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## Media Release

### **EDS submission on the Urban Development Bill calls for stronger environmental safeguards**

EDS has filed its submission on the Urban Development Bill. The Bill is a companion piece to last year's Kāinga Ora – Homes and Communities Act, which established Kāinga Ora as a government developer and landlord. What the Urban Development Bill now seeks to do is to position this entity as an urban development authority and endow it with a suite of powers to enable it to undertake urban development at pace and scale.

These powers are significant and wide ranging, with the most notable of them including the ability to compulsorily acquire land and to override or alter the operation of the RMA in "specified development projects". While the desire to supply more housing is a driving force behind the Bill, it has much wider application – to urban renewal projects generally.

"Previous proposals for an urban development authority have been very concerning from an environmental perspective," said senior researcher, Dr Greg Severinsen.

"While it is heartening to see some of the more egregious aspects that we have identified in the past partly addressed in the current Bill there are still significant concerns.

"In particular, the Bill includes powers for 'development plans' to override provisions in regional plans and regional policy statements, which contain key protections for the natural environment – many of which are equally relevant in urban areas. Kāinga Ora would also be empowered, prior to a development plan being made operative, to intervene to alter consent conditions decided by a regional council. This is despite the agency not having environmental functions, mandate, or expertise. At the same time, regional councils would be largely sidelined from the planning process.

"Furthermore, while the purpose and principles of the RMA certainly look like they are safeguarded in the high level principles of the Bill, that goes out the window when it comes to consenting. When making decisions, a consent authority is specifically instructed to give more weight to a project's objectives, which could include a wide range of development-focused matters that are left open ended by the Bill.

"The approach to national direction under the RMA is also confusing. Decision-makers would have to ensure a development plan is "not inconsistent" with national policy statements, whereas under the RMA plan-makers have a stronger and more active obligation to "give effect" to them. The reason for this difference is unclear, and its potential impact is uncertain, but it leads us to wonder whether hard fought progress on issues like freshwater and biodiversity are now being seen as less important in and around cities.

"While we make a number of other points in our submission, overall we note a real risk that the legitimate quest for urban expansion, housing supply and the cutting of red tape is seeing us throw the baby out with the bathwater. Environmental protections should not be treated as planning constraints or obstacles to be overcome.

“This legislation, while it has some merit, really needs to be more tightly focused on the real issues. Dealing with nimbyism, amenity concerns and the coordination of land supply with infrastructure funding should be the focus. We need faster development of housing, but at the same time we need to create urban environments that work in harmony with, not override, the natural environment. Communities need to be liveable.

“We also have to keep in mind the need for deeper reform of the resource management system. The Urban Development Bill is nearly 200 pages long, is riddled with a maze of cross-references to other legislation, poses many questions that no doubt will require extensive litigation to resolve, and would introduce another layer of complexity to a system already crying out for simplicity and accessibility. The lawyers will have a field day.

While the Bill can certainly be improved in a number of ways, in the medium-term we have got to be looking for a more fundamental fix to our resource management challenges,” concluded Dr Severinsen.

The full EDS submission on the Bill can be found [here](#).