A DISCUSSION DOCUMENT EXPLORING PLACE-BASED APPROACHES TO SUSTAINABLE URBAN DEVELOPMENT IN NEW ZEALAND
A DISCUSSION DOCUMENT FROM THE
Sustainable Urban Development Unit
AN INTERAGENCY UNIT HOSTED BY THE DEPARTMENT OF INTERNAL AFFAIRS

WITH SUPPORT FROM

THE DEPARTMENT OF INTERNAL AFFAIRS
Te Tari Taiwhenua

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tepoātai houatakiwhi

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The future development of New Zealand’s urban areas is an important issue for us all. Our towns and cities face a number of economic, environmental, social and cultural challenges. Meanwhile, more New Zealanders are choosing to live in higher-density urban areas, while others are finding it harder to own their own home. These changes mean that how we manage the development of our urban areas is crucial for achieving the nation’s sustainable development goals.

Steps need to be taken to address the affordability problem and the other sustainability challenges facing our towns and cities. A number of local authorities have made good progress in establishing strategies and implementation plans to improve the sustainability of urban areas. We need to support the creation of high-quality urban environments at a range of densities, for residential, commercial and industrial uses, which are accessible by public transport, walking and cycling.

A possible new approach to sustainable urban development, proposed in this document, aims to strengthen the ability of existing types of urban development organisations, such as local authorities or their subsidiaries, and crown entities, to achieve positive sustainable urban development outcomes in their areas. The possible new approach would introduce a new suite of enabling regulatory powers and non-regulatory tools, with a ‘place-based’ focus.

This discussion document has been developed to explore a range of possible options and impacts of the proposed sustainable urban development approach, and to engage the public, local government sector and key urban development stakeholders.

The responsibility for sustainable urban development does not rest with local or central government alone. We all have to work together to come up with sustainable ways to create healthy, diverse communities. Please carefully consider the ideas put forward in this document, and make submissions to the Sustainable Urban Development Unit.
“Could we change our attitude, we should not only see life differently, but life itself would be different.”

Katherine Mansfield
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Milestones in urban development (inside back cover)
The Sustainable Urban Development Unit would like your input and advice on ways to encourage sustainable urban development in New Zealand. This document outlines a range of issues, options for tools and powers to support sustainable urban development, and a possible approach to bring these elements together.

We want to know what you think about them. You can answer the questions highlighted in the document, send us other comments or suggestions, or write a submission setting out your views.

We encourage feedback – it improves our analysis and decision-making process to get ideas and a range of views from people and organisations with interests and experience in sustainability and urban development.

Substantive regulatory impact analysis elements have been included in this document. That means we have included analysis of the current situation (the status quo) – along with the problem, options to address the problem and some of the impacts of those options. We also seek your comments on the possible impacts of these options and your suggestions for any other options. We do this early in policy development, as part of our regulatory impact assessment process, to ensure that all interested parties are consulted on the unit’s analysis and thinking. In the end, this should result in better policy analysis.

What happens next?

If you would like more information or have questions, please email sudu@dia.govt.nz or phone 04 495 9361. Please send us your response to this document, and any other comments, by Friday 28 November 2008. There is a submission form at the end of this document and on the Department of Internal Affairs’ website.

You can send your comments by post to:
Sustainable Urban Development Unit
Department of Internal Affairs
PO Box 805
Wellington 6011

Or you can email them to sudu@dia.govt.nz

The Unit will consider all comments received and a summary of the comments will be published on the Department of Internal Affairs’ website: www.dia.govt.nz.

When the submissions have been analysed, some submitters may be invited to provide further information on specific aspects of sustainable urban development.

The Unit will then make recommendations to the government on policy options to support sustainable urban development in New Zealand.

Please note that all correspondence and comments on this matter may be the subject of a request under the Official Information Act 1982. If there is any part of your correspondence that you consider could properly be withheld under the Act, please let us know, along with any reasons you would want it withheld.
Executive summary

Most New Zealanders live in urban areas, so the way our urban areas operate has a huge influence on the economic performance of our cities, how our society works, the health of our environment and our quality of life.

Equipping New Zealand’s cities to face challenges such as housing affordability, changing demographics, and climate change will become more and more important as our population grows. Planning and building our cities to meet these challenges is called ‘sustainable urban development’.

This discussion document sets out ideas for improved or new ways to help deliver sustainable urban development in New Zealand.

To make our cities more sustainable...

... new developments and the redevelopment of suburbs and town centres must focus on using land, infrastructure and assets more effectively. Intensifying land use in strategic areas, in particular, could provide New Zealanders with more housing choices, viable public transport and thriving town centres.

Urban development...

... is needed in these strategic locations, at a sufficient scale and rate of change to ensure that the growth of our cities is managed sustainably.

Local authorities and developers...

... have identified a number of barriers and implementation difficulties that can prevent the delivery of large-scale sustainable urban development projects. These barriers include:

- capacity and capability issues in all levels of government and the development industry
- limited co-ordination of national, regional and local planning and implementation for large-scale urban development
- ineffective integration between land use and transport planning, and transport, utility and other service providers to implement sustainable urban development
- difficulties in funding urban development projects
- difficulties assembling useful parcels of land from fragmented groups of properties (particularly for redeveloping existing neighbourhoods and town centres), or in acquiring and/or ensuring appropriate development of strategic sites
- the length and nature of planning and development control processes
- limits to achieving social outcomes and public benefits (such as affordable housing) through market mechanisms.
A number of these issues could be addressed through ...

