

3 October 2016

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

Dear Sir/Madam

Re: Christchurch City Council submission on Better Urban Planning Draft Report, August 2016

1. Introduction

The Christchurch City Council (the Council) welcomes the opportunity to submit on the New Zealand Productivity Commission's (the Commission) inquiry into better urban planning in New Zealand. The Council would also like to inform the Commission that it has contributed to and supports the submission made by the Greater Christchurch Urban Development Strategy Forum.

2. Context

The Council is, to some extent, at the forefront of urban planning in New Zealand. This is influenced through our experience of:

- Delivery of a replacement district plan within 3 years. The plan will enable development and reduce transaction costs through minimising built form standards, increasing the use of permitted, controlled and restricted discretionary activity status. The plan also includes new methods such as certification. To some extent, the matters traversed in the draft report have already been at the forefront in the development of the Replacement District Plan as those matters are included in the Canterbury Earthquakes (Christchurch Replacement District Plan) Order 2014 and more specifically in the Statement of Expectations in that Order. The effectiveness of the plan will be closely monitored but its success or otherwise will not be evident for a few years;
- A collaborative co-governance approach to sub-regional spatial planning through the Greater Christchurch Urban Development Strategy since 2007;
- Extensive use of area plans to co-ordinate residential growth areas with infrastructure and community facilities;
- New models for infrastructure such as the alliance model for infrastructure rebuild through SCIRT (the Stronger Christchurch Infrastructure Rebuild Team); and
- Provision of what is considered to be a sufficient residential, commercial and industrial land supply through to at least 2028.

The recent experience in Christchurch following the earthquakes has left a community that feels disempowered as a result of processes and decisions around the rebuild. The Council would be concerned with any proposals to further erode decision making ability for urban planning at the local level and it should be approached with caution along with a strong evidence base.

3. Correction needed to Box 5.2 - the Auckland and Christchurch Independent Hearings Panel (page 96-97)

Box 5.2 does not correctly reflect the Christchurch IHP process which differs to Auckland in that the IHP makes decisions, not recommendations. Also the heading should be "Christchurch" not "Canterbury" as the Order in Council is specific to Christchurch.

Box 5.2 and the paragraph above recommendation R7.7 (page 189) should be amended to reflect these differences.

4. Overall comments

Overall the report provides an economist's view of cities as systems and places of exchange and productivity, with a heavy focus on Auckland. This is simply one narrow view of cities and there are many other theoretical perspectives to look at cities including those anchored in social theory or an environmental view i.e. cities as solutions to global problems such as climate change. Ultimately cities are places for people and they are made successful by people. In terms of readability, the report of 395 page is voluminous and repetitive to an extent that the key messages within the document are lost.

Lack of New Zealand examples

The report spends a lot of time talking about the failings of urban planning in New Zealand. However, there are few real life examples or evidence of what the authors consider to be successful or unsuccessful planning in New Zealand. Much of it is anecdotal or quoting from other sources, without any critique of the documentation quoted, independent research and analysis. If there are to be substantial changes to the urban planning system then making general statements does not provide a sound evidence base on which to make changes, including what has and has not worked in New Zealand and why.

Links with other reforms going on

While continual improvement and innovation is essential to urban planning, the Council is concerned with the cumulative implications of multiple reviews and reforms that are currently underway related to local government and urban planning. These reviews and reforms all have a similar theme of reducing local democracy and decision making powers, including recent national policy directions such as the proposed National Policy Statement on Urban Development Capacity and Local Government Act 2002 Amendment Bill (No 2) which the Council has made submissions on. It would be useful for the report to have a summary or touch on other legislative reforms being considered that have implications for urban planning.

Impact of technology

Emerging and new technologies will also influence how we live and move around our cities and subsequently urban planning, such as driverless cars and SMART cities. This is not directly addressed in the report.

5. Specific response to findings, recommendations and questions

Attachment A provides the Council's specific response to relevant findings, recommendations and questions in the report.

