

17 December 2010



the architectural centre inc.
PO Box 24178 Wellington

Re: RMA proposed revision: Building Competitive Cities

This submission is from the Wellington Architectural Centre, a group which represents both professional and non-professionals interested in architecture and design, and in the promotion of good design in Wellington. Thank you for this opportunity to contribute to the consultation on the RMA.

Q1 Do you agree there are current problems with the RMA?

The Architectural Centre is an organization whose primary focus is always that of the design of the built environment, in particular the good design of the buildings and spaces within the cities of New Zealand.

The RMA as it stands is an all-encompassing tool, but not a subtle one. The RMA has to perform as adequately in town as it does in the country. It is no wonder therefore that it fails to perform equitably in some situations. Legislation to plan a nation's infrastructure demands is one thing, but expecting the same legislation to also act as a planning tool for a simple building in an urban setting is perhaps asking too much. The key role of the RMA is to sustainably manage land use: it currently does not perform well at assessing the intricacies of urban design.

There is however also much good that does exist in the current RMA and we believe that the RMA appraisal undertaken by the MfE needs to look at the good points of the existing RMA, not just the points where it is perceived to be problematic. In conjunction with this review, we believe there also needs to be an equivalent document that equally states the benefits of the current RMA. We need to make sure that we don't lose the benefits of the current system in this proposed restructuring of the current Act, benefits such as allowing democratic decisions to be made, local input from concerned and affected parties to be placed, and permitting fair hearings from community groups on events that affect the wider community. We must not lose this democratic input, and the process related to the RMA must recognise that to be truly democratic it must allow for the participation of those of voluntary organisations who do not have the same time and monetary resources as those professionally involved in proposals made under the RMA.

Q2 Any supporting evidence?

The evidence for these inadequacies is shown by the MfE in the discussion document itself, via the Case Study boxes. For instance, in the Box 4 Case Study, on the Inner City Bypass (ICB) in Wellington, the notes acknowledge the complex processes and long timeframes. These inadequacies are acknowledged by most, and regretted by all. What is not acknowledged here however is that there has been no public or independent review of either the process or the outcome. The outcome itself is, arguably, a dismal failure, leading to none of the stated objectives. The ICB has not sped up SH1 traffic by any perceptible amount, nor has it removed traffic from the waterfront as it was supposed to. Instead, it has had an acknowledged detrimental effect on the local neighbourhood, slowed down some local flow traffic by a large amount, and impeded pedestrian and cycle traffic. The process for the creation of the ICB was initiated by a foreign expert company, implemented by one

government agency, and then only ever reviewed by that same agency. No possibility for independent review was given or taken. Democratic input was undertaken, but the crucial review of the design following the input was never taken. The scheme has permanently failed as a result.

Q3 Any other problems that need to be considered?

Heritage

There is no mention of heritage in the discussion document, but this is an important part of the RMA both now and for the future. Our built environment and our surroundings will be nothing without the thoughtful retention of our surrounding heritage.

Climate

The discussion document also fails to mention the vitally important things like climate change and the effect this will have on our cities. Time periods have to be looked at over the long term, and seen in terms of context like global warming. Scientific consensus is that sea levels will rise over the next century, and that peak oil will be reached within the next 20 years. Both of these issues will affect traffic forecasting and infrastructure planning in a major fashion. The review of the RMA needs to be cognizant of these points and address these growing problems proactively, not retrospectively. The whole point of a RMA is that we have limited resources, and so the RMA needs to manage these resources therefore sustainability needs to be incorporated into the heart of the act, to manage these resources equitably.

Governance

The RMA is currently a tool being utilized primarily as a Local Government issue, where political grandstanding is not generally a major issue. By contrast, events and actions taken at Central Government level are bound to be afflicted by political decision-making, and hence subject to possible flip-flopping of policy every three years. We need more stable, longer term policies than this. Central government is influenced by elections and short term policies. What is needed is long term investment, and long term, stable forward planning, and therefore it is arguable that central government should not have a central role in decision making, unless it can guarantee freedom from lobbyist pressures.

