

#318

Diana Luong

From: donotreply@aucklandcouncil.govt.nz
Sent: Tuesday, 17 December 2013 5:13 p.m.
To: Unitary Plan
Subject: Proposed Auckland Unitary Plan Submission - Hon Amy Adams
Attachments: Hon Amy Adams, Minister for the Environment, Submission on Proposed AUP.pdf

18 DEC 2013

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email unitaryplan@aucklandcouncil.govt.nz or phone 09 301 0101.



Submitter details

Full name: Hon Amy Adams
Organisation: Minister for the Environment
Postal address: c/o Ministry for the Environment, 45 Queen Street, PO Box 106483, Auckland
Email address:
Post code: 1143
Local board: none
Contact Person: Lesley Baddon, Manager, MfE
Date of submission: 17-Dec-2013

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):

Property address:

Map:

Other:
All of the Proposed Auckland Unitary Plan.

Submission

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

I wish to have the provisions identified above amended:

Yes

The reasons for my views are:

See attached document (pdf) for detail of submission.

I seek the following decision by Council:

Accept the Proposed Plan with amendments as outlined below

If the Proposed Plan is not declined, then amend it as outlined below:

See 'relief sought' sections in attached document (pdf).

I wish to be heard in support of my submission:

No

If others make a similar submission, I will consider presenting a joint case with them at a hearing:

No

Telephone: 09 985 4859

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991

I could not gain an advantage in trade competition through this submission

GOVERNMENT SUBMISSION ON THE PROPOSED AUCKLAND UNITARY PLAN

INTRODUCTION

1. As the Minister for the Environment I am responsible for the Resource Management Act 1991 (RMA), and promoted the recent amendment to the Local Government (Auckland Transitional Provisions) Act 2010 under which the Auckland Unitary Plan is being prepared. Cabinet convention holds that I lead any Crown submission on a plan or proposal made under the RMA, and it is on the basis of Cabinet agreement that I provide this Government submission.

Scope

2. This submission does not cover all matters of interest to the Government that the Auckland Unitary Plan (AUP) provides for and influences. Some of these other matters will be the subject of submissions from government agencies, or from the Minister of Conservation in relation to coastal management matters. The omission of these other matters from this submission does not diminish their importance to the Government, nor the weight they should be afforded in the Hearing Panel's deliberations.
3. This submission addresses specific Government priorities and objectives. The important role that the AUP will play in realising these priorities and objectives — given the AUP's unusual scale and significance — has led to the decision to provide a Cabinet-agreed submission from the Minister for the Environment.

General overview of relief sought

4. The nature of this submission is high-level: it does not specify amendments to individual provisions in the Proposed AUP, though such amendments will be required in order to give effect to the relief sought in the submission.
5. I seek that the AUP Hearings Panel ensures that the matters raised in this submission are adequately considered and reflected in its deliberations, and that they inform the Panel's final recommendations on the AUP, as well as the Auckland Council's final decisions.

No request to be heard

6. Because of the nature of the relief sought, I do not request to be heard on this submission. However, I seek that this submission be considered in support of those organisations or individuals submitting and presenting on similar or corresponding matters.

CONTEXT

Government priorities

7. The Government currently has four high-priority work areas that are relevant to consideration of the content of the Proposed AUP:

Resource Management Reforms:

8. The Government is seeking to ensure New Zealand's planning and resource management system enables economic growth as well as providing good environmental outcomes. Aligned with the Government's overarching focus on better, more efficient regulation, the operative and proposed reforms aim to provide greater confidence for businesses to grow and create jobs, greater certainty for communities, and stronger environmental outcomes as communities grow and change.
9. The resource management reforms particularly focus on improving the way the planning system operates in urban areas; emphasising positive planning for growth and change, reducing barriers to housing supply, ensuring councils make hard decisions in

plans rather than leave them to be decided by others on a consent-by-consent basis, and creating more efficient resource consent processes.