6. Concluding comments

The Council again thanks the New Zealand Productivity Commission for the opportunity to make a submission on this Better Urban Planning inquiry.

The Council welcomes further discussions or investigations in terms of the Christchurch experience to share its urban planning experiences.

If you require clarification on the points raised in this submission or additional information, please contact Richard Osborne, Head of Planning and Strategic Transport on 03 941 8407 or email richard.osborne@ccc.govt.nz.

Yours faithfully

Brendan Anstiss
GENERAL MANAGER
Strategy and Transformation
Christchurch City Council

Hon. Lianne Dalziel
MAYOR
Christchurch City Council

Attachment A: Christchurch City Council specific response to findings, recommendations and questions

	Chapter	Comment
	Chapter 7 – Regulating the built environment	
R7.1	<i>Future urban planning legislation should clearly prioritise responding to growth pressures, providing land use flexibility, and supporting the ability of residents to easily move through their city.</i>	The Council considers that the Christchurch Replacement District Plan, along with the Canterbury Regional Policy Statement (CRPS) and the Greater Christchurch Urban Development Strategy (GCUDS) prioritise responses to these within a broader context that balances social, economic, environmental and cultural outcomes for the city. However it is unclear what 'land use flexibility' means and in what quantum would this be. While flexibility may be useful a degree of certainty is also needed for land owners and developers.
R7.2	<i>Information about land price should be a central policy and monitoring tool in any future planning system, and should drive decisions on the release, servicing and rezoning of development capacity</i>	<p>Land price comparisons are certainly a useful tool for monitoring and research purposes, and to help inform decision making processes (both for Council's and developers). However, land price differentials should not be the only driver of decisions on accommodating growth. Land value will be determined by a range of factors that are not limited to growth pressures. Accounting for all variables and influences within the data on land prices will be problematic. Potentially this may lead to greater uncertainty in decision making or more drawn-out processes as the nuances of land price determinates are challenged and debated.</p> <p>Who determines an appropriate price trigger and over what timeframe? How would it be determined? Access would be required to robust data and methodology around land pricing and monitoring.</p> <p>What mechanisms would be put in place to ensure that the market does not distort land prices to artificially escalate land prices thereby driving a premature or inappropriate rezoning of land? The practice of land banking is already recognised as a market response that the existing regulatory and policy tools are unable to address.</p> <p>Infrastructure decisions are driven by household and population demand. For Christchurch this has not led to disconnect between demand and supply.</p>
R7.3	<i>A future planning system should allow for more responsive rezoning, in which land use controls can be set in anticipation</i>	Any planning system that allows for use of a full range of methods to respond to changing circumstances is appropriate. However it should not be a requirement.

	Chapter	Comment
	<i>of predetermined and objective triggers and activated once those triggers are reached.</i>	In terms of the discussion related to this recommendation, the current planning system has not prevented Christchurch, and Greater Christchurch, from co-ordinating it's zoning of residential and business land and infrastructure decisions, and ensuring responsive planning. This integrated approach has been undertaken for at least the last 10 years through the GCUDS. Christchurch has been implementing greenfield priority areas and housing targets through the development of area plans e.g. the South West Christchurch and Belfast Area Plans . These non-statutory plans are multi-disciplinary and multi- organisational, including central government departments. They are developed under the LGA involving consultation with the community. Council's infrastructure programmes are aligned to implement the area plans. The key to success is a commitment to aligning processes in decision making.
R7.4	<i>A future planning system should focus urban notification requirements (and any associated appeal rights) on those directly affected, or highly likely to be directly affected, by a proposed development. This would better align the planning system with the fundamental purpose of managing negative externalities.</i>	The Council accepts this recommendation on the basis that it would depend on the scale and significance of any project.
Q7.1	<p><i>Would it be worth moving to common consultation and decision-making processes and principles for decisions on land use rules, transport and infrastructure provision? How could such processes and principles be designed to reflect both:</i></p> <ul style="list-style-type: none"> <i>• the interest of the general public in participating in decisions about local authority expenditure and revenue; and</i> <i>• the particular interest of property owners and other parties affected by changes to land use controls?</i> <p><i>Do the consultation and decision-making processes and principles in the Local Government Act adequately reflect these interests?</i></p>	<p>The Council supports opportunities to improve engagement, consultation and decision making processes where there is a need for integration. Common processes would enable more rigorous analysis and direct linking of costs and benefits in terms of infrastructure provision. However not all decisions on land use rules will involve transport and infrastructure provision, although they may have some effects.</p> <p>Any such processes and principles would need to be able to reflect differences within neighbourhoods in the same city. Often there is a need to tailor approaches to community engagement and outcomes (an understanding of and reference to the IAP2 approaches would be useful in this context).</p> <p>How does this common consultation and decision making process relate to establishing an IHP (as per recommendation R7.7)? Would this require any IHP to have experience in infrastructure provision and expenditure decisions? Are Councils able to give such power away, even in terms of recommendations from an IHP? Or would the IHP only be making recommendations in relation to land use, which would seem to undermine the aim of achieving integration?</p>

