

3 October 2016

Better Urban Planning Inquiry
New Zealand Productivity Commission
PO Box 8036
The Terrace
Wellington 6143

File ref: ROA 05 01
PAT:KMW

Private Bag 11025
Manawatu Mail Centre
Palmerston North 4442

P 06 952 2800
F 06 952 2929

www.horizons.govt.nz

SUBMITTED VIA ONLINE

Dear Sir or Madam

SUBMISSION ON “BETTER URBAN PLANNING” DRAFT REPORT

Thank you for the opportunity to make a submission on the New Zealand Productivity Commission’s draft report on its inquiry into the system of urban planning in New Zealand - *Better urban planning*.

Although the focus of the report is on built environment planning and natural environment planning in the urban context, any changes to the legislative and institutional frameworks for natural environment planning will inevitably impact on the current resource management regime across the board. Horizons Regional Council (Horizons) covers a large area of land that is predominantly rural, but we note that the Commission’s recommendations, if adopted and progressed by Government, would have a considerable effect on our responsibilities and functions, beyond our urban areas.

Horizons generally supports recommendations that will lead to increased coordination between the different tiers of government, a broader range of mechanisms to influence land use, and integration of the legislation and processes currently provided for under the Resource Management Act, Local Government Act and Land Transport Management Act (including recommendations to make spatial plans a mandatory and integrated component of the planning hierarchy). However, we would prefer that changes build on the considerable experience and body of practice and interpretation that exists.

We also note that the resourcing that would be needed to implement the very extensive changes recommended by the Commission, even in part, would be significant and has not been examined in the report. In addition to the costs associated with institutional and process changes that would be needed, there would inevitably be a period during which interpretation of new legislation and decisions made under it are tested through the Courts. The report does not acknowledge that existing practice is supported by a body of judicial interpretation of the legislation that has taken many years to build. While there is, without doubt, an argument that the proposals are intended to reduce costs to development arising from constraints within the existing regime, there should be a very careful cost-benefit analysis of any proposed changes to ensure that they are actually a sensible and practical option and will be an improvement overall.

Horizons supports the Commission’s findings in relation to Māori participation in the current, and any future, planning system. We agree that carrying forward the current general framework is sensible based on the ongoing growth in both local authority and Māori understanding and capacity that we are observing in our Region. We note

Kairanga

Marton

Palmerston North

Taihape

Taumarunui

Wanganui

Woodville

that there are a number of new provisions included in the Resource Legislation Amendment Bill. While the effectiveness of these measures cannot be evaluated until they have been fully implemented, it is likely that they will enable further strengthening of relationships and participation in processes.

With regard to the question asked by the Commission in relation to future legislative models, Horizons is by no means convinced that such a fundamental legislative reform is necessary to achieve improved outcomes. However, should this be pursued, we consider that Option A (“*a refined single resource management law*” with the inter-relationships between separate built environment and natural environment sections clearly specified, and links to land transport and infrastructure laws clarified) may provide better opportunities to provide for coordination and integration of central government’s and local authorities’ responsibilities for the built and natural environments than Option B.

The Commission is also seeking specific feedback in relation to which of the two following options would better ensure effective monitoring and enforcement of environmental regulation: moving responsibility to a national organisation such as the EPA; or increasing external audit and oversight of regional council performance. We note that, while the inquiry is concerned with urban planning, realistically any recommendation to change the monitoring and enforcement of environmental regulation would apply to environmental monitoring across the entire country. Of the two options proposed by the Commission, Horizons would support increased external audit and oversight rather than removal of responsibility for monitoring and enforcement.

Such an approach would enable improvements in local authorities’ practice in this area, and would recognise that some councils are already performing well in this area and have addressed the issues raised in the draft report, for example the potential for political interference in enforcement raised by the Auditor General in 2011. We concur with the Commission’s comments that a nationalised approach may resolve remaining issues including resourcing pressures in some councils, but would be a substantial change to local government structures with significant cost implications. In particular, we agree that “*a national regulator may also lack the information or the inclination to reflect local environmental goals or aspirations*”. We believe that appropriate resourcing for this function continues to be an issue for some local authorities, and acknowledge that some of the amendments in the Resource Legislation Amendment Bill currently before Parliament include proposals that would go some way to addressing this.

Yours sincerely



Nic Peet
ACTING CHIEF EXECUTIVE