Submission on the MFE proposed NPS - UD (National Policy Statement for Urban Development).

Introduction

Tena koe / Greetings,

I am not going to use the encouraged and standardised form of online submission because in my many years of experience across these fields it constrains both the opportunity for insight and the ability for a wider lens - to challenge the implicit givens, to elucidate context and to raise matters not within the prescribed confines of the managed debate. My submission will do all of those things.

Secondly, and to give weight to this submission I will introduce myself and briefly skim over the experiences of the life that lead me to the conclusions contained in this submission. I am a native of this land, an indigene, a Maori. I am older and as a consequence, I trust, a little wiser. I have had, over my life time (currently 72.5 years not out) direct experience and involvement in most of the fields I reference and in the local government area especially, and including extensive experience in and involvement with the RMA and its predecessor the T & CPA and hands on experience within local government, for example six years as chair of the Maori Representatives Committee of the (then) Auckland City Council. I have a tertiary level qualification and have spent much of my life as a teaching academic and have had very extensive and lengthy involvement in what the late Dr Ranginui Walker called “cultural politics”, as an active member of a Maori Committee, District Council and with the New Zealand Maori Council. Notwithstanding the fact that I have been an urban dweller all of my life, I have also made extensive input into whanau and hapu land development, including forestry and have had extensive involvement in the Fisheries industry. I have had well over forty years experience in the planning field including innumerable cases representing Maori interests before the Planning Tribunal, Local Government Commission (Motiti Island) and Environment Court including several “famous” victories.

Via a long involvement with urban marae development in Tamaki Makaurau I have also had hands on experience in the tourism area and in regard to Maori tourism in particular. I have also had extensive business experience including working within both private and public company areas to Board level in the second instance. I am now theoretically retired and have lived on Waiheke Island for the last 23 years. Over that period I have practiced as a Public Sector Consultant specialising in local government, Maori, RMA and Treaty issues. I have represented primarily Maori clients in many judicial fora as mentioned above, including the Environment Court and Waitangi Tribunal. I’ve also written a book or two or three, across these and other fields.

Importantly as a Maori I am an urban refugee, my parents having left my tribal homelands, as many did, to move to the cities, in this instance Auckland. Today, Maori are predominantly urban dwellers but in the vast majority of cases, not happily as the statistics demonstrate. And in the urban context they remain significantly “invisible”: neither understood by Councils or Planners or provided for. These situations need to cease as a matter of urgency, not just for Maori but for the common and community good and if the term “justice” in this instance social justice, is to have any real meaning beyond the current position of minimalist recognition.

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As a Maori when you ask me to look at issues that need to be addressed in urban development I begin with the past, the Maori experience of the phenomenon in accordance with the dictates of the whakatauaki (traditional saying) ka mua, ka muri - that the future can only properly be viewed by learning from the past.

Up until the end of World War II, although more correctly Maori became more mobile during that war as part of providing workers for the war effort. Maori women especially. Up until that period the Maori population remained largely rural based.

Then, in part to meet labour needs and partly because land laws and planning laws made development of their own lands increasingly difficult (for housing for example) - Maori drifted or were actually encouraged by government policies and assistance, to relocate in the urban areas, the cities. The history of each experience differs, with Wellington as an example having both a land owning presence (via the Wellington Tenths land holding reservations) and traditional marae in the city centre.

Auckland was different, with the establishment of the city following on from acceptance of an invitation (to Captain Hobson) to do just that, from the leading Ngati Whatua chief Apihai Te Kawau who signed the Treaty in 1840 and the same year put aside land on the Waitemata for a major Pakeha settlement, including most of the land involved in today’s CBD. However having a city in your rohe (territory) rapidly morphed from dream to nightmare for the Mana Whenua.

Fast forward 110 years to an impending Royal Visit in 1950. Ngati Whatua were forcibly relocated from their ancestral marae in Okahu Bay, their houses demolished and meeting house burnt down and the people relocated to an enclave of state rental houses out of sight and mind, up on the adjacent hill in Kitemoana Street. All that was left to them the bay, was a small church and urupa (burial ground). The new “settlement” rapidly became known locally as “Boot hill”. The government and local council had perpetrated many blows to Ngati Whatua Mana long before then. The bay, containing their ancestral marae and kainga (village) was cut off from the sea by construction of a coastal road. The famed (in Maori heritage) landing site of navigator Okahumatamoemoe after whom the bay was named, was cut off from the sea. Incidentally this important dimension of Maori heritage in this bay, in this city, has never been officially recognised or marked in any way, in particular in the bay itself.

Further the major sewerage pipe outlet for the growing city’s sewerage ran around the same bay to the further most point (now the location of a wharf) and out to sea. Here the waste was discharged. So the children of the village, used to swimming in their bay, continued to do so and frequently tidal conditions “blew” the discharges back into the bay. They swam there nevertheless. Further because of the sand base of the beach and the nearby location of the urupa (burial ground) the same sewerage tainted sea water washed around and through the bones of their buried Tupuna (ancestors). Further, the sewerage made traditional shell fish gathering sites in the area, untenable.

It is no understatement to say the Mana of these people was deliberately crushed and insulted. In reality one could even say it was defecated on. To do this subject justice, would include the legerdemain that saw their land reserves lose their inviolate status and many other hurtful
injustices. The Waitangi Tribunal Report on the Ngati Whatua Treaty claim covers these areas more fully.

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Providing redress, reparation and utu for these acts of colonial oppression and racism, on through to numerous more recent and on going acts of bungling local government incompetence, and structural oblivion and institutional racism in regard to Maori in the design, frameworks and directives of the NPS - UD, is critical.

Finally actually listening to and taking into account and providing what Maori seek within these frameworks - is the highest priority. I am tempted to say astonishing (but having worked across these areas for well over half a century, sadly it is still the norm) it is not well understood or well provided for in the draft framework and discussion document.

This includes making full and proper recognition of areas of heritage significance to Maori in the city as an important part of what must be provided for in the NPS. This compliance must be directive in the NPS as it is obvious that both Auckland Councils (past and present) and Government (Department of Heritage) are not either competent to do so or are unable to recognise their obligations under Te Tiriti o Waitangi for whatever reason.

The NPS should direct that both iwi (at their complete discretion as in the case of certain Waahi Tapu they may elect not to identify locations) and urban Maori authorities, can provide Council with sites of heritage significance to them and then direct actions Council must take to acknowledge them both in terms of protection and recognition. It should be remembered in this regard that iwi with an interest in this area may no longer hold Mana Whenua status as Maori history in Tamaki Makaurau is layered as the name itself implies, but still wish to have sites in the city recognised for their Maori heritage values specific to that iwi.

I will illustrate this from knowledge in regard to one of my own iwi Ngati Awa - their interests would include the Owairaka area, involvement in the Pa modifications on Maungakeikei and a Tauranga Waka (traditional canoe landing site - Mataatua waka) in the grounds of Unitec. Tainui might seek further recognition or protection for Pukekaroa in the Auckland Domain and along with other iwi, recognition of Pukekawa hill itself in the same location - specific to the Land Wars. Ngati Whatua may seek recognition of the heritage importance to them of Bean Rock (on which a lighthouse now stands) in Tikapa Moana (the Hauraki Gulf). There are many other examples known to the writer and I have made no attempt to research the area more fully.

A couple from my present locale Waiheke Island illustrate how hopelessly incompetent present provisions are in this area in the Planning framework, rendering the various Maori specific and Maori interest provisions and Treaty section in the RMA, all but meaningless in reality. The island contains an important Tauranga Waka where the Te Arawa Waka was landed and re-lashed. The site is adjacent to two important Pa, one Ngarowhenua Pa - has since been all but quarried out of existence by the Council but that does not mean it’s heritage significance should not be properly recorded and known. It is not provided with any recognition or protection in the operative HGIDP. Nor largely is the remaining adjacent hill Pa that is located next to the islands only golf course. The Tauranga Waka is at the base of this second Pa, on the coastal edge. To carry on a theme, as it is
near to the fifth tee it may well be a place where a golfer might choose to relieve a full bladder when playing a round of golf.