	Chapter	Comment
		<p>Both the current RMA and LGA processes deal with broad range of interests from those at a more strategic (i.e. expenditure) to those at a property level (i.e. land use changes). Councils have experience in managing these broad ranges of interest. As noted above, the development in Greater Christchurch of an overall plan (incorporated into Chapter 6 of the Regional Policy Statement) along with area plans has ensured that the provisions of infrastructure (from local stormwater provision through to the development of the Christchurch International Airport) is intimately integrated with land use development.</p> <p>It is noted that common consultation principles already exist in the clause 3(4) in Schedule 1 RMA requires consultation to be undertaken in accordance with s82 LGA. Coordinating RMA and LGA consultation and decision making does not necessarily mean that they have to be undertaken at the same time, but should be undertaken in a manner that the consultation undertaken under one process can be used for both purposes. This same comment applies to the decision making process.</p>
R7.5	<p><i>Any appeal rights on Plans in a future system should be limited to people or organisations directly affected by proposed plan provisions or rules.</i></p>	<p>Yes this would follow on from the previous recommendation (R7.4).</p>
R7.6	<p><i>Consultation requirements under a future planning system should:</i></p> <ul style="list-style-type: none"> • <i>give councils flexibility to select the most appropriate tool for the issue at hand;</i> • <i>allow councils to notify only affected parties of Plan changes that are specific to a particular site;</i> • <i>encourage and enable participation by people affected, or likely to be affected, by a decision; and</i> • <i>encourage the use of tools that ensure the full spectrum of interests is understood in council decision-making processes, and that allow the public to understand the trade-offs involved in decisions.</i> 	<p>The Council accepts this recommendation and welcomes any opportunity to improve and expand the tools used for consultation. Technology is one area where this is continually changing and providing new opportunities.</p>
R7.7	<p><i>A permanent Independent Hearings Panel should be established to consider and review new Plans, Plan variations and private Plan changes across the country. As with the Auckland and Christchurch IHPs:</i></p>	<p>It is not clear what the term 'review' means in this context and how it relates to the standard RMA Schedule 1 process. Would this mean an additional step in the process? Or would a Panel hear and make recommendations/decisions on plan changes etc?</p>