Land

The key primary issue of the RMA is about land *use*, not land supply. There maybe potential for new ways of thinking about how to bring parcels of land together to enable better land use (e.g. leasing land for profit sharing, and look at different ways of land sharing or using existing mechanisms such as easements). The review mentions the phrase "environmental integrity" but what exactly does this mean?

Demographic Changes

It is well known that our ageing demographic will need a different kind of built environment than what currently exists. Public transport and walkability are important aspects of infrastructure development which we consider that revisions to the RMA will need to incentivize.

Under-utilized infrastructure

The document appears to be underwritten by the assumption of growth rather than the best use of existing and planned resources. New Zealand has under-utilized infrastructure (e.g. Invercargill ...). How might this revision to the RMA encourage the use of under-populated towns and cities?

Q4 Recognise the Urban Environment in NZ?

We strongly support a widening of the scope of the Act to explicitly include items such as the management of the urban environment within the envelope of the Act, but note however that this does not go far enough. While it is important to have good guidelines for both the urban and the natural environment, they need to be better than a simple measurement of minimum acceptable standards. As a country, we need to be working to a knowledge and understanding of good, better, and best practices, rather than just conforming to a list of minimum standards. We also note that the country needs a National Policy Statement on Heritage. The RMA definition of amenity values needs expansion, and we suggest that this should include examples.

Q5 Greater national direction and clarity

The use of traditional city forms, over the last two thousand years or more, has relied on neighbourhoods created around elements such as the street. Suburbs, by comparison, are an almost cancerous form of land use, smothering land with broad swathes of asphalt, cars, and tiny side yards. Suburbs are a modern evil that ensures a population that is disconnected, with an overly reliant on the use of cars and oil. What is being proposed by some advocates is to encourage urban sprawl, to meet the short term goals of cheap land use for low cost developers. It is hence important that any revisions to the RMA support better land use, rather than land supply.

Los Angeles, once home to numerous orange groves that supplied America with fresh fruit, is now a vast expanse of suburban sprawl (3,168 persons/km²), and is an urban disaster in terms of crippling costs of installing infrastructure. The entire state of California, home to a massive industrial manufacturing base as well as burgeoning population, is effectively bankrupt. New Zealand needs to think smarter.

New Zealand is renown as a country with extremely low densities of human habitation (16 persons /km²), even within our cities. We are one of the least densely populated countries on the planet, similar to countries like Iceland, Mongolia, and Turkmenistan. We need to not blindly follow outdated suburban tract planning models such as those from America when oil was cheap and seen as unlimited. Hawkes Bay, one of the richest and most fertile areas of the country, has been steadily expanding out over orchard land over the last 50 years to satisfy the need for low cost housing. Only recently, in the Heretaunga Plains Urban Development Strategy (HPUDS) - has it agreed to curtail outward expansion (<http://www.hpuds.co.nz/>). Hastings' population density is a mere 14 persons /km². Hastings does not need to expand into farmland, ever again. Wellington, by comparison, complete with extensive greenbelts within the urban boundaries, has a density of only 877 persons / km², while New York's Manhattan Island, for instance, has a population density of 27,000 persons /km².

The Auckland region, now one city, is suffering from the effects of overly unplanned expansion with no concurrent public transport infrastructure being installed. Being one of the most sparsely populated cities on the planet however (261 persons/km²), Auckland has room to grow more densely for hundreds of years without ever expanding its boundaries again. Housing needs to become more affordable, but this does not lead automatically to continued expanding land supply - cheap land is only a tool for developers to make money, but does little to add to the qualities of the city. Compact is better. Higher densities

enable greater vitality and diversity in cities, and provide the kind of city living which make New York, Paris and London desirable places to live. Increasing the height rather than the width of cities will also make infrastructure needs more compact and more easily achievable. As long as go as 1959, in "The cost of providing urban housing," NZ economist Henry Holden demonstrated this.

