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To the New Zealand Productivity Commission

In the matter of the discussion document: Better Urban Planning Issues Paper

Submission by
Selwyn District Council

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1 Introduction

- 1.1 The Selwyn District Council welcomes the opportunity to comment on the New Zealand Productivity Commission's discussion document: *Better Urban Planning*. The Council appreciates this chance to contribute to improving New Zealand's urban planning and resource management system.
- 1.2 Selwyn District has been the fastest growing District in New Zealand for the past eight years and this growth has continued unabated post the 2010 and 2011 Canterbury earthquakes. The Council has taken significant steps over the past eight years in improving its resource management processes including positively planning for significant growth. The Council has recently rezoned sufficient land in the District to supply at least 10 years demand and continues to monitor the uptake of land and the subsequent subdivision and building consents to ensure at all times sufficient land is available to meet demand for housing and business.
- 1.3 Selwyn District Council works collaboratively with Environment Canterbury, Christchurch City Council, Waimakariri District Council, Ngai Tahu, NZTA and CERA to ensure the District and the wider region moves forward positively from the Canterbury earthquakes.
- 1.4 Selwyn District Council endorses the Government's request to the Productivity Commission to undertake an inquiry into the system of urban planning in New Zealand.

2 Submission summary

- 2.1 The objective of reviewing New Zealand's urban planning system and identifying from first principles the most appropriate system for allocating land use through this system to support desirable social, economic, environmental and cultural outcomes is in our opinion necessary.
- 2.2 Looking beyond the current resource management and planning system to consider fundamentally different ways of delivering urban planning and development in New Zealand is important in the current climate given the significant pressures on our natural and physical resources from urban development, particularly greenfield residential and business growth. This will enable the creation of a better framework for managing and planning for the needs of our communities into the future.
- 2.3 The Council acknowledges and agrees that the various legislative Acts including the Local Government Act 2002, the Resource Management Act 1991, the Land Transport Management Act 2003 and elements of the Building Act 2004, the Reserves Act 1977 and the Conservation Act 1987 that relate to land use, contribute to making urban planning processes in New Zealand cumbersome, costly, time consuming and overly litigious.

Whilst the current resource management system is not well integrated, and sometimes unwieldy, it can be improved.

- 2.4 The Council's submission addresses a number of questions raised in the Issues Paper. Rather than answering all of the 39 questions posed by Productivity Commission, Selwyn District Council's submission is relatively high level and focused on a few key issues in relation to a better urban planning system here in New Zealand.

3 Submission points

National input

- 3.1 Selwyn District Council supports greater national direction, guidance and consistency when developing a more integrated urban planning system. Collaborative planning at a regional and local level with greater support and resourcing from national level interests would serve to provide the strategic national direction New Zealand's existing resource management system is lacking.
- 3.2 When drafting urban planning policy (at national, regional and local level) there needs to be greater consideration of integrating new planning policy with wider public policy to tackle issues such as housing affordability.
- 3.3 With a new integrated urban planning system there is the potential for nationally standardised definitions, planning rules and processes across Regional and District Plans. This could significantly improve consistency in approach to urban planning and document drafting across the country but the details of this would need to be fully considered.

A new integrated urban planning model

- 3.4 Selwyn District Council supports the objective of an integrated urban planning approach. Particularly there needs to be greater vertical and horizontal integration in the planning process, along with greater collaboration at national, regional and local levels. Other legislative measures such as the building code, infrastructure design standards etc need to be considered in an integrated planning approach to a better urban planning system.
- 3.5 In developing a new integrated urban planning model, the importance of strategic planning must be highlighted. There must be a particular focus on urban intensification in the New Zealand context, whilst also recognising that greenfield business and residential development will occur to support this shift in New Zealand culture.
- 3.6 The important focus on strategic planning in the Selwyn District prior to the Canterbury earthquakes has underpinned the success of the post-earthquake recovery of greater Christchurch. Without strategic planning in

Selwyn District, Christchurch city would unlikely be in the position it is in at present. The significant shift westwards of business and residential development has allowed the city to begin the recovery process. Strategic planning in Rolleston, Lincoln and Prebbleton townships, as well as the IZone business park has provided an option for businesses and residents to relocate post quake. Without the strategic planning in place at the time of the quakes, the ability to develop this land in a very short timeframe would have been compromised, as would the recovery of Christchurch city.