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There is no identifying signage, no protection of a very significant Maori heritage site - nothing but ongoing racism, marginalisation and oblivion.

Also lacking any recognition or protection but protected by chance as the area is in sole ownership and lacks public access, is Owhiti Bay, likely to be the oldest Maori settlement site in Tikapa Moana and a place where, in the writers direct experience Maori burials are in the seated position- a sign of their antiquity. That has not prevented the site from being plundered by heritage prospectors, with at least one collection of artefacts from this location being held in the Auckland Museum. They ought properly be immediately returned to Ngati Paoa Iwi. Almost all areas of Maori heritage on the island, including battle sites, lack any recognition or protection. Some are identified, such as the important site on Piritahi marae, but that was done by the Marae Committee not the Council and yet again, does not feature in the District Plan.

Indeed Maori on the island, in both heritage terms and ( see later ) in regard to Maori Tourism development, and to their critical Treaty rooted role ( also recognised in the RMA ) as Kaitiaki ( in the environment and biodiversity protection areas specifically ) suffer from that famous indigenous invisibility proclaimed by Paolo Freire. This must cease.

An obvious question across this subject. Why have I included urban Maori entities / authorities. Two reasons because they are part of the Maori urban scene and development orientated and secondly because urban Maori are of non tribal ( Taura here ) status and have historical markers and heritage locations as part of that experience. The development of urban marae for all Maori, ( i.e not Mana Whenua specific ) of which there are many, was one response to the urbanisation experience.

A few identified themselves as being specific to a Waka/ iwi clusters or specific iwi and their tribes people, that were not Mana Whenua such as the Mataatua marae in Mangere or the Hoani Waititi marae and its link to Te Whanau Apanui iwi. Others are specific to the experience of establishing the settlement that became, in time, the city. An example is the Tauranga Waka ( canoe landing site ) where iwi from near and far ( including Waiheke Island ) landed primarily food supplies for the growing settlement. It is located at the foot of Constitution Hill where the original shoreline was prior to reclamations. It is, I understand, one of several pieces of Maori Reserve Land in Auckland City, none of which are identified and protected for their heritage significance. The canoe landing place is also where settlers cheered and jeered the piles of rotting Maori produce when they reached the point that they were no longer dependant on these Maori supplies.

As to heritage, one icon, lost now- was the Maori Community Centre in Fanshawe Street, CBD. This building played a key role as a meeting and socialising place for Maori in Auckland before urban marae sprang up, as well as a transition place for Maori to stay who were moving through ( North or South ) the city to more distant destinations. The Centre was demolished some years ago now and the land sold for just another anonymous office development. It would have
been nice to see a small plaque of some kind at the site noting the critical role this building played for urban Maori. Yeah right!!!

What took place for Maori in adapting to urbanisation in Auckland is replicated in other cities as regards marae development for example, in Christchurch and development of urban Maori authorities- in Hamilton ( the Kirikiriroa U.M.A ). In the latter regard the highest profile example in terms of national exposure is still in all probability the Manukau Urban Maori Authority ( MUMA ) in South Auckland.

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It also has its own urban marae complex - Nga Whare Watea marae. This is in large part due to the leadership of the late Bob and June Jackson. The writer had the privilege of undertaking the stakeholder consultation for and writing of the first MUMA Strategic Development Plan.

Maori settlement in the growing cities of the 1950s, was in terms of prevailing government policy at that time “pepper potted” or scattered. However in Auckland there was a natural aggregation of Maori in the older inner suburbs - Freeman’s Bay especially. Few echoes of that now remain as government policy moved to ghettoisation and Maori were driven out of the inner city to customised suburbs like Otara ( in Auckland ) or Porirua ( in Wellington ). An oddity that has survived in Auckland actually dates back to the 1930s, and that is “Maori hall” in Newton- see “Te Paparahi, Toi Maori” Holloway / Haddon, AC 2019:at page 47.

The introduction above is intended to give a first impression of the various Maori dimensions and areas of focus lacking in the NPS thinking to date. They are rooted in the past and grounded in Te Tiriti but as will be demonstrated later in this submission, in the unlikely event that the end result in somewhere near what I am proposing they offer exciting potential for appropriately conceived, scaled and defined growth and development ( not just growth “up and out” ), and not just buildings but more particularly of peoples, communities and of specific areas of the economy, tourism being a painfully obvious example ). Comments from this point on derive from, and are sheeted back to - the Government’s discussion document - “Planning for Successful Cities”, August 2019. Page references henceforth relate to that document unless stated otherwise.

**Message from Ministers** page -7. The message totally lacks the commitment to and for Maori, referenced in this submission and to that extent is deeply constitutionally flawed, in regard to Te Tiriti obviously, but also in regard to getting critical buy in and engagement.

**It is Maori who are the game changers here, not just their vast untapped potential, but in terms of correct engagement, empowerment and governance structures, responsiveness to incentives and their innate people first focus.**

Examples will be provided to underline this point. The message talks about the many failings in the present way we manage urban areas, housing being the most high profile example, and the need for adequate infrastructure and transport options / development both close behind it in priority terms. But the real failure centres on linking in productivity opportunities, jobs / employment. Or to put it in simple terms creating new business opportunities and expanding existing ones. Effective linking and rationalisation with other Policy Statements and related higher level Government Strategic Planning is also critical, an obvious example ( not mentioned in the discussion document ) is “He kai kei aku ringa” The Crown - Maori Economic Growth Partnership
Strategy to 2040. Two signature objectives in this strategy is Government in partnership with Maori enabling growth and Maori Inc (established Maori initiatives and enterprises) as a growth driver.

In this regard the Governments Urban Growth Agenda (UGA) is purportedly designed to “deliver these changes” by taking “a new approach to planning, based on the idea of making room for growth”. Includes reducing car dependency and fixing “our broken system for funding and financing infrastructure”. It seeks to “see central government work more closely with local government, the private sector and communities”.

A number of models are being mooted or are evolving and being developed, in particular for community engagement and collaboration, that in some instances already achieve these outcomes, and that can be further evolved, examined, tested and refined. For a mooted example see the Sea Change Plan prepared by the Hauraki Gulf Forum and its model for community management of Coastal areas, that includes an area of marine habitat. Other examples have been developed with Council CCOs such as the Memorandum of Understanding between the Waiheke Island Local Board and Auckland Transport CCO, and with Council departments such as Healthy Waters.

Implicit within these desires and objectives is a clear inference that past systems have abjectly failed in this regard and this needs to be stated and owned by both the Government and local authorities and to a degree explained. This is especially true as regards our present forms and systems for local government, in Auckland especially. We also need to take a very hard look at the wider framework within which the changes mooted (the NPS - UD) will sit, namely the Resource Management Act 1991 and ask ruthlessly and honestly, has it reached its “use by date” - is it really “fit for purpose” in a Climate Change dominated future?

For Maori bluntly, (I claim specialist expertise across this area, including being a member of one of the groups that designed the RMA in 1991 and as a senior advisor to Geoffrey Palmer when he was PM) the answer is that it never really worked from the beginning and with subsequent politically driven amendments both to it and later the LGA (e.g Nationals removal of the community well beings as the primary purpose of local government) that situation pertains notwithstanding some good gains such as the introduction of Maori Planning Commissioners.

