

13 December 2010

The Government is to be congratulated for its work to date on review and adjustment of the RMA to address both planning coordination, process efficiency and the urban environment. However the task is not complete and we consider that several initiatives are essential to achieve effective results. Five initiatives identified in the Discussion Document offer potential to significantly improve planning and urban design outcomes.

The following complements and summarises the detailed statements made in the submission form.

#### **1. Explicitly recognise the urban environment in the RMA**

Providing adequate recognition of the urban environment in the RMA framework is strongly supported, and this may be in a range of areas.

This may be by extending the Purpose of the Act (s.5) to specifically include recognition of the built environment. The purpose of the Act also needs to make clear the consideration and balancing of both the beneficial and adverse effects on the environment, and require that the net effects must be positive.

This may also be by reference to the urban environment in sections 6 and/or 7, and broadening definitions to specifically include the urban environment, with support from an NPS on the Urban Environment.

Amenity Values as defined (s.2) need a substantial re-consideration. This would test the ongoing validity of concepts such as aesthetic coherence in a context of changing towns and cities, and include reference to other qualities which are relevant to amenity. For example these might include sense of place, contribution to vitality and social interaction.

We need to guard against the possibility that, by these changes, the urban environment becomes protected in the same way the Act seeks to preserve the natural environment. A feature of a healthy urban environment is that it is characterised by change and development. The revised RMA should be forward looking, where good urban development is encouraged, and the existing urban environment doesn't acquire 'sacred' status as a default position. Sustainable management in the urban environment may in some instances lead to degrees of protection of the status quo, but it will be predicated on facilitating appropriate change.

In line with recognising that good quality development is crucial to the health and vitality of towns and cities, we also suggest either a new definition of heritage within the RMA, or supplementary guidance outside the RMA that allows for the concept of modern heritage to be developed. The definition of Historic Heritage (s.2) restricts the meaning of heritage to that with specific connections to our history, making it difficult to promote the concept of modern heritage. Historic heritage is thinly spread in our young country, and we need to consider not only promotion of good quality architecture, but also recognition of items of national architectural significance that, while not necessarily historic now, will later become part of our heritage.

## **2. Ensure the Spatial Plan for Auckland replaces the current multiple overlapping planning processes and guides a Unitary Plan**

The Spatial Plan must integrate both the RPS and RLTS in order to achieve the necessary coordinated effective outcomes, as well as efficient process.

We strongly support replacement of the current suite of RMA plans with a single unitary plan. While a Unitary Plan must respond to local conditions, consistency in the overall planning approach and its expression with a single set of definitions etc that apply across wider Auckland will simplify processes.

To allow for the necessary flexibility in processes while ensuring that the Spatial Plan provides vision for the city, lower order plans (including a Unitary Plan) should 'be consistent with' it, rather than being required to 'give effect to' the Spatial Plan.

It is important that appeal rights are provided for at an appropriate stage, either with the Spatial Plan or more desirably with the related Unitary Plan, with the appropriate methodology a legal process issue. However in allowing for the democratic process and checks and balances of appeals, the potential for filibustering should be precluded.

## **3. Establish an NPS on the Urban Environment**

An NPS on the Urban Environment should cover the broad range of areas relevant to planning and designing towns and cities. An example of the scope might be as suggested in this extract from the U-TAG report:

### **1 Intelligent growth management**

*Planning which integrates transportation and land use to achieve economic development, infrastructure and resource efficiency, and beneficial social outcomes.*

### **2 Response to local conditions and context**

*Successful planning and design is always with considered reference to local economic, social, cultural and environmental contexts.*

### **3 Distinctive sense of place**

*Celebrating local character derived from location, landscape setting and activity, and maintaining and expressing key items of cultural heritage.*

### **4 Ecological responsiveness**

*Recognising ecologically important areas and elements, and designing to maximise the ecological and recreational benefits gained from these.*

### **5 Network of connections to and within an area**

*Ensuring highly interconnected urban structures at macro and micro levels contribute to easy and efficient access, and support a range of travel modes.*

### **6 Mix of densities**

*Highest density encouraged in strategic locations to take advantage of infrastructure, promote active travel, with lower densities elsewhere.*

### **7 Choice of environment to meet preferences**

*Providing a range of neighbourhood and building types and lot sizes to meet preferences and address housing affordability.*

### **8 Mixed use**

*Mixing different activities to serve people and business; concentrating in city and neighbourhood centres, and dispersing centres to serve communities.*

9 Adaptability

*Recognising that change is inevitable and resilience is important, and designing structures, places and spaces to readily accommodate change.*

10 High quality public realm

*Streets and other open spaces that meet people's access and recreational needs, are walkable, safe and attractive, and support businesses.*

11 Great places to live

*Making neighbourhoods and dwellings attractive and desirable, especially medium and higher density residential. E.g. acoustic privacy, sun and daylight, access to private and public open space.*

While means outside the RMA will be important to provide the detail necessary for implementation, we consider it crucial that the leverage of legal status under the RMA ensures nation-wide application of policy. In conjunction with an NPS, a national template or related National Environmental Standard (whichever would prove to be most effective) as raised in the discussion paper is supported. We support the development of a series of model District Plans which Councils could access and make minor modifications to suit the local conditions would reduce plan preparation cost, and would enable quicker and more efficient introduction of new plans. District Plans based on a nationally approved model supported by a relevant National Policy Statement, may also attract greater support and fewer objections, enabling the plan to become operative sooner, and would also achieve some consistency of plans across the country.

