



Submission to the Ministry of Business Innovation and Employment on the Proposal to establish Urban Development Authorities.

This submission is from the Newtown Residents' Association.

Introduction

The Newtown Residents' Association has been an Incorporated Society since July 1963. We are residents and business owners from the Wellington suburb of Newtown and the surrounding area, who take a keen interest in the community and local issues. We are concerned with maintaining and improving our area's liveability, connectedness and sustainability and working to make our community a thriving, diverse, great place to live.

Submission

We wish to put on record our opposition to the overall proposal to enact this new legislation. While we recognise the need for new housing developments we do not agree that this is the way to achieve that goal. The extensive powers in these proposals allow developers to completely disregard the wishes, culture, and quality of life of the community concerned. The Urban Development Authority may have only a tenuous relationship with the Territorial Authority, and the community would have no way to hold the UDA accountable for the consequences of their actions.

Our opposition has been influenced by our experience of Special Housing Areas, and the distress that can be caused when a development overrides existing planning restrictions. It is unacceptable that while most home owners have the amenity value of their properties protected by District Plan rules, others can have these protections swept away with no right of appeal. Urban Development Authorities in the form described here continue and intensify these inequities.

The proposed legislation also overrides the ability of members of the public to have any meaningful input into decisions about how their community will develop and how it will plan to meet housing and other needs.

We have some comments on specific proposals, to illustrate our concerns.

Proposals 22- 33, the establishment phase, are as notable for what is missing as for what is proposed. Extensive assessment of a project is undertaken before any member of the public gets to hear about it, and the development powers to be used are decided at this stage, before any consultation. These powers can include compulsory acquisition (proposals 75-79) and the re-purposing of a range of reserves (proposal 89), as well as overriding existing district or regional plans (proposal 98). When, under proposal 25, consultation with the public is approved there are no guidelines for how the public are to be notified. It seems to be possible that this notification could be an obscure public notice that few if any interested parties were aware of. In particular there is no provision to ensure that people who would be directly affected by the development are told about it.

Proposal 27: “Any interested person can make written submissions in response to each proposed development project.” That, it appears, is the extent of the ‘consultation’. No dialogue, no oral submissions, no hearings. There is no guarantee that the submissions are read or considered. In Proposal 30 there can be amendments in the light of feedback, but there is no requirement for this. The next stage is moving to establish a development project by Order-in-Council, finishing with the final Proposal 33: No appeal is available on the decision to formally establish a development project.

Proposals 34 to 39, the Development Plan Phase, follow a similar pattern. By now, in proposal 34, the UDA must give paramount importance to the strategic objectives of the development. Although under proposal 37 interested members of the public can again make written submissions it seems clear that if these submissions are in conflict with the objectives of the development they will be disregarded. At this stage, proposal 38, if additional powers are needed to meet the objectives the developer can apply to have them awarded.

Proposals 41 and 42: Objections. Only ‘affected persons’ can object and this is quite narrowly defined. In practice there could be a whole community affected by a development that exceeded the usual height restrictions, developed land that was previously a reserve, or in other ways completely changed the nature of a neighbourhood. However it is probable that the majority of these affected people would have no standing. When an objection is permitted it is submitted to independent commissioners appointed by the Minister, who can seek further information and hold informal hearings, but there is no requirement for hearings. The commissioners make their recommendations to the Minister, and if approval for the development is recommended and granted there is then no appeal of that decision.

It will be clear that we object to all of these proposals, and as they are the essential elements of an Urban Development Authority we object to the proposal as a whole.

Thank you for the opportunity to make this submission.

Rhona Carson

President, Newtown Residents’ Association.

May 17th 2017.