



Te Kāhui
Whaihanga
**New Zealand
Institute of
Architects**

Urban Development Bill

**Submission by
Te Kāhui Whaihanga | New Zealand Institute of Architects**

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Submission by Te Kāhui Whaihanga New Zealand Institute of Architects

1. The New Zealand Institute of Architects (the Institute) welcomes the opportunity to make a submission to the Environment Select Committee on the Urban Development Bill.

About us

2. The Institute is the leading organisation for the architectural profession in New Zealand, representing over 4,300 members, including more than 90 percent of the country's registered architects.

Value of Architecture and Architects

3. Architects perform an essential role in the construction industry and wider economy. By combining creative design and technical knowledge, they shape the physical environment in which we all live. Architects design all the types of buildings, across all scales, that New Zealanders inhabit and use, from houses to apartment complexes, schools to factories, stadiums to office buildings. They also plan and design the places that buildings occupy and around which communities form. The Institute of Architects supports its members in their work by promoting high standards of fit-for-purpose and sustainable design that enhance the quality of life for current and future generations.
4. Architects must be highly qualified and sufficiently experienced to do what they do. Typically, an architect undertakes a minimum of five years' study at an accredited university programme and then accumulates the professional experience necessary to satisfy the New Zealand Registered Architects Board, the statutory body that licenses architects and supervises their professional conduct (under the Registered Architects Act, 2005). Architects are bound by a Code of Minimum Standards for Ethical Conduct (Registered Architects Rules, 2006) that requires they perform their duties with integrity.
5. Architects generate design concepts for buildings and places and turn those concepts into plans and drawings. Architects create the shape, form and appearance of buildings and other structures, but their concerns are not just aesthetic. Buildings serve a purpose: they must be functional, sound, economical to construct and enduring in their usefulness. In designing buildings, architects also take account of the context into which buildings are inserted, and their contribution to their immediate and wider surrounds.
6. The architect provides design solutions that respond to a client's need. Computer-aided design and drafting (CADD) and Building Information Modelling (BIM) technology has replaced traditional paper and pencil as the most common method for creating design and construction drawings. After the client agrees to an initial proposal, the architect develops plans allowing for a building's construction. The role of an architect does not end in the design stage. During construction, revision of plans is often necessary and as building proceeds the architect, if the client wishes, will visit a site to ensure contractors adhere to the design and the construction schedule, use the materials that have been specified and meet work quality standards.

Our views on the Bill

'Novel' approach to urban development problematic

- 7.** The functions, powers, rights, and duties proposed under the Bill for the Crown entity Kāinga Ora – Homes and Communities (Kāinga Ora) are broad ranging and 'novel' by design.
- 8.** The Kāinga Ora model of being a world-class public housing landlord AND leading and coordinating urban development is unprecedented, anywhere. International models separate these two important areas of activity rather than creating a model that risks compromised outcomes or winner-and-loser scenarios. The urban environment of New Zealand demands a model designed for success, not one of compromised aspirations and competing priorities.
- 9.** The Bill envisages one of the most ambitious changes ever proposed for the New Zealand built environment. The experience and wisdom of others should be informing the New Zealand model, given this country's late start to the design, assessment and delivery of quality urban environments and the need for 30-year visions, strategic spatial planning and coordinated infrastructure investment.
- 10.** To illustrate this point: on 25 September 2019, the New Zealand Infrastructure Commission/Te Waihanga Act 2019 was passed, formally creating a new independent infrastructure body, the New Zealand Infrastructure Commission – Te Waihanga. The purpose of this entity is to ensure New Zealand gets the quality infrastructure investment needed to improve our long-term economic performance and social well-being. Urban development is infrastructure investment.
- 11.** The Institute supports the need for change in the ways our urban areas, cities and communities are enabled to change and adapt. We believe, however, that this Bill in its design and detail is a missed opportunity.

Adoption of Resource Management Act approach is flawed

- 12.** The Institute is disappointed that the Bill does not create a 'fit for purpose' model to support necessary changes in the ways our cities and communities adapt and are developed.
- 13.** The current Resource Management Act (RMA) provisions and the proposed approach in the Bill (which remains heavily based on the RMA) are not appropriate for creating sustainable environments for communities or securing the well-being of cities and town centres across New Zealand.
- 14.** Many would describe New Zealand's approach to urban development and place-making as ad hoc, with limited effort, for more than 30 years, to plan for future growth and the well-being of communities.
- 15.** The RMA is nearly 30 years old. From the time of its introduction, it has been a challenge to reconcile the RMA with an understanding of urban environments. The RMA, and the thinking it represents, attempts to segment people, urban and place issues rather than comprehend the complex interrelationships that connect people and place. Many commentators suggest that successful urban projects (particularly regeneration and renewal) have happened despite the RMA, not because of it.

