 December 2019. It has now been referred to Select Committee. The Bill sets out the functions, powers, rights and duties of the Kāinga Ora to enable it to undertake its urban development functions.

9. Development powers are set out under the following categories;
• Infrastructure – scope potential works, three waters and drainage infrastructure, roading, parking, public transport, transfer of ownership, bylaw powers
• Planning and Consenting – amendments to district plan, regional plan or regional policy statement, issue consents, shortened consent process, requiring authority powers, veto or amend applications of resource consents or plan changes in the project area
• Funding – Set and assess targeted rates, require development contributions, require betterment payments, require infrastructure and administrative charges
• Land Acquisition and Transfer – exchange, revoke, reconfigure some reserves, create, classify and vest reserves, transfer and set apart Crown owned land, acquire private land, transfer of ownership, buy, sell and hold land in own name, transfer of former Māori land.

Approval to use the urgent decision-making process

Signed by Nina Siers
Relationship Manager, Maungakiekie-Tāmaki Local Board  Date: 5 February 2020
Approval to use the urgent decision-making process

Chris Makoare
Chairperson, Maungakiekie-Tāmaki Local Board Date: 7 February 2020

Debbie Burnows
Deputy Chairperson, Maungakiekie-Tāmaki Local Board Date: 7 February 2020

Maungakiekie-Tāmaki Local board Resolution/s

That the Maungakiekie-Tāmaki Local Board:

a) note that the Maungakiekie-Tāmaki Local Board area has a significant level of urban
development planned and currently in progress and that this Bill is likely to significantly
impact the Maungakiekie-Tāmaki community

b) oppose Central Government’s proposed Urban Development Bill, as the proposed tools
and feedback timeframes that Kāinga Ora will have access to indicates that Kāinga Ora
would potentially work from a distance and may disregard current and future communities’
aspirations and needs, putting ratepayers and our local community at high-risk of
disempowerment, noting:
   i) the local board do not have strong confidence in large-scale crown entities, due to
   the current experience of working with the New Zealand Transport Agency which
   operates from a distance, inhibiting effective and efficient collaboration

c) note that the local board previously supported in principle Auckland Council’s submission
on the establishment and principles of the Kāinga Ora – Homes and Communities Bill,
when the powers that Kāinga Ora could assume were not yet defined

d) endorse quality urban development as highlighted in the Maungakiekie-Tāmaki Local Board
Plan 2017, which sets out intent to collaborate with housing developers to create new
developments that are high-quality and reflect the flavour and character of our local area.

e) recommend Kāinga Ora take a more collaborative approach with local government and
recognise Auckland Council’s unique governance model as established under the Local
Government (Auckland Council) Act 2009, noting that:
   i) local boards have a key role in Tāmaki Makaurau/Auckland to:
      • represent the views of our community on issues of local importance
• maintain and upgrade local facilities, town centres and parks
• care for the environment

ii) Local Government New Zealand recently released its discussion paper on localism which depicts how communities feel empowered to participate when they are provided the opportunity and visibility to engage in decision-making processes

iii) the Maungakiekie-Tāmaki Local Board currently has an efficient and meaningful collaborative relationship with the Kāinga Ora staff working on housing developments in the local board area. There are concerns that this Bill will diminish the relationship that has been built not only with the local board, but also with local communities

f) recommend that Kāinga Ora must consider local planning documents, particularly local board’s planning documents and strategies in the context of Tāmaki Makaurau/Auckland, as these plans have had a significant level of local input that will ensure that urban development meets the needs of both the current and future communities

g) oppose Kāinga Ora’s proposed ability to utilise the Public Works Act to compulsorily acquire land, namely existing homes, for the purpose of housing developments due to the impact of dislocation, which has already been significantly experienced by the Maungakiekie-Tāmaki community

h) recommend that any investment by Kāinga Ora in community amenities and infrastructure factors in the “whole of life cost” of any new asset that has any intention to be handed to local government to manage in the future, noting the impact this could potentially have on local government financially

i) oppose the use of reserve land for urban development without guarantee that the current provision of public open space will be upheld or amplified to create healthy and quality urban environments for our communities

j) recommend that the Urban Development Bill take greater consideration of climate change and put in safeguards to protect and improve the physical environment within the local areas being developed, noting that Point England and Onehunga have been identified as locations in the local board area at higher risk of environmental degradation

Chris Makcare
Chairperson, Maungakiekie-Tāmaki Local Board Date: 7 February 2020

Debbie Burrows
Deputy Chairperson, Maungakiekie-Tāmaki Local Board Date: 7 February 2020
Memo

To: Anna Jennings, Principal Advisor, Urban Growth and Housing
cc: Victoria Villaraza, Relationship Manager, Local Board Services
From: Ōtara-Papatoetoe Local Board

Subject: Ōtara-Papatoetoe Local Board’s feedback on the Urban Development Bill

Context/Background
The Urban Development Bill was introduced in Parliament on 5 December 2019. It follows on from the Kāinga Ora—Homes and Communities bill, which disestablished Housing New Zealand and set up a Crown entity in the same name. The purpose is to provide specific powers to enable Kāinga Ora—Homes and Communities (Kāinga Ora) to undertake urban development within a defined specified development project area (SDPA) as well as providing the ability to use powers of acquisition for all Kāinga Ora’s development activities. This piece of legislation impacts on urban growth and housing.

Local boards received a memo with details on 16 January 2020 and were invited to attend a workshop on the Bill on 31 January 2020. Local boards have the opportunity to give feedback, by 7 February 2020 which will be appended to the council submission.

Feedback:
The Ōtara-Papatoetoe Local Board notes the following points as feedback:

a. Affordable housing: The board is in principle supportive of government’s intent of the Bill, that is, to improve the social and economic performance of New Zealand’s urban areas. The board recognises that local communities are in need of affordable homes.

b. The board acknowledges that giving Kāinga Ora more powers and establishing specified development project areas (SPDA) will speed-up the building process and allow more houses to be built, many of these will benefit families in our local board area. However as highlighted in Auckland Council submission to an earlier Bill, the Kāinga Ora – Homes and Communities Bill, the need to see the detail of how the new urban development entity, Kāinga Ora, would operate and what powers would be afforded to it is pertinent to implications on the ground.

c. Scope of Kāinga Ora’s powers and Auckland’s governance model, role of local boards: The board has a serious concern about the scope of some of those powers, including and specifically Kāinga Ora’s powers regarding:
   - the resource consenting process and
   - powers of acquisition of reserves that may include the acquisition of local reserves, parks and playgrounds without consultation with our local boards.

d. Place-making and local plans: The Bill should recognise the governance role of Territorial Authorities, including that of Local Boards. Given the place-making role of local boards and the increased rhetoric about ‘localism’ and ‘subsidiarity’ regarding local government, it would be appropriate for the Bill to recognise Councils and Local Boards as more than merely ‘stakeholders’. Kāinga Ora should be required to work in partnership with Councils and Local Boards to build better ‘communities’ – this aligns well with the overarching objective of the Bill.

e. Auckland has a unique governance model and local boards have a responsibility in place-shaping, are responsible for decision-making on local issues, activities and services. These activities include maintaining and upgrading town centres, facilities including local parks and caring for the local environment, preserving heritage.
f. **Gap in strategic alignment**: The provisions in the Bill and operational requirements from Kāinga Ora must include reference to local context of plans and strategies. Currently there is a gap in strategic alignment as the community effort that shaped the making of plans and strategies, including those at a local board level, are not considered – e.g. Auckland Plan 2050, Local Board Plans, Open space network plans, community facilities network plan.

g. **Acquisition of reserves**: The board has serious concerns on giving power to Kāinga Ora to acquire reserves. This proposal implies loss of limited green open spaces due to urban intensification and growth. Further, the Bill does not place a requirement on Kāinga Ora to replace green space if reserves are acquired. This is at a time when local communities are demanding open spaces and it is important for them to protect and preserve green space or the limited reserve areas we have. There is huge risk of loss of oversight from a local governance perspective.

h. **Communication, consultation with local population**: There is a high risk of confusion, communication gaps and even duplication for local communities, applicants and developers if Kāinga Ora was automatically the resource consent authority. The unintended complications can arise as many urban developments require both district and regional consents. Local boards are the first point of contact for communities and it is important for the Bill and Kāinga Ora to recognise local governance roles and responsibilities and engage as partners.

i. **Development powers outside of SPDA**: The board is concerned about the extensive powers with Kāinga Ora for developments that are not a SDPA may result in situations where small developments, in smaller parcels of land such as that around Papatoetoe, will go ahead without consulting with neighbours or local residents.

j. **Reduce upheaval and negative impact on vulnerable communities**: The Ōtara-Papatoetoe Local Board is of the view that a greater emphasis on community involvement and participation is warranted. As noted earlier, many important plans and strategies have been prepared by council based on significant involvement by the community. The Bill in its current form does not require these to be taken into account and there is huge risk that local communities will be left out of this major change process. A large part of the planned developments are in southern local areas of Auckland, it is in our areas that SDPA will be implemented, where large parts of our communities are vulnerable and at risk and will have to experience major upheavals.

k. **Shared prosperity**: A challenge for Auckland and Ōtara-Papatoetoe local area is taking actions to share prosperity and opportunities with those more vulnerable. The development projects which Kāinga Ora will lead are expected to improve employment and business opportunities. The Ōtara-Papatoetoe Local Board would like to see the inclusion of ‘social premiums’ that result in creating jobs for local people and opportunities for local business in these development projects. These opportunities must be proactively offered to locals in the first instance. These are significant urban developments in the local areas and meaningful pathways need to be designed to empower locals for employment and to enable them to make the most of the business opportunities.

l. **Policy instruments for pathways to home ownership**: The board recognises the need in our communities for affordable housing and advocates for putting into place policy instruments and measures to assist locals get into home ownership through the SDPA. Māori and Pacific homeownership rates have plummeted and owning real estate has been shown to be one of the biggest factors in wealth growth amongst New Zealanders, even more significant a factor than education. This is an opportune time to take steps that can make a tangible difference or else the big changes will have a reverse effect on our communities if our families are priced out of local areas, instead of providing affordable homes for all.

The Ōtara-Papatoetoe Local Board appreciates the opportunity to give feedback and is interested to be informed of the next steps and progress on the Bill.

Lotu Fuli
Chair, Ōtara-Papatoetoe Local Board
Papakura Local Board input into the Auckland Council’s Submission on the Urban Development Bill

About the Papakura Local Board

Papakura Local Board is one of 21 local boards which are part of the Auckland Council co-governance model. The board has responsibility for local decision making while the Governing Body has the regional decision making focus.

The board’s population, as at the 2018 census, was 57,636. The population is ethnically diverse with 49.1% European, 26.8% Māori, 23.4% Asian and 18.9% Pacific peoples. Since the 2013 census there has been a significant growth in the Asian population. Papakura still has the largest Māori population per capita. The median age in Papakura is 32 years, with 23.6% of the population being aged between 0 and 14 years.

Background

The Kāinga Ora – Homes and Communities Bill established Kāinga Ora – Homes and Communities as a new Crown entity on 1 October 2019 by:

- disestablishing Housing New Zealand Corporation (HNZC) and Homes Land Community (HLC)
- putting HNZC and HLC’s assets into Kāinga Ora - Homes and Communities
- repealing the Housing Corporation Act 1974
- putting some of the functions and assets related to KiwiBuild that currently sit in the Ministry for Housing and Urban Development into Kāinga Ora - Homes and Communities.

Kāinga Ora has two key functions; being a public housing landlord and leading and coordinating urban development. The entity’s objective is to “contribute to sustainable, inclusive and thriving communities that:

a) provide people with good quality, affordable housing choices that meet diverse needs; and

b) support good access to jobs, amenities and services; and

c) otherwise sustain or enhance the overall economic, social, environmental and cultural wellbeing of current and future generations."

The Urban Development Bill sets out the functions, powers, rights and duties of the Crown entity, Kāinga Ora-Homes and Communities (Kāinga Ora) to enable it to undertake its urban development functions.

Submissions on the Bill are currently open until Friday 14 February. Local Board input is required by Friday 7 February to be appended to the Auckland Council submission.

Papakura Local Board feedback

1. The Papakura Local Board is concerned about the wide ranging powers in this Act that potentially undermine council’s long-term planning documents, ie: the Auckland Plan and the Auckland Unitary Plan.

35 Coles Crescent, Papakura | Private Bag 92300, Auckland 1142 | PapakuralocalBoard@aucklandcouncil.govt.nz | Ph 09 295 1376
2. The board believe that development occurring out of planned sequence will impact on the wider council infrastructure and network, e.g. road, public transport, community facilities, water and wastewater infrastructure.

3. The board believe there should be a requirement to consult with a territorial authority about a proposed specified development project and development plans.

4. The board believe the legislation will potentially have an impact on council and its CCO’s operational resources.

5. The board believe that council should be able to charge development contributions for specified development projects as there will be an impact on the wider council network.

6. The board is concerned about the duplication of processes and the impact on the limited pool of staff.

7. The board believe there should be an opportunity for public input into any proposed specified development project or development plan.

8. The board believe it is imperative that Māori aspirations are recognised in the Bill. This Bill should reflect the Resource Management Act Māori provisions to ensure consistency between the Acts.

9. The board believe this Act should complement the Resource Management Act (RMA) requirements and not be used as tool to supercede any RMA consultation requirements.

10. The Act could make provision for a role for Māori in the decision making process.

11. The board believe any proposed specified development project or development plan should not impact on Treaty claims.

12. The board is concerned this Bill provides powers for compulsory acquisition of private land for housing purposes.

13. The board feel that if council is required to collect the infrastructure levy on behalf of the urban development authority, council should be able to claim the administrative costs for this service.

14. The board agree it makes sense that council is best placed to collect the infrastructure levy. However, there a political risk in relation to the levy being collected by the local authorities. While the first purchasers may understand the purpose of the charge, over time subsequent purchasers may not necessarily understand. This could create a political risk in the three year election cycle.