	Chapter	Comment
	<ul style="list-style-type: none"> • <i>councils should retain the rights to accept or reject recommendations from the permanent Independent Hearings Panel; and</i> • <i>once a council accepts a recommendation from the permanent Independent Hearings Panel, appeal rights should be limited to points of law.</i> 	<p>In terms of the IHP process in Christchurch, the Council did not have any decision making powers in relation to the decisions on the district plan such as Auckland. The Council would support a process that enables councils to retain the right to accept or reject recommendations from any IHP.</p> <p>The Council is of the view that IHP's are not necessarily fully independent as its members are appointed by Central Government and there is no accountability for decisions to the local community. The biggest flaw with the IHP process in the Christchurch experience is the inability of communities to participate in any meaningful consultation on land use decisions that affect them and being able to advance matters that the community considers are important in making their city successful. In the Christchurch experience, an IHP process does not promote conversations with the community.</p>
Q7.2	<i>Should all Plan changes have to go before the permanent Independent Hearings Panel for review, or should councils have the ability to choose?</i>	<p>Councils should have the ability to choose. Not all plan changes will be of significance that it is necessary to go to an IHP. Plan changes of local or minor scope, such as adding or removing items from a schedule, would not be cost effective if there was an additional step to go to an IHP.</p> <p>In the Christchurch experience operating an IHP is expensive. As a result of both the speed and formality of the hearings process it has been expensive and difficult for the community to be involved.</p>
R7.9	<i>Central government should develop processes to more clearly signal the national interest in planning, and have protocols to work through the implications of these national interests with local authorities. It should also monitor the overall performance of the planning system in meeting national goals (i.e, flexibility, sufficient development capacity and accessibility).</i>	The Council accepts this and welcomes opportunities for central government to improve clarity around national interest in planning and protocols for working with local authorities.
R7.10	<p><i>In a future planning system, central government should have the power to</i></p> <ul style="list-style-type: none"> - <i>override local plans in a limited set of circumstances,</i> - <i>co-ordinate or require common land use approaches to specific issues, and</i> - <i>direct council infrastructure units or CCOs to increase their supply, where the differential between the price of developable and undevelopable land exceeds a pre-determined threshold.</i> 	<p>The Council supports further investigation into this recommendation but would caution against greater powers to override local plans and direct council infrastructure units. Any override powers should be in a limited set of circumstances such as emergencies.</p> <p>In terms of directing council infrastructure what is an acceptable price differential and who determines this?</p>

	Chapter	Comment
Q7.3	<i>Would the features proposed for the built environment in a future planning system (eg, clearer legislative purposes, narrower appeal rights, greater oversight of land use regulation) be sufficient to discourage poor use of regulatory discretion?</i>	Features to encourage the appropriate use of regulatory discretion are supported.
Q7.4	<i>Would allowing or requiring the Environment Court to award a higher proportion of costs for successful appeals against unreasonable resource consent conditions be sufficient to encourage better behaviour by councils? What would be the disadvantages of this approach?</i>	The Environment Court should be encouraged to award higher proportion of costs. It may not however encourage better behaviour. Resource consent conditions can only be imposed in respect of matters set out in the relevant legislation or planning document. The emphasis and effort should be on good plan drafting thereby clearly setting out the matters that resource consent conditions should be addressing. The disadvantages of such an approach is that councils become highly risk averse and the delivery of community visions. This could increase the costs of consents with an overly cautious approach. It could also increase reliance on regulation through rules in plans.
Q7.5	<i>Would it be worthwhile requiring councils to pay for some, or all, costs associated with their visual amenity objectives for private property owners? Should councils only rely on financial tools for visual amenity objectives, or should they be combined with regulatory powers?</i>	<p>There is a risk of creating even greater complexity in administration for what are often minor matters. This may result in both increased costs of administration and ultimately increased rates for the community. Council's already make a considerable contribution to amenity. These contributions provide many positive impacts for both the community and for private property owners and developers. Some of these can be measured financially.</p> <p>Good amenity does not benefit the public alone. It also benefits the property owner, particularly collectively. People prefer to live in, work in and spend time in environments that are functional, safe, and visually attractive. A reading of the annual Christchurch quality of life surveys clearly illustrates this. Functional, safe, pleasant environments are all contributed to by visual amenity.</p> <p>The problem is ultimately about finding the balance between prioritising the short-term minimisation of expense (or the maximisation of profit) over the long term benefits to the community (which can include the long-term economic viability of a community). The long-term benefits to the community must be recognised both by Council's and developers alike.</p>
Chapter 8 – Urban planning and the natural environment		