A condition precedent to major change to our planning frameworks for this writer are much stronger provisions for TeTiriti and the wider related areas of the Maori interests in planning. The writer has for years, advocated creating a Maori Local Government Commissioner with a Maori interest / Treaty audit role and an ombudsman type function as another example.

These questions are in fact partly being asked, or at least called into question, but thinking appears oriented to inculcating spatial planning rather than rebooting the whole machine. See EDS 2019 Reform of the Resource Management System: Next Generation and the NZ Productivity Council “Better Urban Planning” 2017.

Secondly as the writer continues to deal with Auckland Council and other councils almost on a daily basis, there is a serious capacity issue as regards almost all Council planners and support staff, in regard to properly understanding these issues and how they should be effectively
provided for and given effect to in the extant planning structures, systems and practises. This raises important staff development issues for Council and applies equally to most political representatives. It may also in turn may reflect weaknesses in the Planning Degree qualification’s structure and content. The writer lectured into this programme many years ago now, but is not au fait with the status quo in this regard. Again these questions are being asked and answers are part of a necessarily wider solution and context for effective change.


And even from within Auckland Council itself - see “Cultural Values Assessments Negotiating Kawanatanga and Rangatiratanga through local government planning processes in Aotearoa / NZ - Literature Review, Claire Goode, Technical Report 2018/008. And yes there are glimmers of hope and change such as the AU “Te Whaihanga Project” which aims at preparing students and professionals to engage and work with Maori.

The current systemic failures are also tied to residues of both personal and institutional racism within both our universities and our local government structures, as well, of course being far more prevalent and deep seated in our society as a whole, than many would think. Systems in place to create change to this reality are hopelessly inadequate and badly mis-focused.

“Indigenous planning has always been ‘a work in progress’ ......but at its essence (is) fixed to the unchanging goal of Indigenous People’s self-determination” - Professor Hirini Matunga in “Theorising Indigenous Planning” in the book “Reclaiming Indigenous Planning” Walker,Jojola & Natcher, Canada McGill Queen’s University (2013) at 29.

Finally when we talk about growth as if it is some fix all magic mantra we must be very clear that we are talking about qualitative growth not growth for growth’s sake. It is this obsession, along with its partner, consumption for consumption sake as part of a capitalist economic model of mindless misappropriation, directly linked to mythologies such as Free Market policies and Economics, that are largely responsible for the issues being confronted in the urban planning arenas. More on this later.

3 Overview of the NPS on Urban Development and why it is appropriate - pages 16 to 19 that also covers replacing the NPS on Urban Development Capacity 2016.

Question - Do you support a NPS - UD that aims to deliver quality urban environments and make room for growth?

Answer - While I support the broad conceptualisation in principle that support is highly qualified, firstly in regard to provision for Maori and adequate references to Te Tiriti and related matters referenced in this submission and secondly because it is essentially a planning intervention within the RMA framework. Identifying and supporting solutions needs to be much more directed and directive and these need to be parcelled with initiatives under other legislation such as the Local Government Act 2002 and reforms to existing statutory blockages to progress (growth & development by Maori for Maori) such as in Maori land and Rating legislation.
Finally while local authorities have a planning role, I strongly believe they must take specific leadership interventions themselves, and partner with Maori in this regard and foster strong engaged and collaborative relationships with business to promote productivity and growth in particular.

**Targeting cities that would benefit the most** (pages 19 & 20).

The proposed NPS - UD continues the strategic approach from the NPS - UDC 2016 of applying some policies nationally and specifically targeting others. Thus some policies apply to all local authorities with urban environments.

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The more rigorous and demanding policies (in terms of local government responses required) apply to the main urban centres where population growth and housing demand create impacts of national importance. This optimises the benefits from meeting the more detailed and stringent requirements. The higher level requirement for full Housing and Business Development Capacity Assessments (HPAs) every three years is an example. There are of course, other forms of National directives available to the Minister for the Environment.

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

**Answer:** The targeted approach envisaged is supported in principle. Categorisation and definitions (such as that for an urban area) need to be treated with caution. Some policies need to be applied to all urban areas to meet related objectives (such as heritage protection) while reinforcing things like a sense of place/local identity and amenity values that sustain or even promote growth in these locations even if they do not meet the population benchmark for city status.

A couple of simple examples relative to Maori heritage protection. Whakatane has on the town fringe, an important Tauranga Waka where the Mataatua Waka landed. It is the very spot from which the town derives its name and needs the fullest protection and celebration. Whanganui another town is the location of the both famed and in more recent time’s infamous Moutoa gardens. It also contains this country’s first post settlement “war memorial” erected in 1865 to mark when local Maori repelled a Hau Hau attack on the town on the 14th of May 1864. It is a special part of that towns unique history and identity and again needs to be fully protected and celebrated.

The approach used to determine the definition of a major urban area is supported. The key pressure points are obviously demand for housing, population increase and employment availability. As to targeting policy alternatives - the writer favours less policies in isolation and more directives, tied to regular outcome reporting. Council staff performance capacity across these areas remains a concern for the writer but I do not see contracting out as a desirable or satisfactory alternative and Councils need to look at capacity building and staff development in these regards.
Finally the focus of housing pressures, especially cost and population growth need to be treated with considerable caution. Firstly because they are partly products of wider Government policies such as Immigration and Economic policies, and constraints implicit in a raft of recent public finance legislation - such as Reserve Bank Acts (from 1989 on), the Fiscal Responsibility Act and various Public Finance Acts.

Secondly because mechanisms such as HPAs are all good and well but if they are to have meaning, impact and produce the outcomes desired they need to be arrived at collaboratively with the business sectors already actively engaged in these areas and best able to define the locational and operational impediments to success.

This means yet again, local government getting out of its silos and actively engaging with the stakeholders involved. Recognising and removing barriers and providing incentives. Nothing new here, rating holidays as an example. However it would seem that this just hasn’t been done.

Sleepyhead as you likely know are the country’s major bed manufacturer and have been for decades. Recently the company announced that it had purchased 176 acre block of rural land in Ohinewai and secured local council planning approval to build a new plant and a small town including 1,100 homes to accommodate 3,000 residents who would make up its workforce. The workers can purchase these new homes for $500,000 with all services and facilities in place. Sleepyhead management stated that Auckland, their previous location, was “constricting their growth”. This was a billion dollar spend to create their own town “because the big city had priced them out of the market”. Yes, that’s growth and development, but not for Auckland. The house price makes the Government’s Kiwibuild house prices at about 50% higher, look completely stupid as well.

The writer knows of another new plant development that already has planning approval, going into the Raglan / Kawhia area, only a quarter of a billion dollar spend this time by a 100% Maori owned company.

There are models of housing development that are extant, that address the housing pressure issue, that are attractive to Maori that presently attract neither recognition, special provision for or incentives. An example to illustrate my point is the Earth Song Community in West Auckland. Maori are very interested in Communal housing models and this community has been visited by several iwi to see what was done. Again there is presently a complete lack of planning provision or other incentives for such models despite the significant economic and environmental gains they provide.

The same applies to providing affordable housing, in particular in regard to the high land value content in Major Urban Areas. Council performance broadly across these areas to date has simply been abysmal. Church based groups, particularly the Catholic Church in the Auckland area, have been building affordable houses for decades using a prefabrication methodology that allows (depending on capacity) the eventual owner (and friends and family) to make levels of direct
input into the build, by way of labour - to increase their ultimate equity. The crippling factor in reality in the affordable housing scenario is land cost. Again there are models from the past such as Crown Renewable Leases or available in the present, see occupation licences (supra) that might be used or adapted.