15. The board is questioning, if purpose of this Act is to build affordable housing, has consideration been given to the impact of higher day to day costs associated with the specified development project in terms of the targeted rate or infrastructure levy. The owner would be charged a targeted rate or levy for the infrastructure on top of paying council rates. Does this achieve the objectives of affordable housing?

16. The board believe it is imperative to protect the green space set aside in regional parks, local parks and reserves. The urban development authority must not be able to develop on land designated for parks and reserves.

17. Specified development areas and development plans must have green space included to ensure quality urban development and healthy communities.
18. Consideration must also be given to the protection of quality soils for food production.

19. The board does not agree that Kainga Ora should be given powers in relation to proposing amendments to existing bylaws, revoking existing bylaws and making new ones within a specified development project area, in relation to roads and non-roading infrastructure that connects or services non-roading infrastructure. This will create confusion for the public. Auckland Council has spent several years in consolidating and updating its bylaws. The board believes these powers should still remain with the local authority.

Brent Catchpole
Chairperson
Papakura Local Board

Date: _7 February 2020_

Jan Robinson
Deputy Chairperson
Papakura Local Board
Feedback on:
The Ministry of Housing and Urban Development’s Urban Development Bill
4 February 2020

Context
1. The Ministry of Housing and Urban Development is seeking feedback on Urban Development Bill. The due date for submissions on the Bill is Friday 14 February.

2. This feedback from the Puketāpapa Local Board will be made by Urgent Decision, by the Chair and Deputy of the board, and by appended to the Council submission.

Relevance to the Local board
3. Local boards are responsible for decision-making on local issues, activities and services and providing input into regional strategies, policies and plans. Local boards also have a role in representing the views of their communities on issues of local importance.

4. Every three years local boards set their strategic direction through a local board plan. The Urban Development Bill has relevance to all the outcomes in the 2017 Puketāpapa Local Board Plan, in particular urban development.
   - Connected communities with a sense of belonging
   - Improved wellbeing and safety
   - Thriving local economy and good job opportunities
   - Transport choices meet our varied travel needs
   - Urban development meets community needs
   - Vibrant and popular parks and facilities
   - Treasured and enhanced natural environment

Local board submission:
5. Puketāpapa Local Board:
   a) supports the assessment and views expressed in the Auckland Council submission on the Urban Development Bill
   b) endorses the importance of local government as a collaborator/partner with Kāinga Ora, rather than a stakeholder
   c) acknowledges the collaborative working relationship it has had with Homes Land Community since its creation. The local board meets regularly with the agency to provide advice and support. This has not only benefited the board and Kāinga Ora, but improved community outcomes. For many years the board has allocated budgets to projects where Council staff work alongside HLC/ Kāinga Ora to achieve positive
community outcomes. The board looks forward to an ongoing relationship with Kainga Ora.

i. Seeks that this kind of collaboration with local government is a requirement of the Act

ii. Offers to provide further information about the details of the board’s work with Kainga Ora, if that would assist in the development of the Bill

d) highlights the following points in relation to implementation:

- the urban scale - any specified development opportunity should be assessed as a part of the wider urban fabric. It needs to fit within existing plans, such as the Unitary Plan and local spatial plans. This should be a requirement in the Act.

- design expertise - Project Governance Body and Independent Hearing Panels should have suitable representation by people with expertise in urban and building design. Without this, there is potential for a lost opportunity for interpreting and critiquing the scheme as it evolves. By broadening opportunities for feedback, beyond planners and project managers, there can be more holistic urban design outcomes.

End.
Waiheke Local Board feedback on the Government’s Urban Development Bill

The bill would empower the establishment of Specified Development Projects which are the engine of Kāinga Ora, project-based entities that can be created for a narrow or wide purpose. It could extend to a general joint venture between central government and a city council, or a city council, an Iwi and a developer. They would have the power to issue their own resource and building consents.

Feedback

The Waiheke Local Board:

i. supports, in principle, the government’s programme to establish Specified Development Projects to streamline housing projects.

ii. recommends that all projects be executed in partnership with local authorities and Iwi to ensure local buy-in and support.

iii. opposes any overlap in functions between Kāinga Ora – Homes and Communities and local government.

iv. strongly opposes any removal of planning powers from democratically elected local government, and any government entity having the powers to override local government planning regulations or forgo community consultation.

v. notes extensive community consultation occurred during the development of local government planning strategy documents and recommends that Kāinga Ora aligns its efforts with these documents such as the Auckland Plan and local area plans.

vi. strongly recommends that Kāinga Ora follows codes of practice for infrastructure and utility providers to ensure high quality delivery of projects up to, and surpassing, New Zealand standards.

vii. opposes any projects proposed in the rural areas outside of the rural urban boundary.

viii. requests that projects be consistent with urban design characteristics agreed by local communities and local authorities e.g. the Waiheke community has made a clear statement through documents like Essentially Waiheke 2016\(^1\) that it wishes to retain a rural character on Waiheke including such characteristics as protected coastal areas, winding narrow roads with overhanging native trees and commitment to ecological enhancement.

ix. requests a greater focus on environmental sustainability and climate resilience and asks how this will be given effect to in practice, for example development locations and flood plain areas which are vulnerable to predicted sea level rise.

x. requests increased focus on building community resilience and the creation of connected, complete communities.

xi. requests that it is expressly stated in legislation that development undertaken by Kāinga Ora – Homes and Communities is liable for development contributions assessed under section 198 of the Local Government Act 2002.

Waiheke Local Board February 2020

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Memo
To: Anna Jennings – Lead Planner (North/West), Auckland Council
From: Greg Presland – Chair, Waitakere Ranges Local Board
Subject: Urban Design Bill
Date: Monday 10th February 2020

The following is feedback from the Waitakere Ranges Local Board on the Urban Design Bill.

Firstly, the definition of what is an Urban development is unclear. Section 10 defines "urban development" in the following terms:

(1) In this Act, urban development includes—

(a) development of housing, including public housing, affordable housing, homes for first-home buyers, and market housing;
(b) development and renewal of urban environments, whether or not this includes housing development;
(c) development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services, or works.

The definition is very wide. Development of housing can occur anywhere in the country and theoretically most areas could conceivably be subject to the act. Although there are practical limitations on the exercise of the power the definition is overly wide in our opinion. The current definition of "urban development" and then trigger the powers under the Act would allow for more development through this means than was intended.

Of particular concern is the potential effect on the Waitakere Ranges Heritage Area. The area was formed by the Waitakere Ranges Heritage Area Act 2008, a local Act that was formulated over an extended period of time which enjoys remarkable support in our local board area.

Most of the heritage area is zoned rural, so with a sufficiently precise definition can be excluded. But some of it (Titirangi, Woodlands Park/Waima and Laingholm) is zoned residential large lot.

Under the Bill Kainga Ora assesses projects and is obliged to identify "at a high level, constraints and opportunities that arise for the project". Constraints include under section 34(1)(a)(iv) "any area or feature of land protected under a local Act (for example, under the Waitakere Ranges Heritage Area Act 2008)". The fact that the Act is referred to specifically shows an intent to respect the intent of the Act.

The report to be prepared to assess potential projects under the Bill must identify "how environmental constraints and opportunities associated with a specified development project will be managed".

A development plan has the potential of being very powerful. Under section 91 of the Bill "[s]ubject to section 60, a development plan may, for the duration of the specified development project, override, add to, or suspend the whole or part of any planning instrument that applies to the project area."
(2) However, subsection (1) does not—
(a) apply to any objective, policy, rule, or other method relating to historic heritage included in a planning instrument, unless the change imposes more stringent management or protection for historic heritage."

It is not clear that the Waitakere Ranges Heritage Area overlay would qualify as "historic heritage". Explicit acknowledgement of this would be helpful.

The Waitakere Ranges Heritage Area Act 2008 has particularly strong provisions relating to discretionary or non-complying applications. Under section 13:

"When considering an application for resource consent for a discretionary or non-complying activity in the heritage area, a consent authority—

(a) must have particular regard to—
(i) the purpose of this Act and the relevant objectives; and
(ii) the relevant provisions of any national policy statement or New Zealand coastal policy statement; and
(b) must consider the objectives having regard to any relevant policies in the regional and district plans."

The Urban Development Bill powers would conceivably weaken considerably this protection because apart from noting the constraints posed by the Heritage Act it does not specifically require the decision making entities to have particular regard to the purpose of the WRHA Act or its purpose or objectives.

We propose that the Bill be amended to provide the following:

1. Clearer definition of "urban area". As a minimum in the Auckland context it could include land within the Rural Urban Boundary.
2. Amending section 91(2)(b) to specifically require Kainga Ora to comply with the Heritage Act as if it was the Council if developing a plan that involves land located in the Heritage area or assessing an application for a resource consent relating to land within the area.

Regards

[Signature]

Greg Presland
Chairperson
Waitakere Ranges Local Board
Waitematā Local Board submission on the Urban Development Bill

The Board are supportive of the Government looking for new or adapted tools to increase the supply of housing in a strategic approach to remove barriers to coherent development and construction and the provision of affordable housing, given the significant housing supply issue across Tamaki Makaurau.

In relation to the Bill, we acknowledge the critical housing shortage in Tamaki Makaurau. However, the proposed bill is blunt, loses too much of the opportunity for good sustainable design and community participation and for the wider Local Government voice to be heard.

Local Government NZ has been working to ensure localism is a focus of the Government and, wherever possible, decisions are made locally, and that appropriate Central Government roles are devolved to, or retained with, the local. This new Act will undermine the local, in the planning and development of a city.

Issues that should not be progressed in the Bill:

Kāinga Ora and the Independent Hearing Panel should not be able to set the rules for development. At least for Auckland the Auckland Unitary Plan (AUP) should be adhered to, in setting the rules for all Specified Development Projects (SDP). The AUP already sets the rules to ensure economic and housing needs are met. The process included a comprehensive decision-making process after very many submitters were heard. Another body should not be able to set the planning rules for Auckland without full and proper process.

An individual Government Minister or two should not be able to make the decision whether to accept the recommendations of the Independent Hearing Panel (IHP).

Local authorities should retain the consent monitoring and enforcement functions for the development.

Kāinga Ora should not be empowered with the ability to process, and veto, all other consent applications within their area, and especially when it is not related to the development. A landowner may be at risk of being vetoed from constructing a garage or undertaking house modifications, that has no relevance to the development.

Kāinga Ora is proposed to have powers similar to the Public Works Act. Land should only ever be taken under the PWA for significant local or central government infrastructure projects. It is appropriate that substantial housing or urban redevelopment projects could legitimately be considered as meeting the infrastructure development test in some circumstances. This PWA type power could apply to privately owned housing for new housing and urban development projects but only after carefully defined criteria are applied, including robust public consultation and where a small proportion of landowners would otherwise veto a project of major public benefit.

Property taken under the PWA should be offered to original owners should it not be used. The Bill proposes that is not required. Land that is taken under the PWA cannot be transferred or on-sold to other parties, including private developers.

Kāinga Ora or their developer should not have the ability to set, change or suspend bylaws in their area. For example, a suburb with its own specific speed limit, alcohol ban or rules regarding animal welfare is inappropriate. A city should be able to set regionally applicable rules so all residents understand the bylaws in place. Another issue that comes out of this, is who will enforce the bylaws. Will Kāinga Ora or future owners employ its own compliance teams to enforce the bylaws?
Kāinga Ora should not be able unilaterally to revoke, reclassify and reconfigure reserves, although it could seek appropriate land swaps with local authorities to provide reserves that appropriately enhance a development.

Kāinga Ora should not be able to determine the overall level of open space. This is a role for local authorities in determining the provision and service level required in its areas. The Bill proposes that Kāinga Ora will be able to determine that there are adequate reserves in the area or that provision is impractical. They may then use a development contribution for reserves for other purposes. We disagree.

Amendments that should be made to the Bill:

Extend the 10-day timeframe for feedback from the Local Authority in the initial proposal phase. Those most knowledgeable about local areas and challenges are local boards and 10 days is insufficient time for feedback to be provided. In Auckland, local boards should be part of that engagement given their significant powers and their local focus.

Greater emphasis should be given specifically to good sustainable urban design. Low carbon, energy efficient designs are required close to public transport networks with accessible active transport and with quality social infrastructure.

Provisions for the inclusion of infrastructure, such as new stormwater connections, must consider the impact on the wider infrastructure network and any network upgrades required as a result.

Local Boards hold landowner status for the majority of parks and reserves in Auckland. Local Boards must be consulted to ensure approval will be forthcoming, should any new connection or infrastructure impact on Local Board-governed public open space.

If Kāinga Ora do retain the power to revoke, reclassify and reconfigure reserves, that should only be undertaken once the approval of the body that maintains and governs reserves in the local area is secured. In Auckland, reserves managed by Local Boards must have Local Board approval to be changed.

Categories of reserves that should be “absolutely protected” should be extended to include historic and scientific reserves.

Land that has been gifted to local authorities should be protected to the extent currently applying to ensure the gift that was intended to be a legacy is enduring for future generations.

In Auckland, Local Boards must be able to submit on the SDP.

With regard to reading, the design standards of the local authority must be applied to the design and construction of footpath and roads.

The creation of cycleways, pedestrian ways or shared-access ways should not be considered ‘betterment’ but as part of the transport network and should not attract betterment revenue.

At least two representatives from the Local authority should sit on the Governance Team for the SDP.

The Independent Hearing Panel (IHP) is only required to give 10 days’ notice for the hearing. This should be extended to 20 working days to enable submitters to be able to organise themselves to attend and participate.

New matters for inclusion in the bill:

Iwi Management Plans should be given weight in the consenting process.

Existing Integrated Area Plans or Spatial Plans should be planning tools that have weight in the consenting process.

All applications should have a timeframe at least as long as that which applies to Resource Consents. However, given the extent of planning required for a SDPs, a longer timeframe before the consent.
expires should sit at 5 years. This is requested as communities and environments change with time especially in rapidly expanding urban environments.