Housing Supply:

10. Rapid house price inflation is a major concern for the Government. It creates imbalances in the economy, carries large fiscal risks, and hinders young families from enjoying the benefits that home ownership brings. The Government has a comprehensive work programme aimed at reducing risks and making housing more affordable for all New Zealanders. A major focus of this work programme is reducing barriers to housing supply.
11. Housing supply and affordability is relevant to the AUP as access to good quality housing is important to social and economic wellbeing of people and communities and their health and safety (and thereby, important to achieving the purpose of the RMA).

Business Growth Agenda:

12. Along with capital, a ready market, a skilled workforce, innovation, and the necessary natural resources, resilient, efficient and coordinated infrastructure networks are vital to a well-running economy. Making it easier for firms to access all six key inputs is the focus of the Government's Business Growth Agenda. In particular, the Government is focused on giving businesses greater certainty and confidence about current and future infrastructure provision, connecting them at low cost with each other and to the rest of the world.
13. Infrastructure is a physical resource under the RMA. Section 5 of the RMA requires such resources to be managed in a sustainable way to meet the needs of current and future generations, and section 7 of the RMA promotes the efficient use and development of such resources.

Better Local Government:

14. The Government is seeking to encourage and facilitate improvements in how local government operates, and through that contribute to the broader agenda of building a more competitive and productive economy, improving the delivery of public services, and improving housing affordability. In particular, measures aimed at improving the long-term planning and funding of local government infrastructure are a high priority.

The Government Policy Statement on Land Transport Funding:

15. The Government has a strong focus on addressing severe congestion, removing key bottlenecks in the land transport network, encouraging economic growth and productivity, obtaining value for money, and improving road safety.

Government objectives for the Auckland Unitary Plan

16. On the basis of the above Government priorities, I communicated a number of desired objectives for the AUP to the Auckland Council, to inform its deliberations on the March 2013 Draft AUP. Although these objectives have no statutory weight, they are repeated here as context for the Hearings Panel. The objectives were that the AUP:
 - Enable an increase in development capacity and sufficient land release to meet current and projected urban development demand and to cool rising house prices.
 - Create efficient planning and consenting processes that provide certainty for investors and developers, and allow the greatest possible flexibility for different building types to meet the diverse needs of the people of Auckland, with minimal transaction costs.
 - Allow for the effective coordination of land-use planning and infrastructure planning, minimising any delay and uncertainty for investors and developers.
 - Tackle complex and hard resource management issues within the provisions of the Unitary Plan, rather than pushing decisions to the consenting stage.

- Be evidence-based, with transparent information about how and why objectives policies, methods and rules in the Unitary Plan were decided.
- Meet the purpose of the RMA, and accurately reflect national direction and policies contained within that Act and its associated policy statements and environmental standards (and any other relevant legislation).
- Be strengthened by a robust and open community and stakeholder engagement process.

SUBSTANCE OF SUBMISSION

17. Analysis of the Proposed AUP undertaken by my officials has led me to conclude that:

- The proposed development controls and zoning (including future urban land) do not provide the needed long-term residential development capacity to meet projected population growth.
- There is misalignment between the regional-level development objectives and the district-level provisions, affecting the integrity of the plan.
- Development controls and other rules in the Proposed AUP are overly complex and constraining. In particular, the increased requirement for consent applications to be notified from that provided by the earlier Draft AUP, means the consenting processes will be more costly, inflexible and uncertain than necessary or desirable.
- Sustainable building and inclusionary zoning requirements, combined with less-than-flexible development controls, create barriers to the market-provision of the desired large-scale and/or medium-density housing, constraining the housing choices necessary to maintain or improve social and economic wellbeing and provide flexibility to manage environmental effects on a region-wide basis.
- Misalignment between areas of high demand and the areas where growth is provided may create additional uncertainty for infrastructure providers and result in the inefficient use of natural and physical resources.
- Adjustments to better enable the provision of transport and other infrastructure are required.
- Proposals to control genetically-modified organisms (GMOs) are unduly and unnecessarily stringent in relation to the relevant national framework.