- 3.7 A new integrated urban planning model must also consider all levels and layers of urban development. It is noted there are a range of legislative Acts and associated processes which govern the development of land but these very much overlap, particularly around public participation in the planning process.
- 3.8 The RMA, LGA and LTMA along with the Reserves Act and Conservation Act are all intertwined in the development process. There needs to be greater recognition of this and the various overlaps in processes and public participation expectations. Integrating land use regulation and infrastructure planning is very important to achieve greater consistency and certainty for the community. LGA and RMA processes need to be combined wherever possible to reduce overlap. It might also be useful to consider removal of process provisions from these Acts and instead delegate them to administrative tools such as regulations and guidance to enable more process flexibility and ability to respond to emerging issues.
- 3.9 Greater weight should be given to non-statutory documents in planning decisions. If 30 year infrastructure plans and structure plans are in place indicating how an urban area will develop, then this should be given weight through an integrated system of assessment. However plans do need to be flexible and adaptable where necessary. Local authorities when making planning decisions must have the ability to enable or delay development due to infrastructure provision and funding.
- 3.10 Significant urban planning has already occurred within the greater Christchurch context to address greenfield residential and business urban development pressures. The Urban Development Strategy for Greater Christchurch and the Land Use Recovery Plan are two significant strategic planning documents guiding urban development in greater Christchurch.
- 3.11 In the Selwyn District, Selwyn 2031, Rolleston, Lincoln and Prebbleton Structure Plans, Rolleston Town Centre Master Plan and the proposed Lincoln Town Centre Master Plan are evidence of strategic planning for urban development to deliver community outcomes sought by Selwyn District rate payers.
- 3.12 Selwyn District Council is also a signatory to a Housing Accord with Central Government to deliver over a thousand residential lots in south Rolleston over the next few years. These sections will meet the additional growth demand evident in Rolleston whilst other zoned land within Rolleston is yet

to develop. This land is located within the Rolleston Infrastructure Boundary which has been subject to strategic planning to deliver a thriving community over the next 30 plus years.

- 3.13 There is the potential for having structure plans and infrastructure plans in place with real time information available from Councils, however following processes need to be quick and adaptable to meet market demands and pressures. The current processes are cumbersome and levels of clear information around planning for land development are varied. Selwyn District Council supports a requirement of a new urban planning model that Councils ensure there is adequate land supply available for at least 10 years of projected growth for residential and business land. Selwyn District Council has recently rezoned enough land to cater for the anticipated growth of townships for at least the next 10 years and undertakes structure plans and rezoning to ensure an adequate land supply is available matched with appropriate infrastructure.
- 3.14 A new urban planning model needs to address fragmented land ownership, involving landowners with different objectives and expectations in relation to the use, value expectations and development of their land. Along with the lack of co-ordination between landowners this is acting as a constraint on residential land supply. Zoning and infrastructure in place does not necessarily translate to development. Inflated land prices through zoning for urban development have also raised expectations of the value of land for owners which conflicts with developer expectations and profit margins.
- 3.15 A significant issue in delivering development-ready land is unlocking land which is zoned with available infrastructure, but is yet to move due to land banking. This is evident in parts of Selwyn District at present. A new urban planning model would need to address this issue and provide incentives to land owners and developers to deliver development-ready land. Another issue is land owners from outside zoned areas wishing to develop land even though it is not practical to do so (eg. infrastructure not available or appropriate strategic planning has not been undertaken). There needs to be an element of pragmatism to allow for some variation to this where appropriate, but not a free for all.
- 3.16 Planning and regulatory frameworks are part of wider processes under various statutes. Integrating infrastructure provision and sequencing with land development is critical for both intensification and greenfield development. The importance of sound planning practice in addressing urban development pressures must be considered in developing a new urban planning model or system.
- 3.17 A new integrated urban planning model should provide certainty however if a proposal is innovative and has merit then it should be able to be tested and considered on its merits. A new planning system must think multi-generationally.

