

A NEW PLANNING FRAMEWORK FOR AUCKLAND – WHAT SHOULD IT LOOK LIKE?

I wish to express my grateful thanks to Hill Young Cooper and in particular to Karen Bell for their assistance in the preparation of this paper.

A significant cause for discontent amongst those who made submissions to the Royal Commission on Auckland Governance was the difficulties caused through having to deal with a number of different planning schemes, both at the local and regional level. Cross boundary problems were referred to, as were the apparently unnecessary differences between Councils in relation to the controls imposed upon development. The complexity of plans was a frequent cause for complaint. Overarching these more localised concerns was the complaint that at a regional level, important decisions regarding infrastructure and development tended to be the subject of years of dispute between Councils. There has been much litigation between Councils, particularly between local Councils and the Regional Council, at considerable cost to the ratepayer. As a consequence, an important section of our report dealt with planning for Auckland.¹

Chapter 24 outlined the present state of resource management planning in Auckland, and summarised the pressing issues of the Auckland region, based on the view of informants, submitters and an excellent paper prepared by Hill Young Cooper. The chapter discussed how changes in planning processes could assist Auckland to become a more successful city region. Options for change were explored and assessed, transition and implementation issues were identified and the chapter concluded with a succinct summary of proposals needed to improve the delivery of resource management planning and services in Auckland. One of the recommendations contained in the report was that there should be a spatial plan for Auckland. This recommendation has been adopted by the Government and a spatial plan is provided for in Clause 66 of the Local Government (Auckland Law Reform) Bill. This is the third of the three pieces of

¹¹ See Chapter 24 report of the Royal Commission on Auckland Governance

legislation setting up the new Auckland Council. It is yet to become law. Further reference to that provision will be made later in this paper.

The spatial plan is important in describing what a new planning framework for Auckland might look like, because it will provide the vision for Auckland for a 20 to 30 year period. The intention of the Commission was that all other plans – resource management plans, the transport plan an infrastructure plan and any other plans developed for Auckland – should comply with the spatial plan and give effect to it.

This paper will deal first with the spatial plan. It will discuss spatial planning in an international context and then what might be contained in a spatial plan for Auckland and that will be followed by a discussion of what other planning documents might be appropriate and their relationship to the spatial plan.

Spatial Planning in the International Context

An early examination of spatial planning is that undertaken by the Council of Europe and adopted by the Committee of Ministers on 25 January 1984. It described spatial planning as a tool important to the progress of European society and that closer international cooperation in that field was a valuable means of strengthening European identity. It described the characteristics and operation of the plan in the following terms.

Man and his well-being as well as his interaction with the environment are the central concern of regional/spatial planning. Its aims being to provide each individual with an environment and quality of life conducive to the development of his personality in surroundings planned on a human scale.

Regional/spatial planning should be democratic, comprehensive, functional and orientated towards the longer term.

Democratic: it should be conducted in such a way as to ensure the participation of the people concerned and their political representatives.

Comprehensive: it should ensure the co-ordination of the various sectoral policies and integrate them in an overall approach.

Functional: it needs to take account of the existence of regional consciousness based on common values, culture and interests sometimes crossing administrative and territorial boundaries, while taking account of the institutional arrangements of the different countries.

Long term Oriented: it should analyse and take into consideration the long-term trends and developments of economic, social, cultural, ecological and environmental phenomena and interventions.

Its operation

Regional/spatial planning must take into consideration the existence of a multitude of individual and institutional decision-makers which influence the organisation of space, the uncertainty of all forecasting studies, the market pressures, the special features of administrative systems and the differing socio-economic and environmental conditions.

It must however strive to reconcile these influences in the most harmonious way possible.

It said that the fundamental objectives of spatial planning were to seek at one and the same time to achieve

- Balanced socio-economic development of the regions
- Improvement of the quality of life
- Responsible management of natural resources and protection of the environment
- Rational use of land

Wales has adopted a spatial plan. It is described as the overarching framework and integration tool for Wales and it provides amongst other things for economic development and the long term goal of full employment, regeneration programmes, improving skill levels in the workforce, improving planning for transport, reducing greenhouse gas emissions, understanding and meeting affordable housing needs and helping to shape capital investment. That is a plan for the whole of Wales.