END
Memorandum

To: Anna Jennings, Principal Advisor – Urban Growth and Housing
Cc: Glenn Boyd – Relationship Manager, Henderson-Massey, Waitakere Ranges and Whau
     Mary Binney – Senior Local Board Advisor, Whau
     Carol Stewart – Senior Policy Advisor, Local Board Services
Subject: Whau Local Board feedback on the Urban Development Bill
From: Kay Thomas, Whau Local Board Chair

Purpose
1. To provide feedback from the Whau Local Board to inform Auckland Council’s submission on the Urban Development Bill.

Context
1. The Urban Development Bill is a complex piece of legislation which provides specific powers to enable Kāinga Ora-Homes and Communities (Kāinga Ora) to undertake urban development within a defined specified development project area and provides the ability to use powers of acquisition for all Kāinga Ora’s development activities.
2. Auckland Council staff have identified some key themes for consideration to inform Auckland Council’s submission on the Bill, and local boards have also been invited to provide feedback as part of that submission. Advice has been prepared and was reported to Auckland Council’s Planning Committee meeting on 4 February 2020.
3. While the Planning Committee has resolved to maintain Auckland Council’s support for Kāinga Ora to undertake urban development within specified development areas, the submission is anticipated to note areas of concern around the impact on decision making processes, duplication of process (particularly consenting), lack of strategic alignment, challenges for network planning, funding and infrastructure delivery, and unachievable timeframes.
4. The Whau Local Board agrees in principle with the 4 February 2020 resolutions of the Planning Committee in respect of this item and supports the direction given to staff, noting that the local board will not have the opportunity to see the final Auckland Council submission due to the extremely tight timeframes. The local board also has some additional concerns that it wishes to highlight.

Feedback from the Whau Local Board
5. The Whau Local Board supports in principle the proposal to enable Kāinga Ora to undertake urban development in certain areas.
6. Auckland’s 21 local boards are landowners for local parks and reserves yet have effectively no opportunity to provide input into a decision which may impact on these reserves. This could potentially undermine the long-term plans to preserve green space, as well as improvement through better connections between neighbouring communities to each other, to local parks and open spaces and into town centres. Further, the Whau Local Board would argue that the bill does not appear to reflect or show any understanding of the value of open space to local communities – in particular the value of local parks, recreational reserves or sports parks.
7. The Whau Local Board has a concern that locally driven plans and strategies put in place to give guidance to Auckland Council and CCD project delivery decisions may be undermined or overlooked in this process, thereby negatively impacting on the long term cohesive planning within local communities.
-- for example, the Whau Open Space Network Plan, The Whau Neighbourhood Greenway Plan and Te Auaunga Awa Middle Catchment Strategy.

8. The Whau Local Board has a particular concern around the impacts on the infrastructure network, noting in particular the absence of requirement for Kāinga Ora developments to meet normal codes of practice or to work closely with Auckland Transport or Watercare. The board notes issues around health and safety, costs (where the Auckland Council Group takes over ongoing maintenance of infrastructure not built to its normal standard), and other network impacts (for example on traffic congestion and public transport service provision). The local board would argue, strongly, that the bill includes requirements for Kāinga Ora to work with the Auckland Council Group to ensure that infrastructure provision in Kāinga Ora developments will be safe, adequate to meet the needs of growth, and will not impose a significant financial burden on the Auckland Council Group and ratepayers.

9. The Whau Local Board also notes the need for regional consistency around not only provision of assets and infrastructure but also service levels, noting that the bill creates potential for confusion and inconsistency around the management and maintenance of public assets which could create reputational risk for local boards.

10. The Whau Local Board has a particular concern around the potential cost to local boards if community infrastructure is built as a part of Kāinga Ora developments without regard for the ongoing maintenance costs which would subsequently be carried by local boards. This is essentially forcing local boards to pay for assets over which they had not had any decision-making role, and which may not have been fully taken account in Auckland Council’s financial planning processes.

11. The Whau Local Board sees early and meaningful engagement with mana whenua as a key priority in urban development and environmental protection and would argue for this aspect of the bill to be strengthened. The local board sees this as essential to ensure kaitiakitanga and best practices around environmental management (for example around stormwater run-off and protection of local waterways). The local board also notes the lack of recognition in the bill of iwi who may have claims in respect of a particular area but are not the recognized mana whenua, or whose claims are yet to be settled.

12. The Whau Local Board has a concern around the general lack of regard for the impacts on water quality in the bill. Given the anticipated levels of growth in the Whau area, there needs to be checks and balances in place to ensure the water quality of the Whau River and all rivers and streams which empty into the Waitemata and Manukau Harbours are not degraded in any way by intensified development activities as well as the additional population growth associated with these developments.

13. The Whau Local Board has a concern around the lack of regard for the impacts of climate change in the bill. The local board would argue for the inclusion of requirements for best practice, sustainable, urban design within the bill. In particular, the local board would draw attention to the extreme weather events in recent years, including the serious flooding incident in New Lynn in March 2018 as evidence for the need to ensure that sustainability and the impacts of climate change are made a high priority in all new urban development projects.

14. Noting Auckland’s relative size and the very high levels of population growth predicted in the Auckland region, and assuming that Auckland will likely be an area of particular focus for potential Kāinga Ora developments, the Whau Local Board is very concerned about the lack of regard in the bill for Auckland Council’s governance model. Not only does the bill create confusion for unitary authorities with its specific provisions around local and regional authorities, but it also fails to recognize the role of local boards and the role of CCOs in the Auckland region. This is concerning for numerous reasons, not least of which is the very tight timeframes proposed in the bill for the various parts of the process around establishment of Special Development Project Areas.

15. The Whau Local Board believes that the provisions of the bill run counter to the principles of localism, as championed by Local Government New Zealand. Not only are opportunities for local board input
insufficient, but also opportunities for any kind of meaningful engagement with local communities and consideration of placemaking and collaborative approaches to urban design.

16. The Whau Local Board is conscious that there are some significant sites within the Whau local board area that may be identified as under-utilized and which could be potential candidates for development. The local board is also conscious of a high level of public interest, and concern, around the future of such sites and would urge that the bill take further account of the need to engage local communities, particularly where the Auckland Council Group have worked hard to ensure an adequate level of community engagement in respect of development and growth-related projects up to this point.

17. The Whau Local Board shares concerns noted in advice to the Planning Committee around duplication of processes and resources, particularly in consenting.

18. The Whau Local Board shares concerns noted in advice to the Planning Committee around lack of alignment to Auckland Council’s strategic planning framework.

Next Steps

2. This feedback is expected to be appended to Auckland Council’s submission, to be approved under delegation by the Chair and Deputy Chair of the Planning Committee and Independent Maori Statutory Board Member Tau Henare.

3. This feedback will be reported to the 26 February meeting of the Whau Local Board for retrospective ratification.

4. If staff have questions about any of the above feedback, please contact the Senior Local Board Advisor – mary.binney@aucklandcouncil.govt.nz.

Kay Thomas
Chairperson, Whau Local Board

Date 7/2/2020
Attachment B – Clause by clause relief sought
### Attachment B – Urban Development Bill Auckland Council Submission on specific clauses

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| 3      | Purpose of this Act | Council supports this clause but considers it could be strengthened by making it clearer that Kāinga Ora will be performing the urban development objectives and functions set out in the Kāinga Ora Act 2019. | Amend subclauses (2)(b) and (c) to read as follows (italics show additions):  
(b) provides powers for the acquisition, development and disposal of land used for the purpose of Kāinga Ora performing its urban development objectives and functions of the Kāinga Ora Act 2019; and  
(c) provides additional powers, rights and duties for the purpose of Kāinga Ora performing its urban development objectives and functions of the Kāinga Ora Act 2019. |
| 4      | Treaty of Waitangi | The intent of this section is supported but it should be strengthened. | Amend the section by removing the words ‘take into account’ and replace with ‘give effect to’ |
| 5(1)(a) | Principles for specified development projects | Council is of the view that Kāinga Ora should be expected to demonstrate in its specified development project exemplar examples of sustainable urban development and follow best practice urban design and urban planning principles. There are several key matters that are required to achieve that outcome that are missing from the list in subclause (1)(a). In addition (1)(a)(ii) fails to recognise the importance of integrated use of land and infrastructure. | Reword subclause (1)(a)(ii) to say:  
‘integrated and effective use of land and infrastructure’  
Include the following new points in subclause (1)(a):  
* ‘well-designed built form and quality urban development’  
* ‘a resilient environment that can adapt to future changes and helps address climate change challenges’  
* ‘healthy, safe, accessible vibrant places and neighbourhoods’  
* The construction of flexible new developments that respond to future changes in use, lifestyles and demographic.  
Replace the term ‘community needs’ with a reference to the four well-beings contained in the LGA 02. |
| 9      | Interpretation | The definition of ‘public notice’ refers, incorrectly, to the Resource Management Act 2001. The definition of ‘community facility’ is inconsistent with the definition of ‘community facility’ in section 197(2) of the LGA 02 (in relation to DOs). | Change the date reference to 1991. Make the Bill’s definition of ‘community facility’ consistent with that used in the LGA 02.  
Amend (c) by deleting the words ‘that is recognised under an enactment’.  
Include the following definitions in clause 9: |
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<tr>
<td>10</td>
<td>Meaning of urban development, urban development project and specified development project</td>
<td>Council in its submission on the Kāinga Ora Bill (now the Kāinga Ora - Homes and Communities Act 2019) indicated that the focus of Kāinga Ora undertaking specified developments should be limited to situations where the market and current players cannot deliver and where Kāinga Ora can add value. International experience indicates this will create a focus on complex urban development projects such as contaminated brownfields or where there is a recognised market failure, or a desire to trial new methods/innovations; or a lack of feasibility for regeneration, despite clear public/strategic benefit.</td>
<td>Amend subclause (4) to read: ‘In this Act, specified development project means an urban development project that is established to provide and enable urban development where the market and current players cannot deliver despite clear public/strategic benefit and that is established as a specified development project by an establishment order.’</td>
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The Bill should include a broader definition of open space as the only definition included in the Bill relates to land reserved under the Reserves Act 1977. This excludes parks held by territorial authorities for open space purposes administered under the LGA/02. While the Bill makes explicit provision for how reserve land should be treated during the planning and development process, it is silent on how other forms of open space land should be treated. Not providing the same level of protections for park land could influence planning decisions, resulting in poor community outcomes.

To address this matter a definition of a ‘park’ and a definition of ‘open space’ should be included in the Bill.

Throughout the Bill there be:
- Recognition of land held as open space by local authorities under the Local Government Act 2002
- Inclusion of appropriate safeguards, comparable to those for land held under the Reserves Act 1977.

The definition of ‘relevant territorial authority’ contains some reference to the unique structure of Auckland Council in (b) to that definition by referring to Auckland Transport. It should also include reference to Watercare Services Ltd the other significant CCO infrastructure provider of Auckland Council.

There are some key terms used in the Bill that could benefit from being defined.

‘Park means land held by territorial authority for open space purposes and administered under the Local Government Act 2002.’

Open space means land held for open space purposes under the Reserves Act 1977 (‘reserves’) or land held for open space purposes under the Local Government Act 2002 (‘park’).”

Amend the Bill to provide recognition that not all open space is subject to the Reserves Act and the role that such open space plays in providing for the well-being of the community.

Amend the definition of ‘relevant territorial authority’ subclause (b) to also refer to Watercare Services Ltd, noting that by statute Watercare is referred to as the Auckland Water Organisation.

