

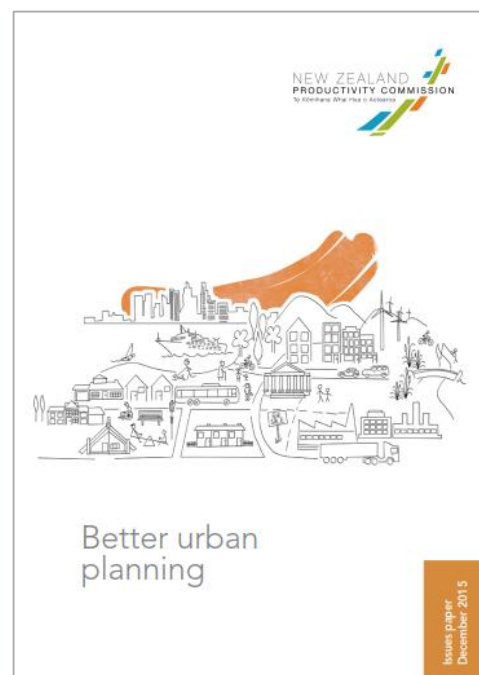
Greater Christchurch Urban Development Strategy

Submission by the

Greater Christchurch Urban Development Strategy Partnership on

The New Zealand Productivity Commission's inquiry: Better Urban Planning Issues Paper (December 2015)

March 2016



To:

Better urban planning inquiry
New Zealand Productivity Commission
PO Box 8036
The Terrace
WELLINGTON 6143

Name of Submitter:

Greater Christchurch Urban Development Strategy Partnership
c/o Bill Wasley: Independent Chair

Address for further contact:

Keith Tallentire
UDS Implementation Manager
DDI (03) 941 8590
Mobile 027 205 3772
Email ktallentire@greaterchristchurch.org.nz
Web www.greaterchristchurch.org.nz

c/o Christchurch City Council
Civic Offices, 53 Hereford Street, Christchurch
PO Box 73012, Christchurch, 8154

Submission:

This is the Greater Christchurch Urban Development Strategy (UDS) Partnership's submission on the New Zealand Productivity Commission's Inquiry 'Better Urban Planning' Issues Paper (December 2015). Submissions from individual UDS Partners are also being made and may cover more specific issues relating to their territorial areas or functions.

The UDS Partnership would welcome the opportunity for further discussion with the Commission ahead of the release of a draft report for submissions and then a final report to Government.

Signed:

A handwritten signature in black ink, appearing to read 'Bill Wasley', written in a cursive style.

Bill Wasley
Independent Chair
Greater Christchurch Urban Development Strategy Implementation Committee

Submission summary points

- i. This submission does not attempt to address all of the questions posed by the Commission but focuses on four key matters that the UDS Partnership sees as underlying this inquiry and which also relate to other national initiatives covering similar issues. The four key matters are:
 - a. should land use regulation be combined with infrastructure planning and funding within a single piece of new legislation?
 - b. should there be separate legislation for urban areas?
 - c. if desired, when and how should legislative change should occur?
 - d. what is an appropriate level of participation in decision-making?
- ii. In response to those four matters the UDS Partnership is of the view that:
 - a. the current resource management system (comprising RMA, LGA and LTMA) can be unwieldy and is not well integrated but can be improved
 - b. priority is given first therefore to measures that will improve the effectiveness and efficiency of the current legislation. Whilst not all of the proposals as contained in the RLA Bill are supported, and the emerging NPS-UD appears overly focused on land supply, these initiatives should be given a chance to effect change before determining the need for more fundamental legislative reform
 - c. further analysis and debate on more fundamental legislative reform should continue but this should not be rushed, is less of a priority and should be undertaken through a more collaborative multi-stakeholder forum approach. Involvement of local government in helping shape any change is critical.
- iii. The UDS Partnership takes this position for reasons which include:
 - a. mechanisms to improve efficiency, effectiveness and alignment already exist within the current legislation (such as national policy statements) but have been underutilised to date.
 - b. separation of infrastructure planning from its legislative funding arrangements is cautioned.
 - c. administrative difficulties are likely at geographical boundaries with separate urban planning legislation.
 - d. new legislation will likely lead to a lengthy and costly period of litigation to establish new case law.
 - e. fundamental reform takes time to become embedded so is cautioned in a period where maintaining recovery momentum in Greater Christchurch is critical.
- iv. The single most important change needed to the RMA framework is to provide greater recognition and legal weight to strategic planning initiatives that help provide long term planning certainty, enable sustainable urban growth and are a result of extensive and meaningful stakeholder and public engagement.
- v. Further to this, amendments are also required to the RMA, LGA and LTMA (and also key guiding data sources such as Census periods and Statistics NZ data releases) to better align planning horizons, review periods, and the level of regard each must give to plans prepared under other statutes.
- vi. These and other subsidiary points are expanded upon in the full submission which follows.

