

## **Attachment Two: Excerpts of options from 'Building Competitive Cities' discussion document**

### URBAN OPTIONS

#### **3.1 Recognise urban environment in the RMA framework**

- Option 1: Broaden definitions to include the urban environment by
  - a) modifying the definition of 'environment' to specifically include the urban environment
  - b) extending the definition of 'amenity values' so that it addresses the quality of the urban environment to a greater extent.
- Option 2: Amend the RMA to recognise the benefits of a quality urban environment by making specific reference to it in:
  - a) section 6 (matters of national importance to recognise and provide for) and/or
  - b) section 7 (other matters for which to have particular regard).

#### **3.2 Greater national direction and clarity**

- Option 3: Provide for the scope of the NPS to:
  - a) include policies to require local authorities to provide an adequate supply of land to meet future urban growth demands
  - b) include policies requiring the consideration of housing affordability in decision-making, and regional and district plans under the RMA.
- Option 4: Rename the NPS from 'urban design' to the 'built' or 'urban environment'

#### **3.3 Spatial planning – enhancing it for Auckland and implementing it for other regions**

- Option 5: Retain the current spatial planning legislation, which provides flexibility for the Auckland Council in developing and implementing the spatial plan.
- Option 6: Simplify the planning framework for Auckland by:
  - a) using the Auckland spatial plan to incorporate either the:
    - i. the Regional Land Transport Strategy and Auckland Regional Policy Statement or
    - ii. the Regional Land Transport Strategy
  - b) replacing RMA plans (ie, regional policy statement, regional and district plans) for Auckland with a requirement for a single unitary plan.

- Option 7: Improve the effectiveness of the Auckland Spatial Plan by giving it an appropriate level of statutory influence on the RMA,<sup>1</sup> LGA<sup>2</sup> and LTMA<sup>3</sup> Plans by either:
  - i. 'giving effect to'<sup>4</sup> the Auckland spatial plan or
  - ii. 'being consistent with'<sup>5</sup> the Auckland spatial plan or
  - iii. 'having regard for'<sup>6</sup> the Auckland spatial plan
  - iv. considering the Auckland spatial plan on a voluntary basis.
  
- Option 8: Reduce litigation and improve the certainty of decisions, while providing safeguards during development of the spatial plan by either
  - a) providing for:
    - i. full appeal rights on the spatial plan or
    - ii. limiting appeal rights to points of law
  - b) and/or providing for a statutorily prescribed consultation process instead of the Special Consultative Procedure under the LGA, that:
    - i. ensures effective multi-party engagement in regional strategic direction-setting and/or
    - ii. improves iwi/Māori participation in resource management decision-making
  - c) and/or during the development of the spatial plan, requiring an independent specialist review of the spatial plan to test its evidence base, robustness, affordability and coherence, and provide recommendations to the Auckland Council. The Auckland Council to publicly report its response to the recommendations of the review before it adopts the spatial plan.
  
- Option 9: Provide for review of the spatial plan by
  - a) amending the Local Government (Auckland Council) Act to require the spatial plan to be reviewed every three years, with defined responsibilities for the Government and the Auckland Council in the review process. Neither party can force a review in between the three-year period
  - b) amending the Local Government (Auckland Council) Act to require statutory linkage with the LTCCP and require the spatial plan to be adopted at the same time or up to one year prior to adoption of the LTCCP.

---

<sup>1</sup> Regional policy statement, regional plans, district plans.

<sup>2</sup> Long-term council community plans.

<sup>3</sup> Regional Land Transport Strategy, Regional Land Transport Programme.

<sup>4</sup> 'Give effect' has a high level of influence, and requires implementation plans to actively implement the spatial plan without any flexibility.

<sup>5</sup> 'Be consistent with' has a medium level of influence, and provides some flexibility on how implementation plans implement the spatial plan.

<sup>6</sup> 'Having regard for' has a low level of influence, and provides guidance on how implementation plans implement the spatial plan.