Include definitions for: engagement; national interest; private land; public housing; affordable housing; market housing
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<tr>
<td>14</td>
<td>Application of the Resource Management Act 1991 to project areas</td>
<td>Council supports the continued application of the Resource Management Act 1991 to project areas</td>
<td>Retain clause</td>
</tr>
<tr>
<td>20</td>
<td>Protected land</td>
<td>Council is supportive of the restrictions on development of protected land, including specific protections for land held as nature or scientific reserves under the Reserves Act 1977, and the maunga listed in section 10 of Ngā Mana Whenua o Tamaki Makaurau Collective Redress Act 2014. However, included in the list of land absolutely protected from acquisition and development should be land that has been constituted as a regional park under the Local Government Act 2002. Such land is of strategic importance to a region and should not be compromised by development. Subclause (5) meaning of post-settlement governance entity only refers to a hapū authorities. For clarity it should also refer to iwi authorities.</td>
<td>Amend subclause (2) by including: ‘land constituted as a regional park under the Local Government Act 2002’ In subclause (5) amend meaning of post-settlement authority to say; (a) a hapū or iwi authority….</td>
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<td>21</td>
<td>Former Māori Land</td>
<td>In some cases, there is an obligation for the Council to follow the process specified in ss40 and 41 of the Public Works Act 1981 (as modified by the Bill). It is not clear how this process will be triggered or what information and resource Kāinga Ora will provide to assist the Council in carrying out this function.</td>
<td>Add clarification around process and resourcing issues.</td>
</tr>
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<td>23</td>
<td>Protected land, former Māori land and right of first refusal land may be included in project area</td>
<td>This should only occur if the approval of the landowner is given.</td>
<td>Amend the clause to read; ‘Sections 20 to 22 do not prevent the land referred to in those sections from being included in a project area where approval from the landowner has been given.’</td>
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<td>25</td>
<td>Duty to co-operate</td>
<td>Subclause (1) should be expanded to include other relevant government agencies as co-operation from other government agencies such as Education, Health, NZTA etc will be required.</td>
<td>Add to subclause (1) the following: ‘(d) other relevant government agencies’</td>
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<tr>
<td>27</td>
<td>Judicial review rights</td>
<td>While it is clear that it is not possible to both judicially review and appeal a decision on a development plan unless the applications are made together, the consequence of not doing so is not clear.</td>
<td>Clarify what the consequence will be if an appeal and judicial review application are not made concurrently.</td>
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<tr>
<td>28</td>
<td>Key Features of specified development projects</td>
<td>Subclause (3) is not supported in its current form – it states that the area or areas of land within the project area do not need to be contiguous. While it is acknowledged that a project area may require land that is not contiguous to be included to create a sustainable urban development, the more separated land areas it will be more complex to provide and fund the infrastructure required and to create a sustainable, inclusive and thriving community. The way subclause (3) is worded means that various land areas separated by distance could be classed as one project area. It is recommended that the wording of that subclause be amended to ensure land areas within a project area are not separated by distance.</td>
<td>Amend subclause (3) to read; ‘The area or areas of land within the project area do not need to be contiguous but do need to be in close proximity to each other.’</td>
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<tr>
<td>29</td>
<td>Project objectives</td>
<td>Council agrees project objectives must articulate key outcomes and outputs. However, this clause should be strengthened to include key outcomes and outputs on the mix of uses; typologies, housing and job yields, and timing of development expected in the project area. Otherwise the objectives for a project area will be too high level. On current wording this will</td>
<td>Amend subclause (2) by adding a new (c): ‘(c) must provide sufficient detail on outcomes related to the mix of uses, mix of housing typologies and tenure; housing and job yields and timing of development that the project area is expected to achieve.’</td>
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<td>30</td>
<td>Criteria for establishing specified development project</td>
<td>mean that the project will not be able to be monitored and measured to identify how successful it is. Council otherwise agrees that weighting may be provided for different project objectives to guide decision-making. Agree objectives may be specific about features or areas that are to be protected or excluded from urban development.</td>
<td>Amend subclause (c) by deleting (i)</td>
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<td>In principle there is support for statutory criteria for determining whether an urban development project should be established as a specified development project. However, this section requires both amendment and clarification. In subclause (c) the ‘project area must contain only land that is in an urban area’ or ‘that the joint ministers consider is generally suitable for urban use’. This ability of the joint ministers to make a decision based not on any evidence but on what they ‘consider’ is of significant concern. Decisions about appropriate land for urbanisation are properly made in the participatory strategic planning processes of a region and district so that strategic issues of growth, infrastructure capacity and funding, staging, environmental, social, cultural and economic matters can be considered in an integrated way. Kāinga Ora should be operating in urban areas or on land identified as appropriate for future urban use through a statutory document such as regional policy statement implemented through a district plan. All growth councils are required under the NPS Urban Development Capacity 2016 to provide for feasible development capacity over and above projected demand in their RMA plans. Having the joint minister make a call on what land is ‘generally suitable for urban use’ contradicts the outcomes being sought by those NPS provisions; and introduces decision-making without a robust evidence base as otherwise promoted in recent RMA amendments and the Productivity Commission’s advice to government. Subclause (g) refers to ‘engagement’ - is this intended to also cover public consultation (public notice under clause 38) or only engagement with stakeholders (under clause 35)? Reference to ‘likely effects on communities, Māori and other persons’ - is different to the test used in the LGA02 of ‘significance’ which is defined more broadly. Is this narrower test deliberate? Subclause (h) requires the joint ministers to be satisfied that there is overall support from relevant territorial authorities for the specified development project or that the project is in the national interest. Clarity is sought over what is meant by ‘overall support’ – does that include support with qualifications or conditions? In addition, clarity is required over what is ‘the national interest’ – it is considered that the proposed GPS on Housing and Urban Development should be the reference point for what is in the national interest if this aspect of the Bill is retained. (see issues in main body of submission). Subclause (h) also limits the ministers’ consideration of local government support to relevant territorial authorities. Regional councils also have an interest in the potential establishment of Urban Development will guide the joint ministers in determining what is the ‘national interest’ in the context of urban development.</td>
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<td>Clarify the intent and scope of subclause (g).</td>
<td>In relation to subclause (h):</td>
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<td>• Clarify whether ‘overall support’ includes support subject to qualifications or conditions– and if it does how will the ministers take those qualifications/conditions into account.</td>
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<td>• Either delete (h)(i) or clarify that the GPS on Housing and Urban Development will guide the joint ministers in determining what is the ‘national interest’ in the context of urban development.</td>
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<td>any specified development project. Regional councils are responsible for a range of infrastructure and funding matters that support urban development, in addition to their resource management and growth responsibilities. Kāinga Ora will need information on regional infrastructure. Amending this, and other clauses, to involve regional councils will enable better information sharing and decision-making.</td>
<td>Amend the clause to include an explicit requirement that Kāinga Ora must assess how a project implements the Principle for Specified Developments in clause 5.</td>
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<td>33</td>
<td>Kāinga Ora assesses project</td>
<td>The matters that Kāinga Ora must assess a project against do not include how the project implements the principles outlined in clause 5 of the Bill. For example, clause 5(1)(b) expressly requires recognition and provision for matters of national importance (s6 RMA) in the assessment of potential specified development projects. Clause 34 identifies historic heritage, albeit in different statutory language, however no other s6 matters are identified.</td>
<td>Amend subclause (1)(a) by adding the following:</td>
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<td>• ‘any existing open space (i.e. including land not held under the Reserves Act 1977)”</td>
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<td>34</td>
<td>Kāinga Ora identifies constraints and opportunities</td>
<td>The matters listed at clause 34 do not fully implement the principles in the Bill. Clause 5(1)(a) requires assessment of potential specified development projects to have regard to: • integrated and effective land use • quality infrastructure and amenities supporting community needs • efficient effective and safe transport networks • access to open space • low emission environments The application of these factors is missing from the constraints and opportunities assessment Kāinga Ora is required to undertake. Clause 5(1)(b) expressly requires recognition and provision for matters of national importance (s6 RMA) and particular regard being had to other statutory matters (s7 RMA) in the assessment of potential specified development projects. The application of these factors is missing from the constraints and opportunities assessment Kāinga Ora is required to undertake (other than historic heritage whose inclusion is supported). Although Council accepts the Bill expedites urban development in particular circumstances, the promised safeguards of significant values need to be clearly included. For example, the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development is an RMA matter of national importance that clause 5(1)(b)(ii) intends to uphold, but the presence of an outstanding natural feature or landscape does not appear to be a relevant constraint. Achieving linkages between clause 5 principles and clause 34 evaluation may be achieved by amending subclause 34(2)(a) which as drafted requires Kāinga Ora only to identify the existing planning instruments that apply to the project area. No consideration of those instruments’ contents is expressly required, notwithstanding clause 5(1)(b)</td>
<td>Amend subclause (2)(a) by amending and adding:</td>
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<td>• (a) the existing planning instruments including:</td>
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<td>(i) the section 6 Resource Management Act 1991 matters recognised and provided for and new planning documents that apply to the proposed project area;</td>
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<td>(ii) the section 7 Resource Management Act 1991 matters to which particular regard applies to the proposed project area;</td>
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<td>(iii) all planning documents that apply to the proposed project area;</td>
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<td>Although the principles in this Bill identify the need to provide or enable access to open space the rest of the Bill is largely silent on the provision of community facilities and open space in</td>
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<td>specified development project areas. Community facilities and open space are vital to the creation of ‘sustainable, inclusive and thriving communities’. Proper consideration must be given to these matters by Kāinga Ora so it is recommended that additions are included in subclause (1)(a).</td>
<td>Amend subclause (2)(b) to read: ‘any publicly available reports on climate change matters, prepared in accordance with the Climate Change Response Act 2002, or any formal climate change resolutions made by a relevant Local Authority, or New Zealand’s obligations under an international treaty, that are relevant to the proposed project area.’</td>
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<td>The clause is also silent on:</td>
<td>Clarify process for provision of information held by Council to Kāinga Ora, and payment for the time and resource used to collate that information.</td>
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<td>• The identification of constraints and opportunities relating to employment and economic development in a project  • The identification of constraints and opportunities relating to the existing capacity, for additional growth, of the bulk and local three waters and transport infrastructure in the project area and the potential impact of the development on the wider networks of this infrastructure.</td>
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<td>Kāinga Ora will be better able to assess potential specified development projects, projects’ feasibility, and to support urban development that contributes to sustainable, inclusive and thriving communities if clause 34 requires consideration of a broader range of factors.</td>
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<td>Subclause (2) is supported but would be strengthened by including reference to climate change commitments already made by a Local Authority e.g. Auckland Council has already declared a climate emergency and has committed to a 50% reduction in emissions by 2030 and net zero emissions by 2050 to keep its commitment to keep within 1.5 degrees of warming.</td>
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<td>Some of the information that Kāinga Ora has to consider is held by the Council. It would be helpful to understand how it is intended that the information will be provided by the Council and whether it will be able to charge for it.</td>
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<tr>
<td>35</td>
<td>Kāinga Ora seeks engagement, etc, with Māori and key stakeholders</td>
<td>In subclause (3)(i) the term ‘adjacent to’ is used. This term is uncertain in terms of geographical proximity and may not be sufficiently extensive to trigger the need to engage with the Chief of Defence Force where reverse sensitivity may be an issue, for example within the aircraft noise boundaries of a military airport.</td>
<td>Consider using a different trigger than ‘adjacent’, perhaps linked to the effects generated by a defence area.</td>
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<td>36</td>
<td>Early engagement may satisfy obligation to engage</td>
<td>This clause is not supported. Very early engagement with local authorities and mana whenua should be encouraged right at the beginning of any idea about a specified development project. However, at that stage the detail and information might be quite vague. This clause could have the quite opposite effect of encouraging local authorities and mana whenua to be less keen to participate in ‘engagement’ at an early stage in the process as this clause could be used to limit or avoid further engagement by Kāinga Ora when more detail is received.</td>
<td>Delete clause 36</td>
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<td>38</td>
<td>Kāinga Ora gives public notice of proposed key features and invites feedback</td>
<td>The information that is required to be provided should also include a link to the project’s concept plan so that the public can understand the spatial implications of what is being proposed.</td>
<td>Amend clause to include requirement for a link to the project’s concept plan on Kāinga Ora’s website.</td>
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<td>39</td>
<td>Changes to proposed key features</td>
<td>Subclause (1) provides that clause 39 applies if changes are made ‘during a project assessment’. Clause 38 says that public notice is ‘as part of a project assessment’. It is not clear if clause 39 also applies if changes are made in response to public feedback in response to the public notice - it would make sense for it to, but this should be clarified.</td>
<td>Clarify whether changes can be made on the basis of public feedback provided in response to the public notice.</td>
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<tr>
<td>43</td>
<td>Territorial authorities invited to indicate support</td>
<td>The minimum timeframe (10 working days) within which the Council can be required to provide a written indication of support (or not) for a specified development project does not have sufficient regard for the way in which councils operate at a governance level. It is likely that councillors will want to have time to assess and comment on proposed development projects in a formal way. This would require reports to be prepared and a meeting of the Council or a relevant committee to occur. Neither clause 43 or 44 provide for a territorial authority to ask questions or request further information before responding. This could be implied, but it would be better for it to be explicit.</td>
<td>Implement a longer minimum period within which a response from Council is required (a minimum of 20 working days may be appropriate). Provide an explicit ability for territorial authorities to ask questions and seek further information to assist in providing an informed response.</td>
</tr>
<tr>
<td>45</td>
<td>Territorial authority not required to consult before responding</td>
<td>Query how this relates to section 78 of the LGA’02 - which is not a requirement to consult, but a requirement to consider views and preferences of people affected or interested in a decision before making the decision. On its face, s 78 would still apply to a decision on a response to Kāinga Ora under clause 44, but in order to comply with s 78 the council may need to consult in order to ascertain the relevant views. It could be that the council would be able to rely on the draft assessment report for knowing these views, as long as the draft report includes public feedback received in response to the public notice under clause 38. It would be good to get this clarified.</td>
<td>Provide clarification as to whether the Council is required to comply with s78 of the LGA’02 when preparing a response to an invitation made under cl44 of the Bill.</td>
</tr>
<tr>
<td>50</td>
<td>Orders in Council establishing specified development projects</td>
<td>Subclause (3) indicates that the order ‘may incorporate by reference a map, plan or similar document’. It is recommended that this should be mandatory in order to give real clarity over the boundaries of the specified development project area.</td>
<td>Amend subclause (3) by removing the word ‘may’ and replacing it with ‘must’.</td>
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<tr>
<td>55</td>
<td>Amendments to key features of specified development projects</td>
<td>Subclause (3) provides that the ministers may accept the recommendation in a report only if the engagement undertaken on the amendment was appropriate. It is not clear if this is intended to also cover public consultation (eg public notice under clause 38) or only engagement with stakeholders (under clause 35)?</td>
<td>Clarify whether the engagement the ministers must assess covers both consultation and engagement or only engagement under clause 35.</td>
</tr>
<tr>
<td>59</td>
<td>Functions of Kāinga Ora in preparing, amending or reviewing development plan</td>
<td>Subclause (b)(iv) indicates that Kāinga Ora will have the function ‘to develop (or provide for the development of) infrastructure and its integration with landuse.’ It is unclear whether Kāinga Ora is responsible for the full development of all infrastructure within the development plan area or only the infrastructure Kāinga Ora perceive as needed for its development. Subclause (c) would be improved by including reference to rules about coastal protection and to the discharge of contaminants.</td>
<td>Clarify the scope of Kāinga Ora’s responsibility for developing infrastructure, in particular in regards to existing infrastructure. Amend subclause(c) by adding</td>
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| 60     | Relevance of certain national instruments | The requirement that a development plan must not be inconsistent with certain national instruments is supported. A draft development plan should not be inconsistent with any applicable national planning standard, to:  
- assist with the integrity of resource management planning instruments following the conclusion of specified development project  
- streamline the preparation of a draft development plan  
- ensure principles of the Bill at clause (2) are applied  
- enable easier electronic access to information through compatible data sets  
Due to the significant impact climate change will have on any urban development it is recommended that the development plan must not be inconsistent with the Climate Change (Zero Carbon) Act 2019. | Deleting clause 60(a)(iv) and replacing it with new clause 60(a)(iv):  
‘the applicable provisions of national planning’  
Amend this clause by adding:  
‘(c) the Climate Change (Zero Carbon) Act 2019’ |
| 61     | Development Plan required for every specified development project | No time frame is specified for the preparation of a draft development plan. The transitional period will create additional work for Kāringa Ora and territorial authorities, as well as additional complexity for the public.  
An indeterminate transitional period will create uncertainty for developers whose resource consent applications may be declined, or conditions changed through the additional decision-making of Kāringa Ora is to that of the consent authority.  
Impacts during the transitional period will lengthen and complicate the following functions, with consequential costs:  
- RMA plan-making;  
- resource consent decision-making;  
- compliance and monitoring;  
- record-keeping including but not limited to production of Land Information Memoranda.  
Given that the Bill’s purpose is to streamline processes to expedite urban development, clause 81 should specify that a draft development plan is notified within a maximum timeframe.  
Insert subclause 61(1A) requiring public notice of a draft development plan in accordance with clause 76 within XV2 days of the establishment date of a specified development project. | Insert a new subclause 61(1A) requiring public notice of a draft development plan in accordance with clause 76 within a year of the establishment date of a specified development project. |
| 62     | Contents of draft development plan | The requirement of the draft development plan in subclause (2)(b) to set out what infrastructure will be needed and where it will be located does not reflect that in a brownfields area there is existing infrastructure; and that infrastructure will be part of a wider network plan across a district. The draft development should include an assessment of the impact of the | Amend subclause (2)(b) to:  
- include the impact on existing infrastructure and its capacity  
- address the need for transparency over both capital cost and operating costs of any new infrastructure proposed in a development plan. |
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<td>63</td>
<td>Further contents of development plans: infrastructure</td>
<td>Clause (2) provides for Kāinga Ora to propose changes to bylaws. Some bylaws provide critical protections and safeguards for the network. Kāinga Ora should not be able to override any bylaw provisions that protects network infrastructure or protects public health and safety.</td>
<td>Amend subclause (2) to add that Kāinga Ora may not propose any bylaw change that will affect the ability of infrastructure providers to protect and safeguard the network or protect public health and safety.</td>
</tr>
<tr>
<td>66</td>
<td>Provisions that modify planning instruments</td>
<td>This power should be used only by Kāinga Ora where the relevant planning instruments are out of date or due for a review. Both regional and district planning instruments (or combined unitary planning instruments) have been subject to formal community consultation, hearings and appeals. In the case of the Auckland Unitary Plan it has only recently become operative and represents a significant investment by key stakeholders (including HNZC and HLC) and the communities of Auckland. One of the key benefits of that process was providing certainty and consistency across the Auckland region by providing one sets of planning rules. This clause gives Kāinga Ora the power to displace all that effort by coming up with new rules and provisions that may have no relationship to the AUP rules and provisions for surrounding areas. This will cause confusion and inconsistencies for applicants and communities.</td>
<td>Amend subclause (1) to read; 'Where the relevant regional plan, district plan(a) or unitary plan has been operative for more than five years, a development plan may incorporate material by reference...'; Amend subclause (2) by removing all references to ‘regional policy statement’ and ‘regional policy statements’.</td>
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<td>68</td>
<td>Existing designations for infrastructure that is not nationally significant or defence area</td>
<td>This clause’s provision of broad powers for Kāinga Ora to override existing designations of infrastructure providers is of significant concern. Designations are critical to the operations of water and wastewater and are used for route protection and asset protection of major infrastructure. Significant resources from infrastructure providers, mana whenua, the community and local authorities have been invested to obtain existing designations. Kāinga Ora should not have the power to override designations for critical public infrastructure as that could lead to compromised infrastructure in the wider network.</td>
<td>Amend the clause to enable Kāinga Ora to only request modifications to existing designations.</td>
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<td>Item 12</td>
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<td>This clause also includes a requirement for altered or removed designations to be replaced with a designation that ‘enables the purpose of the designation to be achieved’. However, we consider that the impacted requiring authority is best placed to judge how the purpose of the designation is to be achieved. Furthermore, the alteration of a designation has the potential to generate significant additional costs for the requiring authority through an altered design or result in significant lost investment for example in a designated project that is nearing construction phase. Therefore, we suggest that Kāinga Ora should be able to request a modification to an existing designation and that those modifications would be best made collaboratively with Kāinga Ora and the relevant requiring authority. Subclause (2)(d) also requires further amendment. The defined project area is central to the assessment and approval of a specified development project, the use of powers by Kāinga Ora, and the preparation and decision-making on a development plan. Public and stakeholder engagement in the statutory processes relate to the defined project area. Definition of a project area and engagement on that basis become a nullity if powers may be exercised outside it. Council notes that the application of Part 3 of Schedule 1 of the Resource Management Act 1991, with necessary modifications, would trigger an earlier notification process of the material intended to be incorporated by reference. This would lengthen Kāinga Ora’s plan-making process.</td>
<td>Amend subclause (2)(d) to remove the phrase ‘both within and outside the project area’.</td>
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<tr>
<td>69</td>
<td>Relevant considerations</td>
<td>Subclause (1)(b) refers to ‘regional land transport plans made under the Local Government Act 2002 and regional public transport plans made under the Land Transport Management Act 2003’. These references are incorrect. The RLTP is not made under the LGA 02 - the reference should be to the Land Transport Management Act 2003, and in the case of Auckland Council to the Local Government (Auckland Council) Act 2009. Subclause (1)(c) refers to ‘the long-term plans of relevant local authorities made under the Local Government Act 2002’. This would preclude Kāinga Ora from having regard to the Auckland Plan which was required by the Local Government (Auckland Council) Act 2009. Reference to that Act needs to be included in this subclause. Subclause (1) should also reflect that there are other strategic documents such as open space network plans and community facilities network plans that should be considered. Subclause (1)(e) needs to include reference to hapū planning documents as some hapū have different planning documents to iwi authorities. It should also be amended to remove the reference to the extent those documents have on resource management issues within the project area. This is because some mana whenua planning documents may also address aspirations which go beyond RMA issues, such as economic or social development, and which may be relevant to the project’s development plan.</td>
<td>Correct the cross-referencing. Include reference to the Local Government (Auckland Council) Act 2009. Include requirement that regard should be had to any community facilities network plan and open space network plan that a relevant territorial authority has consulted on with the community. Amend subclause (1)(e) by adding the words ‘or hapū’ after the words ‘an iwi authority’ and by deleting the words ‘to the extent that it has a bearing on the resource management issues within a project area.’</td>
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<td>Clause</td>
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<td>70</td>
<td>Consultation</td>
<td>The requirement of Kāinga Ora to consult when preparing the draft development plan is</td>
<td>Retain section but amend subclause (1)(a) by adding the words in italics; ‘owners and occupiers of land within and immediately adjacent to the project area; and’</td>
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<td>strongly supported. However, the clause could be strengthened by requiring Kāinga Ora to</td>
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<td>also consult with landowners and occupiers of land outside of the project area but</td>
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<td>immediately adjacent to it. This is because the contents of the draft development plan may</td>
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<td>impact on how they use their land.</td>
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<td>72</td>
<td>Evaluation Report:</td>
<td>The requirement that Kāinga Ora must prepare an evaluation report and the matters the</td>
<td>Retain section</td>
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<td></td>
<td>general matters</td>
<td>report must consider are strongly supported</td>
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<td>73</td>
<td>Evaluation Report:</td>
<td>The requirement that Kāinga Ora must prepare an evaluation report on environmental matters</td>
<td>Include requirements that the evaluation report must include;</td>
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<td>environmental matters</td>
<td>is strongly supported but the clause needs to be strengthened by explicit reference to</td>
<td>• how the draft development plan addresses matters of national significance</td>
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<td>other matters related to the environment in s 6 of the RMA (not just historic heritage)</td>
<td>set out in Sec 6 of the RMA; and</td>
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<td>and to how the draft development plan provides for the impact of climate change and a low</td>
<td>• how the draft development plan addresses the potential impacts of climate</td>
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<td>emissions environment. In addition, the report should also indicate what cultural value</td>
<td>change and enables a low emissions urban environment; and</td>
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<td>assessments have been taken into account – an explicit reference to this is required</td>