Full Submission:

Introduction

This submission is on behalf of the Greater Christchurch Urban Development Strategy Partnership ("the UDS Partnership"). The UDS Partnership is a voluntary collaborative initiative that has endured for over ten years, through four triennium periods, and continues to grow and demonstrate strong local leadership.

The Strategy is overseen by the Implementation Committee ("the UDSIC"), a joint committee comprising Environment Canterbury (ECan), Christchurch City Council (CCC), Selwyn District Council (SDC), Waimakariri District Council (WDC), and Te Rūnanga o Ngāi Tahu (TRoNT), as well as the New Zealand Transport Agency (NZTA), the Canterbury District Health Board (CDHB), the Canterbury Earthquake Recovery Authority (CERA) and the new DPMC Greater Christchurch Group all in an observer capacity.

The Strategy outlines a 35 year growth management and implementation plan for the Greater Christchurch sub-region¹ and has been a key source document in the development of both the Land Use Recovery Plan and the Christchurch Central Recovery Plan under the Canterbury Earthquake Recovery Act (CER Act). The Strategy is currently being updated to incorporate and fully reflect the local circumstances as the sub-region moves into a new phase of development and regeneration.

The UDS Partnership and individual UDS Partners have made submissions on previous inquiries which relate to this new inquiry, in particular the Using Land for Housing (2014/15) and Housing Affordability (2011/12) inquiries.

Greater Christchurch and the UDS

Greater Christchurch is the largest urbanised area in the South Island. Historically, the Greater Christchurch sub-region has in some areas grown in a dispersed form leading to a number of negative community outcomes. A desire to more sustainably manage future growth across the sub-region resulted in moves by local government in the sub-region to establish a growth management strategy for Greater Christchurch.

Strategy focus

An important feature of the UDS is to provide a sustainable urban form and protect the peripheral rural communities that lie close to Christchurch City. The vision for Greater Christchurch by the year 2041 is a vibrant inner city and suburban centres surrounded by thriving rural communities and towns. Part of this vision is the implementation of an integrated planning process for growth management supported by the efficient and sustainable delivery of new infrastructure.

The UDS adopts an integrated and collaborative growth management approach which moves away from low-density suburban residential development in greenfields areas to supporting a more compact and balanced urban form that enhances both urban and rural living. It considers the complexity and inter-relationships of issues around land-use, transport, and infrastructure including community facilities, while incorporating social, health, cultural, economic and environmental values.

¹ The Greater Christchurch sub-region covers the eastern parts of Waimakariri and Selwyn District Councils and the metropolitan area of Christchurch City Council, including the Lyttelton Harbour Basin. This is a smaller geographical area than that defined as greater Christchurch within the CER Act which covers the full extent of the three territorial authorities and the adjoining coastal marine area

The UDS and Earthquake Recovery

The recovery of greater Christchurch from the earthquakes of 2010 and 2011 has necessitated widespread review of the strategies, plans and programmes that existed pre-earthquakes. In the context of land-use planning the two principal documents prepared under the CER Act are the *Land Use Recovery Plan* (LURP) and the *Christchurch Central Recovery Plan* (CCRP). The former has directly, or subsequently through statutory direction, made significant amendments to regional and territorial authority plans. This includes in particular:

- § inserting a new chapter within the Canterbury Regional Policy Statement (CRPS) to provide greater planning certainty and enable the recovery and rebuilding of Greater Christchurch
- § confirming and expediting Christchurch City Council's intention to undertake a full review of its City and District Plans into a single replacement plan to comprehensively address resource management recovery needs in Christchurch.

It is noteworthy that when analysing these Recovery Plans the fundamental tenets of the UDS have remained unchallenged and that work undertaken pre-earthquake to implement such principles provided a strong starting point before being reviewed through a post-earthquake lens.

Whilst much of the attention in relation to the UDS, both pre- and post-earthquake has been around its land use planning objectives, the strategy and its collaborative governance arrangements take a much broader view across economic, social, cultural and environmental well-being with an overall principle of 'sustainable prosperity'.

This holistic nature of the UDS Partnership enabled CERA and the Minister for Canterbury Earthquake Recovery to quickly and confidently engage with strategic partners on recovery related matters through the establishment of an advisory committee which mirrored the UDS governance structures.

Other Government Initiatives

The Government has and continues to enact a wide programme of reform that impacts on the Greater Christchurch sub-region, its local authorities and other agencies.