- Option 10: Mechanisms for central government to influence the Auckland spatial plan:
  - a) a GPS that sets out the Crown (or national) objectives for Auckland and/or
  - b) require ministerial certification that the Auckland spatial plan complies with all GPSs, before final adoption by the Auckland Council and/or
  - c) make more effective use of existing mechanisms to express Government priorities and direction, including NPSs and NESs and/or
  - d) express central government priorities and objectives in a policy mechanism, such as the National Infrastructure Plan and/or
  - e) use the spatial plan as the mechanism for engagement between central government and the Auckland Council.
  
- Option 11: Central government using suitable and appropriate mechanisms to direct its entities, agencies and departments, and funding agencies to
  - a) give effect to a GPS for Auckland and/or
  - b) be consistent with the adopted Auckland spatial plan in decision-making and/or
  - c) have regard to the adopted Auckland spatial plan in decision-making and/or
  - d) reflect central government's priorities and objectives for Auckland in their statements of intent.
  
- Option 12: Regional spatial planning with legislative influence to be:
  - a) limited to Auckland only or
  - b) implemented on a voluntary basis by regions, but only available for those regions facing growth pressures and subject to significant levels of local and central government investment in infrastructure and services or
  - c) mandatory in all regions facing growth pressures and subject to significant levels of local and central government investment in infrastructure and services or
  - d) implemented on a voluntary basis by regions, for all regions or
  - e) mandatory for all regions.

### **3.4 Improve tools**

- Option 13: Introduce a national template for local and regional plans.
- Option 14: Stage the implementation of a national template plan for NPSs and NESs.
- Option 15: Provide for the production of a combined NPS and NES as a single document.

- Option 16: Establish a National Urban Design Panel.
- Option 17: Establish a Government Architect.
- Option 18: Rely on existing methods and processes to amalgamate land, including purchase, negotiation and joint ventures.
- Option 19: Extend the scope of the Public Works Act to ensure that local authorities are able to compulsorily acquire and amalgamate land for major urban regeneration projects provided:
  - a) some form of central government oversight is required as a safeguard and/or
  - b) the power to compulsorily acquire land for urban redevelopment should be used as a tool of last resort and/or
  - c) power to compulsorily acquire land should be limited to specifically defined works and/or
  - d) Māori land is not able to be compulsorily acquired under any circumstances.
- Option 20: Develop new tools for land assembly.

## INFRASTRUCTURE OPTIONS

### **4.1 Greater national direction and consistency**

- Option 1: Using NPSs, NESs<sup>7</sup> and other forms of national standards in a more systematic way through
  - a) developing an agenda of proposed NPSs and NESs
  - b) developing a greater number of nationally-consistent standards
  - c) allowing certain aspects of infrastructure construction and operation to be conducted without the need to apply for approval, as long as it meets nationally-consistent standards
  - d) taking into account where ‘reverse sensitivity’<sup>8</sup> issues are, or could be, an issue.
- Option 2: Making use of the options in Chapter 3 to support the efficient delivery of infrastructure:
  - a) enabling the development of combined NPS and NES documents to communicate national priorities, so councils can more easily incorporate national direction into plans
  - b) introducing a national template plan for local and regional plans.
- Option 3: Amending sections 6 or 7 of the RMA to explicitly refer to importance of infrastructure and the benefits that derive from it.

---

<sup>7</sup> National policy statements (NPS) and national environmental standards (NES) are explained in Appendix 3.

<sup>8</sup> ‘Reverse sensitivity’ arises where a new activity sets up near an existing, lawfully established activity, and the new activity objects to the effects generated by the existing activity, thereby threatening the latter’s continued operation. Options to manage reverse sensitivity can impose additional costs on projects.