In Australia, a spatial plan has been developed for South East Queensland and for Canberra amongst other places. The purpose of the Canberra spatial plan is described as being to provide clear strategic directions for the development of Canberra over the next 30 years and beyond but with the flexibility required to respond to change. In developing the plan, consideration was given to the areas within the Australian Capital Territory capable of Urban Development. Key issues considered included maximising

access to and use of existing services and facilities and infrastructure, minimising the need for new transport links and travel times, maintaining the sense of place of the city, protecting biodiversity, ensuring fiscal responsibility for the territory and supporting employment opportunities.

Spatial Planning in Auckland

Clause 66 of the Bill , as amended during the Select Committee process is set out in Annexure 1. It describes the purpose and functions of the spatial plan .

The content of the spatial plan as described in the clause is generally in line with other spatial plans that have been developed in commonwealth countries and with the Cabinet Paper referred to below.

The international experience in spatial planning and consideration of spatial planning for Auckland, was the subject of a very comprehensive paper prepared by the Minister for the Environment which preceded the decisions made on the Number 3 Bill and in particular guided the drafting of Clause 66. The Cabinet Paper notes some of the advantages of the spatial plan. Such a plan will provide a clear strategic direction for the growth and development of Auckland Region. The paper notes that internationally spatial plans lay out a long term strategic direction for a region and its communities, including social, economic, cultural and environmental objectives and articulate the regions role in a country. The paper notes that a spatial plan for Auckland will replace the Auckland Regional Growth Strategy and will ensure that other parties such as Central Government, the private sector, infrastructure providers and CCO's, have access to useful information about growth and development in the region and the likely shape of future development and that this will help to inform investment decisions. The paper comments on the emerging shape of Auckland Governance arrangements and notes that much of the Auckland Councils effectiveness will hinge on its ability to

- Agree and set an overarching strategic direction.
- Implement that direction through its subsidiary bodies (e.g. CCO's).

- Agree with other actors (e.g Central Government Infrastructure Providers) what they will deliver when and where.
- Ensure that it all happens in a co-ordinated way.

In view of the controversy over CCO's, it is good to see that the Cabinet paper is very clear on the proper relationship between the Auckland Councils and the CCO's and the importance of the spatial plan in giving direction to CCO's.

There is one other important feature to note about a regional spatial plan. Although it will be the pre-eminent document in the region, it of course must take guidance and direction from national policy statements and national plans. For example, the National Land Transport Plan and the National Infrastructure Plan must both be reflected in the Auckland Spatial Plan. The Cabinet Paper notes that the Spatial Plan could facilitate complimentary infrastructure investment that allows Local and Central Government to maximise returns on capital investment and deliver value for money (for example, by facilitating planning of, and identifying trade offs between, investment in new roads, public transport, schools, water and communications infrastructure within an area earmarked for growth). The importance of achieving effective alignment and integration between national and local infrastructure investment frameworks is referred to and that in turn will be likely to require participation by the Central Government agencies who invest in Auckland in developing and working with the spatial plan and the development and use of common data and planning assumptions at the local and national levels. As noted in the Cabinet paper, the Government envisages that eventually there will be a statutory Spatial Plan that replaces existing strategic plans under the RMA and LTMA. The current statutory proposals do not go that far for the very good reason that to do so requires consideration of amendments to other legislation.

One of the recommendations of the Royal Commission was that consideration be given to removing the right of appeal in respect of the Auckland Regional Policy Statement. If this was done, there will be no reason why regional policies could not be incorporated in the spatial plan, although this would no doubt require other amendments to the

Resource Management Act. The right of submission to regional policy statements would need of course to remain, but the special consultative procedure under the Local Government Act, provides rights of public submission similar to those appearing in the Resource Management Act. The Royal Commission recommended that concurrently with the preparation of the spatial plan an infrastructure investment plan should be prepared. I am not aware of any reference to this in the proposed legislation, but that would not prevent the Auckland Council from preparing such a plan and in my view it would be desirable that this be done.

