Clause 1. Do you support a national policy statement on urban development that aims to deliver quality urban environments and make room for growth? Why/Why not?

Position
Yes

Notes
Yes. The RMA in its inception reflected a strong ideological position where it was believed that the ‘market’ was the best mechanism for managing the environment (broadly defined). Despite some amendments, this legacy remains. Yet, there is ample evidence of market failures and international research suggesting mixed economies are more resilient and perform better over time. The market does not always take into account externalities. The market is an expression of individuals maximising their interests and thus fails to recognise and account for ‘public goods’ and public bads. Urban areas are not sufficiently addressed in the RMA, nor are cumulative effects. This works both ways. First in the sense of a ‘death of a thousand cuts’ but also in denying us the opportunity to better understand how the ‘whole (of a city) is more than the sum of its parts’. The RMA does not allow us to identify and promote synergies and holistic, coordinated approaches. RMA-style strategic planning efforts, like the first Greater Christchurch Urban Development Strategy, were undertaken almost in defiance of then-Minister Upton’s. Whilst the RMA rightly highlighted bio-physical aspects of planning, it has become profoundly reductionist. In part this is due to the nature of evidence that stands up in the Environment Court. There are scientific tests for (c) avoiding, remedying and mitigating adverse environmental effects, but few robust methodologies that establish with any certainty whether an action will (a) sustain[ing] the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; or b) Safeguard[ing] the life-supporting capacity of air, water, soil, and ecosystems. As I found during research in 2007, according to one participant: And I think a lot of people make big miles out of the RMA. Sustainability, in the end, is just two lawyers debating it out forever and a day. It's just that one group of lawyers will be paid by someone longer than the other group of lawyers (p. 177, 2007). For this reason, the RMA is referred to by some as an acronym for the Rich Man’s Act.

Clause
Are there other tools under the RMA, other legislation or non-statutory tools that would be more effective in achieving a quality urban environment and making room for growth?

Notes
The connections and gaps between the RMA and LGA need to be better understood. Infrastructure and service provision are not recognised by some as the core business of ‘planning’ (which is too focussed on the RMA in the NZ context). Successful spatial planning – where land use and infrastructure are increasingly considered together – will require some revision of both the LGA and RMA. The Greater Christchurch Urban Development Strategy/Greater Christchurch Partnership is an example of a way in which some of the problems associated with our current legislation have been addressed. This has actually proactively dealt with some of the issues the proposed suite of new NPSs are designed to address. While it raises the question of whether these NPSs are actually necessary (given there are other mechanisms that could clearly be used), central government is inconsistent in its support for this kind of planning. An NPS on urban development would send some clear signals that spatial planning is to be encouraged if not required. A well-considered NPS on UD could eliminate the need for other, potentially
contradictory or conflicting, NPSs (on versatile and high class soils, waterways). There are other non-statutory tools and methodologies that arguably deliver quality urban environments. The problem is that we live in a diverse society and there is no ‘one size fits all’. Furthermore, ‘the state’ (whether central or local government) cannot control cities; indeed their influence is in many ways quite limited. Thus we need to find, promote and enable better ways of planning collaboratively to address problems and seize opportunities through new ‘institutions’ (e.g. the Canterbury Water Zone Committees, Urban Design Panels, or smaller scale ‘brokers’ like the Life in Vacant Spaces Trust), ‘funding arrangements’ (some contingent funding needs to sit outside LTPs to enable a more responsive local government, and ‘programmes’ (like the Strengthening Community Action Fund (SCAF) and Community Renewal Fund (co-ordinated by HNZC) in the early 2000s or the current community revitalisation project which is a collaboration between the Christchurch City Council and Te Whare Roimata). Social procurement policies might be encouraged thus the role of the Office of the Auditor General may need examination as they assess ‘cost-effective delivery’ over different time frames. The absolutely critical role of the Third Sector needs to be better recognised. Under a right of centre government, it is thought that if there is a need, there should be a market response to address it. Left of centre governments tend to think the state can meet need better. In both scenarios, the TS is under-valued. Our research – First to Respond, Last to Leave (Vallance, et al. 2015) and Temporary Use and the Ontological Politics of Public Space (Vallance, et al. 2017) - suggests their role in disaster recovery, but also peacetime, is crucial making better urban environments as they sit between the market and the state, right at the coalesce of service delivery actively doing collective wellbeing. Their role could be strengthened so as to better withstand the vicissitudes of electoral cycles. In order to ‘See Like a State’ (Scott, 1997) governments chop the urban environment and its inhabitants up into mesh blocks, wards, government departments, workstreams, cycleways…And the focus is often on physical or tangible/design elements (urban density, number of homeless people) rather than the processes that lead to these ‘see-able’ outputs. We need to recognise that the processes of planning have outputs but also outcomes that really matter: developing leadership or growing capability (see Vallance et al., 2019). These are what are actually required to make better places (Healy, 2010).