## **4.2 Changing access to the designation system**

- Option 4: Extend eligibility to a broader range of infrastructure types, particularly to ports and electricity generation.
- Option 5: Define eligibility based on the 'nature of development' rather than the type of infrastructure.
- Option 6: Narrow eligibility for full 'requiring authority' status<sup>9</sup> and establish a new status of "limited requiring authority":
  - a) eligibility: a 'limited requiring authority' would make more of a distinction between public and private benefit of the infrastructure and/or whether the ownership or financing is publicly or privately provided approval process: approve 'limited requiring authority' status on a project-specific basis only, to reflect the purposes of each particular project
  - b) powers: a 'limited requiring authority' would have access to a lesser range of powers than available to a full requiring authority. Limits could be applied on one or more of access to compulsory acquisition; protection against incompatible development; and removal of decision-making rights.
- Option 7: Change all references in RMA from 'network utility operator' to 'infrastructure provider'.
- Option 8: Amend definition of 'infrastructure' in the RMA so it reflects the full range of eligibility for requiring authority status.

## **4.3 Improved approval processes: increased streamlining and flexibility**

- Option 9: Eligibility for concept designations. Either:
  - a) all infrastructure projects eligible for designations should be able to make use of concept designations or
  - b) only a subset of projects eligible for designations should be able to make use of concept designations and/or
  - c) concept designation status should be conferred on any future infrastructure identified in a statutory spatial plan.
- Option 10: Level of detail required with application. Either:
  - c) sufficient detail is required to identify a comprehensive envelope of future impacts or
  - d) sufficient detail is required to identify high-level impacts only.
- Option 11: Powers, protections and obligations provided to infrastructure providers:
  - a) infrastructure providers would have the full range of powers currently provided through notices of requirement including access to PWA powers or

---

<sup>9</sup> 'Requiring authorities' are explained in Appendix 4.

- b) infrastructure providers would have more limited range of powers than currently provided under notices of requirement, and limited PWA powers and/or
  - c) a maximum lapse period of 10 years would apply or
  - d) a longer maximum lapse period, such as 20–30 years would apply.
- Option 12: Integrate multiple approval processes into a single approval process for a nationally significant infrastructure project.
  - Option 13: Remove duplicated processes through:
    - a) providing for designations to be automatically ‘rolled over’ into updated district plans when provided for in a spatial plan<sup>10</sup> and/or
    - b) removing the current two-stage process (‘notice of requirement’ and ‘outline plan’) for approving development by establishing the development’s limits when the initial designation is approved and/or
    - c) providing that where a concept designation is in place, ‘controlled activity’ consent status<sup>11</sup> would automatically apply to any subsequent resource consent applications.
  - Option 14: Establish consistent processes by:
    - a) requiring clearer and earlier notification for individual landowners who may be affected by a compulsory acquisition, specifying the amount and location of their land likely to be affected to the extent that this is known; and the type of interest to be acquired and/or
    - b) introducing pre-application consultation requirements for concept and project designations and/or
    - c) requiring public hearings for any concept designation and/or
    - d) providing non-statutory guidance to inform ‘notice of requirement’ and ‘outline plan’ processes and/or
    - e) applying consistent statutory timeframes to all project designations.
  - Option 15: Improve investment certainty for resource consents.
    - a) introduce a new process for re-consenting with the following features:
      - i. confer rights to apply for an existing consent holder
      - ii. expressly allow renewal applications well within the existing consent term

---

<sup>10</sup> ‘Spatial plan’ in this context means a spatial plan adopted through the types of options set out in chapter 3.

<sup>11</sup> ‘Controlled activity status’ means a decision-maker may impose conditions on a resource consent, but may not decline the application.

- iii. provide for the consented scale of activity to continue while the re-consenting application is being processed
  - iv. limit the scope of the new consent to the existing scale of activity within the same 'effects envelope'<sup>12</sup>, where practical
  - v. constrain the information required in an application to the effects of the existing operation, emerging/new effects, or emerging values or expectations. Applicants would not be required to provide information about the effects of the existence of a physical structure, such as the existence of a dam occupying a river bed
  - vi. constrain notification and consultation requirements to directly affected parties, rather than the public at large
  - vii. take account of Treaty settlement issues where they are relevant.
- b) When deciding on re-consenting applications, consider either:
- i. requiring consent authorities to confine their concerns to the effects of the existing operation, emerging/new effects, or emerging values or expectations. Consent authorities would not be permitted to consider the effects of the existence of a physical structure or
  - ii. allowing a consent authority to consider any matter it considers relevant and reasonably necessary to determine the application.