<td>• how mana whenua cultural value or impact assessments have been</td>
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<td>because archaeological or heritage assessments won’t necessarily reflect cultural value</td>
<td>considered in the development plan;</td>
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<td>assessments which must be completed by mana whenua or a delegated representative.</td>
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<td>74</td>
<td>Infrastructure statement</td>
<td>The requirement that Kāinga Ora must prepare an infrastructure statement is strongly</td>
<td>Amend subclause (1) to read: ‘describes the infrastructure proposed to be constructed in the project area and the reasons for that infrastructure; and’</td>
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<td>supported but the section requires amendment.</td>
<td>Amend subclause(2)(b) by removing the word ‘describes’ and replacing it with ‘asses’</td>
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<td>Firstly, subclause (a) should include the reasons why the proposed infrastructure is</td>
<td>Include a requirement for Kāinga Ora to have regard to existing Council</td>
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<td>required.</td>
<td>infrastructure strategy and comment on the degree of consistency between it and</td>
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<td>Secondly, rather than ‘describing the effect of the proposed infrastructure on existing</td>
<td>their proposal.</td>
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<td>infrastructure...’ (subclause (2)(b)) Kāinga Ora should be required to ‘asses the effect.</td>
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<td>Thirdly, there is no reference to how the statement relates to a local authority’s</td>
<td>Amend this clause to require a specific ‘community infrastructure statement’ that describes the effect of any proposed changes (in the development plan) to provision or service levels on community infrastructure networks (community facilities, open space, schools, pre-school education facilities and medical facilities), both within and outside the project area.</td>
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<td>infrastructure strategy as required under s 101B of the LGA’02. It is likely that there</td>
<td>Amend the section to require that Kāinga Ora submit the statement to infrastructure</td>
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<td>would be some crossovers between a local authority’s infrastructure strategy, and an</td>
<td>providers for their review and confirmation of the information. Sufficient time must be given to undertake this review.</td>
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<td>infrastructure statement under clause 74.</td>
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<td>The clause should also be clear that the infrastructure statement does not only apply to</td>
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<td>water, wastewater, stormwater and transport infrastructure but also to community</td>
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<td>infrastructure including community facilities, open space, schools, pre-school education</td>
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<td>facilities and medical facilities. All these facilities are planned and delivered as part</td>
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<td>of networks across a district and region. Failure to identify the impact of any proposal</td>
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<td>in a development plan on these wider networks would risk either over or under provision of</td>
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<td>services within the project area and region. This could have long-term social or financial</td>
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<td>costs for residents and ratepayers. The infrastructure statement should describe the effect</td>
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<td>of any proposed changes (in the development plan) to provision or service levels on these</td>
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<td>community infrastructure networks, both within and outside the project area.</td>
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<td>The Bill also does not include any requirement that infrastructure providers review and</td>
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<td>confirm that the assessment is consistent with their assessment of the network. Given that</td>
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<td>infrastructure providers are the most knowledgeable about the current state and future plans</td>
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<td>for the infrastructure, this appears to be a very significant omission.</td>
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<td>75</td>
<td>Preconditions to be met before draft development plan notified</td>
<td>Council is supportive of the requirement for Kāinga Ora to seek the approval of the Minister of Conservation for any conditions applying to the setting apart, future classification or vesting of a specified reserve or proposed reserve. However, while Council appreciates the role of the minister extends only to reserves, and not all types of open space, this will create inconsistent treatment between open space administered under the Reserves Act 1977 and open space administered under the Local Government Act 2002. This will mean that while both types of land offer the same level of public amenity, land administered under the Local Government Act 2002 will be afforded a lower level of consideration/protection during the development process. This may create incentives to develop or reconfigure non-Reserves Act open space. To address this concern, it is recommended that the Bill recognise the open space land administered under the Local Government Act 2002 and include appropriate and comparable safeguards. Subclause (6)(d) requires the Minister of Conservation to be satisfied that the loss of any scenic values of any scenic reserve has been appropriately mitigated (as set out in (d)(i) and (d)(ii)). These mitigation requirements should apply no matter what type of reserve is affected.</td>
<td>Amend this clause to recognise the open space land administered under the Local Government Act 2002 and include appropriate and comparable safeguards to that afforded to land under the Reserves Act 1977. Amend subclause (6)(d) to refer to any reserve.</td>
</tr>
<tr>
<td>76</td>
<td>Public Notice</td>
<td>Kāinga Ora should be required to notify in writing/email any person or entity it consulted with under the requirements of clause 70 because as they have already participated in the process and should be advised specifically when the draft development plan is ready for submissions. Including a requirement that the public notice should include a summary of the proposal in subclause (2) would make it easier for the general public to understand the outcomes being sought. Subclause (2)(c) refers to ‘working days’ – does that have the same meaning as in the RMA?</td>
<td>Amend this clause by adding a new subclause: ‘Kāinga Ora must give written notice to any person or entity consulted under clause 70 of this Bill’ Amend subclause (2) to require the public notice to include a summary of the proposal. Clarify definition of ‘working days’.</td>
</tr>
<tr>
<td>77</td>
<td>Public Submissions</td>
<td>Subclause (3) indicates that Kāinga Ora may accept any late submission while clause 15 in Schedule 3 says the chair of the IHP must decide for each late submission whether to waive the requirement that submissions must be provided before the closing date. If the IHP chair makes the decision, is clause 77(3) required?</td>
<td>Delete subclause (3) or amend it to say; ‘Where a late submission is lodged Kāinga Ora may recommend to the IHP whether it should accept or reject the late submission’.</td>
</tr>
<tr>
<td>78</td>
<td>Kāinga Ora must consider, and make recommendations on, submissions</td>
<td>Subclause (1)(a) provides that Kāinga Ora must ‘consider all the submissions received under that section’. It is not clear what ‘that section’ is referring to.</td>
<td>Clarify the reference to ‘that section’.</td>
</tr>
<tr>
<td>80</td>
<td>Role of IHP</td>
<td>Subclause (2) requires Kāinga Ora to provide certain information to the IHP. However, there is no timeframe within which that information must be provided. How long Kāinga Ora takes to provide that information will impact on the IHP’s ability to meet the requirement of s 82 Subclause (1).</td>
<td>Include in subclause (2) a timeframe within which Kāinga Ora must provide the information.</td>
</tr>
<tr>
<td>82</td>
<td>IHP recommendations</td>
<td>The IHP should be required to provide reasons for its recommendations.</td>
<td>Amend subclause (2)(b) to state; ‘any recommendations and the reasons for amending that plan.’</td>
</tr>
<tr>
<td>84</td>
<td>Minister’s determination on</td>
<td>In principle Council is concerned that after a formal submission process and hearing by an IHP (led by a current or retired Environment Court judge) it would appear that the minister can make a decision on the draft development plan that ignores the recommended changes of the</td>
<td>Amend this clause to make the Kāinga Ora Board the entity who determines whether the recommendations of the IHP are accepted or rejected. Provide appeal rights to</td>
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<tr>
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<td>86</td>
<td>Approval and notification of development plan as operative</td>
<td>Subclause (5) requires Kāenga Ora to notify the operative development plan in the Gazette. Kāenga Ora should be required to also notify each submitter to the development plan, and the relevant Local Authorities. The status of a development plan that has an operative date specified in the Gazette, but which has subsequently been appealed is not clear. It would be helpful to make it clear that a plan cannot be considered to be operative until any appeal is finally disposed of.</td>
<td>Amend subclause (5) to require specific notification to every submitter to the draft development plan, and to relevant Local Authorities. Include an explicit provision to the effect that a plan is not operative until any appeal is finally resolved.</td>
</tr>
<tr>
<td>88</td>
<td>Appeal rights in relation to development plan</td>
<td>As indicated under clause 84, the Council is recommending that the Bill adopts the streamlined decision and appeal process that was provided for the Auckland Unitary Plan process. If that is accepted, then this clause will need to be reworded.</td>
<td>Amend s 88 to reflect streamlined decision and appeal processes.</td>
</tr>
<tr>
<td>89</td>
<td>Effect of development plan becoming operative</td>
<td>As explained in more detail in the main body of this submission the council is opposed to Kāenga Ora automatically becoming the consent authority for consent applications to the territorial authority for the project area. Such a move will have recourse, administrative, information, duplication, consistency and certainty implications and unintended consequences</td>
<td>Amend this cause by deleting subclause (a)</td>
</tr>
<tr>
<td>91</td>
<td>When development plan and planning instruments may be inconsistent</td>
<td>Council is concerned that it is only historic heritage provisions that cannot be overridden, added to or suspended in subclause (2)(a). There are other 6 RMA matters such as Outstanding Natural Landscapes and Features; Sites of significance to Mana Whenua Significant Ecological areas etc which should also be included in this subclause.</td>
<td>Amend subclause(2)(a) to include other Sec 6 RMA matters.</td>
</tr>
<tr>
<td>102</td>
<td>Status and relevance of twi planning documents</td>
<td>Subclause (3) is not supported. The RMA requires Local Authorities to let to enter into Mana Whakahono a Rohe agreements. Kāenga Ora should be required to ‘have regard to’ or ‘give effect to’ these agreements</td>
<td>Amend subclause (3) to read; “Kāenga Ora must have regard to a Mana Whakahono a Rohe.”</td>
</tr>
<tr>
<td>94</td>
<td>Amendment of development plan by Kāenga Ora</td>
<td>Council supports the ability of Kāenga Ora to make changes to its development plan without following the prescribed public process to maintain consistency with changes made to planning instruments already applicable in the project area, or new national direction. Clarification is required regarding the relationship between the development plan and any new planning instrument that would otherwise apply. The ten yearly review period for RMA planning instruments and this Bill’s development plans will seldom, if ever, neatly coincide. It is unclear whether a legacy planning instrument would continue to apply in a project area.</td>
<td>Retain clause 94(2)(a). Clarify the application of planning instruments where a new planning instrument is made operative in a project area.</td>
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<tr>
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<td>96</td>
<td>Process for requesting private change to development plan</td>
<td>Subclause (2) indicates that the provisions of Part 2 of Schedule 1 to the RMA 1991 apply with necessary modifications and as relevant to a request made under section 95. The Bill is silent on what those modifications are and how they might apply to the evaluation and decision-making process under Schedule 1 of the RMA.</td>
<td>Clarify what modifications are envisaged to Part 2 of the Schedule 1 process under the RMA 1991.</td>
</tr>
<tr>
<td>98</td>
<td>Continuing application of planning instruments and the role of local authorities as consent authorities</td>
<td>Council supports the continued application of planning instruments, and the role of local authorities as consent authorities during the transitional period. These factors will provide continuity and certainty for a range of stakeholders, including the development community.</td>
<td>Retain clause 98.</td>
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<td>Clarification is sought regarding this, and clause 139(3). It is inferred that territorial authorities would continue to process notices of requirement for designations within a project area during the transitional period, but it is not explicit. Council supports the continued role of territorial authorities in this respect and notes its explicit provision would be aligned with other proposed transitional arrangements. A modified application of section 175 Resource Management Act 1991 would enable newly effective designations to be included within a development plan (where they do not undermine achievement of an SDP’s project objectives).</td>
<td>Clarify that territorial authorities retain their functions under Part 8 Resource Management Act 1991 during the transitional period.</td>
</tr>
<tr>
<td>99</td>
<td>Local Authorities must include map of project area, etc., in planning instruments.</td>
<td>While compliance with this clause may appear simple there are many operational, legal, technical and financial issues flowing from the requirement to include a map of the project area within local authorities’ electronic planning instruments. Implications affect local authorities, requiring authorities, developers and private citizens. Auckland Council has extensive experience in this area having developed a combined electronic plan and been part of a housing accord. Special Housing Areas were included in Auckland Council’s proposed Unitary Plan, and continue to apply in the new operative plan, after the disestablishment of the accord and application of HASHA Act. Due to the streamlined nature of that process by information available at that time (from both the developer and the infrastructure providers) was insufficient and Auckland Council continues to carry costs and operational issues. It is essential that Kāinga Ora and local authorities work collaboratively in the provision and sharing of electronic information so that each agency can efficiently and effectively carry out its statutory functions. Spatial information provided by Kāinga Ora must be in the appropriate electronic format and with the necessary performance capability for inclusion in an electronic planning instrument.</td>
<td>This clause should be amended to require Kāinga Ora and the relevant Territorial Authority to agree on how a map of the project area can best be provided for in relevant planning instruments. Kāinga Ora should be required to fund the costs of changing planning instruments.</td>
</tr>
<tr>
<td>103</td>
<td>Power to decline plan change in project area by notice</td>
<td>The ability for Kāinga Ora to decline a plan change during the transitional period is strongly opposed. This power would obstruct the well considered strategic plans, preferences and resources of applicants, mana whenua, communities, local authorities, and submitters for undefined periods of time. It would also override the evaluative and recommendation role of IHP as the allowing of plan provisions should be dealt with through the development plan process. Kāinga Ora’s interests could be protected by suspending the application of the plan change until a decision is made on the development plan. In addition, this power should not be available to Kāinga Ora where it is a submitter to an existing plan change already progressing through the standard RMA process.</td>
<td>Amend this clause so that Kāinga Ora can only request that any decisions on the plan change are suspended until after a decision is made on the development plan.</td>
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<td>Remove the ability of Kāinga Ora to use these powers if it is already a submitter to a current plan change process already underway.</td>
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<td>104</td>
<td>Appeal rights in relation to exercise of section 103 power</td>
<td>It seems likely that submissions made on a proposed plan change will focus on the merits of the plan change rather than jurisdictional matters. The limitation provided by a combination of Clauses 104(1) and (2) restricts submitters to appeals on questions of law on matters raised in their submission. This could quite possibly have the effect of preventing submitters from appealing even where there has been an error of law, if it was not a matter raised in their submission.</td>
<td>Reconsider whether the restriction contained in s104(2) is necessary given that any appeal is limited to question of law.</td>
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<td>106</td>
<td>Power to decline applications or impose or modify conditions on grants</td>
<td>The reasons set out in subclause (2) on why Kāinga Ora may make a decision to decline etc a resource consent application is vague – ‘reasonably necessary’ – it gives no clarity or certainty to applicants. It should be reworded.</td>
<td>Amend subclause (2) to read: ‘However, Kāinga Ora may only make and give notice of a decision under subsection (1) if the granting of consent or changing of conditions would adversely impact on the objectives of the project.’</td>
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<tr>
<td>107</td>
<td>Right of objection in relation to exercise of section 106 power</td>
<td>Presumably where a decision is made by Kāinga Ora under cl106, it will be Kāinga Ora that appoints a hearing commissioner to hear any objection. Given that the original application will have been made to the Council there might be uncertainty as to who is responsible for appointing the hearings commissioner and running the hearing.</td>
<td>Clarify that the hearings commissioner is to be appointed by Kāinga Ora.</td>
</tr>
<tr>
<td>109</td>
<td>Kāinga Ora and territorial authorities must assist persons seeking to determine who does what</td>
<td>It is not clear what happens if Kāinga Ora and a territorial authority disagree on the interpretation of the Act as to who does what.</td>
<td>Provide clarification as to what should occur if the parties are unable to agree on roles and responsibilities.</td>
</tr>
<tr>
<td>110</td>
<td>Information, advice and record-keeping obligations from establishment</td>
<td>Clarity is sought about whether these provisions only apply to iwi or hapū groups that have settled under the Treaty Settlement Act or have iwi participation legislation, or would mana whenua who have not yet settled but are mandated groups recognised by local authorities be also included.</td>
<td>Provide clarity on how this clause applies to mana whenua who have not yet settled but are recognised by local authorities.</td>
</tr>
<tr>
<td>112</td>
<td>Entity must respond to request under section 111</td>
<td>In a situation where the provision of information requested by Kāinga Ora will involve substantial time and resource expenditure by the Council it would be reasonable for provision to be made to enable the Council to recover its reasonable costs. If this cannot occur, then it is possible that the result may be a refusal to provide information which would be counterproductive. The clause could be modified to enable an agreement to be reached on costs to avoid a refusal merely because the Council does not have the resource to meet unbudgeted expenditure.</td>
<td>Modify the clause to enable charging by agreement between the parties which is the same or similar to; Subsection 13(3) of LGOIMA: “any charge fixed shall be reasonable, and regard may be had to the cost of the labour and materials involved in making the information available and to any costs incurred pursuant to a request of the applicant to make the information available urgently.”</td>
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<tr>
<td>Clause</td>
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<td>115</td>
<td>What happens if entity does not respond within required timeframe</td>
<td>Re requests for information under cl 111, cl 115 provides that if an entity does not respond within the 30 working day timeframe Kāinga Ora may commission a suitably qualified person to supply the information. There is currently no ability to request an extension of the 30 day deadline. This should be included. Also, query how a person external to council would be able to supply information that council holds?</td>
<td>Provide a mechanism for extending timeframe within which information must be provided. Consider practically an external party being able to obtain information held by an entity.</td>
</tr>
<tr>
<td>116</td>
<td>Role of Kāinga Ora in relation to resource consent applications</td>
<td>Council’s substantive submission outlines the significant concerns that exist over Kāinga Ora automatically becoming the Resource Consent Authority for a project area, including duplication of effort, confusion for applicants, data collection challenges, resourcing impacts. If this mandatory role is to occur then this clause must be much clearer over how matters such as how applications that involve both regional and district consents are to be managed; who undertakes monitoring of existing consents in a project area and who pays any Māori entity to undertake monitoring and enforcement.</td>
<td>Remove mandatory requirement that Kāinga Ora becomes the consent authority under the RMA for all matters that a territorial authority would normally be the consent authority for. Replace with provisions similar to what is being proposed as transitional processes (refer clause 105).</td>
</tr>
<tr>
<td>118</td>
<td>Certain obligations to post-settlement governance entities continue under this Act</td>
<td>The wording in subclause (1) is confusing and could create doubt as to whether Kāinga Ora is subject to the obligation. It could be made less confusing by replacing ‘that consent authority’ with ‘it’. Clarity is also sought about whether this clause applies to mana whenua groups, who have an interest in the project area and are recognised by local authorities, but have not yet settled.</td>
<td>Replace ‘that consent authority’ with ‘it’ in cl118(1). Provide clarity on how this clause applies to mana whenua who have not yet settled but are recognised by local authorities.</td>
</tr>
<tr>
<td>126</td>
<td>Time limits for giving notice of decisions</td>
<td>The ability to achieve the 10 working day timeframe in this section will be influenced by the nature and complexity of the development plan. For restricted discretionary activities which can potentially be complex, 10 working days could be challenging and lead to inadequate assessment of the matters to be considered. Timeframes should remain consistent with those of the RMA.</td>
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<td>129</td>
<td>Hearings</td>
<td>The wording in subclause (2) is confusing – if a district plan or development does not specifically exclude a controlled activity or restricted discretionary activity from being notified; and it is, a hearing should occur (unless there are no submissions and the applicant agrees to any conditions that are to be imposed).</td>
<td>Clarify the purpose of this subclause.</td>
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</table>
| 130    | Alternate appointments to hear and determine consent applications | In principle this clause is supported, however, clarity is sought on:  
- What is meant by ‘a right’, and who determines whether a Māori entity has it or not?  
- Whether the appointee should have an understanding of tikanga Māori. | Provide clarity on these matters so as to avoid confusion and inconsistencies |
| 137    | Designations | This clause enables Kāinga Ora to act as a requiring authority for the construction of roads and railway lines outside of a project area so long as:  
- It is intended to connect or support the development of a SDPA  
- Is necessary for, or related to, achieving the project objectives for a SDPA  
- Is work in which Kāinga Ora has a significant contractual relationship with the developer, operator or service provider; and has a direct financial interest  
The clause also enables Kāinga Ora to act as a requiring authority for the distribution of water for supply, including irrigation; or for the operation of a drainage or sewer system. There is no requirement that Kāinga Ora must meet the codes of practice for the design and construction of water supply, wastewater or stormwater within the territorial authority’s district, nor that they should consult with the relevant infrastructure operator to ensure what Kāinga Ora is proposing will not have negative impacts on the wider network. If Kāinga Ora does not follow | Amend this clause to include a requirement that new water, wastewater and stormwater facilities and connections provided by Kāinga Ora must meet the codes of practice that exist for those services within the relevant territorial authorities district, and get agreement from the current service providers that health and safety of their wider networks will not be compromised by what Kāinga Ora intends to do. |
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<tr>
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<tr>
<td>139</td>
<td>Further modification to Part 8 of Resource Management Act 1991</td>
<td>This clause appears to undermine the requirement for enabling existing designations to be achieved. Given the powers provided in s68, it is difficult to foresee a situation where Kāinga Ora would designate over the top of an existing designation in a way that approval under s176 of the RMA could not be obtained (as any clashing designations would have been altered). Therefore, it is suggested that the powers conferred in s139 are removed.</td>
</tr>
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<td>140</td>
<td>Approval of Kāinga Ora to lodge notice of requirement for new designations</td>
<td>The approval and lodgement steps at s140(2) are unclear. Is the authority seeking approval to lodge, or seeking approval for the notice of requirement? Does Part 8 RMA apply in whole or in part? What is the effect of the lodged notice, is it equivalent to s178 RMA? Designations would be undermined if third parties can use land in a manner that would thwart their purpose. Current proposal has risks for requiring authorities, local authorities and private landowners.</td>
</tr>
<tr>
<td>142</td>
<td>Kāinga Ora may request that reserve status or conservation interest may be revoked</td>
<td>Clarity is sought over whether subclauses (5) and (4) also apply to Mana whenua who have an interest in a reserve or conservation area but have not yet settled.</td>
</tr>
<tr>
<td>144</td>
<td>Creation, classification and vesting of reserves</td>
<td>If a reserve is to be vested in a Local Authority then it is expected that the approval of that local authority should be gained first. For reserve land that is exchanged, it is recommended that the Bill include a requirement the new reserve must provide at a minimum for the same values (as set out in section 3(1)(a) of the Reserves Act where reserve land is to be exchanged.</td>
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<tr>
<td>139</td>
<td>Include clarification on the status of the designation when the assets are transferred to the infrastructure provider.</td>
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<td>140</td>
<td>Include a transparent process for resolving misalignments between Kāinga Ora and a Territorial Authority on the matters outlined. Clarify for what purpose would Kāinga Ora be building a rail line so as to remove inconsistency with sec 150 of the Bill.</td>
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<tr>
<td>142</td>
<td>Amend 137(4)(a)(i) to delete ‘including irrigation’</td>
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<td>Clause</td>
<td>Subject/Topic</td>
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<tr>
<td>148</td>
<td>Meaning of roading powers</td>
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<td>149</td>
<td>Kāinga Ora has roading powers if stated in development plan</td>
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<td>Clause</td>
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<td>152</td>
<td>Limitations on Kāinga Ora exercising road powers</td>
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<tr>
<td>153</td>
<td>Relevant territorial authority prohibited from performing functions and exercising powers that Kāinga Ora has under section 148(2)</td>
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<td>162</td>
<td>Right of appeal against determination of hearings commissioner</td>
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<td>166</td>
<td>Limitation on powers to alter non-roading infrastructure Kāinga Ora does not control</td>
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<tr>
<td>167</td>
<td>Controlling authority responsible for costs of operating and maintaining non-road infrastructure</td>
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<td>178</td>
<td>Kāinga Ora may request or require bylaw change</td>
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<td>177</td>
<td>Notice requesting bylaw change</td>
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<tr>
<td>180</td>
<td>Notice requiring bylaw change</td>
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<tr>
<td>181</td>
<td>Bylaw-making authority must make bylaw changes required by development plan</td>
</tr>
<tr>
<td>182</td>
<td>Requirements under other Acts satisfied for making of bylaw changes</td>
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<td>Clause</td>
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<tr>
<td>183</td>
<td>By-law making authority must preserve by-law changes made in accordance with this subpart</td>
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<td>193</td>
<td>Kāinga Ora may set rates for financial year</td>
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<td>195</td>
<td>Rates may cover costs of collection and recovery</td>
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<td>199</td>
<td>Relevant territorial authority to collect rates</td>
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<tr>
<td>200</td>
<td>Rates must be collected in accordance with values and factors</td>
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<td>204</td>
<td>Penalties on unpaid rates</td>
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<td>205</td>
<td>Application of LGRA: calculation, payment and recovery</td>
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<td>213</td>
<td>Kāinga Ora and relevant territorial authority to share rating information</td>
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<td>224</td>
<td>Right to reconsideration of requirement for development contributions</td>
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<td>224</td>
<td>Supporting territorial authorities may nominate for appointment to certain committees and boards</td>
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<td>Clause</td>
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<td>291</td>
<td>Functions and powers that may not be delegated outside Kāinga Ora</td>
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<tr>
<td>293</td>
<td>Certain delegations subject to relevant territorial authority approval</td>
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<tr>
<td>Schedule 2</td>
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<td>Transfer by agreement; Transfer by transfer order</td>
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<tr>
<td>Schedule 3 Clause 13</td>
<td>Mediation</td>
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<tr>
<td>Schedule 3 Clause 21</td>
<td>Independent hearings panel</td>
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Integration with the Building Act