18. I recognise that the Proposed AUP represents the outcome of an extensive public engagement process by the Auckland Council, and that the views and preferences of many Aucklanders and Auckland communities are reflected in its proposed objectives, policies, and rules. However, the Auckland Council has to make hard decisions to meet the long-term planning needs of the entire Auckland region, balancing those against the specific concerns of existing communities, organisations and individuals. I am not convinced that an appropriate balance has been achieved in the Proposed AUP.

19. This submission focuses on the following specific concerns:

- Housing supply: The Proposed AUP does not provide the needed long-term residential development capacity to meet projected population growth, and to the extent that it does not, house prices will become even more unaffordable.
- Plan efficiency: The complicated nature of many of the policies and rules in the Proposed AUP will create high transaction costs, barriers to investment, and investment uncertainty.
- Plan integrity: The Proposed AUP does not follow through on its strategic development objectives (which are generally supported by the Government) with appropriately-aligned policies and rules.

- **Plan suitability:** The Proposed AUP contains some unnecessary and inappropriate interventions.
- **Infrastructure:** The Proposed AUP will not enable the efficient provision of the major transport and other strategic infrastructure planned by the Government and the Auckland Council, to support the plan's growth management objectives and overall wellbeing.

Housing supply

20. House-price inflation is a key concern of the Government. High house prices have implications for macroeconomic management, financial stability, and housing affordability and associated social outcomes. House prices may also have implications for broader economic performance through the potential impact on the balance of tradable and non-tradable growth, and on choices about the allocation of capital.
21. A gradual and sustained decline in house prices relative to incomes would be desirable for the wellbeing of all New Zealanders, as would more moderate house-price cycles. This would contribute to more stable domestic demand, and so require less movement in policy interest rates. House prices closer to historical norms would reduce financial stability risks from housing boom and bust cycles. Lower house prices would improve affordability for both owner-occupiers and renters, would allow room for saving to flow to other investment.
22. Unlike the housing boom experienced during the mid-2000s, the current house price increases are localised to both Christchurch and Auckland. In Auckland's case, over the last 18 months the median sales price has grown at the same rate as it did each month between 2002 and 2007. This can be attributed to excess demand for housing, and this is largely a problem with housing supply, with shortfalls in construction over recent years.
23. According to the latest census data, Auckland was the fastest-growing region between 2006 and 2013, increasing its population 8.5 percent to 1,415,550 – the equivalent of adding a city about the size of Tauranga to the region. This growth is consistent with previous projections for Auckland to absorb 60 per cent of New Zealand's future population growth, growing to an estimated 2 million by 2031 (medium Statistics New Zealand projection). Constraints on housing supply means that this growth is resulting in rising house prices.
24. The Government recognises that supply constraints are not all related to local government urban planning policies and decisions, but agrees with the Productivity Commission's view that these are a major factor. The fact that there is a shortage of suitable development land is demonstrated by increasing land prices, with land in Auckland now comprising 60 per cent of the house price, as compared to a long term average across New Zealand of 40 per cent.
25. There is unlikely to be substantial change to house prices, given increasing demand and restricted supply, unless the AUP enables more residential development through both greenfield expansion, and just as importantly, by enabling greater residential densities in existing neighbourhoods.
26. I acknowledge that the Proposed AUP increases the development capacity and land supply in Auckland from that provided by the current operative resource management plans. In particular, I support the improvement in the approach to managing peripheral urban development, whereby the restrictive, blunt Metropolitan Urban Limit (MUL) is replaced by a more accommodating and flexible Rural Urban Boundary policy. However, I am concerned that that Proposed AUP does not go far enough, and falls far short of its own strategic housing supply objectives.
27. Based on Auckland Council and independent market-based modelling, there appears to be a large gap between the likely development capacity provided by the proposed AUP and that required to meet the development objectives and projected population

growth over the next 30 years. Some estimates have the gap at about half of that required. This is concerning irrespective of what growth and household formation projections are used.