Some further comments on the content of the plan. The spatial plan should not attempt to define boundaries for Urban Development other than in a general way. The precise boundaries are more appropriately defined in the District Plan. The spatial plan however should contain the information that will enable adequate provision to be made for the growth of Auckland and will indicate where and when that growth should occur. It will also identify areas appropriate for intensified development. Importantly it will be able to integrate in the most economically efficient way, proposals for infrastructure development to support future growth. It should specify the timing, priority and methods for developing growth areas. It should address sustainability, outstanding urban design, a more efficient energy future, climate resilient development and the creation of cohesive communities. It should identify in general terms where major social infrastructure should be located, for example, hospitals, schools, parks, universities etc. It should also refer to the more minor social infrastructure that should be a part of communities, for example community advice bureaus, libraries, swimming pools, neighbourhood reserves and community facilities for a wide variety of community groups. It should also address issues of coastal planning. I have addressed the questions of the spatial plan in some detail because it is a new concept for New Zealand, and because of its importance as the pre-eminent plan for the development and future of Auckland.

As to what the Plan might look like in a physical sense see annexure 2.

Subsidiary Plans

Amalgamation will enable considerable simplification and rationalisation of subsidiary plans. The Resource Management Act Regional Plan and District Plan will be able to be combined. Ultimately the Regional Land Transport Strategy and the Regional Policy Statement should be able to be incorporated into the spatial plan. The combined Resource Management Plan, the Transport Plan and the Infrastructure Plan will be required to and have the purpose of giving effect to the spatial plan. It may be that the LTCCP can also be incorporated into the spatial plan, although there will of course be a continuing need for local board plans and annual plans which again will take their lead from the spatial plan.

There are considerable areas of overlap between the requirements of Regional Policy Statements under the RMA and the requirements of the LGA in relation to LTCCPS and the provisions of Clause 66 of the Bill. Section 59 of the RMA provides that the purpose of an RPS includes policies and methods to achieve integrated management of natural and physical resources of the whole region. This is also the purpose of the spatial plan. A number of the matters set out in section 61 of the RM Act as matters to which the Council must have regard when regional policy statements are written, are also appropriate for including in the spatial plan.

The purpose of a Long Term Council Community Plan includes to provide integrated decision making and co-ordination of the resources of the local authority and “*to provide a long term focus for decisions and activities of the local authority*”. Again there is a close link between this requirement and the requirements of Clause 66. It would be highly desirable for a review to be undertaken of the legislation to ensure that there is not duplication of effort in requiring the preparation of different plans directed to the same end. It will also be necessary to review provisions of the LG (Auckland) Act 2004 and other earlier special legislation for Auckland to remove those matters which are dealt with in the new legislation although there are some issues – importantly the requirement to implement the growth strategy which is not dealt with in Clause 66.

As to the combined regional district plan, it may be desirable that this be prepared in sections. There could be

1. A rural section dealing with the rural areas to the north and south of urban Auckland.

2. As at present, a Hauraki Gulf Islands section. This might incorporate greater attention to the planning issues arising from the Hauraki Gulf as a whole.
3. A regional and sub regional Business District Plan, which would include the principal industrial areas, including areas for expansion for those activities. It will also include major educational and recreational activities. Perhaps these areas might be called intensive development areas. They should emphasise where mixed use is appropriate so that higher density residential accommodation can develop alongside employment opportunities.
4. A residential section which will include provision for neighbourhood commercial educational and recreational activities, and special character areas.
5. A key function of the District Plan will be to address place making issues and issues of urban design. The special character themes apparent in parts of Auckland should be developed and emphasised.

Local Boards must have the opportunity to make submissions on the combined regional and District Plan. In my view, members of Boards should have the opportunity to hear submissions on Plan Changes affecting their areas, provided that the members hearing those submissions have Commissioner qualifications, and that the Board itself did not wish to make a submission on the proposed change. For the sake of consistency and efficiency, it would seem desirable that planning applications should be heard by Independent Commissioners. The Royal Commission Report made a plea to the authors of future plans, particularly the District Plan to bear in mind the importance of having simplicity of language and controls as a central objective. This is of particular importance in residential zones. The preparation of a new District Plan for Auckland will be a major task Given the resources available to the Auckland Council because of its size, it is essential that the combined plan be seen as a model in terms of its content and that it should become known for its clarity and simplicity.