1. There are a number of matters that will require clarification in the Bill and potentially the Building Act if Kāinga Ora becomes the resource consenting authority for a SDPA. These matters relate to:
   - the process of how the checking of whether a building consent application complies with the RMA planning document for the district. The current wording in the Building Act (S370) refers to that being done by the TA for the district but if Kāinga Ora are assuming the role of the consenting authority (for RMA) then the Building Act doesn’t specifically direct the TA to check with them.
   - provision needs to be included in the Building Act section 37 about the role of Kāinga Ora in making the assessment of whether a resource consent is required. The current S37 wording only says for the TA to make the assessment – but if Kāinga Ora is the consent authority under the RMA then they will need to make the assessment and advise the TA for the Building Act whether a S37 is applicable to go with a building consent or PIM.
   - complexity arises where there is a potential for Kāinga Ora to give effect to a subdivision which affects buildings. The requirements of section 116A of the Building Act put a responsibility on the TA to do checks that the buildings will still comply with the building code after the subdivision. Clarity is needed because it would not be the TA issuing the S224(F) certificate.

2. A suggested solution in regards to Plan Checks as per s370 of the Building Act and the application of LGOIMA requests would be a mechanism being built into the Bill that requires Kāinga Ora to proactively provide information to the local TA for the purpose of processing building consents.
Attachment C – Technical funding and financing matters
**Refinements to the rating legislation**