What if, for example Council and others (e.g. schools) offered fixed term leases for owned land, of areas fringing Parks, or unused pockets in school grounds, for the economic life of the house (say 30 years) at no cost to the eventual owner. The Council/School gets an income from ground rent, typically a percentage of the unimproved land value, which sensibly would be adjusted by review every five years of the lease term and in the Councils case rates as well. The house owner gets a top quality house fully insulated and with solar panels to augment power supply for as little as $250,000 maybe even less. Better yet all of these pepper potted projects would be in areas with fully completed infrastructure, transport and near by facilities. Council would have to speed change land use zoning in many instances which is possible.

Page 9.
I did a quick think exercise in my own immediate community with very little research and quickly identified sites for thirty houses. The largest project, eight houses, would require construction of a short access cul de sac from the existing road, but that cost would have been spread over eight sites. So, perhaps we haven't really got a housing crisis, simply a crisis of commitment and imagination.

But you should rightly challenge, you have only touched on affordable house purchase what about affordable rental housing? A good question particular in my community where rentals force people away both the quantum and availability. This is exacerbated by the hollow home syndrome in my community with holiday homes making up a proportion of the housing stock and that sit empty most of the year. Here I believe Council has to take a far more proactive, provider role and look at much higher density and medium density solutions. Again in my own community I know of two Council landholdings that could accommodate, in one instance a block of high rise style flats - say four floors, ten units per floor - forty flats. The second is much larger and could accommodate a significant medium density development of two level blocks - perhaps five units per block - ten blocks around a landscaped village space with an internal “common” public space - fifty units total. Due to the location this could be tied to a parallel village concept of as many residences again at minimal cost to Council but with a significant “ground lease” equivalent income. Owners would provide their own residences, although Council may look to provide a number purely for rent. A waste disposal solution would be needed for this second block whereas each of the five unit blocks first referenced would have a conventional but common facility.

So, one hundred units within walking / cycling distance of an established commercial village. Both developments would require planning interventions, presumably by way of public scheme changes. Where are the Council thinkers, planners and innovators in this regard - quite clearly fast asleep.

Finally in regard to Maori land for development of any kind but especially housing, there are major inhibitors in the land title situation (the Te Ture Whenua / Maori Land Act) in particular in regard to multiple land ownership. There are some solutions available here such as Partitioning,
Papakainga style development, Maori Reservations and occupation licences but again there is no broad recognition or promotion of these opportunities or planning or any other recognition or incentives to stimulate change / new development - for hapu especially where the drives for change properly reside.

Then there is the area of rating of Maori Freehold land and valuation for rating purposes (Rating Valuations Act 1998 S2 definition of “land value”). This is an area the writer has been actively engaged in reforming for almost twenty years, and while some progress has been achieved, major steps remain. The writer is presently working directly with the Valuer General (Neil Sullivan) and the local council, on improving existing frameworks as well as scoping further legislative change. See Rikys, “Valuation for and Rating of Maori land” TNT Press 2001, and as to the underlying political machinations “Local Government Reform and Maori” TNT Press 2004, and a more recent paper “Maori, Rating, the Treaty and Auckland Council” 2016.

The vast majority of people would have little knowledge of the vast damage the rating system has wrought on Maori people and their communities - in particular in terms of inhibiting (along with land law) their development and productivity. Or the damage local government dominated by a white (Pākehā) majority has wrought on Maori heritage, environmental, and landscape values, and on Maori society as a whole. Page 10.

The same implicit racism referenced above indicates that in some instances decisions taken by local government were expressly intended to have those consequences. Historic and analytical research on this subject is available, if a bit hard to find. As a case study I commend a Report Commissioned by the Crown Forestry Rental Trust titled “Eating Away at the Land, Eating Away at the People: Local Government, Rates and Maori in Northland” Bruce Stirling, August 2008.

4 Future Development Strategy - pages 21 to 25

This section is intended to provide the basis for “integrated strategic long term planning”. And provide “high level vision for urban growth” and “inform decisions about how to allow for urban growth” in plans. Page 21 contains a summary of the proposal that I will not regurgitate verbatim. These are lofty and desirable objectives, the emphasis on strategic planning in particular. They key word is “integrated” which in the writer’s very extensive experience in local government in the Auckland region in particular, is unprecedented to the present day and will present an enormous challenge. It also presents serious threats and dangers, as I will illustrate.

The situation rather reminds me of a quote from T.S Eliot:

“Between the Idea, And the reality, ...................Falls a shadow”.

The Summary (op cit) talks about upgrading the existing provisions in the 2016 NPS-UDC in regard to the requirement for local authorities to produce a Future Development Strategy (FDS) to “enable” a quality urban environment”. It specifically references “future urban areas” and that the FDS will be supported by an implementation plan. As suggested, based on track record in Auckland, the challenge to (now) the Auckland Council to integrate planning across the several critical areas (eg Transport) that make up a quality urban environment, is a huge one. It does not stop there, the planning must take full and proper account of issues such as heritage protection, specific to quality of amenity in particular, provision of open spaces / reserves / sport and
recreation areas, and take account of the needs of a racially diverse population and their cultural / religious needs etc etc etc. In addition, in existing urban areas within cities, there will often be competing priorities (eg for a new sports stadium for example) how will they be reconciled?

Certainly many residents of Waiheke Island would, having experienced two models of Auckland Councils since ceasing to be a County Council, would ask as a result whether the present Council is a “safe pair of hands” in this regard. Can it be trusted to be objective and balanced in its approach and with its perspectives. Most residents would give an unequivocal thumbs down to this question, which explains why, recently, along with other areas, they sought to escape the “Super City” but were rebuffed by the Local Government Commission.

Their dissatisfaction includes deep and consistent unhappiness with the Council’s Planning performance resulting in many community led protests and court actions against the same Council or approved development projects. Two recent high profile examples, the second one still in the Environment Court, involve substantial marina developments. I have spent more than two decades of my life leading many of these battles, along with others, and with some success. Initially representing community entities such as the Gulf District Plan Association Inc, later as Chairman of the Waiheke Community Planning Group Inc and in several cases representing iwi or the local Piritahi marae. Page 11.

I recorded / participated in wins in the Waitemata Infrastructure Limited (WIL) case, that saw the preservation of the Matiatia foreshore from a major development and ultimately forced Council purchase, the Awakiriapa Bay case, and the Ngarowhenua Pa case to mention a few on the island.

The penultimate example is worth a quick mention when I all but single handed took on both the then Auckland City Council and Auckland Regional Council who together had approved a major wharf development (as large as the Matiatia example) on a pristine section of Waiheke coastline intended to serve a high end subdivision. It was a famous victory.

However looking back, it was not much more than tilting at windmills with a Council committed to a development at almost all costs type culture that has seen planning protections fought for and built into the HGIDP constantly eroded away. The battle to preserve “Land Unit 20 Landscape protection” just one example. The fight continues without me in terms of recent involvements, due to health issues but for this community it is a bitter, expensive and exhausting struggle. And the threats and subtle erosions continue both in terms of the new Unitary Plan and gaping holes and omissions in it and the Waiheke Area Plan about to descend upon us to transition us through to a full Unitary Plan compliance. Residents by and large simply do not trust or have confidence in the Auckland Council. On track record, why on earth would you.

Based on my very extensive experience of and with the Auckland Council and its predecessors it is my strongly held current view that with its embedded organisational culture, its current staffing, in the planning area especially and its political leadership or lack thereof - it will seriously struggle to provide what the proposed NPS - UD contemplates, adding in the changes mooted herein, both for the Auckland region as a whole and for the Hauraki Gulf and Waiheke Island in particular. It needs urgent, major and drastic structural reform.

I could provide quite literally dozens of case study examples to support this unfortunate conclusion running back over thirty years but I wonder how many people realise that the stand off
at Ihumatao now in the news, another battle about preservation of important Maori heritage sites, derives in large part to the utterly incompetent work of the Auckland Council in creating the SHA (Special Housing Area) in the first place. I wouldn’t trust these people to manage a row of toilets in a diarrhoea epidemic.