28. In some market-attractive areas, where the development sector would be expected to respond to rising land values with more intensive (i.e. efficient) development, rules are especially constraining, and in some cases represent a down-zoning from existing plans. Conversely, the areas where zoning intensity has increased tend to be the areas where the economics of medium- and high-density development is more questionable, due to relatively lower levels of consumer demand for those typologies. This constrains choices for households, creates additional uncertainty for developers who will still likely risk 'out-of-zone' development, and by extension creates greater uncertainty for infrastructure providers about where growth is actually likely to occur.
29. There will always be uncertainty about how the market will respond to development opportunities. In addition, areas that are not market-attractive now may be more attractive in 15 or 30 years as development economics evolve, and as public and private investment generates amenity and connectivity. Nevertheless, it is vital that a market perspective informs the policies and rules in the AUP. I consider it is not enough for the AUP just to provide the needed capacity at a theoretical level. In order to meet the Plan's own objectives, and the wellbeing and resource-efficiency provisions of the RMA (urban land, dwellings, and infrastructure are all 'natural and physical resources' for the purposes of the RMA), the AUP needs to provide residential capacity in areas where it is demanded, and likely to be taken up.
30. I understand there is an argument that that the AUP does not have to provide for thirty years' development capacity immediately, as it will not be taken up immediately. Instead, this argument holds that regulations can be relaxed in future plan changes, as demand crystallises and community preferences evolve. While this argument has some validity in terms of navigating community acceptability, we consider it comes with a real economic cost. If land with a high latent capacity is under-zoned relative to demand, and then under-developed as a result, the new development could lock in that sub-optimal land use until the capital improvement depreciates sufficiently (up to 50 years or more), preventing redevelopment to its optimal capacity for that period. This dynamic experienced across enough areas will further constrain opportunities, and will have a large cumulative effect on future supply and prices.

Relief sought

31. I seek that the zoning, overlays, development controls and other rules be adjusted to provide sufficient residential development capacity and land-supply — particularly in areas of high market demand — to meet Auckland's long-term (30 year) growth projections, as well as the development objectives of the AUP itself (as specified in the Auckland Plan and the Regional Policy Statement (RPS) component of the AUP).
32. Failure to do so could have far-reaching economic and social consequences for Auckland and New Zealand. It would not enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety, and it would not provide for the efficient use and development of natural and physical resources. In addition, failure to manage the long-term needs of Auckland's communities in this way equates to failure to manage the environment sustainably, given the definition of environment includes people and communities.

Plan efficiency

33. An objective of the Government's resource management reforms is to ensure that tensions between different values are resolved within resource management plans, rather than on an ad-hoc, consent-by-consent basis. The latter provides opportunity for uncertainty, cost and delay to all participants in the system.