Housing affordability is of concern to the NZIA, but in the face of evidence that demonstrates land supply is only one of the components that may impact on affordability<sup>1</sup>, an NPS on the Urban Environment should not emphasise land supply as the primary means of addressing housing affordability. The impact of other factors including 'cost-in-use' such as travel time and cost, externalities (including emissions, energy use and population health), economic conditions, interest rates and taxation regimes all need to be taken into account.

#### **4. Establish a National Urban Design Panel**

Good quality urban design outcomes are central to achieving towns and cities that are competitive, and places that are attractive and highly livable. The success of urban design panels in assisting better, higher value design outcomes has been established with city and regional urban design panels in New Zealand. However, even with these mechanisms, there are projects which are sufficiently important which would benefit from national oversight.

A national urban design panel could work with regional and local panels, and should be administered by a Government Architect or equivalent office within Government.

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<sup>1</sup> See, for example, Andre, C (2010), "A Birds Eye View of OECD Housing Markets". *OECD Economics Department Working Papers*, No 746, OECD Publishing. This is one of multiple analyses which identify the role of a range of factors on affordability, including to various extents in various conditions, land supply.

A national urban design panel would review and provide early and independent feedback on important policy initiatives as well as on high profile and/or controversial projects. For example, with appropriately skilled and experienced expert members, it would act as a helpful sounding board for the Spatial Plan for Auckland.

While an urban design panel is advisory, and not a decisionmaking group, its findings should have standing in RMA related processes. The RMA and supporting NPS should allow for recognising the role of properly constituted urban design panels in district planning and resource consent processes.

## **5. Establish a Government Architect**

The New Zealand Institute of Architects (the Institute) believes that establishing a position of Government Architect would assist New Zealand in achieving a level of design excellence and sustainability performance in the built environment that will contribute to more successful towns and cities and enrich the lives of all New Zealanders.

The key attribute of the Government Architect is to the ability to contribute design thinking to decisions about planning, projects and processes. This position would necessarily involve the highest level of professional architectural expertise, and would be distinct from and complement any advisors to Government on, for example, planning, engineering, or infrastructure.

Architecture and urban design helps define a society and in this context Government plays a vital role in shaping our built environment. Most of the important buildings within our environment are key social and institutional buildings that are, by and large, built by Government e.g. parliament, town halls, museums, schools, hospitals, courts etc. Similarly central and local government are responsible for the design of important open spaces within towns and cities. The onus is on government to lead by example through support of high quality design outcomes.

As long as a Government Architect position doesn't exist, the defining characteristics of public design procurement can include political expedience and a raft of methodologies that hamper and inhibit good design, and demonstrate a general lack of understanding about the value of design and what design seeks to achieve for our everyday lives. Without a Government Architect position in place, Governments has limited access to independent high level design advice and there is no avenue available to Departments for design leadership.

The Institute believes that the principle objective of the Government Architect position is to assist Government to achieve high quality design outcomes through:

- providing strategic advice within Government, to Government about architecture and urban design, including on the processes and parameters that would contribute to a high quality and effective Spatial Plan for Auckland;
- assisting Government to better understand building design and delivery;
- promoting the value of good design both in the Government and wider community;
- supporting the process of making great buildings, spaces and sustainable urban environments; and
- promoting best practice in the built environment.

The Institute believes the position should entail:

- administering a national urban design panel;
- generating support for a quality built environment;
- encouraging innovative design of public buildings and spaces;

- assisting architects in undertaking government work;
- ensuring quality is a key factor in government projects;
- encouraging the development of regional design;
- assisting Government in its commitment to public art in buildings and spaces;  
and
- promoting awareness about how good design can make great living places  
and urban environments.

The Institute does not view the role as:

- an initiative to recreate the former Ministry of Works;
- duplicating the role of current Government resources;
- adding additional steps to the planning process; or as
- an advocate for the Institute.

In Australia, While New South Wales has continuously maintained an office of Government Architect and over the last decade Queensland, Western Australia, Northern Territory, Victoria, Tasmania and the Australian Capital Territory have all established Government Architect positions.

We urge the New Zealand Government to create a Government Architect position, preferably within the Department of Prime Minister and Cabinet, allowing access to key Ministers and advisers, enabling a key contact across all Departments, and offering a 'whole' of Government approach.

## **6. Ensure efficiencies in the planning and resource consent process are achieved**

Inefficiencies of process which raise potential for legal conflict impact on development complexity and cost, and ultimately on consumer affordability and business competitiveness. In principle, mechanisms, processes and expectations should be established where many and more potential conflicts are identified and can be resolved at a planning and design level before and without need of recourse to decision by the courts. This can contribute to greater efficiency, and increased effectiveness. Underlying all of this would be the necessary legal framework, however decisions about the technical content of plans and projects are best determined prior to recourse to the courts.

Efficiencies can be contributed to by means identified above including:

- establishing accepted and common criteria (eg an NPS on Urban Development) and associated National Environmental Statements that are applied across New Zealand;
- simplifying and coordinating the planning process in Auckland with a Unitary Plan which would reduce the number of planning processes, plans and eliminate inconsistencies between plans;
- using properly constituted urban design panels, and mandating use of their recommendations in consent processes; and
- promoting Preliminary Outline Development Consents where site-specific urban design principles and development "envelopes" have been established by collaboration between Council and the applicant, to be followed by more detailed design for full resource consent. This will reduce risk to the developer by limiting the amount of design work necessary before the initial approval by the relevant Council and at the same time it will promote Council involvement at the conceptual design stage when advice can be most effective.