Metropolitan Urban Limits (MUL)

MUL are currently a vital means to control unmitigated suburban sprawl and mushrooming infrastructure costs, yet are poorly managed. What we need to do is to tighten city boundaries - infrastructure use can be bettered by a more compact city. This has better outcomes both environmentally and economically. We strongly urge that the supply of land be met from within city boundaries, not by continually expanding the encircling horizon of low cost, badly serviced housing set in a poorly functioning transport infrastructure. We have to learn to live within these limits. We can't environmentally or economically afford to have ever-expanding cities.

Q6 Spatial plan in Auckland?

We welcome the creation of fully thought out spatial planning of the city in a full 3D graphic format, with planning creating a spatial strategy for the future form of the city. Given the proposed importance that will be given to the Spatial Plan, we strongly support the necessity for fully independent reviews of spatial plans prior to their implementation.

Q7 Central government role in Auckland?

It would be helpful if the government policy objectives were made explicit in this document. The RMA processes will incentivise certain behaviours, and the consultation document needs to make such government policy transparent to enable submitters to evaluate the ability and desirability of the RMA to achieve these or not. We endorse the stated aim to ensure full democratic rights are integral to any revision of the RMA and we fully support this. Full appeal rights are important. Decisions need to be made beyond those of the government at a national or cabinet level. The documentation would hence be improved with clarification on how community groups can be facilitated – being mainly reliant on volunteer resources, community groups have less time and financial resources at their disposal than those with a professional interest in RMA outcomes.

Q8 Spatial plan in other regions?

This is a very Auckland focused document, yet it needs to be suitable for the whole country. The Architectural Centre agrees that it may be important to extend spatial planning to other parts of the country, but notes that this should not be at the expense of supporting other communities in their diversity. That diversity can also be seen as a positive force: we need a "balanced portfolio" of planning tools. In relation to spatial planning of other areas therefore, let's see what happens to Auckland first, rather than rolling it out to the whole country. The Spatial Plan may not be the best answer for everywhere. We recommend therefore that the RMA limit spatial planning to Auckland initially, and then make it available on a voluntary basis for other regions that want it.

We note that the language discussing the use of the Spatial Plan refers primarily to 'growth areas,' and we question whether this is an appropriate response. Why should the RMA or spatial planning be limited to encouraging growth? We have shrinkage in our towns and cities as well. Urban areas develop and change over time, with different levels of population and economic

pressures that fluctuate over the life of a city. For instance, Detroit and New Orleans need to plan for reduction in their urban envelope, as do, arguably, some areas of the South Island such as Dunedin and Westport. The planning of these cities needs to be just as robust in decline as they are in growth.

We recommend therefore that the RMA uses positive incentives to drive changes – perhaps these could be items such as earthquake strengthening, affordable housing, coordinated public transport systems, and the reworking of city streets into safe walking and cycling environments. Perhaps the RMA could encourage the use of under-utilised infrastructure, and the re-population of once thriving, and now dying, urban centres in New Zealand?

Q9 Improve urban environment through implementation tools?

We note with interest the proposal for a National Urban Design Panel (NUDP) (option 16) and also for a position of Government Architect (option 17). We believe that for these two proposals to be aligned, that the Chair of the NUDP be allocated the roles prescribed for a Government Architect (rather than the other way around). We also make the point that a better name for the NUDP may be the Commission for Architecture and the Built Environment, ie CABA to emphasise the broader issues of the built environment, rather than those more narrowly understood to be urban design. For this reason, and as Leadership of the NUDP/CABA could be inter disciplinary, there should be recognition that, while the Chair of the panel must be accomplished in matters of the urban environment, the Chair could have a background in any of a number of design and related professions (e.g. landscape architecture).

Q10 Any other issues?

