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Dear Select Committee

## **Environment Canterbury submission on the Urban Development Bill**

Thank you for the opportunity to comment on the Urban Development Bill (the Bill) as part of the Select Committee process.

### **About Environment Canterbury**

Environment Canterbury is the regional council for the largest geographical region and second most populous region in New Zealand. Our region encompasses a number of key cities and towns that support diverse urban environments and communities. Greater Christchurch is the largest urban area in the region, supporting around 80% of the regional population and 40% of the South Island population.

Environment Canterbury is a member of the Greater Christchurch Partnership (GCP), a voluntary partnership with Christchurch City Council, Selwyn and Waimakariri District Councils, Te Rūnanga o Ngāi Tahu and the Canterbury District Health Board, with non-voting partners including Waka Kotahi NZ Transport Agency, Regenerate Christchurch and the Department of the Prime Minister and Cabinet.

The GCP is responsible for implementing the Greater Christchurch Urban Development Strategy (UDS), which promotes an integrated and intergenerational approach to planning for urban development in Greater Christchurch. The UDS seeks to ensure that development is managed in a manner that protects environments, improves transport connections, creates liveable areas and sustainably manages population growth.

The GCP recently completed a review of the settlement pattern arrangements for Greater Christchurch as part of satisfying the requirements of the National Policy Statement on Urban Development Capacity for high growth councils to produce a 'future development strategy'. You can find out more about the joint future development strategy for Greater Christchurch at the following link: <https://greaterchristchurch.org.nz/ourspace/>

At the wider regional level, Environment Canterbury also works in close collaboration with the ten territorial authorities in the region via the Canterbury Mayoral Forum and its sub-forums.

## Key submission points on the Bill

In July 2019, Environment Canterbury made a submission on the Kāinga Ora – Homes and Communities Bill. Our submission supported the establishment of Kāinga Ora as the Government's national urban development authority but also noted that our support was only in principle due to the uncertainty surrounding the scope and nature of the powers that would be available to Kāinga Ora to lead and co-ordinate development projects.

Our submission reiterated concerns we had previously raised as part of the consultation on the Ministry of Business, Innovation and Employment's *Urban Development Authorities Discussion Document* in May 2017.

The main concerns we raised in this submission revolved around the diluted role of regional councils in plan preparation and decision making as a result of urban development authorities, and therefore the risk of poor outcomes for the sustainability and liveability of cities and towns, and the necessary integrated approach to the sustainable use of resources across a region.

This potentially diluted role for regional councils includes in relation to the development plan process, the ability for an urban development authority to amend regional (as well as district-level) resource management plans and policies, and the ability to delegate resource consent processing responsibilities to an urban development authority.

In this context, we are pleased to see the Bill addresses some of the concerns we previously raised on the impact of an urban development authority on the role of regional councils.

Environment Canterbury supports the provisions in the Bill that require regional councils to be involved in consultation processes. This includes under section 70, which states Kāinga Ora must consult with relevant local authorities when drafting a development plan before it is publicly notified for comment; and under section 35, which states Kāinga Ora must seek engagement with relevant local authorities before notifying a specified development project for public feedback.

Further strengthening of the role of regional councils in establishing a specified development project could be made by amending the reference to "the relevant territorial authorities" under section 30(h)(i) to "the relevant local authorities", in order to ensure that regional councils are appropriately consulted. This point has also been made by the New Zealand Society of Local Government Managers (SOLGM) in their submission on the Bill.

The importance of a strong partnership approach with local authorities, as well as with iwi, the development sector and communities, could also be strengthened in the Bill. In view of the wide-ranging development powers and functions likely to be provided to Kāinga Ora, meaningful engagement with relevant local authorities as part of a specified development project will be essential to providing appropriate checks and balances, and ensuring good outcomes are achieved for our cities and towns.

Environment Canterbury also supports other provisions in the Bill that address concerns we have raised during previous consultations. These provisions include:



- The criteria for establishing a specified development project under section 30 that requires the project area to only contain land that is within an urban area, unless the joint Ministers consider that the land is generally suitable for urban use. Environment Canterbury considers that this measure will help to reinforce the established settlement pattern for Greater Christchurch, unless there is a significant requirement or circumstance for additional land outside the urban boundary.
- The requirement under section 5 to recognise and provide for the matters in section 6 of the Resource Management Act 1991 (RMA) when establishing a specified development project. Environment Canterbury considers that this will help ensure that there is consistency in matters to be considered when preparing plans under the RMA and plans potentially being changed using provisions under this Bill.
- The inclusion of natural hazards and their management as a matter to be considered under section 5 when establishing a specified development project, as outlined in section 6 of the RMA. Given the significance of climate change and sea level rise for many of New Zealand's cities and towns, we ask that the Select Committee considers including a specific reference to these matters in the Bill.
- The requirements under sections 75 to 78 to publicly consult on draft development plans. This is consistent with the public participation requirements under the RMA.
- The provision under 116 that stipulates that Kāinga Ora is not the consent authority for a resource consent application if a regional council, the Minister for the Environment or the Environmental Protection Authority would be the consent authority under the RMA.

We also note that highly productive land is not currently identified in the list of constraints and opportunities set out in section 34 of the Bill. The Government has already recognised the need to manage the impact of development on highly productive land through its proposed National Policy Statement on Urban Development. Environment Canterbury recommends that information held by local authorities related to highly productive land is included in clause (d) of section 34 as a matter to be considered by Kāinga Ora when assessing specified development projects.

### **Closing remarks**

Environment Canterbury appreciates the opportunity to comment on the Urban Development Bill. The Bill will provide Kāinga Ora with the powers it can use to undertake its functions as the national urban development authority and the processes by which it must follow when exercising them. We recognise that these powers and a new streamlined process will seek to enable complex, transformational development in New Zealand's cities and towns which may not otherwise be delivered by the market.

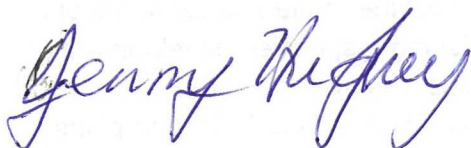
Environment Canterbury supports the purpose of the Bill to "facilitate urban development that contributes to sustainable, inclusive and thriving communities".

However, we do have some concerns about the risk of unfettered development powers being provided to Kāinga Ora and therefore believe that the Bill could place a greater emphasis on Kāinga Ora developing collaborative partnerships with relevant local authorities, iwi and other

key stakeholders when undertaking specified development projects. This will help ensure positive, local outcomes are achieved for our urban communities in New Zealand.

We do not wish to be heard in regard to this submission.

Yours sincerely



**Jenny Hughey**  
Chair