The rating mechanisms in the Local Government (Rating) Act 2002 provide a fit for purpose funding tool for council operational costs. The funding tools in the UD and IFF Bills are primarily designed to repay capital investments. Once the assets transfer to council ownership the ongoing operating and eventual replacement costs will transfer to council and be funded from general rates.

Auckland Council currently uses targeted rates to fund repayment of one-off capital investment in defined geographical areas. The benefits of these investments, and the ratepayers who benefit from them, are well defined. For our business improvement districts and the City Centre Targeted Rate, there are established governance arrangements that provide ratepayer representation on the investment programmes.

Benefits will not be so well defined for some of the investments envisioned under the UD and IFF Bills. Additionally, some landowners will be unwilling participants. The key challenge that Kāinga Ora will face when setting targeted rates (or an SPV under the IFF Bill) will be to strike a balance between generating a certain revenue stream to repay capital costs and setting a politically acceptable stream of compulsory charges on land.

Under these Bills, targeted rates will be funding infrastructure that supports development of land that has widely varying development potential, development cost and size.

Current legislation allows targeted rates to be set that reflect size and development potential (as it relates to zoning). However, additional rating methods would allow Kāinga Ora greater flexibility to better align benefits received from infrastructure investment and to manage the incidence of rates used to recover those costs.

Land title structure and ownership change through time as it is developed and subdivided. As land is developed a proportion of the land area ends up as non-rateable roads and parks. The value of these improvements gets added to the sub-divided land. Land is subdivided into smaller blocks as development proceeds.

In any one defined geographic area the land will have different types of owners (e.g. owner occupiers, landlords, crown, land bankers, developers) and they will have widely divergent interests and objectives, and levels of equity and cashflows.

To help manage the challenges that will be faced by Kāinga Ora (and an SPV under the IFF Bill) the legislation should provide the broadest flexibility to set rates so that the fairest outcomes can be achieved. We suggest that additional mechanisms are required to:

- be able to set the charge up front so that ratepayers/levy payers have certainty regarding their liability through time, without the need for annual adjustments
- provide additional rating methods that reflect feasible development capacity, so that ratepayers aren’t charged for benefits that which are not financially viable
- defer the incidence of liability for owner/occupiers to when land is developed or changes ownership.
Technical issues: rates

Collection of rates is essential to our ability to deliver services to Aucklanders. For the 2020/2021 year, we plan to collect rates of $1.9 billion which will make up 45% of our revenue. We set and collect the rates for 570,000 properties each year and invoice owners quarterly. To ensure this process runs smoothly and accurately we undertake several end to end production tests beginning in February each year. Final invoices are generated early July for delivery in early August.

The council has successfully added the charges for liable properties in the Milldale development to rates invoices with a manual process. These charges are set once for each property and change by a fixed amount annually.

A similar type of charge will not be able to be easily implemented under the UD Bill, or IFF Bill as more complicated charges that change annually will be required. To have the impact on development envisaged the number of properties involved will also be much greater. Delivery of this service to Kāinga Ora, or a special purpose vehicle under the IFF Bill, will require major system changes for the council. This will raise costs well beyond those incurred to support Milldale as well as presenting administration risks annually which are discussed below.

If Kāinga Ora is unable to provide us with the necessary information to assess their rates in time it will impact on our ability to issue assessments and invoices for those properties. This may then have reputational, cashflow and GST implications for the council and Kāinga Ora.

The legislation should require Kāinga Ora to provide us with rate setting information to the same timetables we work to internally to avoid timing risks. If the rate is assessed on a basis not currently used by council, then additional time may be required to establish and verify the required rating data. This requires the structure of the rates options proposed for the coming year to be advised before the February test cycle. Kāinga Ora should be required to provide us with the final rates for year by 10 May as the IFF Bill requires for an SPV under clause 40(4).

The provisions of the bill appear to cover all the matters required for Kāinga Ora to set rates and for the council to collect them on their behalf. However, there are several legal, administrative and policy parameter dependencies in the production of rates assessments and invoices each year. It is not possible at this time to determine exactly how it will work in practice. In the event of unforeseen issues with implementation it would be desirable for the legislation to be able to be amended by order-in-council. The Local Government (Auckland Transitional Provisions) Act 2010 made provision for this. We made use of this provision to adjust the rates transition mechanism so that it would function as intended.

We also note that Clause 215 empowers Kāinga Ora to take back any or all the functions that the council would be required to undertake on their behalf. However, other parts of the UD Bill require that where both Kāinga Ora rates and council rates are levied on a property then the rates must be assessed and invoiced together. That implies that if Kāinga Ora take back the assessing and invoicing of their rates then they will have to take on the responsibility of assessing and invoicing our rates as well. We are not sure that this is what was intended and recommend that the clause be amended.
Technical issues: development contributions

The council is forecasting to collect $300 million of development contributions in 2020/2021. Each year the council undertakes case by case assessment of between 15,000 to 18,000 development contributions on resource and building consents and service connection authorisations. Developers work carefully within the payment calculation methodology and payment timing requirements, set out in the council’s Development Contributions Policy, to keep their costs as low as possible. To ensure the integrity of this revenue stream it is vital that payments are calculated correctly, and final statutory documentation is not released until payments are made, as enabled by Section 208 of the Local Government Act 2002.

The council considers that the development contributions provisions in the Bill will deliver the intended policy goals. The Bill doesn’t preclude the council from recovering the costs of growth infrastructure with development contributions from developers in a development area.

Both Kāinga Ora and council will be operating under the Local Government Act 2002 (LGA) provisions for requiring development contributions. The development contributions regime in the LGA prevents developers being charged twice for the benefits they receive from an asset.

The LGA provides that territorial authorities, and now Kāinga Ora, may assess a development contribution on application for a resource or building consent or on service connection. Both the council and Kāinga Ora may be consenting authorities under the Bill, for regional and other consents respectively. To recover all the growth capital costs both parties will need to have consent applications assessed for both their own and the others development contributions. The Bill needs to make specific provision for this, otherwise developers may not be liable for both development contributions.

The council recommends that transition provisions are included in the Bill to provide for the council to transfer development contributions that have been assessed under a consent but not received from the developer for assets which Kāinga Ora is now taking responsibility for.

The council recommends that clause 223(1)(d)(i) is removed from the Bill as this precludes development contributions being required for the provision of reserves on non-residential development. Section 12 of the Local Government (Community Well-being) Amendment Act 2019 removed this restriction from the LGA.

The IFF Bill sets out that the SPV and the local council must take reasonable steps to enter into an agreement for the administration of the levy. If they are unable to reach agreement, then the monitor determines the outstanding terms. The UDA make provision for Kāinga Orato recover the reasonable costs of the council for administering Kāinga Ora’s rates. However, there is no provision requiring a formal agreement between Kāinga Ora and the council or what happens if agreement on cost sharing cannot be agreed. We recommend that these provisions be added.

There may need to be an adjustment made to the Long Term Plan (LTP) to align our processes with any decisions on Development Plans. This is because Auckland Council is due to go out to public consultation on the LTP in August with key decisions to be made in April/May 2021. It is likely that any development plans created in Auckland would not be approved until the end of 2021 at the earliest.
The Bill duplicates many of the Rating powers and Local Government Act provisions which Council operates under but should include the ability to make amendments for administrative issues that arise through an order-in-council. A similar process was used in 2009 when Auckland Council amalgamated with its predecessor organisations to overcome any technical issues related to rates and finance.

Council usually invoices developers for development contributions as part of its subdivision process and does not release its section 224(c) certificates that enable titles to be issued until these fees and charges have been paid. This means that Council and its asset managers are satisfied with the quality of assets to be vested and payment is made for development contributions and infrastructure growth charges for water/wastewater. If Kāinga Ora are responsible for issuing consents to third parties, these must be levied at the correct time or else developers may refuse to make payment.
Memorandum
30 January 2020

To: Planning Committee, Local Board & IMB members

Subject: Government’s Infrastructure Funding Announcement – $12 billion New Zealand Upgrade Programme

From: Jim Fraser, Principal Transport Advisor

Contact information: jim.fraser@aucklandcouncil.govt.nz

Purpose
To provide an overview of the Government’s recently announced infrastructure funding package as it relates to Auckland.