Conclusion

As shown in annexure 3 the new planning framework for Auckland should ultimately look very different from that which presently exists. Instead of the multiplicity of plans there will be plans which will be directed to the work of the Auckland area. Instead of

unnecessary variations in control from location to location there will be a desirable consistency. Where differences are important to reflect special character areas or local wishes these should be provided. It will be essential to provide for and respect local input into the content of plans. A real drive for simplicity and clarity in the wording of plans and the planning controls should make plans not only much easier for Auckland's residents to understand but also much easier and less costly to administer and enforce.

The provision of a comprehensive spatial plan should enable the future development of Auckland to proceed in a manner which reflects the visions and aspirations of all Aucklanders, both rural and urban, for our city region

Amended Clause 66 of the Local Government (Auckland Law Reform) Bill

66 Spatial plan for Auckland

- (1) ~~The Auckland Council must prepare and adopt a spatial plan for Auckland.~~
- ~~(2) The purpose of the spatial plan is to provide an effective and broad long-term strategy for growth and development in Auckland.~~
- (2) The purpose of the spatial plan is to contribute to Auckland social, economic, environmental and cultural well-being through a comprehensive and effective long-term (20-30 year) strategy for Auckland's growth and development.
- (2a) For the purposes of subsection (2) the spatial plan will
- (a) set a strategic direction for Auckland and its communities that integrates social, economic, environmental and cultural objectives
 - (b) outline a high level development strategy that will achieve that direction and those objectives and
 - (c) enable coherent and co-ordinated decision making by Auckland Council (as the spatial planning agency) and other parties to determine the future location and timing of crucial infrastructure, services, and investment within Auckland in accordance with the strategy; and
 - (d) provide a basis for aligning the implementation plans, regulatory plans, and funding programmes of the Auckland Council
- (3) ~~The functions of the spatial plan are must —~~
- ~~(a) to set out the long-term (20–30 year) strategic direction (including broad objectives) for Auckland and its communities; and~~
 - ~~(b) to state policies, priorities, programmes, and land allocations that will implement the strategic direction and to specify resources that will be provided to implement the strategic direction; and~~
 - ~~(c) to set out Auckland's role in New Zealand; and~~
 - ~~(d) to visually illustrate how Auckland may develop in the future, including how growth may be sequenced and how infrastructure may be provided; and~~
 - ~~(e) to provide an evidential base to support decision-making for Auckland, including evidence of trends, opportunities, and constraints in Auckland; and~~
 - ~~(f) to set out a development strategy on how to achieve broad policy objectives for land use, transport, other infrastructure, and environmental management in Auckland; and~~
 - ~~(g) to identify the existing, and guide the future, location of critical infrastructure services and any associated investment in Auckland (for example, open space, transport, and water supply and wastewater services); and~~

- ~~(h) to identify the existing, and guide the future, location and mix of residential, business, and industrial activities within specific geographic areas in Auckland; and~~
 - ~~(i) to identify significant ecological areas in Auckland that should be protected from development; and~~
 - ~~(j) to give direction to, and align, implementation plans, regulatory plans, and funding plans of the Auckland Council; and~~
 - ~~(k) to integrate otherwise competing policy goals and provide opportunities for coherent and combined decision-making about investment and regulation in Auckland; and~~
 - ~~(l) to act as an information and co-ordination mechanism enabling the Auckland Council (as the spatial planning agency) and parties that provide services, infrastructure, and other investment to discuss, and agree on, the timing and outcome of providing these things and the location of the things~~
- (m) recognise and describe Auckland's role in New Zealand; and
 - (n) visually illustrate how Auckland may develop in the future including how growth may be sequenced and how infrastructure may be provided; and.
 - (o) provide an evidential base to support decision making for Auckland including evidence of trends, opportunities and constraints within Auckland; and
 - (p) identify the existing and future location and mix of –
 - (i) residential , business, rural production, and industrial activities within specific geographic areas within Auckland; and
 - (ii) critical infrastructure services and investment within Auckland (including for example services relating to cultural and social infrastructure , transport open space, water supply, wastewater, and stormwater, and services managed by network utility operators) ; and
 - (q) identify nationally and regionally significant –
 - (i) recreational areas and open spaces within Auckland; and
 - (ii) ecological areas within Auckland that should be protected from development; and
 - (iii) environmental constraints on development within Auckland (for example flood-prone or unstable land) ; and
 - (iv) landscapes, areas of historic heritage value, and natural features within Auckland; and
 - (r) identify policies, priorities, land allocations and programmes and investments to implement the strategic direction and specify how resource will be provided to implement the strategic direction
- ~~(4) The preparation and amendment of the spatial plan is intended to involve community and private sector participation so that there is public confidence in the plans and decisions made for Auckland.~~