I have talked elsewhere in this submission of evolving models of local government with much higher levels of community engagement / involvement and empowerment. This is of course a bottom up approach. The current AC provision in this regard of Local Boards is an embarrassing joke, they are so badly disempowered. Engagement with Maori in these evolving models should primarily be at hapu level where local government / resource management for iwi has always resided and worked traditionally. This will also allow for Maori specific roles and functions such as Kaitiaki, to be exercised more effectively.

As for Tikapa Moana / the Hauraki Gulf, it is a precious Taonga and of International importance environmentally as a unique body of water and environments and habitats. It has been so badly managed over many years by Pakeha Government, and inept local government (in particular in regard to land based effects and impacts) that the time has come to embrace a co-governance model with iwi, properly empowered and funded. Especially and in particular, in regard to fisheries management. Page 12.

The Sea Change Plan by the Hauraki Gulf Forum signals this move and its desirability and necessity is well understood at the HGF level at least (conversation with HGF chair John Meussen). Note that the Sea Change Plan itself contemplates community based models.

This brings us to the NPS - Urban Development proposals. The Western end of the island is urban in character based around growth from a set of linked villages with important green belts and bush reserves between them. The Eastern end rural, the demarcation recognised by the definition of the Metropolitan Urban Limits (MUL) line between the two. However this vanished in the Council’s Unitary Plan and it took yet a another court battle to get it reinstated.

We are in the middle of a local body election, voting closes on the 12th of October 2019. The present Councillor Mike Lee has been campaigning on the need to stop yet another Council scheme to bring full sewage reticulation to the island as a passport to growth and an a major increase in the island’s current population of 8,000 people. Like many coastal settlements it balloons up over the holiday period.

But it would not create a vibrant living urban environment it would simply destroy all of the special characteristics of the island within an extant situation where transport and other areas of critical infrastructure (eg storm water) are becoming more and more inadequate. The island’s economy is based on tourism and the many vineyards, olive groves and restaurants found on the island. Catering for this reality is another pressure point, getting the balance and scale right and having adequate facilities for the many visitors, in regard to Transport especially.

Will the planned NPS UD work in this type of scenario to protect communities for their highly valued character icons, landscape and amenity values and protect and even facilitate development of their economy?? That is the question.
The Summary talks of account being taken of “issues of concern” to iwi and hapu and of cognisance of their planning documents.

This does not go anywhere near far enough. Local authorities need to partner with iwi / hapu and urban Maori authorities.

This allows for direct Maori input into heritage preservation, recognises and provides for their role as Kaitiaki under the RMA and provides a knowledge exchange platform. Ngati Whatua in Auckland have already built over 600 houses for their people as just one example. This is partly recognised in bullet points three and six in the Rationale, it simply does not go far enough (inclusion of Urban Maori Authorities as one example, limitation of Maori aspirations to “Whenua Maori” another) or specifically provide for partnering. To take Ngati Whatua as an example again, they are already medium density accommodation developers in Auckland not just providing housing for their own people.

The writer remains neutral on the perceived advantages of spatial planning, both as to content and how it might integrate with and hopefully complement the RMA status quo. See heading “An integrated spatial planning framework” at the bottom of page 22. As to infrastructure funding there are suggestions that the UGA objectives include supporting private funding for infrastructure. There needs to be clear constraints on this option related to total permitted debt levels for local authorities. In the writer’s extensive experience, compartmentalisation of government funding can contribute to infrastructure shortfalls, tied to a lack of recognition of special circumstances scenarios.

Regions that attract high numbers of tourists such as Queenstown are an example. Special Development Areas need to be created, not just for Urban Development where the standard funding models and frameworks don’t work and yet important circumstances exist to justify additional funding that might be diverted from a closely related source such as regional or tourism development.

Let me provide an example from a recent situation I am dealing with. The Eastern end of Waiheke is rural, not urban - it contains farms, vineyards, and magical beaches and important reserves (eg Te Matuku) flora and wildlife. The main road, which is fully sealed, runs through to the “bottom end” of the island as it is known, to boaties especially and the small wharf at Orapui. A linking road, which is not sealed, runs from the main road in a loop of several kilometres to the northern coast to Man-o-War Bay, then on following the coastline south east to Orapui. The first half of this loop services the island’s largest vineyard with tourist facilities in the Bay. Despite its distance from the main Ferry terminal at Matiatia, the MOW vineyard and others located in this half of the island, are a growing tourist attraction. The loop road had deteriorated over recent years to the point were most taxi operators at Matiatia would not take fares over it. After a battle that problem was solved but attempting to get at least part of it sealed with AT and NZTA budgets having a city wide focus, was years, if not decades away.

However if only a portion of the required funding could be seconded from tourism development funds, or other like funds such as Maori development (Ngati Paoa station is on this road) it could be done tomorrow.
Questions: The proposed changes to FDSs are supported with the qualifications already referenced. The writer’s view is that they ought to apply to all urban areas as they will provide local authorities with an important integrated strategic focus and force longer term planning and thinking around competing priorities.

5 Making room for growth Pages 26 - 29.

As stated, this section of the NPS delineates how RMA planning instruments (policies and plans) and decisions made within them will both provide for and facilitate the desired growth (qualitative) in urban areas. The NPS is both guiding and directive in this regard - providing, as an example, an objective describing the features of a quality urban environment, and guidance in this regard in the NPS itself, in the preamble. It should be noted that this important objective includes consideration of “future urban greenfield development” as well as existing urban areas.

As noted Section 7 RMA requires decision makers to have particular regard to “maintenance and enhancement of the quality of the environment”. Quality issues are necessarily to a degree subjective, varying from place to place, and from community to community. Considerations that will be included are things like the established character of the area, street scapes and landscapes. For island communities that includes views out from the coastal fringe and views looking in. Planning policies can make a major impact in this regard. Page 14.

A quick illustration from Waiheke Island again, policies on development of coastal areas specified low density, large minimum lot sizes and significant re-vegetation / planting of lots. This transformed a coastal landscape reduced to green grasses hillsides by sheep farming to low density residential with major re-afforested qualities in less than twenty years. This example illustrates how local authorities must have a remit to actively promote quality improvements.

How can authorities determine what their communities want in this regard you might well ask? And is community desire the dictating factor in this regard. Coming back to Waiheke Island yet again, which has a very active and engaged community in this regard.

Planning is (or at least ought to be) guided by a non-statutory document initially prepared by the community after an extensive consultation and work shopping process. The document is called “Essentially Waiheke” and provides a community articulation of what the community views as the key character components of their environments, rooted in this instance in a set of villages from which development grew but critically separated by green belts. It also sets out community priorities around environmental management and is periodically reviewed. The operative District Plan (HGIDP) requires that it be “taken account of” in planning decision making.

Has it worked? To a degree but not to the extent many residents would want because of inbuilt cultural issues and biases in the Auckland Council planning decisions processes in the writer’s view. Should documents of this kind be given absolute status? No, because documents of this type tend to be the expression of an active section of the community, in this instance almost certainly a majority but large sections of the community for varying reasons, elect not to engage in the formation processes.

I move on now to quote and totally endorse a paragraph on page 26 as follows:
“Some planning decisions on urban environment” (and not just this area) “appear to consider only the effects on the natural environment or only specific amenity considerations and not how the urban environment meets the social, economic and cultural needs of people and communities. Many decisions focus on the adverse effects of development, and do not adequately address its benefits (including for future generations). This can have a local and national impact.”

I can only add - “amen”, and suggest that this is a result of both inherent weaknesses in the RMA itself and simply bad planning administration. Communities can get very frustrated and marginalised by these processes. Clearly not what local government is supposed to deliver.