Summary
1. The Government has announced a $12 billion funding package to bring forward investment in New Zealand infrastructure projects with $6.8 billion of this funding being allocated to transport infrastructure projects, $3.481 billion of which has been allocated to Auckland transport projects.
2. The package of funding responds positively to Auckland Council’s calls for greater investment in Auckland’s transport infrastructure.
3. All the announced projects were part of ATAP. The additional funding will help us bring forward ATAP projects and complete them earlier.

Context
4. The Government has announced (29 January 2020) a $12 billion funding package to bring forward investment in New Zealand infrastructure projects. $6.8 billion of this funding has been allocated for investment across road, rail, public transport and walking and cycling infrastructure across New Zealand. $3.481 billion of this transport funding has been allocated for Auckland transport projects.
5. The Mayor had discussions with Central Government based on the recommendations of council staff and provided a list of projects for potential prioritisation, noting that some may not fit the Government’s criteria for prioritisation.
6. Transport projects in Auckland with new funding confirmed yesterday by the Prime Minister are:
   - Mill Road corridor ($1.354 billion, starting late 2022)
   - Penlink ($411 million, starting late 2021)
   - Widening of SH1 (third lanes in each direction) from Papakura to Drury ($423 million, starting late 2020)
   - Third main heavy rail trunk line from Quay St/Britomart station to Wiri Station ($315 million, starting late 2020)
   - Electrification of Papakura to Pukekohe line ($371 million, starting late 2020)
   - Two new train stations in Drury ($247 million, starting 2023)
   - Skypath and Seapath ($360 million, starting 2021)
Discussion

7. Penlink will open more growth north of Auckland and connect Whangaparāoa residents to the northern busway.

8. Upgrading Mill Road to four lanes will support housing and urban development in Auckland’s south.

9. Widening SH1 from Papakura to Drury and building a cycleway alongside it, will improve access and alleviate pressure on strategic transport corridors.

10. Completing the third main rail line will remove a key bottleneck for freight and passenger services, as well as provide additional capacity for the increased services once the City Rail Link is completed.

11. Electrifying the railway track between Papakura to Pukekohe will speed up trips to the Central City. The addition of two new platforms at Pukekohe station will allow additional lines for future growth.

12. Two new railway stations in Drury Central and Drury West, along with ‘park and ride’ facilities, will provide transport choice for existing and future communities in this high growth part of Auckland.

13. Skypath and Seapath will provide a fully separated, safe path for Aucklanders from Takapuna and Northcote to the city.

Alignment with ATAP

14. The announced package aligns well with ATAP. All the projects were included either within the ATAP 2018 to 2028 investment package or were part of the second decade package of investments signalled in ATAP 2017. The additional funding will help enable these projects to be brought forward and completed earlier than previously envisaged.
Memorandum

18 February 2020

To: Planning Committee and all Local Board Members
Subject: Urban Development Bill Submission process
From: Anna Jennings – Principal Advisor, Urban Growth and Housing
Contact information: anna.jennings@aucklandcouncil.govt.nz

Purpose
1. To notify Planning Committee and local board members that the Auckland Council submission to the Urban Development Bill is complete.

Summary
2. The Auckland Council submission to the Urban Development Bill was submitted on 14 February to the Environment Committee.
3. The submission was approved by delegation, as agreed by Planning Committee on 5 December 2019.
4. A request has been made to be heard at Select Committee along with Auckland Transport and Watercare. Dates are yet to be determined.

Context
5. The Bill was introduced to Parliament on 5 December 2019 and had its First Reading on 10 December 2019. The Bill sets out the functions, powers, rights and duties of the Kāinga Ora Homes and Communities (Kāinga Ora) to enable it to undertake its urban development functions.
6. The Bill gives Kāinga Ora access to a ‘tool box’ of development powers. Most of these powers can only be used within a specified development project but some are also available for use in business as usual developments that Kāinga Ora undertakes. Each of the powers has been designed to address a specific barrier to development. Not all powers will be needed by every project.
7. Submissions on the Bill closed on 14 February 2020. Delegation as approved by the Planning Committee on 5 December 2019 included the Chair and Deputy Chair of the Planning Committee and an Independent Māori Statutory Board member, Tau Henare.

Discussion
7. A Political Working Group (PWG) workshop was held on 20 January 2020. Representatives on the PWG included; Councillor Darby, Councillor Bartley, Councillor Dalton, IMSB Member Tau Henare, Troy Churton (Orakei Local Board), Danielle Grant (Kaipatiki Local Board), Margi Watson (Albert-Eden Local Board).
8. At the PWG workshop staff reiterated that council has supported in principle the establishment of an urban development agency in the Auckland Council submission to the Kāinga Ora – Homes and Communities Bill. However, our submission also highlighted the need to see the detail of how the new urban development entity, Kāinga Ora, would operate and what powers would be afforded to it.
9. From the PWG workshop and feedback from staff there was general agreement, that whilst not challenging council’s previous position of support, concerns be raised in the submission across a number of areas including impact on decision making, duplication of roles, impact on reserves, ongoing operational costs, impact on Auckland Council group infrastructure provision, alignment with the Auckland Plan and Auckland Unitary Plan, alignment with other legislation changes and consultation processes.

10. A workshop was held with local board members on 31 January in which similar concerns were raised to that those in the PWG workshop. There was also a strong theme around localism and need for the Bill to recognise Auckland Council’s governance structure and in particular local boards.

a) At Planning Committee on 4 February 2020, the Committee approved the approach to the submission that maintains support for Kāinga Ora to undertake urban development within Auckland but has real concerns with a number of the provisions and therefore requests that the Bill be amended to:
   i) adopt a partnership approach between central government, local government and mana whenua to avoid unnecessary duplication
   ii) align with the Auckland Plan 2050 to provide certainly to our communities, infrastructure providers, and funding and implementation in the long-term plan
   iii) ensure that appropriate safeguards are put in place in relation to social and physical infrastructure networks
   iv) integrate this Bill with the other national directions and/or initiatives
   v) acknowledge that Auckland Council has a different governance structure, as established under the Local Government (Auckland Council) Act 2009 and ensure that ample time and opportunity is provided for input.

11. A copy of the draft submission was provided to all members of the Planning Committee and the PWG members for comment at the request of the Planning Committee.

12. Thirteen local boards provided submissions to the Urban Development Bill which were appended to the final submission.

13. The final submission was approved by the Chair and Deputy Chair of the Planning Committee and an Independent Māori Statutory Board member, Tau Henare and submitted on 14 February 2020.

Next steps

14. An article was posted on Our Auckland which summaries the key changes sought in the submission - https://ourauckland.aucklandcouncil.govt.nz/articles/news/2020/02/auckland-council-seeks-changes-to-urban-development-bill/.

15. We are now waiting on the date for the Select Committee to speak to the submission.

Attachments

Attachment 1 – Auckland Council submission to the Urban Development Bill
Kōmiti Whakarite Mahere / Planning Committee
Confidential Briefing: Upper North Island Supply Chain Strategy Work Programme
MINUTES

Minutes of a Planning Committee briefing held in the Reception Lounge, Level 2, 301-305 Queen Street, Auckland on Tuesday 11 February 2020 at 11.04am.

PRESENT
Chairperson Cr Chris Darby
Deputy Chair Cr Josephine Bartley From 11.14am
Cr Cathy Casey
Cr Pippa Coom
Cr Linda Cooper, JP
Cr Angela Dalton Until 1.02pm
IMSB Member Hon Tau Henare Until 12.26pm
Cr Shane Henderson From 11.14am
Cr Richard Hills
Cr Tracy Multolland
Cr Daniel Newman, JP Until 1.02pm
Cr Wayne Walker From 11.17am
Cr John Watson From 11.17am
Cr Paul Young

ABSENT
Deputy Mayor Bill Cashmore On council business
Cr Fatanana Efeso Collins On council business
Cr Hon Christine Fletcher, QSO On council business
Cr Alf Filipaina Mayor Hon Phil Goff, CNZM, JP On council business
IMSB Member Liane Ngamane On council business
Cr Desley Simpson, JP
Cr Greg Sayers
Cr Sharon Stewart, QSM

Note: No decisions or resolutions may be made by a Workshop or Working Party, unless the Governing Body or Committee resolution establishing the working party, specifically instructs such action.
**Purpose:** To update committee members on the Upper North Island Supply Chain Strategy – work programme.

1 **Apologies**
   Apologies were noted from Mayor Goff, Deputy Mayor B Cashmore, Cr A Filipaina and Cr D Simpson for absence on council business, and Cr G Sayers for absence.

2 **Declarations of Interest**
   There were no declarations of interest.

3 **Overview**
   A confidential presentation was provided.

The workshop closed at 1.06pm.
Kōmiti Whakarite Mahere / Planning Committee Workshop: City Centre Masterplan Refresh

NOTES

Minutes of a Planning Committee workshop held in Room 1, Level 26, 135 Albert Street, Auckland on Wednesday, 19 February 2020 at 10.03am.

PRESENT
Chairperson Cr Chris Darby
Deputy Chair Cr Josephine Bartley From 10.16am
Cr Cathy Casey
Deputy Mayor Bill Cashmore From 10.05am
Cr Pippa Coom
Cr Linda Cooper, JP From 10.05am
Cr Angela Dalton
Cr Alf Filipaina
Mayor Hon Phil Goff, CNZM, JP
Cr Shane Henderson Until 11.25am
Cr Richard Hills
Cr Tracy Mulholland
Cr Desley Simpson, JP

ABSENT
Cr Faʻanana Efeso Collins On council business
Cr Hon Christine Fletcher, QSO
IMSB Member Hon Tau Henare
Cr Daniel Newman, JP
IMSB Member Liane Ngamane
Cr Greg Sayers
Cr Sharon Stewart, QSM
Cr Wayne Walker
Cr John Watson
Cr Paul Young

ALSO PRESENT
Alexandra Bonham Waitematā Local Board
Harry Dalg Chair - Puketapapa Local Board
Richard Northey Chair - Waitematā Local Board

Note: No decisions or resolutions may be made by a Workshop or Working Party, unless the Governing Body or Committee resolution establishing the working party, specifically instructs such action.
Purpose: For members to consider what they want to achieve in this term and for staff to provide and for staff to provide an overview of the committee’s forward work programme.

1 Apologies
Apologies were noted from Cr Collins, Cr Sayers, Cr Walker and Cr Watson on council business, and Cr Fletcher, Cr Stewart and Cr Young for absence.

2 Declarations of Interest
There were no declarations of interest.

3 - 5 Overview
A presentation was provided.

Workshop presenters and facilitators
- Tim Fitzpatrick, Head of City Centre Design, Auckland Design Office
- George Weeks, Principal Urban Designer, Auckland Design Office
- Shane Ellison, Chief Executive Officer, Auckland Transport
- Daniel Newcombe, Strategic Projects Manager, Auckland Transport
- Tim Conder, Lead Strategic Planner, NZ Transport Agency
- Alistair Kirk, General Manager Infrastructure and Property, Ports of Auckland

Notes
The presentation allowed the CCMP refresh team to provide a detailed overview of the consultation and engagement process to date, the themes emerging, and the changes made. Shane Ellison then presented AT’s analysis, enabling elected members to understand how city centre travel would need to change in support of A4E and the CCMP vision.

During the ensuing discussion, the presentation team provided information and clarification to elected members on the following topics:
- Alignment of transport decisions and investments with city centre visions
- Political risk and the need for clear, coordinated and well-resourced communications
- Functionality of roads, streets and movement networks for people and goods
- Assurances regarding the breadth and thoroughness of consultation
- Elasticity of transport mode choice into the city centre
- Queen Street pedestrian priority trialling
- City centre residents’ needs
- Provision of a city centre school
- Regional benefits of a successful city centre
- Regional benefits for Access for Everyone

Local board representatives were invited to the workshop. Contributions to the discussion were made by Waitematā Local Board, which had on the previous day passed a resolution in support of the CCMP, and by Puketapapa Local Board.

Insight obtained from this workshop will be reflected in the Planning Committee report. A resolution will be tabled at the 5 March Planning Committee meeting, calling for approval of the CCMP content. This will mark the completion of the CCMP refresh.

The workshop closed at 11.40am
19 February 2020

Hon Grant Robertson
Minister of Finance

Hon Phil Twyford
Minister of Transport

Hon Shane Jones
Minister for Regional Economic Development

Via email:

Tēnā koutou

UPPER NORTH ISLAND SUPPLY CHAIN STRATEGY – WORK PROGRAMME

On the 11th of February 2020 senior officials working on the report back to Cabinet on the Upper North Island Supply Chain Strategy Work Programme briefed Auckland Council’s Planning Committee.

The Committee found this briefing, led by Ministry of Transport Deputy Chief Executive Nick Brown, useful and appreciated the time and professionalism of the officials.

The Planning Committee is clear on two main issues. Firstly, that it supports the need for the analysis you have commissioned from officials. Absolute robustness in the advice that officials will be giving to you and Cabinet is essential. To this end, Planning Committee members gave feedback to officials on aspects they feel are either missing, require expansion or greater emphasis. The need for objective evidence is paramount.

The second issue is that the Planning Committee is of the very strong view that it is not realistic nor desirable to have a report back to Cabinet as early as May 2020.

The work Ministers have commissioned requires extensive evidence gathering, modelling, option modelling and analysis, peer review and genuine consultation with other partners and mana whenua iwi. To achieve the robustness and quality of evidence required for this first stage of work is simply not doable in the May timeframe.

A decision on the location option for the port has significant long-term consequences for New Zealand as well as Auckland. For this reason, the Committee strongly urges you to extend the timeframe for report back to Cabinet to allow officials time to undertake the necessary analysis and engagement required to provide robust advice.

We are seeking a meeting with you and the Governing Body at your convenience to discuss the concerns of Auckland Council as the sole owners of the Ports of Auckland Ltd before any decisions are made.
Kind regards

Phil Goff  
MAYOR OF AUCKLAND

Chris Darby  
CHAIR, PLANNING COMMITTEE