

## A. Stakeholder Guide: Residents, business owners and tenants

### Why is the Government proposing new legislation?

As our population grows, the Government wants to accelerate the building of new communities and the revitalisation of urban areas to deliver vibrant places to live and work. Rejuvenating our cities requires flexibility to plan and develop new communities for current and future generations.

The Government is therefore proposing a tool-kit of enabling powers that could be used to streamline and speed up particular large scale projects, such as suburb-wide regeneration. This will accelerate urban development projects that offer benefits to communities, including increasing the amount of affordable housing and the provision of necessary infrastructure. The projects would be planned and facilitated by publicly-controlled urban development authorities, potentially in partnership with private companies and/or landowners.

The intention is to support nationally or locally significant development projects that are complex or strategically important. A range of urban development projects will be eligible for consideration, including housing, commercial and associated infrastructure projects.

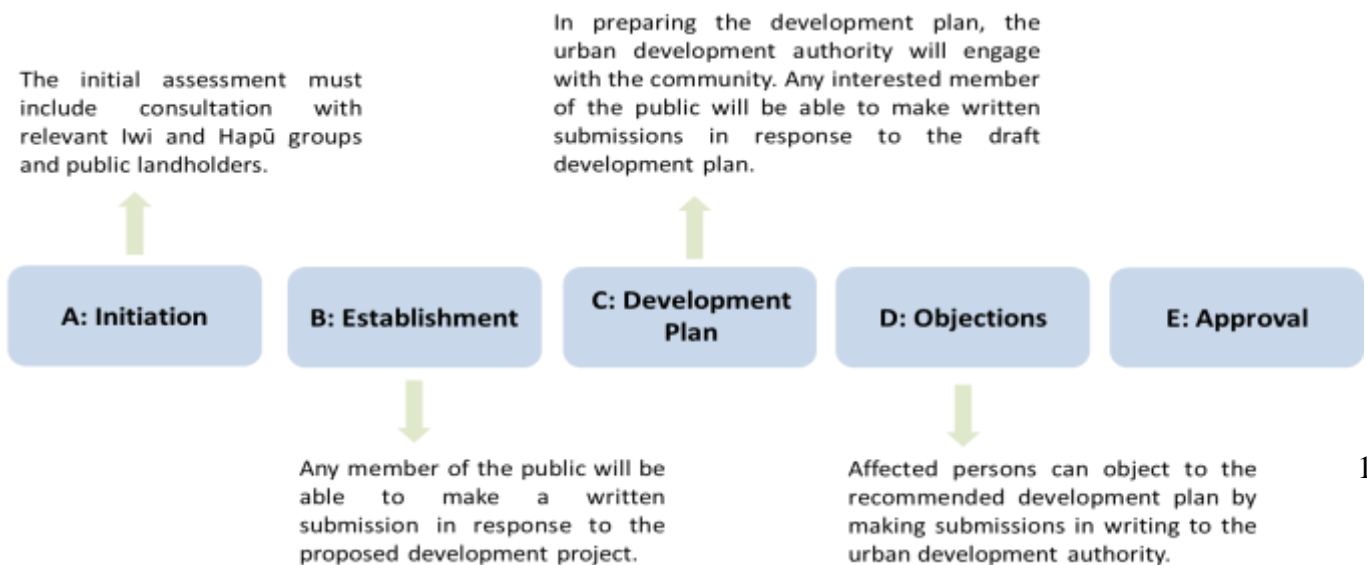
### Where will it happen?

Only land that is already within an urban area, or that is sufficiently close to an urban area to be able to service its growth in future (whether or not it connects with the existing built-up area), will potentially be affected by the proposed legislation. The intention is to support nationally or locally significant development projects that are complex or strategically important. A range of urban development projects will be eligible for consideration, including housing, commercial and associated infrastructure projects.

### Proposed process

#### How can I get involved?

The public will be consulted throughout the development process, as shown in the diagram below.



### **A: Initiating development projects** (Proposals 1 - 21)

Section 3 of the discussion document outlines the process for identifying an urban development project, which starts with either central or local government initiating a proposal. Territorial authorities can recommend that the Government consider a particular development project for access to powers under the new legislation, or the Government itself can initiate the process.

Prior to publicly proposing a development project for consideration, officials must undertake an initial assessment of the project. This assessment would review the opportunity and challenges the project offers in sufficient detail to support public consultation, should government choose to progress the idea further. The initial assessment must include consultation with the relevant iwi and hapū groups; public landholders; requiring authorities; and (where they already exist) with the entities that are proposed to lead the development and be the urban development authority. If projects have already commenced (such as the Tāmaki Regeneration), the assessment will be adapted to accommodate the stage that the project has already reached.