#### **4.4 Enhanced decision-making framework**

- Option 16: For "limited requiring authorities" only require a decision-maker for designations to be independent of the infrastructure provider:
  - a) for notices of requirement, remove the decision-making role from requiring authorities to make the decision-maker independent from the infrastructure provider and
  - b) if the option to remove the outline plan stage is not adopted (option 13b), consider retaining decision-making for outline plans with the infrastructure provider and
  - c) the decision-maker for concept designations, if sought by limited requiring authorities, would also be independent of the infrastructure provider and
  - d) the significance of the project should determine the most appropriate decision-maker.
- Option 17: Ensure the objectives of infrastructure investment are appropriately recognised. Decisions on designations (both concept and project) should be based around the following considerations:
  - a) whether the project is consistent with the purpose and principles of the RMA

---

<sup>12</sup> 'Effects envelope' refers to the type and magnitude of effects from an activity.

- b) the extent to which the project is consistent with any relevant NPSs, NESs, regulations and/or other nationally consistent standards
  - c) the extent to which the infrastructure provider's objectives are delivered by the project – guidance on these matters could be provided by relevant NPSs
  - d) the extent to which any adverse effects of the option have been avoided, remedied or mitigated
  - e) the benefits of the project
  - f) the impacts of any conditions that are imposed on the delivery of the objectives of the project
  - g) the extent to which the proposal is consistent with other planning documents such as a spatial plan, regional policy statement, national infrastructure plan, growth strategy, etc, and the need for consistency in approach across council boundaries
  - h) the extent to which realistic options for co-location of infrastructure could be appropriate and have been considered.
- Option 18: Ensure that national consistency is achieved where appropriate by making use of the identified options (1 to 3) to provide greater national direction on objectives and standards.
  - Option 19: Amend the RMA in relation to projects called-in by the Minister, to give greater status to the reasons for ministerial call-in.
  - Option 20: Support integration with spatial planning
    - a) decisions about individual project or consent designations should seek to 'give effect' to infrastructure that is consistent with an existing spatial plan, where the effects of the development are reasonable given the scale of the project
    - b) any applications for designations that are not consistent with an existing spatial plan would need to provide additional justification.

#### **4.5 An efficient compensation process under the Public Works Act 1981**

- Option 21: Increase the current solatium<sup>13</sup> of NZ\$2000.
- Option 22: Link the value of the solatium to the length of time an affected landowner has owned the property.
- Option 23: Widen the solatium provision to provide for a discretionary payment when acquiring land that does not include a dwelling used as a private residence.
- Option 24: Introduce a hardship payment mechanism.
- Option 25: Undertake further research into the accuracy, objectivity and reliability of current New Zealand valuation practices used to

---

<sup>13</sup> A solatium is paid as compensation for emotional loss when acquired land contains a dwelling used as a private residence. It is in addition to compensation for loss of value.



determine 'fair market value' based on the average 'willing purchaser willing seller' price settlement.

- Option 26: Authorise requiring authorities to pay a premium of up to 10 per cent where there is demonstrable benefit to the requiring authority in securing early settlement.
- Option 27: Allow a requiring authority to take early possession of a property by paying an affected owner the amount specified in the valuation it obtained.
- Option 28: Require the requiring authority to obtain a further valuation on the affected landowner's behalf if the affected landowner has not done so after a reasonable period.

#### **4.6 Transitional issues**

- Option 29: Introduce a sunset clause on existing designations that have not yet been used.
- Option 30: 'Grandfather' existing designations into any new system for minor improvements or maintenance.
- Option 31: Ensure that the next generation of district plans give due account to existing designations, where development and investment has taken place in accordance with the designation.