- ~~(5) The Auckland Council may amend the spatial plan at any time to reflect a significant change from the circumstances that existed when the plan was prepared or was last amended.~~
- ~~(6) The Auckland Council must prepare and adopt the spatial plan, or any amendment to the plan, in accordance with the special consultative procedure.~~
- ~~(7) The Auckland Council, after adopting the spatial plan or an amendment to the plan, must—~~
- ~~(a) make the plan or amendment available for inspection during working hours, free of charge, at—~~
- ~~(i) the office of the Auckland Council; and~~
- ~~(ii) any other places in Auckland that the Auckland Council, at its discretion, decides are appropriate; and~~
- ~~(b) make copies of the plan or amendment available, free of charge or for purchase at a reasonable price, from—~~
- ~~(i) the office of the Auckland Council; and~~
- ~~(ii) any other places in Auckland that the Auckland Council, at its discretion, decides are appropriate; and~~
- ~~(c) make copies of the plan or amendment available, free of charge, on an Internet site maintained by or on behalf of the Auckland Council.~~

66A Development, adoption and implementation of spatial plan

- (1) The Auckland Council must involve central government, infrastructure providers (including network utility operators), the communities of Auckland, the private sector, and other parties (as appropriate) though out the preparation and development of the spatial plan.
- (2) The Auckland Council must adopt the spatial plans in accordance with the special consultative procedure.
- (3) The Auckland Council may amend the spatial plan, at any time in accordance with subsections (1) and (2) .
- (4) The Auckland Council must-
- (a) make the spatial plan (including any amendments) available for inspection during working hours, free of charge, at—
- (i.) the office of the Auckland Council; and
- (ii.) any other places in Auckland that the Auckland Council, at its discretion, decides are appropriate; and
- (b) make copies of the plan available, free of charge or for purchase at a reasonable price, from—
- (i.) the office of the Auckland Council; and
- (ii.) any other places in Auckland that the Auckland Council, at its discretion, decides are appropriate; and

(c) make copies of the plan or amendment available, free of charge, on an Internet site maintained by or on behalf of the Auckland Council

(5) The Auckland Council must endeavour to secure and maintain the support and co-operation of central government, infrastructure providers (including network utility operators) , the communities of Auckland, the private sector, and other parties (as appropriate) in the implementation of the spatial plan.

Spatial Plan - What will it look like

Both hard copy and web based document

Series of maps of the region

- one combined map showing all significant components
- map for each significant component (such as):
 - transport
 - waters (water supply, wastewater and stormwater)
 - significant natural environments to be protected
 - commercial and industrial areas and employment growth areas
 - residential growth and intensification areas (including brownfield redevelopment)
 - reserves (passive and recreation)
 - heritage area (natural and built) to be protected

Series of accompanying information sets:

- **Delivery programme** – showing evidence, trend analysis and capacity reviews undertaken in conjunction with all the key service providers including the Auckland Council, its CCO's and Local Boards, Central Government departments and agencies, to cover the provision of health, transport, education, parks, heritage, housing and recreation/ leisure/ community facilities and business improvement districts and town centres. Linked to the National Infrastructure Plan and the asset management plans of the agencies to address the integration of proposals from all the council and government agencies above to avoid duplication and waste.

It should be noted that as part of the preparation for the spatial plan it will be necessary to obtain commitments for the delivery of services and infrastructure and agreed timeframes.

- **Private sector proposals** – including relevant information from private organisations that may influence place shaping (such as delivering of broadband services and the undergrounding of power lines).
- **List of priorities for changes** to the existing district plans and the future district plan for the region

Ongoing Monitoring

It will be necessary once the spatial plan is operative to undertake and publish ongoing monitoring showing implementation (construction of new infrastructure and take up of land) but also population changes and levels of use of infrastructure eg new rail patronage; number of new connections to water; increase in water consumption accompanied by proposals maps and information for consultation with community on future changes to the Spatial Plan.