Finally, there are other matters that impact on the quality of urban environments and in the second regard on all communities, that in part at least, fall outside the planning processes. The first is in regard to certain types of development that are seen as undesirable by communities. My first example is the proliferation of liquor selling outlets. This has generated community protests in the past but falls with the decision making aegis of the Liquor Licensing Commission. It’s undesirability for communities can be flagged as part of the proposal to included in the preamble referenced next but also when including amenity values in the proposed zone descriptions (see later). Only yesterday (9/10/019) a bottle store licence application was rejected in the Wellington area due to over 500 community objections. Page 15.

These proposed mechanisms provide a way for communities to flag what they desire in their urban amenity. My second falls more clearly within planning frameworks and that is communities (as part of amenity) specifying unwanted types of development, casinos and brothels might be two cases in point here. Then there is the proliferation of gaming machines in pubs, RSAs, etc – my understanding here is that there is a governmental sinking lid in place in this regard. But it is another matter a community might flag.

My second regard falls entirely outside the planning processes but impacts on amenity for Maori especially and that is place names. Most if not all were imposed over existing Maori names. Change here falls to the Geographic Board but it is a subject whose time as come. The name of “Auckland” city is a prime example. There is however the cost to change.

But it is more locally that they typically impact on amenity and sense of place. Some examples from Waiheke Island. A local applied to have the Maori name (Omiha) of the Rocky Bay Area removed. Thankfully he was rejected but my argument goes the other way and suggests we say goodbye to Rocky Bay. Another is Palm Beach on the island, it has a beautiful Maori name, Matapana Bay - that has been subsumed. And finally Okoka Bay - the name has survived. It is an important historic area for Maori, but a local years back found a dead dog there and it became known as Dead dog bay - even down to informal street signage. Time the dog was buried, along with the sign.

Now a quick comment on parts of the proposed preamble “wider description” of quality environments. The final bullet point is far too wishy washy, the word “reflecting” is a cop out and should be replaced with “protecting and enhancing”. Historical and cultural heritage goes to sense of place, identity or sense of self (both community and individual) and amenity and is of highest importance. Demolition of the last historic cottages in St Heliers shopping centre some years ago now, to make way for a commercial development, despite major community protests is a case in
point both as an example and because there was no planning heritage protection in place for them, as one might argue, there should have been. Finally, for Maori, in some instances heritage protection may be part of a Treaty right and an obligation on the Crown.

Finally, in this specific regard Maori history and heritage in particular should be an integral and directed (if not compulsory) part of good urban building and development design. Auckland Council leads the way in this instance with specialist staffing expertise available. Maori for this country is our point of difference, which should be recognised, celebrated and be reflected dynamically in our cities. Visibly and dramatically. And not just in sculptures, kowhaiwhai patterns on street and buildings, carved pou, and teko teko, te mere, te mere. What about a guided tour of urban/tribal and institutional (eg at AUT and AU) marae. There are at least half a dozen within 5 kilometres of Queen Street. Maybe a walking or cycling tour. Where in the largest Polynesian city in the world can you see a recreated hill Pa or pre-contact kainga???

We can do very much better in this regard than what has been done to date. See “Te Paparahi, Toi Maori” already referenced.

Secondly the reference to a range of transport options is more than a little weak in regard to the wider objective of promoting better options in this regard around less car usage and fostering walking and cycle use. These elements need to be specifically included and be well articulated, including adding after the word “options” the words “and incentives”.

Page 16.

Questions and answers

The writer supports the proposed approach of national level direction about the features of a quality urban environment subject to the qualifications already referenced above. In regard to objectives 02 and 03 - starting with 02 - as referenced elsewhere, for Maori it is not just about choice of home but the need to have planning provision for more communal style housing developments and options. Having to take a project through Councils hideously expensive and torturous Resource Consent processes would kill most contemplated projects across this area on day one, despite the enormous advantages and benefits and life style options they provide. Rest ok. 03 a bit wishy washy again - what about throwing in a few examples of the good, the bad and the ugly.

As to P2A and P2B - I suggest an addition being e) and c) respectively along the following lines:

“enabling as far as possible, developments in the urban environment that provide for Maori needs and aspirations specifically, including housing facilities, educational facilities, urban marae and Hau ora / Medical facilities, and Maori specific and driven tourism initiatives.”

Amenity values in urban environments

As noted, the RMA provides a definition in this regard which has an aesthetic focus. It is accepted that perceptions of quality amenity can be fluid depending on, for example shifts in the social composition of the resident population. One could add changes in the ethnic composition as well,
as cultural values implicit in amenity may alter in this regard. In some communities much higher value is placed on some aspects of amenity - such as landscape and local character - linked to historical evolution of that character - as is the case on Waiheke Island. The size, scale and location of development becomes important in this regard and is not limited to perceptions of built form but other changes that impact on the visual amenity and a strong and embedded sense of place. Thus there were significant and ongoing protests in the Waiheke community when the local public transport provider introduced double decker buses to the island. A protest that is ongoing and that is based on aesthetic considerations.

As mooted, assessment should be whole community based (Beca Report 2018), and impact focused. To take the bus example above, they are used solely for tourism purposes not public transport and objectors legitimately add the unsuitability of the islands roading network as a further reason for their unsuitability. In addition, catering for increasingly diverse future communities seems to be a logical given in this context.

Finally in regard to the third bullet point on page 29 specific to Maori under representation in RMA planning processes, the writer sees this as an accepted given. That means that more directive and prescriptive articulation of the relevant areas of the Maori interest are required for both present and future communities.

This should include the example I provide above as well as prescriptive content specific to Maori historic, heritage and cultural values. As I have already intimated in branding terms and sense of place terms, this offers major benefits to both the host communities and their economies as well as for Maori.

Page 17.
There are very uneven levels of engagement between iwi and local authorities and even less at hapu level. What levels of engagement occur between local authorities and urban Maori authorities (if any) is not known to the writer but sensibly and even critically in urban areas there needs to be not only engagement but a functional interactive relationship. Equally in regard to urban marae that are not Mana Whenua based. They represent local Maori communities and in some instances provide services to that community in areas such as education and health, and a level of engagement is therefore desirable. The urban (taura here) marae on Waiheke Island does have a level of engagement with Council, and has both a Hau ora (Health clinic) and Kohanga reo type facilities.

At the iwi level two relatively recent developments have improved Maori - Council relationships and local government performance on Maori issues. The first is development of the use of a Memorandum of Understanding between the two to define the relationship and areas of interaction. See Hewison, “Memorandum of Understanding between Maori and Local Government” TNT Press 2006 for a fuller coverage of this subject. The second is gradual implementation of the Maori political constituencies provided for in the Local Government Act 2002 in addition to the first of the second wave or model of Maori engagement, in the Bay of Plenty. See additionally Rikys, “Local Government Reform and Maori” TNT Press 2004 that looks at the 1988 and 2002 reforms, and Rikys, “Maori Seats and Constituencies in Local Government” TNT
Press 2004 which looks at the first and second waves of direct political representation for Maori on local authorities.

If the Government of this land actually want to effect major change in this regard; Maori seats / constituencies on local authorities should be mandatory (not subject to white democratic veto) as Maori sought when the LGA 2002 was being considered. And in Major Urban Areas where Urban Maori Authorities exist - they should have direct representation as well. This is long past due and now increasingly urgent if, as both communities and peoples, we are finally to escape the historic but still prevalent and ongoing injustices of white racism and white privilege.

Even more recently, via an amendment to the RMA in 2017 we have the introduction of Mana Whakahono a Rohe as a vehicle for local authorities to establish and develop dialogue and engagement with hapu and iwi in the RMA arena - referenced in the NPS UD discussion document on page 50. As already signalled elsewhere in this submission that leaves the position of urban Maori Authorities and Urban (non-Mana Whenua) marae across these areas, to be clarified and provided for.