34. I support the Proposed AUP's low transaction-cost, permitted approach for low-density residential development. This will provide certainty to developers and households in those areas.
35. One of the key strengths of the March draft of the AUP was the widespread presumption towards non-notification, and the liberal use of restricted-discretionary activity status for higher-density development (where discretion was mainly restricted to urban design matters). An approach like this provides greater flexibility to developers — allowing them to deliver solutions that are site-specific and work in the market, as well as deliver quality assurance for communities. It also helps ensure the AUP itself makes the hard decisions about intensification rather than leave them to the resource consent process.
36. Changes made for the Proposed AUP have weakened this approach, with notification now much more prevalent. It was clear from the nature of the public debate that the fear of poor urban design outcomes on the part of Auckland communities was a strong influence on this decision. This occurred despite the Proposed AUP containing detailed criteria on which the urban design assessments would be based (as well as a detailed Auckland Design Manual to provide guidance and case studies). Instead of risking the uncertainty associated with the flexible design-based approach, the Council chose to reduce flexibility and increase development controls. This will come at a cost: it will increase uncertainty for developers, increase timeframes and holding costs, increase the costs for ratepayers due to the additional council costs involved in processing these activities, and will restrict the supply of medium- and high-density housing. Supply will be restricted because notification will deter some developers, and because the notification process itself will prevent development that would have otherwise been allowed under council discretion.
37. In addition, I consider that the flexible design-based approach to medium- and high-density development (e.g. in the proposed Mixed Housing zones, and Terraced Housing and Apartment Building zone) is undermined by the specific development controls and overlays that apply there. It is not at all clear why a flexible design-led process also needs to be subject to specific rules around matters like parking requirements, minimum dwelling sizes, and set-back requirements, which undermine the flexibility of the approach and may even result in poorer urban design and poorer overall outcomes. It is doubtful that these specific controls will encourage the desired uplift in activity in the desired locations, or lead to innovative and efficient use of land within these zones.
38. In particular, I am concerned about the potential effect on developer behaviour and market dynamics of the change in approach that appears to occur when a development reaches a certain size, at which point additional design requirements and cost factors apply. These include a change in activity status, sustainable building requirements, and affordable housing provisions, all of which will affect the economics of development and will have a cooling effect on supply.
39. Other examples where Proposed AUP provisions may generate additional transaction and other costs include the proposed 'Pre-1944 Demolition Control' overlay and the overlay for 'Sites and Places of Value to Mana Whenua'. Both of these are new approaches (with neither having an identifiable analogue in current plans), but both affect a very large number of properties and will require resource consent approval (including heritage and cultural impact assessments) for what may otherwise be unexceptional activities. The effect of these two overlays on potential development costs, and overall development capacity, is unstated in the Auckland Council's supporting evidence but likely significant.
40. There are instances where the proposed rules are either more complex than legacy plans, or have additional consent requirements. More activities requiring resource consent will put pressure on the consenting function of the Council, as well as increasing overall costs. Some additional rules may be considered necessary, and

justified by evidence, but every attempt should be made to offset the effect by reducing unnecessary rules and transaction costs elsewhere.

Relief sought

41. I seek the removal or loosening of prescriptive provisions in the Proposed AUP where they are not well supported and justified by evidence and analysis, and particularly for those activities that also employ a flexible design-based approach to decision-making (e.g. discretionary or restricted discretionary medium- and high-density development).

2.

Plan integrity

42. The AUP sits within a broad Auckland planning framework that has the Auckland (Spatial) Plan, prepared and adopted under section 79 of the Local Government (Auckland Council) Act 2009, setting the overall strategic direction for the region. The Auckland Plan's development strategy has been translated into the RPS component of the AUP, and consistent with section 66 of the RMA, the LGATPA clarifies that the Hearings Panel must ensure that regard has been had to the Auckland Plan.
43. On the whole, the Government supports the RPS component of the Proposed AUP and considers it is consistent with the strategic direction of the Auckland Plan. In particular, the focus on housing supply, choice and affordability, enabling higher residential densities and the efficient use of land, and maintaining sufficient unconstrained residential and business land to support population and business growth, fit well with the Government's own objectives.
44. Exceptions to the Government's support are the regional policy requiring large-scale development to have a certain proportion of 'retained affordable housing', uncertainty as to whether the policy framework will enable consenting of major strategic infrastructure, and the relative lack of emphasis on movement and access in transport infrastructure. These issues are discussed further in the next sections.
45. While I generally support the RPS section of the Proposed AUP, I am concerned that the regional objectives and policies are not supported by appropriately-aligned policies and rules in the remainder of the plan. The previous sections outline some of the justification for this position: the detailed zoning, overlays and development controls fall well-short of providing for the needed growth capacity; and the quality-compact, design-led and low transaction-cost objectives are betrayed by overly-complex policies, overlays, and rules.
46. It is important that the AUP has internal integrity and robustness, not least because it will be the single largest resource management plan in New Zealand, responsible for enabling or constraining up to 60 per cent of New Zealand's future growth-based capital investment. It therefore needs to be as easy as possible to understand and navigate, with minimal internal misalignment, and as little opportunity as possible for different legal interpretations and avenues for appeal.
47. One possible way of improving the internal integrity of the Proposed AUP, and no doubt one that will be suggested by submitters, is to adjust the overall development strategy to provide for more greenfield growth. The RPS component of the proposed AUP currently provides for up to 40 per cent of new dwellings to be located in greenfield areas (outside the 2010 MUL), but this may need to be increased to 60 or 70 per cent if the development controls and zoning cannot be adjusted to provide the necessary future capacity within the 2010 MUL.
48. While adjusting this part of the strategy will yield additional capacity, and may be a necessary part of the solution, I caution against relying on it to meet the entire shortfall. It assumes that all land is substitutable, but greenfield development is unlikely to satisfy all consumer preferences. Many households will still seek housing in more central locations for a variety of reasons (e.g. proximity to family, amenities or employment). Therefore substituting greenfield land where there is a reluctance to up-zone existing urban land will still lead to an under-supply of housing in many locations, with flow-on