Potential problems? We suggest that the review broaden ambitions beyond economic means and more fully into cultural, and social issues. We need to have factors other than economic growth referred to, such as the Happiness Study, where it is reducing the difference between high and low pay that is relevant, not the overall level of pay in itself. This point is not intended as one of distraction or irrelevance. Increasing happiness, or reducing the income gap, has demonstrated benefits in terms of crime, social interaction and all the things that a good built environment is also trying to attain for New Zealand's citizens.

The review needs to also include items such as urban resilience, heritage/wahi tapu, climate change, changing demographics, etc. How might the RMA facilitate better outcomes for each of these over the longer-term? We need to build economic and environmental resilience into the planning system within New Zealand, for both everyday improvements, and to ensure New Zealand's ability to minimise social and economic disruption in times of crisis (financial or seismic). We need to be clear on what are the desired social outcomes.

Q11 Coherent approval system?

The Architectural Centre believes that the approval system as currently running, and as proposed to be changed, is still not a coherent system. Additional items, as noted above, need to be considered and incorporated into the approval system before it can be considered as a coherent whole. We note that under the current system, items such as section 32 reports are a frequently waste of everyone's time, and do not adequately explore relevant or appropriate options and their consequences.

Q12 Any supporting data?

We strongly recommend that the reviewers of the RMA look to the work of Commission for Architecture and the Built Environment in Britain, where a large amount of excellent work has been undertaken over the last decade (www.cabe.govt.uk). While CABC there has been axed due to budget cuts, by the current British government, the quality of the built environment in the Britain dramatically improved while CABC had a role in the Urban Design review panel process. New Zealand could gain in quality also, by the creation of a unit such as CABC. We strongly endorse such a move.

Q13 Infrastructure clarity and objectives

In a review such as this, that goes into detail on the need for infrastructure planning, we believe that there needs to be a tighter definition of what exactly is infrastructure. We need a tighter definition because infrastructure can mean almost anything, and the current lists ('health, education, state housing, justice and community recreation'; 'telecommunications networks, transport and freight networks, financial institutions and a range of other matters') are far too broad to lump together as if they were all of equal importance or accountability. We agree that the government needs to prioritise infrastructure, especially in the context of climate change, and that this will involve a step change in government expenditure. We agree that New Zealand need's to partake in what may be termed as 'joined-up thinking', where these infrastructure needs are considered together, and not as a disparate set of vaguely conjoined subjects. Public mass-transport rail and freight rail networks need to be considered at and funded at higher levels as those for roading in the context of climate change. We strongly support the idea that water and other essential services should not be privatized and given to private corporations for an unlimited period. Water use does need to be managed, but not to be corporatized.

Q14 Change access to Designations?

We agree that there is a lack of clarity and consistency of national objectives towards infrastructure provision, and that this needs to be addressed. However, we caution against the use of privatization as a method of provision. Public private partnerships (PPP) have been trialled for many years offshore, and yet most have had very poor outcomes in terms of service, and exceedingly low outcomes in terms of quality and accountability to the end users.

We have strong concerns about the access to designations that could potentially arise by private providers to a PPP. PPP will always be split in allegiance between giving good results to the users of the end product, and the need to provide a profitable return to the corporation. Need for profit invariably wins, and this can damage communities. The notion that infrastructure designations may be assigned automatically without a need for making applications for therefore viewed by us with severe concern. Most designations are made by the infrastructure provider, which is a problem. Decisions need to be made by independent authorities, and their independence safeguarded. Where this goes wrong, the results are dismal (ie the Wellington inner city bypass debacle, as noted above). Local autonomy always, and democratic discretion, are important. We therefore do not support private/corporates being given requiring authorities status, and agree that those bodies seeking designations should not be those conferring designations.

We note that the long terms designations may, in the context of climate-change, bring additional problems, as, for example, if petrol-driven transport becomes redundant, roading designations will also be redundant. There needs to therefore be some provision to cancel projects if the need for infrastructure

changes, or is no longer – for instance, the Basin flyover in Wellington is ‘needed’ only on the basis of projected traffic growth, yet, with rising petrol prices, and the cost of car pollution, traffic volumes may fall significantly.