Questions and answers

Clarification as to the diversity and fluidity of amenity values is supported. These features should be seen and presented as positives not negatives. It will help move the focus in this area from protection of the status quo, in regard to future planning in particular. To make a quick point while I have advocated direct provision for urban marae, in appropriate circumstances the same argument can be made for provision of a mosque, ignoring for the moment the additional Treaty dimension in the Maori position.

The inherent risks in a whole community articulation of and focus on amenity is that specific social groups (eg poor people), ethnic groups or specific dimensions or impacts (eg economic) are inadequately captured and expressed. Page 18.

The same applies to properly providing for Maori in this regard given their distinctly different world view - in regard to landscape values as an example which in Maori thinking can be linked to past Maori occupation or activities that might no longer be visually obvious.

Enabling opportunities for development Pages 30 - 33.

This is seen as a particular difficult area for local authorities, in particular in regard to both forecasting future requirements and providing opportunities to meet them or future capacity as an alternative expression of much the same thing. The wording to some degree is playing with semantics, providing “sufficient development capacity to meet demand” in the 2016 version to “enabling enough capacity to meet demand while recognising that not all opportunities will be taken up - one might add immediately or at all.

That brings us to the conundrum of how to forecast not only the demand the the various likely permutations of it, such as demand for a diversity of housing types, of locations, and of course of cost. This requires a range of diverse skills, excellent research and good collaboration and interaction with stakeholders in the business and housing sectors. It also requires a far more flexible approach to housing to include housing community living options and other innovations.
The same with house building approaches to achieve affordable homes as touched on earlier. And if a model has worked well in the past then foster and promote it, provide incentives, help make it happen. Think laterally, foster innovation, new and different ways of doing things, generate interest and involvement.

Enabling development of business capacity (aka opportunities), looks even more fraught with difficulty. Changing “targets” to “bottom lines” seems a bit like shuffling deck chairs. What is not said or even indicated here are the methodologies. Obviously some of this can be achieved with zoning changes to land and to development ceilings, height, density etc but what else can local authorities do in this regard?? Land is just the beginning, there has to be adequate infrastructure available, good transport links and for some businesses locations attractive to staffing needs/labour. The ultimate test is feasibility and that's a movable feast at best in a dynamic economy, And a dung heap in a stagnant one. This is anticipated to some extent with recognition of the likelihood of the lack of infrastructure disabling feasible development capacity. In such scenarios the solution is left up to the Government of the day to find an answer and likely fund. My suggestion earlier in this paper that blocks of dedicated Government funding be made more transportable, may be a partial solution.

Question and answer

Subject to the above reservations the additional directions in regard to development capacity are supported. As to whether that will result in development opportunities that more accurately reflect demand is crystal ball gazing given the volatile nature of demand and markets and financing.

Ensuring plan content provides for expected levels of development - pages 33 - 35.

The proposal here involves introducing zone descriptions for each zone at District Plan level, that describe the expected type and nature of development expected in the zone.

Page 19.
The NPS would require that development in the zone be consistent with the outcomes in the descriptions and further adjustment responses such as plan changes if evidence suggests actual development will not achieve the outcomes in the descriptions. The evidence assessed in analysis and decision making must be explicitly demonstrated to inform urban development decisions.

Questions and answers

The use of zone descriptions is supported as a means of clear signalling of development expectations and what communities can expect for their urban environment, with provision for plan adjustments being made as necessary. The provision for transparency in regard to local government assessment and analysis in this regard is especially supported to provide rigour in planning processes when it sometimes vanishes.

Inclusion of a full description of amenity values to be considered in assessing any development proposal would add rigour to planning decision making provided they are not just paid lip service to - in a myopic pro development local government planning culture.
Providing for intensification Pages 35 to 38.

The objective here is to provide provisions in the NPS - UD that would direct local authorities to enable higher density residential development in specified areas, in particular in Major Urban Centres. The specified areas would be selected by demand and price and existence of established facilities, transport links etc as well as proximity to work opportunities. In essence it seeks to maximise the benefits of intensification and minimise any negative impacts. The rationale for this proposal (Page 35) is accepted as accurate and valid. A question remains as to its desirability in regard to future urban environments given that intensification by its very nature carries with it, elements of amenity loss such as more people in a location, bigger buildings and in all likelihood less public open space.

Questions and answers

As above, the proposal is supported because there are clear need indicators and benefits. It is likely that it will take time for the proposed policies to impact on urban environments in regard to new major developments (builds) in particular. An option that might be included as an alternative to medium and high rise apartment style development would be communal based models already referenced. As to prescribing locations there are few options (if any) given the specified objectives. Expression of a prescriptive requirement should be based on a stated number of dwellings per hectare and a stated minimum dwelling size. Direct insertion of the policy as mooted should speed up the take up.

Providing for further greenfield development Pages 38 to 40.

The guts of this particular proposal is to provide for growth out from major urban centres, indeed from all urban centres, typically described as “greenfield development”. The objective is to deliver quality urban environments by ensuring that is managed in the best possible way. As already mentioned development demand is a movable feast, it can change both character and urgency quite quickly and is in large part demand driven, and demand can also be volatile. This requires management processes that can be really flexible and in terms of planning demarcations and sequencing, the ability to move (if needed) beyond areas immediately planned for - as is proposed. Thus the new and proposed system should be especially responsive to changing circumstances and conditions and opportunities. Indeed it is the writer’s view that in exceptional circumstances larger local authorities should look to drive desired change via partnerships with Maori and/or the Government.

Questions and answers

The inclusion of a policy for plan changes for out of sequence greenfield development or for development in locations not previously identified is supported. The need for flexibility in this area is critical to success. The policy might better enable quality urban development in a greenfield area is it includes for it includes amenity statements from the most affected community or communities. The criteria in the example policy appear sufficiently robust to manage environmental effects as needed and required.
The degree to which developers might be expected to finance areas beyond the actual building development, such as to provide needed infrastructure or to meet resulting environmental or social costs is another volatile area and not one where a specific answer can be given as it will vary from case to case. However if the development offers significant economic or social benefits such as creating significant employment, the Government ought properly to subsidise the project. These added dimensions are likely to slow uptake of development if not attended to expeditiously. As to possible improvements to the policy to improve responsiveness in not previously identified locations the answers are a degree of community ( and where available Maori ) involvement, promotion and incentives.

Removing minimum car parking requirements  Pages 40 to 42

The proposal here is to look at the current position where local authorities stipulate via a formula the number of car parks that must be provided for any new development in an urban centre. Various changes to the status quo are mooted. Change in this area is strongly supported. The current rules have become anachronistic relative to prevailing social objectives for transport in major urban area such as walking, scootering, or cycling and the climate change imperative in particular supported by others such as fostering public health. I favour option 1 taking regulation in this regard right out of the mix. It should be dealt with on a case by case basis looking at what transport options are available and the degree to which parking at all might be provided compared with what is available in the area. In today’s day and age employers ought, more and more to encourage staff to work from home when feasible. The wider rationalisation of parking use in an area across several sources is strongly supported.

Questions and answers

As already stated, I advocate removing all parking regulation for local authorities and I favour the option 1 model for change. The option 3 qualification could be added. In response to the final question the answer is bicycles, especially electric ones for the older folks like me. Hey girls and guys they can be “parked” in your office. What a huge saving in development cost and climate change impacts. Just do it.

Page 21.
My eldest son, in his forties, a senior IT executive, cycles to work in Auckland city and back, from St Heliers. It’s time we got real and started closing some roads to cars completely, in peak times at least, to begin with. Just cyclists, walkers, skaters, scooters and dogs - ooooo and public buses of course. And trains and boats and planes but not on the road. What joy!!!