effects to choice and prices. In addition, an over-reliance on greenfield development would be inconsistent with efficient infrastructure provision and use of existing infrastructure networks.

Relief sought

49. I seek that the Proposed AUP's policies and methods be reconciled with its RPS-level objectives, improving the AUP's integrity, and that the approach for doing this focus on increasing development capacity to provide housing supply and choice across a wide range of new and existing locations. 3
50. Failure to do so will result in a plan with considerable uncertainty and opportunity for dispute and litigation during consent decisions. It will also result in a plan that does not enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety, or for the efficient use and development of natural and physical resources.

Plan suitability

51. There are three elements of the Proposed AUP that I consider overstep the bounds of what is necessary or desirable in a resource management plan. These are the inclusion of provisions related to:
- Inclusionary-zoning (affordable housing) requirements that apply to larger-scale developments, and which require that any development of 15 or more dwellings or 15 vacant sites for development must have at least 10 per cent of those developed as "retained affordable housing".
 - Sustainable building ('Homestar') design provisions that require a '6-star' rating to be achieved by developments of more than five houses.
 - GMO regulation that is more restrictive than the relevant national framework.
52. Improving the quality and affordability of houses are admirable goals, fully supported by the Government. However, I disagree that the inclusionary zoning and mandatory 'Homestar' compliance are effective, necessary or appropriate methods for achieving these outcomes. I consider that using an RMA instrument for these kinds of market interventions is untested and risky.
53. Practically, the inclusionary zoning will be difficult to administer and for developers to comply with. It may require the participation of third-sector housing providers in every development over 15 dwellings – this would not only create a barrier to development, but may result in the undesirable situation of resource consent-decisions being based on the approval of third parties. It would also require the Auckland Council to monitor and administer the eligibility criteria over the long-term, or involve the use of legal instruments (such as covenants) that could constrain flexible and efficient use and transferral of housing.
54. I consider that a more effective method for increasing affordability is simply to focus on increasing the overall volume of new housing, and enabling a range of house sizes and typologies to be built. I consider that the proposed inclusionary zoning requirements are likely to have the opposite effect; affecting the economics of many developments, and potentially leading to under-provision of housing.
55. Mandatory 'Homestar' and 'Officestar' sustainable building requirements for new developments are a novel approach for a resource management plan. This submission does not offer a view on the legality of such an intervention within the context of the RMA framework, and that question may be tested should the provisions remain in the operative version of the AUP. Instead, this submission approaches the proposed intervention from a public policy perspective. Our view is that the evidence for this intervention is limited, and questionable, and the mandatory nature of the requirement is risky:

- The requirement forces developers to build to a level of quality that is not only beyond the building code, but is also beyond the level that may make economic sense for many households, and will therefore worsen housing affordability outcomes in Auckland. The cost-benefit analysis underpinning the Auckland Council's decision to include the requirement needs rigorous, expert scrutiny before any decision is taken to recommend it remain in the AUP.
 - From 2010 to March 2013, only 23 houses have been Homestar rated. This raises concerns about the value that the market places on such a rating and the ability of the administering organisation to scale up to meet the demand such a requirement would create.
56. The Government's current position is that provided that consumers have the right information to make decisions around home energy efficiency and sustainability, and that their decisions do not have significant negative externalities, the decision to comply with a sustainable building rating should be left to the market.
57. In relation to GMOs, the inclusion in the proposed plan of the Inter-Council Working Party provisions for the control of GMO creates a regulatory regime in Auckland that is more restrictive than the national framework administered by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996. Such an approach is unduly restrictive and inefficient, and thus does not promote the purpose of the RMA.

Relief sought

58. I seek that:

- The current inclusionary zoning requirements are replaced with simpler provisions that enable and encourage higher densities of residential development where demanded, while providing flexibility to provide a variety of dwelling sizes and typologies. | 4
- The mandatory 'Homestar' and 'Officestar' sustainable building requirements are removed, or the encouragement of their use as a voluntary tool be provided as an 'other method' in the AUP. | 5 x 12
- The proposed GMO regulatory regime is removed from the AUP. | 16

Infrastructure

59. Managing Auckland's growth in an efficient and sustainable way, and providing for the wellbeing of people and communities, and for health and safety, requires timely investment in the right kind of infrastructure. The AUP therefore needs to enable the efficient provision of the major transport and other strategic infrastructure planned by the Government and the Auckland Council, to support the plan's growth management objectives.
60. I am concerned that the Proposed AUP does not sufficiently provide for Auckland's infrastructure needs.
61. The planning and policy framework may not enable the consenting of major strategic infrastructure anticipated by the Government and Council. In some areas non-complying activity status is likely to impact on strategic infrastructure projects important for Auckland's future, and there is a need for greater recognition that due to the lineal nature of infrastructure such as roads, location in certain environments is sometimes unavoidable.
62. In addition, the current framework of rules and standards will impose unreasonable compliance costs and regulation for minor works and routine operations and maintenance works.
63. With regard specifically to transport infrastructure, the RPS-level provisions place insufficient emphasis on movement and access, and managing congestion, in addition

to providing for 'place'. For example, the provisions need to allow for the development of additional road capacity to accommodate increases in general traffic, and the needs of all users of the transport network, as well as providing for other modes (the needs of which are well articulated in the RPS). The district-level provisions include some access provisions that address the needs of all modes on the regional arterial network, and these should also be reflected in the RPS.

64. Finally, there is insufficient clarity as to whether transport-related rules are regional or district rules. This is important as where an existing activity infringes a new regional rule it requires a resource consent (that is, does not enjoy existing-use rights), which is not the case for district-level rules.

Relief sought

65. I seek:

- That the regional- and district-level provisions relating to infrastructure are better aligned. | 7
- That transport provisions are adjusted to better support for movement and access. | 8.
- That the policy framework and provisions for managing strategic infrastructure development are reviewed and better aligned with the Proposed AUP's — and the Auckland Plan's — infrastructure objectives. | 9
- That compliance costs and regulation for minor works and routine operations and maintenance works are reviewed for reasonableness. | 10
- Clarification of whether transport related rules are district or regional rules. | 11

Final statement

66. The Government recognises the significance of the Auckland Unitary Plan for Auckland's long-term economic, social and environmental performance, and for the potential impact on government objectives, service-delivery and spending. It is critical for New Zealand that the issues raised in this submission are resolved satisfactorily. Failure to do so will mean that the AUP will not fulfil its role in enabling Auckland's people and communities to provide for their social, economic, and cultural well-being and for their health and safety, and it would not provide for the efficient use and development of natural and physical resources.

Hon Amy Adams
Minister for the Environment

12 / 12 / 13