Improved access to designation system

We are cautious however on the proposal to extend eligibility for designations to a broader range of requiring authorities, and note that this has been abused in the past. For instance, whilst Port activities are countenanced by automatic designations, the use of Port land to create non-Port functions, such as housing or commercial offices is a flagrant abuse of the powers of appropriate designations. Any such land should be subject to designations only within the scope of the provider, and any other proposed activities should be related solely to the core activity of the requiring authority. All activities should be subject to the principles of the greater public good. Private partners operating in public roles, MUST be subject to the Official Information Act.

Q15 Concept designations?

We do not think that private providers should have those powers to make designations. These need to be carefully thought through and subject to a rigorous and needs to be driven by public good. We support restricting access to Public Works Act powers. We encourage long term planning, ie powers and obligations for infrastructure providers to extend in some circumstances for 20-30 years, instead of only the rolling 10 year plan we have at present. Don't confuse land supply with land use, as this (like affordable housing) needs to be contextualised by a bigger economic strategy.

Q16 Streamline approval processes?

There is merit in the proposal to streamline approvals into a single process bringing nationally significant into a single point of appeal. We believe that for major infrastructure projects, the rolling of different smaller issues into one larger submission is the only logical means to get prompt and fair action, as long as all relevant information is in the application. We agree that the only logical way is to process them all in one swoop.

We agree that, in order to remove duplicated processes, designations should be automatically rolled over into District/ Spatial Plans, and to remove the current two stage process where a concept designation is in place, that status would automatically apply to any subsequent Resource Consent applications.

Clearer notification for affected landowners is a good thing, and we support moves to establish consistent processes including notifications for affected landowners, introducing pre-application consultation requirements, requiring public hearings for concept designations, providing guidance to inform processes, and applying consistent timeframes. We also consider that land acquisition should be a strategy of last resort. We support that Treaty resolution issues are given full and prompt attention.

Q17 Enhanced decision making framework?

Architectural Centre believes that in the search for a robust and integrated decision making framework, the best result will be gained by making the decision maker independent. There is little room for true accountability if an authority is given control over decisions on their own applications. We need to establish that clear decisions are being made and by ensuring that in all cases the RMA objectives are being met. Infrastructure providers' efforts should be monitored, and post-project reporting is important to establish a series of case

studies to check whether objectives have been met. Only this way can we ensure that national consistency is achieved.

We do not however believe that the RMA should be amended to give greater status to Ministers Call In powers. Ministers are appointed via a political process and are subject to intense political lobbying to influence vote swinging. We do not therefore believe that any project called in by the Minister would automatically have any better chance of having a fair hearing, than by going through the usual process. The only effect that the Ministerial call in should have is to speed things up, and not to influence the result.

Q18 Efficient compensation process?

Efficiency and adequacy of the land acquisition process is one of the most crucial aspects to get right. We agree that Maori land should be not be compulsorily acquired under any circumstances, and note that it is a highly sensitive issue for any home-owner on any site. Issues to be careful of include both long-term planning (the longer the surety of a future acquisition, the better), and the avoidance of planning blight due to equivocating over numerous options (for instance, the UK country-side's decade-long blighting by the planning process for the Channel tunnel high speed train link, and closer to home, the Kapiti coast's blighting by the proposed Kapiti expressway). We consider that land acquisition would be an action of last resort.

Q19 Compensation?

We agree that it is only fair and reasonable that the review propose to increase the solarium, link it to time spent at property, etc and that it includes authorising extra payment for where it is settled quickly. The rights of the individual must always be democratically upheld by the might of the state.

Thank you for this opportunity to comment on the Discussion document regarding possible changes to the RMA. If you have any questions regarding our submission please do not hesitate to contact us.

Yours faithfully

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The Architectural Centre