### **B: Establishment** (Proposals 22 - 33)

Provided the initial assessment makes the case for a proposed development project, the Government (for projects it initiates) or the Mayor of the relevant territorial authority must seek the public's feedback on:

- the strategic objectives of the project, including any public good outcomes the Government would require as a condition of development;
- the boundaries of the proposed project area;
- the development powers that Government proposes to grant to achieve the strategic objectives;
- the urban development authority that will be granted those powers; and
- the entity that will be accountable for delivering the strategic objectives (which may or may not be the same entity as the urban development authority).

Any member of the public will be able to make a written submission in response to the proposed development project. Depending on who is leading the consultation, either the Government or territorial authority will consider the submissions and amend the proposal accordingly, in consultation with its government partner(s). Subject to the outcome of consultation, and securing the agreement of the relevant territorial authority(s), the Minister will make the final decision to recommend the project to the Governor-General, who would formally establish the development project via an Order-in-Council. No appeal is available on the decision to formally establish a development project.

### **C: Development plan stage** (Proposals 34 - 40)

Once a development project has been established, the next stage is for the urban development authority to develop and publish a draft development plan, within a specified timeframe. In preparing the development plan, the urban development authority will be free to engage with the community as it sees fit.

## Urban development authorities discussion document

During preparation of the development plan, the urban development authority must also confirm which landowners have elected to include their land in the development project, what land subject to a right of first refusal is in the area, whether relevant landowners wish to develop their land as part of the project and how Māori cultural interests will be catered for in the development plan.

Again, any interested member of the public will be able to make written submissions in response to the draft development plan, including directly affected residents, business owners and landowners, relevant iwi and hapū, existing public landholders, requiring authorities, adjacent landowners, and Heritage New Zealand Pouhere Taonga, and where the power to override regional plans or policy statements has been granted, communities associated with air or water catchments that the development project will be part of.

### **D: Objections** (Proposals 41-42)

Affected persons can object to the recommended development plan by making submissions in writing to the urban development authority, stating the reason for the objections and the change the person seeks to the recommended plan. Where such objections are made, the urban development authority must submit its recommended development plan and copies of all the objections to independent commissioners appointed by the Minister. The commissioners review the objections, the authority's response to these objections, and the relevant parts of the recommended development plan.

Following the commissioners' review, they are required to recommend to the Minister that either the development plan:

- be approved as recommended by the urban development authority; or
- be approved subject to specified amendments that address the objections (and any consequential matters); or
- be rejected entirely.

### **E: Approval of the development plan** (Proposals 43 - 54)

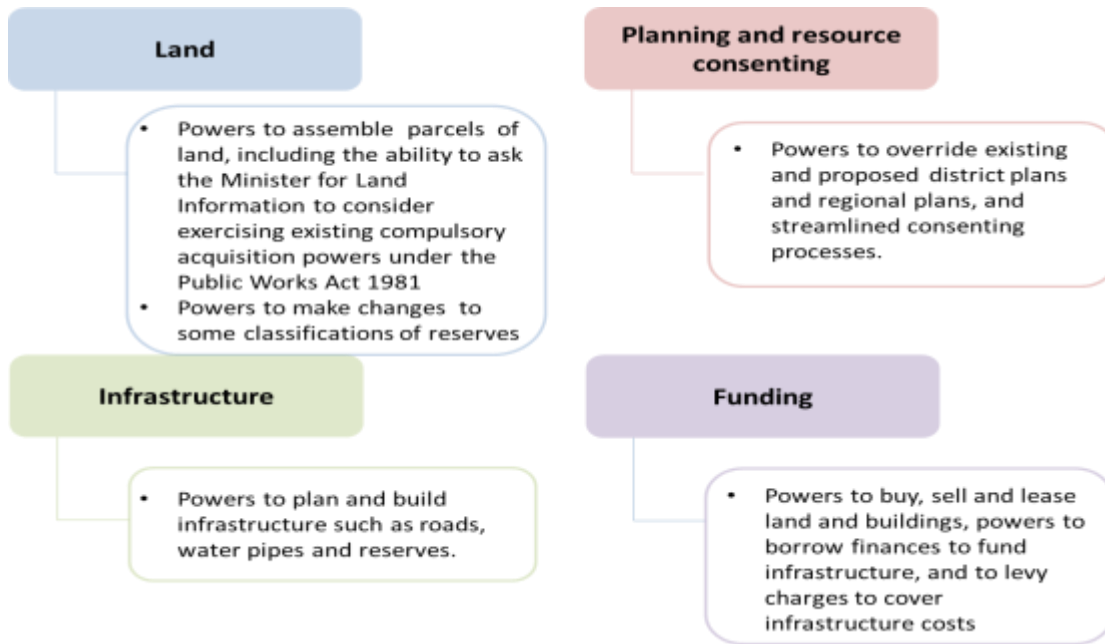
If there are no objections, the urban development authority recommends a final development plan to the Minister. If there are objections, the independent commissioners make their recommendations to the Minister. If a variation to the development plan is required, the same process for development and approval applies (including the consultation).