This inquiry and its final recommendations therefore needs to be cognisant of this wider context, in particular:

- the amendment to the purpose of local government made through the Local Government Amendment Act
- the requirement to prepare 30-year infrastructure strategies
- the ongoing reform of the RMA 1991
- the development of Housing Accords and Special Housing Areas through the HASHA
- the review of the Christchurch District Plan under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

and initiatives currently underway, including

- the Greater Christchurch Regeneration Bill
- the Resource Legislation Amendment Bill (RLA)
- the proposed National Policy Statement on Urban Development (NPS-UD)

Local Government NZ (LGNZ) also recently released a blues skies discussion paper on the resource management system.

The complexity and interdependencies that exist across the range of resource management legislation, and the market influences that shape decision making, necessitate a considered, joined up and collaborative multi-stakeholder approach to legislative reform to achieve the best outcomes.

Overarching submission points

1. The UDS Partnership considers that four key matters underlie this inquiry and also relate to other current national initiatives covering similar issues. The four key matters are:
 - § should land use regulation be combined with infrastructure planning and funding within a single piece of new legislation?
 - § should there be separate legislation for urban areas?
 - § if desired, when and how should legislative change should occur?
 - § what is an appropriate level of participation in decision-making?
2. In response to those four matters the UDS Partnership is of the view that:
 - § the current resource management system (comprising RMA, LGA and LTMA) is unwieldy and not well integrated but can be improved
 - § priority is given first therefore to measures that will improve the effectiveness and efficiency of the current legislation
 - § further analysis and debate on more fundamental legislative reform should continue but this should be undertaken through a more collaborative multi-stakeholder forum approach.

Improving existing legislation

3. The RLA Bill and the development of a NPS-UD have the potential to make significant improvements to the current legislation. Whilst not all elements of the Bill, nor the current narrow focus of the proposed NPS are supported, measures such as these need to be finalised and given a chance to effect change before too much consideration is given to fundamental legislative reform.
4. Relatively simple changes to the existing framework (including through the content of a NPS-UD) could be made to:
 - a. provide greater recognition and legal weight to strategic planning initiatives undertaken through LGA processes
 - b. provide a clearer and more expedited avenue for anchoring such plans in other statutory documents
 - c. better align planning horizons, review periods, and the level of regard various plans must give to other plans prepared under different statutes
 - d. enable fast growing areas to follow a streamlined pathway to bring forward development capacity and infrastructure (signalled within strategic planning initiatives) should provision be needed earlier than anticipated
 - e. provide consistency to plan preparation through greater national direction (on such matters as definitions, modelling methodologies, standards, monitoring data, etc) whilst still allowing for an appropriate level of variation to reflect local circumstances.
5. Existing tools such as national policy statements and national environmental standards have been underutilised to date and this has led to wasteful litigation and slowed plan preparation at a regional and local level.

New legislation?

6. The alternative options of new legislation or separate legislation for urban areas may appear attractive until one considers their likely implications.

7. Bringing infrastructure planning within a planning statute would weaken the important link to infrastructure funding arrangements. Outside of development contributions, the predominant current infrastructure funding mechanisms are closely linked to political decision-making at a national and local level, being influenced by national taxpayer and local ratepayer's willingness to pay, debt financing abilities and macro-economic cycles. Caution would therefore be needed to ensure infrastructure planning did not lose touch with financial realities.
8. Whilst the balance of issues to be addressed through decision-making on development in urban areas may be different (often relating more to infrastructure capacity and connectivity, amenity and urban design, and reverse sensitivity) the assessment of impacts (covered by Sections 5 and 6 of the RMA) is still important. Determining which impacts require the greatest level of attention for any given development proposal does not appear to be problematic under the current system so the rationale for separate legislation appears weak.
9. Furthermore difficulties in separating urban areas from legislation that covers areas outside will come at geographical boundaries. Assessing impacts which arise through urban development but transcend urban boundaries will be fraught. Equally, determining which statute would apply for development applications or strategic planning initiatives that seek to extend urban areas is unclear.
10. The RMA has taken a long time to become embedded in national planning. This has included a long period of plan making and an associated and substantial amount of costly litigation to establish case law to support such processes. New legislation could have similar consequences and actually serve to slow down attempts to address issues that are already heightened in some areas (such as housing affordability).
11. Any such inertia resulting from new legislation would also be to the detriment of maintaining recovery and regeneration momentum in Greater Christchurch. Christchurch City Council are nearing the completion of a comprehensive replacement district plan process and the neighbouring territorial authorities are in the planning stages for their second generation district plans.
12. The UDS Partnership would welcome continued discussion on the potential for new legislation but believes this should be undertaken through a more considered and collaborative multi-stakeholder forum approach. The urban planning system impacts the roles and responsibilities of many stakeholders - Government, local government, technical and legal professionals, developers and builders - and of course the well-being of wider community. Representation and a degree of ownership by all such groups would undoubtedly lead to a more fruitful discussion and a better outcome than an inquiry process can offer.
13. The willingness of such sectors to engage in such a debate is witnessed by the level of attention given to this current inquiry by such bodies as LGNZ, NZPI, RMLA and NZCID.