	Chapter	Comment
Q8.1	<i>What should be the process for developing a Government Policy Statement (GPS) on Environmental Sustainability? What challenges would developing a GPS present? How could these challenges be overcome?</i>	<p>Challenges would be getting agreement on what is environmental sustainability, what to prioritise, what limits are appropriate. Other challenges would be ensuring it is a balanced policy development process and outcome, which does not get captured by any one group.</p> <p>Given the experience to date in the length of time to develop a NPS on indigenous biodiversity, the development of a GPS is likely to be a significant challenge.</p>
Q8.2	<i>Would a greater emphasis on adaptive management assist in managing cumulative environmental effects in urban areas? What are the obstacles to using adaptive management? How could adaptive management work in practice?</i>	Rather than adaptive management, the emphasis should be on recognising the inflexibility of the built urban form and ensuring that potential cumulative environmental effects are integrated into that form. For example, establishing transport corridors based on a hierarchy that can accommodate changes in transport patterns and modes.
R8.2	<i>Before attempting to use urban planning as a means of reducing GHG emissions in New Zealand, a more robust empirical research base should be developed reflecting New Zealand circumstances. Specifically, research should aim to improve the government's understanding of local factors that shape urban GHG emissions in New Zealand, and the extent to which urban planning can influence these factors.</i>	The Council adopted its Climate Smart Strategy 2010-2025 in 2010 and considers that cities have a role in contributing to reducing GHG emissions
R8.3	<i>Central and local government should develop an agreed set of principles to govern the development of national regulations that have implications for the local government sector. This should be along the lines of the 'Partners in Regulation' protocol recommended in the Commission's report Towards Better Local Regulation (2013).</i>	The Council supports this recommendation and any mechanisms that improve collaboration between local and central government.
R8.4	<i>When regulating urban spillovers affecting the natural environment, a future planning system should provide government bodies access to the full suite of policy tools including market-based tools.</i>	This would be appropriate but any market based tools need to be supported by acceptance of systems. While additional tools may be useful, are the financial and local government systems set up to allow for these tools. There is no point enabling a suite of policy tools if they cannot be implemented due to impediments beyond council control or influence.
	Chapter 9 – Urban planning and infrastructure	
Q9.1	<i>Which components of the current planning system could spatial plans replace? Where would the greatest benefits lie in formalising spatial plans?</i>	<p>The question is whether spatial plans are replacing anything or is there currently a vacuum?</p> <p>The greatest benefit in formalising spatial plans is the ability to establish a statutory overall vision and long term planning of land use, infrastructure and community</p>

	Chapter	Comment
		<p>facilities. Spatial plans are documents that currently link the LGA, RMA and LTMA. Provided these have gone through a robust evidence based consultation process then there should be a simple process to include these within relevant statutory documents.</p> <p>For the development of the Christchurch Replacement District Plan, the GCUDS was embedded in the Land Use Recovery Plan and then the CRPS. Detailed place based planning was undertaken through area plans, where the relevant community of interest could be involved. The benefit of this is that it removes arguments relating to overall spatial vision for the city and the role of the district plan was to give effect to it. It removes the strategic discussions from the local level where they are concerned with the overall urban form and aligning infrastructure.</p>
	Chapter 10 – Infrastructure: funding & procurement	
Q10.1	<p><i>Is there other evidence that either supports or challenges the view that “growth does not pay for growth”?</i></p>	<p>The response to this depends on whether it is a financial question, a practicality question or an equity issue?</p> <p>If financial: This is not a simple calculation as much of the costs and returns of growth are spread over the long-term – 30 years for capital investment to service growth and that is loan funded versus the long term increase in rates revenue. The immediate-term costs and returns associated with growth can to some extent be analysed through LTP financials. Comparing growth-driven capital expenditure with the growth in the rating base (additional revenue theoretically available if Council expenditure remained the same, existing ratepayers paid the same rates and additional rates revenue from growth was on top).</p> <p>If practicality: Councils will normally invest in infrastructure to service growth before the growth occurs – sometimes a long time before growth occurs. This time lag is further complicated if growth is lumpy or unpredictable, which could lead to a significant time lag between infrastructure provision and the ability to recover the costs of growth through development contributions or rates. This time lag has costs associated with servicing the capital required to fund the growth-related infrastructure, which is rate-funded if there are no other more appropriate revenue streams operating. The longer the gap between the investment and cost recovery, the more likely there will be a higher charge on the existing community through rates.</p>