**Clause**

**Question 2.** Do you support the approach of targeting the most directive policies to our largest and fastest growing urban environments? Why/why not?

**Notes**

While this does not directly address your question, in my position of Director of the Planning Programme at Lincoln University, it is becoming apparent that NZ is facing a massive shortage of planning professionals with the ability to think about the ‘big picture’ and make balanced decisions. For many years, planning and planners have been regarded as ‘regulators’ rather than ‘enablers’ and ‘bloody bureaucrats’ rather than ‘stewards’. The profession needs to be promoted rather than denigrated. Further, central government could do better in understanding how local government works (and vice versa). I’m not entirely joking when I suggest that anyone playing a major role in developing this NPS work for 6 months processing consents at a district/city council. With this in mind, to answer the question (can you suggest any alternative approaches for targeting the policies in the NPS-UD) more directly, I would suggest more actively building capacity and capability in the profession so that our smaller districts have access to planners with appropriate skills.

**Clause**

**Can you suggest any alternative approaches for targeting the policies in the NPS-UD?**

**Notes**

While this does not directly address your question, in my position of Director of the Planning Programme at Lincoln University, it is becoming apparent that NZ is facing a massive shortage of planning professionals with the ability to think about the ‘big picture’ and make balanced decisions. For many years, planning and planners have been regarded as ‘regulators’ rather than ‘enablers’ and ‘bloody bureaucrats’ rather than ‘stewards’. The profession needs to be promoted rather than denigrated. Further, central government could do better in understanding how local government works (and vice versa). I’m not entirely joking when I suggest that anyone playing a major role in developing this NPS work for 6 months processing consents at a district/city council. With this in mind, to answer the question (can you suggest any alternative approaches for targeting the policies in the NPS-UD) more directly, I would suggest more actively building capacity and capability in the profession so that our smaller districts have access to planners with appropriate skills.

**Clause**

**Question 3.** Do you support the proposed changes to FDs overall? If not, what would you suggest doing differently?

**Position**

Yes

**Notes**

Yes, I am supportive of the proposed changes. However, the international literature acknowledges a wide range of challenges associated with spatial planning (Albrechts, 2004, 2015; Alexander, 2000; Almendinger, 2009; Friedmann, 2004; Mantysalo, 2013; Mazza, 2013), not least of which is how to ensure that those living and working in the targeted area have appropriate opportunities to influence it (at the right scale, at the right time). This goes well beyond providing ‘consultation’ opportunities but, instead, means moving to more empowered forms of participation (as detailed in, for examples, Arnstein’s ladder or the IAP2, see also Vallance, 2015 and 2015b). Spatial planning alone is not the silver bullet. It must be integrated with other forms of planning, particularly those that coordinate neighbourhood-scale community/infrastructure development (as seen in Aranui and Inner City East in Christchurch) and other micro-spatial practices now commonly associated with tactical and adaptive urbanism (Webb, 2018; Silva, 2015; Vallance et al. 2014; Lennon & Moore, 2018). As a bit of an aside, your discussion notes ‘We want the FDS to be clear about where development can go, how the infrastructure to support it will be provided, and the local authority’s contribution to that infrastructure’. Will a revised RMA provide TA’s with the statutory teeth to deny developments if funding is insufficient? Or will they be left paying the bills once the developer has left, as they often do at present?
Clause
What impact will the proposed timing of the FDS have on statutory and other planning processes? In what ways could the timing be improved?