Having considered the recommendations (and any advice from the independent commissioners if objections were received) the Minister decides whether to approve the plan. If approved, the plan is then published and the proposed changes come into effect. The Minister's decision is final and not subject to appeal.

**For more detailed information on the development process and public consultation, see section 3 of the discussion document.**

## What are the development powers available?

The powers potentially available for an urban development project would relate to:



### Bringing together land parcels for development (Proposals 72-96)

Coordinated planning across sizeable areas of land will make for better integrated and more affordable developments. Large scale developments also make it easier to plan and deliver community facilities and the necessary infrastructure to support the development. However, at times it is difficult to coordinate such developments, especially when there are different land uses and owners within an identified area.

The Government proposes that urban development authorities will be able to bring together larger land parcels through a combination of acquiring government or council-owned land, buying land from private owners, and as a last resort asking the Minister for Land Information to use existing powers under the Public Works Act 1981 to compulsorily acquire land in the proposed project area.

For private land assembly, the Minister for Land Information must be satisfied that the objectives for which the land needs to be taken are clear; alternative sites or methods of achieving the objectives have been considered; and it is fair, sound and reasonably necessary to invoke the powers in order to achieve those objectives. There is an obligation to first negotiate in good faith to acquire the land. The land owner has the right to be compensated so that they are left in no worse (or better) situation than before the land acquisition.

This compensation amount can be determined independently. The land owner furthermore has the right to object to the taking of the land to the Environment Court.

## Urban development authorities discussion document

There is also potential for an urban development authority to ask the Minister of Conservation to agree to include some land set aside for scenic, historic or government purpose reserves. Nature and scientific reserves will be protected and will not be included under any circumstances. An urban development authority will be able to adopt, amend or replace reserve management plans for reserves within the development project area.

### **Planning and resource consenting** (Proposals 97-111)

The delays, uncertainties and costs of plan change and resource consent processes (including appeal processes) reduces the number and size of projects that are commercially feasible. These issues are particularly challenging for large or complex developments in existing urban areas. Further powers need to be available for significant urban development projects, including accelerated planning and consenting powers and the ability for an urban development authority to be the resource consenting authority.

The Government proposes that, in appropriate cases, the development plan can override existing and proposed district or regional plans, or parts of them. This would not happen automatically, but only in circumstances where the Government believes that the public benefit of the project is sufficiently high to justify it. Nonetheless, urban development authorities will prepare a development plan in consultation with stakeholders for the proposed project and will then consult the local community on this plan

### **Infrastructure** (Proposals 112-131)

Infrastructure requirements such as power and water, roads and other public and community amenities are essential parts of well-functioning, liveable cities. Currently, responsibility for planning and delivering infrastructure for new developments is divided between private developers, local councils and national authorities. It is proposed that urban development authorities would be able to coordinate the planning and development of infrastructure, including connecting with networks outside the development project area.

### **Infrastructure funding** (Proposals 132-145)

An urban development authority will require access to a broad range of powers to encourage investment in, and independently fund, new infrastructure. Section 8 proposes powers that would enable urban development authorities to buy, sell and lease buildings as well as access Crown funding and debt and equity financing. The proposed legislation would also enable an urban development authority to determine and levy a targeted infrastructure charge on properties as well as charge project specific development contributions on developers building within a development project area. Any charges will be collected by the territorial authority on behalf of the urban development authority or a private investment vehicle.

Where a power to levy infrastructure charges is proposed then that power and an indicative range for the anticipated annual charge must be included as part of the public consultation on the development plan.

### **How can I have my say on the proposed legislation?**

More information, including the full version of the discussion document, is available [here](#) on MBIE's website.