	Chapter	Comment
		<p>If equity: It is difficult for Councils to safely recover 100% of growth costs as there are risks associated with over collecting that encourage councils to have a buffer between true costs and recovered costs. Over-collecting through development contributions is expensive as the over collection is required to be refunded and the Council incurs reputational costs through developers and the wider community losing confidence in Council processes.</p> <p>Most Councils are under pressure from developers to reduce or eliminate development contributions. This is particularly the case going in to and during periods of low construction demand when developers (and some councillors) believe development contributions are an unreasonable impediment to growth.</p>
Q10.2	<p><i>Would there be benefit in introducing a legislative expectation that councils should recover the capital and operating costs of new infrastructure from beneficiaries, except where this is impracticable?</i></p>	<p>There seems little point in introducing a legislative expectation that is impracticable to achieve.</p> <p>The method of funding infrastructure for growth should remain a policy decision that councils make for themselves. Some low or no growth districts fund the costs of new infrastructure from rates in the hope this will attract development. Others provide a partial or total rebate of development contributions (with the shortfall funded from rates) to achieve wider community benefits. An example is the development contribution rebates (100%) provided by Christchurch City Council for residential and non-residential development in the central city area.</p> <p>This is provided because the Council believes there are benefits to the community from having a vibrant medium to high density residential area and a vibrant business centre in the downtown area that outweigh the cost of providing the rebate.</p> <p>There could be a case for a legislative requirement for councils to be as transparent as practicable around the expected cost recovery associated with provision of growth infrastructure and the reasons for any under-recovery of costs.</p>
Q10.3	<p><i>Would alternative funding systems for local authorities (such as local taxes) improve the ability to provide infrastructure to accommodate growth? Which funding systems are worth considering? Why?</i></p>	<p>Alternative funding mechanisms need to be efficient and local property or income taxes are unlikely to achieve a level of efficiency that makes them viable. Having the Government provide councils with a share of the GST generated as a result of growth would be an efficient method of revenue collection as it utilises an existing and highly efficient taxation mechanism.</p>

	Chapter	Comment
		<p>A spatial approach would help set clearer priorities that the market can respond to. There is also a strong case for Government to make a contribution to local growth by investing or underwriting infrastructure investment. A contestable process with different Auckland, Regional City (and e.g. rural node) pots could be a tool to drive more efficient projects and showcase best practice.</p>
Q10.4	<p><i>Would there be benefit in allowing councils to auction and sell a certain quantity of development rights above the standard controls set in a District Plan? How should such a system be designed?</i></p>	<p>This amounts to rationing development opportunities that may be appropriate during the rare times development supply is roughly in equilibrium with demand but is unlikely to generate much if any revenue in demand times and will be perceived as an unnecessary impediment to development in high demand times.</p>
Q10.5	<p><i>Should a requirement to consider public-private partnerships apply to all significant local government infrastructure projects, not just those seeking Crown funding?</i></p>	<p>This could be trialled to see if it results in any increase in the take-up of PPPs by councils and results in cost savings or other benefits. This requirement may simply add unnecessary cost to infrastructure projects, depending on the level of consideration required.</p> <p>Scale is undoubtedly an issue for councils to attract interest from potential PPP partners. The suggestion of consolidated procurement seems unlikely to be viable. Councils would need to subject themselves to infrastructure delivery timing and design constraints to fit into an integrated procurement approach. This seems impractical and risks resulting in councils having infrastructure that doesn't best meet their community needs.</p> <p>The consolidated advice and assistance option may be a better approach and could be combined with a trial to require consideration of PPPs for certain infrastructure projects.</p> <p>Until 2010 the LGA required all councils to have a PPP policy and most would still have a policy in place despite it no longer being a legislative requirement. The requirement to have a PPP policy does not appear to have resulted in many projects being progressed using the PPP model.</p> <p>Joint procurement is something most councils are pursuing to some extent and may result in economies and/ or efficiencies in infrastructure procurement.</p>
<p>Chapter 11 – Urban planning and the Treaty of Waitangi</p>		