- 3.18 The current urban planning processes in New Zealand can be somewhat cumbersome, costly, time consuming and overly litigious. The various legislative Acts that govern planning and local government processes in relation to land use and development need to be adaptable, flexible, and less litigious, with the ability to provide for innovation. The current plan preparation process is complex and costly. A simplified process is required for the generation of such documents.
- 3.19 Natural hazard planning needs to be incorporated along with a better understanding of the level of risk the community is willing to accept, and from which natural hazards. Selwyn District Council supports natural hazard management being addressed as a matter of national importance in any new urban planning model. Greater central government direction would only benefit to ensure a consistent approach to managing natural hazards in New Zealand. However, it is important that those involved with developing plans in response to this issue understand the implications of the full range of natural hazards likely to impact on an area with which they are concerned. Where natural hazard management cuts across a range of legislative environments alignment with a new urban planning model is critical.

Public participation in planning

- 3.20 Public participation needs to be focused, otherwise it can slow the planning process. A new integrated planning model could put greater emphasis on the role of the land owner or applicant in undertaking and documenting consultation and public engagement prior to lodging a plan change or resource consent with a local or territorial authority with the aim of reducing litigation through the planning process.
- 3.21 Removing duplication of public consultation processes under the RMA, LGA and Reserves Act would also benefit a new integrated urban planning model. Managing diverse perspectives on the value of land is a challenge and is best undertaken through public processes to determine what is appropriate land use and how best to manage competing views on land use and its value. However this does not need to be repeated numerous times under different statutes.
- 3.22 Selwyn District Council would prefer to retain the status-quo with respect to opportunities for third party participation in planning processes, as it provides more certainty for all parties. Any further limitations on third party participation in the ability to lodge submissions on consent applications, plan changes or become involved in appeals should be reviewed in the context of a new urban planning model.
- 3.23 There is the potential for appeals to be confined to points of law only which arguably has worked well in the Canterbury legislative context post-quake, where local decision making is competent and timely. There are too many examples across the country where plan changes and consenting processes are tied up with litigious appellants at the expense of the public

and ratepayers. An opportunity for less appeal rights to planning decisions does exist where appellants are only seeking to delay processes.

- 3.24 Dispute resolution processes are still appropriate though. A greater emphasis could be applied to mediation of planning outcomes to avoid the need for lengthy and costly court processes.

Role of Maori in planning

- 3.25 Selwyn District Council supports greater Maori involvement in developing a new integrated urban planning model. Maori need to carry sufficient weight in decision making and be appropriately resourced to allow their involvement in the planning process. Improving consistency in iwi engagement in plan development and consenting processes is a very important step forward in a new urban planning model.
- 3.26 Selwyn District Council already has in place a number of agreements with iwi in terms of engagement in planning and other environmental processes. Selwyn District Council along with Canterbury Regional Council and Te Rununga o Ngai Tahu have signed the Te Waihora Co-Governance Agreement to record the commitments of the parties to share the responsibility for Te Kete Ika a Rakaihautu and the wider Te Waihora catchment.
- 3.27 Selwyn District Council is currently underway with its District Plan Review and preparation of its second generation plan. The governance structure of the District Plan Committee includes a representative from Te Taumutu Rununga on the committee for the duration of the review.
- 3.28 These are some examples of the many arrangements already in place for various governance committees and partnerships with local iwi within Selwyn District and should be viewed as examples or case studies in developing a new urban planning model which embraces Maori participation in urban planning processes.