- 16.** The RMA by its very nature, and as expressly indicated in its title, is based on a philosophy of resource allocation, avoiding or mitigating environmental effects, and observing a static 'baseline'. This is not appropriate for the requirements of place-making and community formation, and certainly fails to recognise the importance of architecture and design. Continuing with such a flawed approach is ill-advised, as has been well documented in the various RMA reviews undertaken during the 2000s.
- 17.** One definition of place-making is that it "inspires people to collectively reimagine and reinvent public spaces as the heart of every community. Strengthening the connection between people and the places they share, place-making refers to a collaborative process by which we can shape our public realm in order to maximise shared value. More than just promoting better urban design, place-making facilitates creative patterns of use, paying particular attention to the physical, cultural, and social identities that define a place and support its ongoing evolution."¹
- 18.** The Bill offers a once-in-a-generation opportunity to create robust, sustainable and fit-for-purpose processes and practices to support city-building, place-making and coordinated and appropriately funded infrastructure.
- 19.** A continuation of past practices and assessment models of the RMA, even if slightly modified for 'streamlining' purposes, does not enable or support the suggested benefits of transforming our urban areas, building public and affordable housing, and create sustainable, inclusive and thriving communities.

No limits on eligible 'Specified Development Projects' (SDPs)

- 20.** The Institute does not support the Specified Development Projects (SDP) powers and processes proposed under the Bill.
- 21.** Our key concerns are:
- a. Under the Bill, there are no limits to the types of projects which could be submitted and considered eligible as an SDP. This sends unrealistic signals to the market: it creates a perception, and potential expectation, of accelerated approval for inappropriate projects.

Recommendation: The Institute recommends the SDP process should be limited to urban regeneration and renewal projects, which are challenging and difficult to deliver. The costs of 'sprawl' are well documented: suburban sprawl costs 38% more in upfront public costs, 10% more in ongoing costs and raises 1/10 tax revenue per acre.² The SDP process should be focussed on compact, walkable, transit-orientated urban and town centre regeneration.

- b. There is no requirement or expectation for an SDP to deliver public and/or affordable housing outcomes, despite a housing crisis across many parts of New Zealand.

Recommendation: Public and affordable housing outcomes should be a mandatory requirement of any SDP project.

¹ <https://www.pps.org/article/what-is-placemaking>

² <https://www.citylab.com/equity/2013/05/quantifying-cost-sprawl/5664/>

- c. Kāinga Ora carrying out an initial assessment to evaluate feasibility and define the proposed project area and project objectives. This creates a potential conflict for Kāinga Ora: How does Kāinga Ora partner and work with proponents of an SDP project, and then evaluate the feasibility and extent of that project?

Recommendation: A team independent of Kāinga Ora should assess SDP proposals. One option would be for this team to also offer advisory services to the Infrastructure Commission – Te Whaihanga.

- d. The SDP project-by-project process for project evaluation and assessment is problematic. Cities, towns and communities are connected systems – networks of people, places and infrastructure. Proposed SDP projects create a capacity which could be realised 25-30 years in the future and require infrastructure investment for 50-70 years.

The assessment criteria for establishing specified development projects (cl. 30 f) identify either territorial authority support or national interest. Without future research, evidenced spatial thinking and infrastructure planning, it is unclear how ‘national interest’ would be adjudged or evidenced, outside of transport which has a Government Policy Statement (GPS).

Recommendation: Research and spatial assessment should inform the identification and suitability of places, communities and eligible projects for inclusion under an SDP process. Most, if not all, international models require this as a minimum baseline.

- e. There are no powers or requirements to ensure certainty in the investment, asset standard/quality and delivery timeframe of Local Territorial Authority asset management plans and 10-year long-term plans. This could easily create a situation in which an SDP project is approved, and the long-term plan funding timing and/or the asset standard/performance is altered.

Recommendation: Any approval under an SDP process should create a mandatory commitment to the associated local infrastructure investment and asset quality.

Design leadership

22. A Bill establishing powers and functions of an entity intended to produce better housing and undertake urban development is surprisingly silent about the source of necessary design leadership, advice and policy. The realisation of Kāinga Ora’s goals requires sophisticated design thinking able to bridge the gap between standalone houses and whole new communities or towns. Where will this high-level, joined-up thinking come from? Who will have responsibility for converting the development ambitions of Kāinga Ora into designed reality?

23. ‘Design’ is only referenced once in the entire Bill, and then only as a phrase in the explanatory notes (“detail of the development’s design, including a structure plan”). This omission is of significant concern to the Institute: it signals that the understanding, commitment and delivery of well-designed places and communities will be left to chance.

Built Environment Commissioner

24. As identified in the Institute's submission on the Kāinga Ora Bill, the establishment of a Built Environment Commissioner is critical to the independence and assurance of SPD processes. This position would contribute critical research thinking around place-making, evaluate the performance, responsiveness and delivery of SDP and Kāinga Ora, and provide an independent voice for the built environment and performance of the GPS included in the Kāinga Ora–Homes and Communities Act. The position would encourage, on behalf of the public, a high level of performance from the Kāinga Ora Board, Crown Agency and relevant other government agencies.