Level of participation

14. Community participation in decision-making can improve both the end result and the community buy-in to planning decisions. It is a fundamental part of local government working

and, whilst some expedited processes have necessarily been enacted to effect earthquake recovery, any enduring legislation needs to recognise and allow for this.

15. RMA amendments in recent years to confine participation to those most directly affected have arguably helped hone the balance between enabling participation and maintaining efficient and timely decision-making. Looking forward however rather than curtailing participation in decision-making it would be preferable to address the reasons why such involvement can unnecessarily lengthen timeframes and increase transaction costs amongst parties.
16. Without providing an exhaustive list of potential avenues for improvement, a few examples include:
 - § enabling engagement carried out under one statute, such as the LGA, to formally contribute to and potentially limit the scope of changes to plans governed by different statutes (particularly the RMA). For instance, if community feedback supports a policy approach to limit urban sprawl and be more directive as to where greenfield growth can occur then an RMA process is focussed on determining how rather than if this should occur
 - § linked to the above, limiting the extent to which private plan changes can alter the agreed strategic objectives contained within district plans
 - § enacting a faster or time-limited process for appeals, including provisions requiring greater mediation and caucusing of parties/witnesses to look for win-win solutions
 - § providing greater national direction on matters outlined in paragraph 4(e) to reduce litigation challenging data, modelling, definitions and other contextual matters that support decision-making
17. The UDS Partnership supports moves to enable greater Māori participation in urban planning matters. Te Rūnanga o Ngāi Tahu has representation at the UDS Implementation Committee and council partners have worked collaboratively with Ngai Tahu to establish many fruitful initiatives in recent years to build relationships and put in place agreements with iwi and papatipu rūnanga in terms of engagement in planning and other environmental processes.

Better urban planning outcomes

18. As well as the overarching submission points above, the UDS Partnership has reiterated through previous submissions on numerous occasions that:
 - a. successful urban development is about creating sustainable communities and not just the provision of land for housing or business activities
 - b. collaborative partnerships and long term integrated strategic planning underpin approaches which will deliver the best outcomes
 - c. regulation is a key aspect to managing urban development but a suite of other non-regulatory measures is often necessary to effect change
 - d. current options for sustainably funding transformative infrastructure are limited and need addressing in tandem with any urban planning reform
 - e. on occasion powers that enable compulsory acquisition of land for regeneration purposes will be required to achieve wider community outcomes
19. The UDS, and its translation through the CRPS, identified sufficient development capacity (not just greenfield land) for anticipated demand for 35 years. The UDS Partnership therefore

supports the principle of placing such a requirement within the framework of RMA documents (most likely through a NPS-UD). However, the UDS considers the issue of development capacity within an integrated approach covering urban form, efficient infrastructure, network connectivity, a vibrant central city and surrounding town and suburban centres, and underpins this with assessments of economic, social, cultural and environmental needs.

20. Implementing such strategies and plans is currently constrained by the lack of tools available to effect change. International experience shows that regulation is just the foundation which can then still require government and local government programmes to encourage the market to follow. Estate regeneration, transport-orientated development, land acquisition and site assembly, are all tried and tested approaches which are underutilised in New Zealand.
21. This is compounded by legislative and funding limitations on local government to either directly generate funds or capture the financial benefits arising from enabling land use provisions.
22. Some new approaches have arisen in Christchurch, borne out of necessity to support earthquake recovery, the latest being the establishment of Regenerate Christchurch (and Ōtākaro Ltd and Development Christchurch Ltd). Others have emerged in Auckland including the Tāmaki Redevelopment Company. Whilst there will be lessons to be learnt from such approaches they offer a good starting point for broadening the toolbox to make good urban planning a reality on the ground.
23. The experiences in Greater Christchurch over the last five years have also highlighted the need for and benefits of greater central-local government collaboration. Whilst the UDS Partnership does not support some of the current proposals within the RLA Bill which could undermine local level decision making it welcomes an approach which links local, regional and national objectives under a principle of subsidiarity.

The UDS Partnership wishes to thank the Commission for the opportunity to make a submission and contribute towards better urban planning. We look forward to the draft report and its recommendations.

As in previous inquiries the UDS Partnership would also like to extend an invitation to the Inquiry team to discuss these matters further with staff from the partners and with the UDSIC joint committee at an appropriate time.

END.