Notes
You suggest neighbouring TAs work together. This is sensible but many TAs are reviewing DPs at different times or undertaking rolling reviews. Add Regional Plans into the mix and you have potential to generate very, very poor relations among neighbours if timelines are too tight and resources (skills, information, funding for the considerable amount of staff time this will take) are not forthcoming. Who is going to pay for the work needed to undertake this work? TAs? By increasing debt? Ratepayers? TAs are essentially competing for rate payers, thus developing a coordinated urban development approach is a delicate task. Central government is also proposing 3 other NPSs all of which impact on urban development. While the latest Planning Quarterly article suggests central government is mindful of the need to consider these in a coordinated way, I doubt it's possible given the overall scope in the timeframes indicated. The risk is that you drive TAs to tick boxes to meet deadlines rather than provide the direction and resources needed to give effect to the broader intention.

Clause
Question 4. Do you support the proposed approach of the NPS-UD providing national level direction about the features of a quality urban environment? Why/why not?

Position
Yes

Notes
In general I am supportive though I would point out that even the most reductionist bio-physical environmental interpretations encouraged under the RMA have given rise to a new breed of very expensive consultants that help developers navigate the extant legislative hoops. Indeed, only the fairly well-funded can afford to build our contemporary cities. This has led to market capture by a select few, increasingly corporate enterprises that generally provide the same cookie with different coloured icing. Alternative housing typologies (esp. mixed use) and ownership models (communal ownership or even cross-leasing) are prohibited by complex consenting and risk-averse financiers. Will your proposed directions make a diverse range of housing more or less likely? What kinds of methodologies and evidence will those providing housing and other infrastructure need to satisfy these directives? What evidence will stand up in Court?

Clause
Question 5. Do you support the inclusion of proposals to clarify that amenity values are diverse and change over time? Why/why not?

Position
Yes

Notes
Yes. Is there room for other mechanisms (through, say, community renewal programmes) to co-design, deliver and iteratively manage neighbourhoods that sit alongside standard single-development consenting models? In NZ we have few opportunities to undertake large (or even medium) size brownfield development. Our blocks/neighbourhoods are composites of individuals with very few ways of co-ordinating housing and other service provision on-going (Vallance, 2013). We design the house/apartment but not the means through which these sites are ‘governed’ by their inhabitants. Residents Associations are often locked into adversarial arrangements with TAs. There is pressure to amalgamate to bring economies of scale… but at the expense of decision-making at the right level. The drive for accountability means decision-making power is often located many tiers of management away from those affected by the decisions, via accountants, consultants and other experts that demonstrate a ‘transparent’ if hideously expensive process was followed. As we were told by one TA employee during our recent research: ‘In some [other] organisations it can be like a witch-hunt. Everything is eggshells. So you’re constantly arse-covering rather than getting the job done and checking 3 times that the forms are all ticked so that no-one can blame you’ (In Vallance, et al. 2019, p. 26). Cities are lively and they need a living regulatory environment to enable responsive and nuanced decision-making.

Clause
Question 6. Do you support the addition of direction to provide development capacity that is both feasible and likely to be taken up? Will this result in development opportunities that more accurately reflect demand? Why/why not? (see questions A1 - A5 at the end of the form for more questions on policies for Housing and Business Development Capacity Assessments)

Position
Somewhat

Notes
No comment on sufficiency other than above (how will inadequate funding for infrastructure translate into land-use policy) but I would like to interrogate the notion of feasibility, beyond feasibility for developers. The GCUDS/OurSpace now includes a range of constraints that seem to pre-empt the proposed NPSs to some extent as it recognises: Natural Hazards, Ground Water, Versatile Soils, Outstanding Landscapes. These, as much as financial return, should inform our understanding of feasible.

Clause
Question 7. Do you support proposals requiring objectives, policies, rules, and assessment criteria to enable the development anticipated by the zone description? Why/why not?

Position
Somewhat
Notes
The proposed policies and objectives should explicitly mention cumulative effects. E.g. P5D: When making planning decisions that affect the development of urban environments, local authorities demonstrate analysis that includes: a) a clear articulation of the resource management matters being managed b) an assessment of the costs and benefits of different options for urban development and their INDIVIDUAL and CUMULATIVE contribution to achieving a quality urban environment (as described in Objective 1) c) an assessment of the INDIVIDUAL AND CUMULATIVE impact of different urban development options on providing enough development capacity. An important issue here will be developing robust methodologies that actually allow such evidence/assessments to take place when 'the whole is more than the sum of its parts'. Such assessments cannot be undertaken by one set of disciplinary experts (avoid relying solely on an Urban Design Panel) but through, for example, participative design and co-management.