25. The Commissioner's role would be to review and provide advice on built environment and the system of agencies and processes established by the Government to manage the built environment, as identified and prioritised in the GPS and SDP projects. The primary objective of the office would be to contribute to maintaining and improving the quality of the built environment in New Zealand through advice given to Parliament, public agencies including councils, businesses, tangata whenua and communities.

26. The Commissioner's office would coordinate its role and functions with the Parliamentary Commissioner for the Environment and the Infrastructure Commission – Te Whaihanga.

This role would be an independent check on the capability of the New Zealand system in respect of the built environment and the creation of better places, and on the performance of public authorities in maintaining and improving the quality of the built environment as identified and defined under the GPS.

27. Like the Parliamentary Commissioner for the Environment, the Built Environment Commissioner may:

- investigate any matter where the built environment may be, or has been adversely affected;
- assess the capability, performance and effectiveness of the New Zealand system of the built environment and provide advice and information that will assist people to maintain and improve the quality of the built environment. The basis of reporting would be an annual report on the GPS;
- investigate the effectiveness of built environment planning, development and management by public authorities, and advise them on remedial action;
- investigate any matter where the built environment may be or has been adversely affected, advise on preventative measures or remedial action, and report to the House;
- report on a request from the House or any select committee on any petition, Bill, or any other matter which may have a significant effect on the built environment;
- inquire, at the direction of the House, into any matter that has had or may have a substantial and damaging effect on the built environment;
- undertake and encourage the collection and dissemination of information about the built environment; and
- encourage preventive measures and remedial actions to protect the built environment.

Concluding remarks

- 28.** The Institute and our members offer invaluable skills and knowledge relevant to the objectives, functions and operating principles of the Bill, the envisaged Specified Development Projects and the Government Policy Statement. Design thinking, design quality, design policy and legacy – for that matter, any consideration of the benefits of good design – have all been neglected in recent times by Government and the many public agencies and authorities with responsibility for delivering on the ambitions expressed in this Bill.
- 29.** Well-designed and well-maintained places create and sustain economic, social and environmental value. Well-designed homes and neighbourhoods create healthier places to live and build strong communities.
- 30.** Our key comments and requests to the Select Committee on the Bill are:
- a) The Institute agrees that change is needed. The current combination of policies, agencies and performance are not sustainable, nor are they delivering the necessary quality or value required for the development and efficient functioning of New Zealand's cities, towns and neighbourhoods.
 - b) Be ambitious but adopt proven and evidenced models of change. 'Novel' approaches to urban development transfer risk to the people, places and neighbourhoods across New Zealand.
 - c) The Resource Management Act is not 'fit for purpose' when it comes to transforming our urban areas, building public and affordable housing and creating sustainable, inclusive and thriving communities.
 - d) A 'fit for purpose' model must be adopted by the Bill, particularly regarding the Government Policy Statement, included within the Kāinga Ora – Home and Communities Act and the process in support of Specified Development Projects.
 - e) The Government Policy Statement (GPS) must focus on more than housing and urban development. The GPS should establish the vision and priorities for New Zealand cities, towns and communities. This vision should inform all investment and prioritisation of projects, public and private, in our towns, cities and communities.
 - f) The Specified Development Project (SDP) designation should be available only to urban renewal, regeneration and existing urban centre projects, which are inherently demanding and challenging schemes, and not to greenfield or speculative urban 'fringe' projects.
 - g) SDPs must require and deliver public and affordable housing. They must also require that local government asset investment and quality standards be delivered within agreed timeframes and not subject to incremental changes.
 - h) Ongoing research and a focus on the future must underpin the vision and priorities of the GPS and the SDP processes.

The wise use of public money requires coordinated investment in people and place. A focus on homes and urban development offers no assurance of the coordinated and collaborative infrastructure investment needed in both the short and longer term.

- i) The Bill must explicitly reference and require the delivery of design quality by the new entity and through the GPS and the process for SDPs. This would include such items as procurement procedures for design and development services that value design ability and sustainability, Quality Review Panels and an investment by government agencies (in their client role) in design thinking and design performance outcomes.
- j) There must be arm's length assurances of the performance and deliverables of the process and assessment of SDPs. It is not reasonable or viable for Kāinga Ora to be facilitating and/or partnering on SDP projects and then assessing the merits of submitted proposals. There must be a separation between advice and assessment, and implementation.
- k) There must be urgent recognition of and investment in design thinking and capability in Kāinga Ora, the GPS, SDPs, and Ministry for Housing and Urban Development.

This investment is recommended in the form of:

- a. Establishment of a Parliamentary Commissioner for the Built Environment
- b. Establishment of a dedicated and specialist design office working collaboratively across the Ministry Housing and Urban Development, Kāinga Ora, Infrastructure Commission and Government agency procurement.
- l) The Bill must ensure that all parties investing in cities, towns and neighbourhoods are focused on the same vision and priorities across New Zealand's cities, towns and neighbourhoods.
- m) The Institute is willing and able to assist the Committee and officials in the design and development of these important changes to the Bill.