More directive intervention to enable quality urban development  Pages 42 to 45.

The suggestion of more directive intervention in regard to rules in district plans is seriously. worth exploring and researching. At the end of the day it comes down to ground truthing and this means engaging and talking with the developers themselves and getting their feedback. Overly constrictive ( of development ) rules need to be identified and either modified or scrapped completely. The example of building height limits cited in the 2015 “Using Land for Housing” by the Productivity Commission is both an illustration and case in point - see page 43.
As noted the Beca Report recommended a review of development controls and rules in District Plans, to test both veracity and necessity in terms of managing effects. This recommendation is strongly supported.

Questions and answers

As already stated, more directive intervention in local authority plans is strongly supported. As to which rules need modification, that question needs in depth research to answer and consultation with developers in particular. As to the second question, permitted height is an obvious example and a constraint on density. There may be others. As to the third question minimum levels of permitted, as of right Development are supported as a means of providing critical certainty for a developer. And the answer to the last question is by stating very clear over riding objectives in terms of which rules take priority.

Evidence for good decision making  Pages 46 to 48.

Having an evidence base in regard to demand, supply and prices for housing and business land and understanding the impact planning has on these indicators is a bit of a no-brainer or given. It is understood that these are used and refined in arriving at the UBCA’s again a no-brainer. Using market information to make decisions is not much more than common sense. What is missing here is engagement with businesses and commercial and housing developers to fine tune this material and to pick up locational differences and nuances. It becomes obvious therefore that demonstrating use of this material in planning decisions via the Section 32 RMA reports in sensible and provides the requisite transparency in regard to this decision making.

Question 12 and answer.

The question as printed does not make sense but in terms of an obligation to maintain and use market based data bases - as referenced above the proposal is fully supported. However I am of the view that local authorities should be required to go beyond this point and actively engage with and consult and collaborate with the stakeholders in those market places.

Preparing an HBA  Page 48.  No comment.
Page 22.

7  Engagement on urban planning  Pages 49 to 51.

As stated we are dealing here with who local authorities should engage with in their urban planning processes ( and all other parts of the NPS ) and what engagement should look like. I’ve dealt with this area fairly fully already in this submission but will respond to this section as written.

Taking into account issues of concern to iwi and hapu

The summary of what is proposed here references inclusion of objectives and policies to ensure urban development takes into account ( my emphasis ) issues of concern to iwi / hapu as well as their aspirations in the same context. Thus local authorities will have to provide iwi / hapu with opportunities to identify “resource management” issues of concern and “indicate”how they have
been addressed via policies and plans. And do the same in regard to expressed aspirations. The RMA already requires that account be taken of iwi planning documents when preparing policy statements and plans and the NPS UD will extend this to requirement to provision of Future Development Strategies (FDSs).

There is a lot of good positive progress articulated here, in the Rationale (Page 49) in particular including the expressed objective of a culturally sound urban development system. The first two and last bullet points in particular. The right to be Maori in all of its multidimensional articulations sits at the heart of what the Treaty guarantees Maori. Inclusion of Urban Maori Authorities and Entities, fully and properly - is critical.

However the proposal mooted is far too wishy washy and limited to achieve those goals. In particular compliance in the urban planning processes with the principles of Te Tiriti o Waitangi and Crown obligations to Maori thereunder should be a required part of all processes. “Taking into account” as a performance measure is far too weak. Compliance must be “fully demonstrated and described”. In addition, where applicable reference should also be had to the provisions of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) - and again compliance with the relevant parts - unequivocally demonstrated. The two sets of obligations on the Crown overlap.

In addition, specific reference needs to be included in regard to iwi/hapu exercising their environmental role as Kaitiaki. This is a particularly important role that is all too often ignored or marginalised within local government activities and in regard to planning in particular. Lastly there needs to be recognition of the need for “capacity development” so that iwi/hapu and urban Maori authorities and entities can fully understand urban planning processes so as to be better able to interact with them. This is likely not a matter for local authorities and more a matter for other Government agencies like MFE.

I should also flag here in passing, although it is covered off in the Discussion Document - linkages to other Policy Statements in place or pending, such as the Proposed National Policy Statement for Indigenous Biodiversity - see Page 59, and National Environmental Standards. Particularly in regards to areas of particular interest and importance to Maori such as freshwater quality and the health of awa (rivers), roto (lakes), (puna) springs etc, and of course in regard to sea habitats and areas of great importance to Maori such as Tikapa Moana (the Hauraki Gulf). The interest is layered here both in regard to Kaitiaki and Whakapapa tupuna.

Page 23.

Interaction with Mana Whakahono a rohe and other iwi participation legislation

I’ve covered of this subject earlier. It is noted that the proposal does not limit existing agreements under other iwi participation legislation but that does not cover off a significant number of MOU (Memoranda of Understanding) that are extant and are not statutorily based and incidentally typically state that they are not intended to create binding legal relations. They do however play an important role in relationship development.

Question 13 and answer
The proposals set out in this section are supported with the specified qualifications above. It is my expert view that engagement with and involvement of Urban Maori Authorities and entities in urban areas (marae, Hau ora, wananga, kohanga reo, kura kaupapa Maori and even Maori specific sports entities) is critical. The potential for really positive change and evolution here is significant. For optimum beneficial impact it needs to be partnered with seats at the table, a full and proper role in local governance as discussed earlier.

**Coordinated planning** Pages 52 to 53.

Encouraging coordination and collaboration, alignment with infrastructure planning and decisions and encouraging local authorities to cooperate on principles and practices for partnering with iwi / hapu are all to some extent common sense objectives already referenced to a degree in the NPS UDC 2016. They are all supported and the policy on local authority engagement with iwi / hapu in particular. Once again it is important that this initiative be expanded to include Urban Maori Authorities and urban Maori entities.

**Question 14 and answer**

With the major specified addition above the proposed amendments and improvements are fully supported.

**Timing** Pages 55 and 55

The broad implementation timing set out and the more specific timetables in Table 4 are understood and appear reasonable. The timing of HBAs and FDS is, as stated made more difficult by the need for integration with Long Term Plans and Infrastructure Plans under the LGA, and more flexible timing is to be provided to allow for this, and to foster capability and capacity within local authorities rather than outsourcing.

**Timing of intensification policies**

It is noted that the NPS UD will introduce new direction on where intensification must be enabled via plan changes and an eighteen month timeframe for notification and implementation is mooted.

**Question 15 and answer**

Despite alignment needs in regard to National Planning Standards and in other respects for major urban centres this timeframe appears reasonable. It can be adjusted if that proves not to be the case.

Page 24.

**Guidance and implementation support** Page 56

The recognition of the need for change in planning practice and culture is applauded. Effecting culture change in organisations, particularly when the culture is deeply embedded, can be
particularly difficult and may need extensive support. This is both recognised and contemplated. Best practice guides seem an obvious option in this regard along with case study examples.

**Question 16 and answer**

As to what kinds of guidance and support might be provided, what is being considered is sound, I make an additional suggestions above. Shared (between several local authorities) facilitated workshops for planners via teleconference type video links - still another. At the same time we need to be constantly questioning the status quo - are there better ways to achieve objectives or even in articulating them more fully.

See the Productivity Commissions Inquiry into the Urban Planning system (op cit) and Auckland University - Creative Arts and Industries “The Future of Urban Planning and Maori” - which among other things seeks to “look beyond current arrangements and consider fundamentally different ways of delivering urban planning”.

**10 Alignment with other national direction under the RMA** Pages 57 to 61 No comment.

**Komutu**

I close my submission here while commending the Maori Contextual lens provided by Council’s APSR Department in Auckland Council’s submission and coverage of Te Tiriti in the same submission.

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10th October 2019