	Chapter	Comment
Q11.1	<i>What policies and provisions in district plans are required to facilitate development of papakāinga?</i>	<p>Enabling policies that provide the flexibility necessary for papakāinga and eliminate obstacles.</p> <p>The Council has worked closely with Ngāi Tahu in the development of provisions for the Christchurch Replacement District Plan. The decision from the IHP on the Papakāinga/Kāinga Nohoanga Zone applies to Maori land. The decision in part discusses the relationship between Te Ture Whenua Act and RMA and can be found at: http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Decision-37-Papakāinga-Kāinga-Nohoanga-Zone-26-08-2016.pdf</p>
Q11.2	<i>How can processes involving both the Te Ture Whenua Act 1993 and the Resource Management Act 1991 be better streamlined?</i>	<p>The aspirations of tangata whenua in combination with the purposes that different Māori land is held and the timeframe in which the issues around the development of that land need to be resolved, means that RMA provisions need to provide a framework that provides flexibility to accommodate the outcomes of the process. In many instances the approach to managing the adverse effects of development will be addressed through tikanga Māori and this needs to be incorporated within provisions.</p>
Q11.3	<i>Do councils commonly use cultural impact assessments to identify the potential impact of developments on sites and resources of significance to Māori? How do councils set the thresholds for requiring a cultural impact assessment? Who sets the fees for a cultural impact assessment and on what basis? What are the barriers to cultural impact assessments being completed in good time and how can those barriers best be addressed?</i>	<p>Cultural impact assessments are undertaken to identify and provide solutions to potential issues. The approach favoured by both Ngāi Tahu and Council has been to undertake cultural impact assessments early on in the assessment of suitability of land for urban development, along with other assessments (eg geotechnical). Cultural impact assessments can only be undertaken by those who have been delegated the responsibility. Such people are likely to hold numerous roles and responsibilities. Ngāi Tahu and Council have sought to address the barriers to undertaking these assessments through agreements with and financing of the environmental agency Mahaanui Kurataiao Ltd, along with early engagement in the plan making process.</p>
Q11.4	<i>What sort of guidance, if any, should central government provide to councils on implementing legislative requirements to recognise and protect Māori interests in planning? How should such guidance be provided?</i>	<p>Guidance is useful for implementing legislative requirements. There is already a wealth of guidance material available.</p> <p>However, such guidance needs to recognise the different situations applying throughout Aotearoa New Zealand. Ngai Tahu have played an important partnership role in the Christchurch District Plan review. Their interests are strongly reflected throughout the plan in general, at the strategic direction level,</p>