Clause
Question 8. Do you support policies to enable intensification in the locations where its benefits can best be achieved? Why/why not? (for more detail on the timing for these policies see discussion document, page 53)

Notes
The issue with MDH/infilling is not that the regulatory environment discourages it (though I support more enabling policies) but that the market doesn’t support it. This is because a) Newer developments have a price-point well beyond that which new/young market entrants can afford. They instead begin their housing journey in the suburbs and that’s where they stay. b) Developments are piecemeal and not coordinated with other services and provisions. Externalities (loss of privacy, parking, access to quality greenspace, access to the full range of amenities higher densities should, but often do not, actually provide). c) Limited options for mixed use due to the building code that makes it hard for retailers to provide residential options above a ground floor store. Focussing on density rather than coordinated provision is just dense. An interesting example of co-ordination is details by Dawson (2011) in his study of a Vancouver neighbourhood 'where a proposed high-rise project was initially resisted by community members, but has subsequently been embraced by them. It is argued that in this case, through a participatory and debate-centred planning process, urban intensification and neighbourhood character became mutually dependent in an unlikely form of urban symbiosis'.

Clause
What impact will these policies have on achieving higher densities in urban environments?

Notes
The use of the blunt axe of density will, perversely, most likely drive sprawl as people flee uninhabitable, inappropriate, noisy, chaotic and poorly serviced areas of intensification over which they have no control and no means of participating in decisions that affect them.

Clause
Question 10. Do you support limiting the ability for local authorities in major urban centres to regulate the number of car parks required for development? Why/why not?

Position
Somewhat

Notes
Car-parking requirements should be modified and probably removed, though more research is required before such decisions are made. For example, in higher density housing areas, some mix of private/public car-pooling/car-sharing provisions should be included. In the interim more support for cycleways and public transport could be provided.

Clause
How would the 18 month implementation timeframe impact on your planning processes?

Notes
Chaos and conflict.

Clause
Question 11. Do you think that central government should consider more directive intervention in local authority plans?

Position
No

Notes
No, absolutely not. Direction should be given on how, when and WHY (e.g. through which participative/collaborative processes) such rules might be bent. This is the only way the overall intent can be upheld. Broader issues, including how the building code discourages mixed use and risk-averse financing/cooperative/alternative housing also need to be considered.

Clause
Question 12. Do you support requirements for all urban environments to assess demand and supply of development capacity, and monitor a range of market indicators? Why/why not?

Position
Somewhat

Notes
Ideally yes, Pragmatically, it will be difficult for smaller TAs to do this work. While the obvious solution is amalgamation,
subsidarity must also be considered and amalgamation may not be the answer. Maybe central government should do this work.

Clause
Question 13. Do you support inclusion of policies to improve how local government works with iwi, hapū and whānau to reflect their values and interests in urban planning? Why/why not?

Position
Yes

Notes

Clause
Question 15. What impact will the proposed timing for implementation of policies have?

Notes
The timing is too tight, particularly around the intensification plan. The impact will be negative.

Clause
Question 16. What kind of guidance or support do you think would help with the successful implementation of the proposed NPS-UD?

Notes
Promote increased capability and capacity in the planning profession. An indicative list of methodologies (e.g. Tait et al. 2016), that generate the kind of evidence needed to assess/monitor and evaluate some of the concepts and intent underlying the NPS (such as cumulative effects, 'wellbeing', robust participative design processes, risk assessments (around, say, natural hazards esp. sea level rise), etc, etc), examination of the roles of financial institutions, the building code, LGA, auditor general and the third sector. Do some time in the consenting department of a TA.

Clause
Question 17. Do you think there are potential areas of tension or confusion between any of these proposals and other national direction? If so, please identify these areas below and include any suggestions you have for addressing these issues.

Position
Yes

Notes
The intent of other proposed NPSs could conceivably be addressed through a NPS on UD promoting better spatial planning as seen in GCUDS/OurSpace. This means considering how the RMA and LGA mesh, and how the relevant staff in TAs work together.

Clause
Question 18. Do you think a national planning standard is needed to support the consistent implementation of proposals in this document? If so, please state which specific provisions you think could be delivered effectively using a national planning standard?

Position
Unsure

Notes

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