	Chapter	Comment
		<p>through the Papakāinga/Kāinga Nohoanga Zone and Sties of Ngāi Tahu cultural significance.</p> <p>The release and provisions of the Mahaanui Iwi Management Plan 2013 provides the guidance in natural resource and environmental management as it relates to the takiwā, thereby enabling other agencies to understand issues of significance to tāngata whenua and how those issues can be resolved in a manner consistent with cultural values and interests.</p>
Q11.5	<i>In what way, if any, and through what sort of instrument, should legislative provisions for Māori participation in land-use planning decisions be strengthened?</i>	The development of strategic or spatial plans should be undertaken with Māori participation on the basis of collaborative planning processes that recognise them as partners.
Chapter 12 – Culture and capability		
R12.1	<i>A future planning system should place greater emphasis on rigorous analysis of policy options and planning proposals. This will require councils to build their technical capability in areas such as environmental science and economics. It would also require strengthening soft skills – particularly those needed to engage effectively with iwi/Māori.</i>	<p>The Council supports these recommendations and is particularly supportive of rigorous analysis of policy options and planning proposals. It needs to be acknowledged that such analysis takes time and resources, which when under truncated timeframes can be difficult to balance.</p> <p>Building capability in terms of environmental science in territorial authorities overlaps with capabilities of regional councils and other agencies that undertake research (eg NIWA). One option is around improved collaboration between regional and district councils and sharing of science?</p>
R12.2	<i>Central government should improve its understanding of urban planning and knowledge of the local government sector more generally. An improved understanding will help promote more productive interactions between central and local government.</i>	The absence of policy at a national level has resulted in a wide spectrum of plan regulation rather than all being guided to create just shades of 'one colour'. This may be symptomatic of a lack of capacity and knowledge at a central Government level. Government must enter the foray in helping set a national planning agenda that is less laissez-faire where there are obvious market failures - e.g. Auckland growth, climate change impacts, housing affordability, infrastructure investment, water and air quality. To achieve this will require the building of knowledge and skills within central Government.
Chapter 13 – A future planning framework		
Q13.1	<i>What are the strengths and weaknesses of these two approaches to land use legislation? Specifically:</i>	There is not sufficient information or thinking around how these two options would work which makes it difficult to comment. Is this dealing with the urban

	Chapter	Comment
	<ul style="list-style-type: none"> • <i>What are the strengths and weaknesses in keeping a single resource management law, with clearly-separated built and natural environment sections?</i> • <i>What are the strengths and weaknesses in establishing two laws, which regulate the built and natural environment separately?</i> 	<p>environment or the built environment? The two are not necessarily the same. What is urban? Where would the rural productive environment or small towns or villages fit? What about infrastructure in the rural environment? The urban/built environment is exceedingly difficult to separate taking into account factors such as water resources, landfills, gravel resources, and recreation resources all being outside the urban/built environment. The urban and rural environment are integrated. The assumption that a built environment does not contain natural environments within it is fundamentally flawed (e.g Waitakere). The rural environment is often where the natural environment and built environment conflict and can have the most impact. There are potentially issues with the interface of urban and rural areas, or where activities in rural areas may have a significant and long-term impact in urban areas. For example, urban water supply.</p> <p>The strength of retaining a single resource management law is the integrated approach to managing the built and natural environments.</p> <p>The strength of the second option could be the ability to focus legislation on the built environment.</p> <p>The Council prefers the first option to retain a single piece of legislation.</p> <p>Regardless either option should be approached with caution and based on robust discussion and evidence. As with any new legislation there would be an adjustment period in terms of practice and capability, governance, development of the legislation and of case law. This would carry with it substantial costs of implementation and changing processes.</p> <p>Has consideration been given to monitoring of the costs and benefits of the processes and the implementation of the Auckland and Christchurch experience? Would it be appropriate to monitor the outcomes of these two plans to determine the benefits of changes to the urban planning system? The Council is developing a monitoring programme/framework for the Replacement District Plan and would welcome discussion around this.</p> <p>The regeneration planning process under the Greater Christchurch Regeneration Act 2016 could provide an alternative model in certain circumstances. This is seen as a positive framework for regeneration in Christchurch which builds in community</p>

	Chapter	Comment
		engagement, collaboration with strategic partners (including central government) and alignment with the LGA and LTMA. It provides for ministerial approval where consistent with the purpose of the Greater Christchurch Regeneration Act, and the provisions of the RMA do not apply.
Q13.2	<p><i>Which of these two options would better ensure effective monitoring and enforcement of environmental regulation?</i></p> <ul style="list-style-type: none"> • <i>Move environmental regulatory responsibilities to a national organisation (such as the Environmental Protection Authority).</i> • <i>Increase external audit and oversight of regional council performance</i> 	With greater central government guidance on environmental sustainability through a GPS there would be benefit in moving monitoring and enforcement of regulations to a national organisation. The Council agrees that this would enable consistency, sufficient resourcing and remove the opportunity of elected officials being involved in monitoring and enforcement decisions.