- improving the ways that the community, local and central government, service and utility providers, and the development sector work together. There may also be ways to improve the use of existing tools to encourage and control development. We can also increase the availability of urban development skills in New Zealand, up-skill and support urban development practitioners, and better monitor sustainable urban development progress and issues.

A number of sustainable urban development issues are...

- explored in this discussion document. Most of them are relevant all over the world, but some factors relate only to New Zealand. Possible new tools or powers to deal with each of these issues are suggested.

The document discusses:

- what central and local government could do to support sustainable urban development, as policy makers, developers, investors or capability builders

- possible improvements to co-ordination between national, regional and local government, and mechanisms to better integrate land use and transport planning with the provision of utilities, transport and other services

- potential ways to fund sustainable urban development

- how to assemble parcels of land in strategic locations to support sustainable urban development

- whether planning processes and development control can be streamlined to encourage sustainable urban development

- ways to improve housing supply, choice and affordability in sustainable urban development.

“Cities are an invention to minimise travel and maximise exchange.”

David Engwicht, social innovator
To bring together these elements...

... a new enabling ‘place-based’ approach to sustainable urban development is proposed. A ‘place-based’ approach would focus on using new and existing tools and powers to create unique solutions for our unique urban places, rather than creating a standard formula to apply to urban areas throughout the country. **This proposed approach is outlined in the document.**

The proposed approach...

... would create legislation to allow ministers to declare that **special tools or powers** could be applied in identified strategic or complex areas. These tools or powers could be used by an **urban development organisation**, such as a council-controlled organisation, a crown entity, or a joint venture company with public sector involvement, to implement sustainable development in accordance with a **community-developed master development plan**. These organisations would have carefully prescribed objectives, boundaries and lifetimes. This enabling legislation could be supported by improvements in the use of existing urban development processes, as well as a range of non-regulatory or legislative tools.

This new approach...

... to sustainable urban development aims to **improve the delivery of the right kind of development, in the right areas, at the right time.**

Overseas examples of this type of approach to comprehensive, future-focused urban developments aim to deliver more vibrant and successful places. The results are often a more intensive form of mixed residential and commercial development, with:

- better quality public spaces and amenities
- stronger local economic activity
- an emphasis on social success – strong communities, community safety and a wider range of housing choices, including more affordable housing options
- less reliance on car travel.

We welcome...

... your suggestions and comments on the sustainable urban development issues, options, and proposed ‘place-based’ approach explored in this document.
Building sustainable urban communities

1 Introduction

By world standards, New Zealand is a highly urbanised nation, with 72 percent of the population living in the 16 main urban areas – around 33 percent of the population live in the Auckland urban region alone. We are overwhelmingly ‘townies’ – nearly 87 percent of us live in urban areas with populations ranging from around 1000 to more than one million.

The way New Zealand’s towns and cities have developed is the result of both deliberate planning and the choices and decisions made by investors, property developers and home buyers.

The resulting shape of our town centres and suburbs and the location and type of housing available has a huge influence on economic performance, social cohesion, and the ability of a large number of New Zealanders to lead sustainable, productive and enjoyable lives.

The quality and location of our housing, retail and commercial buildings matter. The quality and location of our community services and amenities, such as schools and recreational facilities, matter. How easy it is to get between home, work, shops, offices, schools, parks and playgrounds matters.

We are increasingly witnessing significant economic, social, environmental and cultural changes in New Zealand’s urban areas. We are also dealing with issues such as affordable housing, increased fuel prices, congestion, pollution, social disadvantage, climate change, population growth, rapid technological change and changing demographics.

Because of these issues, governments around the world are reassessing what is needed to enhance cities and meet major social, environmental, economic and cultural challenges.

“He aha te mea nui o te ao? He tangata, he tangata, he tangata.”

"What is the most important thing in the world? It is people, it is people, it is people."

Proverb

Sustainable urban development is about improving the quality of life in a city, including social, economic, environmental and cultural components, without leaving a burden on future generations.

According to the New Zealand Urban Design Protocol, sustainable towns and cities are liveable, environmentally responsible and competitive, thriving, creative and innovative. These towns and cities also offer opportunities for all, and have a distinctive identity, a shared vision and good governance.

Community outcomes – sustainable urban development

A number of communities have identified outcomes that relate to their aspirations for the urban environment, economy, and governance. Common themes in these outcomes include:

- infrastructure with the capacity to meet present and future needs
- attracting and retaining new and existing businesses
- having access to employment and, more specifically, local employment
- aspirations for prosperity, innovation or economic growth in general
- having a strong identity and/or positive community image
- valuing and/or recognising cultural diversity
- managing the growth of the region/community
- ensuring accessibility to, from and within the community
- being able to access quality housing
- having a sustainable transport system
- having access to public transport
- ensuring the viability/utility/popularity of town centres
- collaborative leadership, for example, working across government and with other sectors.
This discussion document sets out ideas for new ways to help deliver sustainable urban development in New Zealand – to deal comprehensively with the increasing challenges and opportunities of urban development at a sufficient scale and rate of change to ensure our towns and cities thrive, prosper, and continue to provide a high quality of life.

We want to hear what you think about the ideas, options and approach described in this document. We also welcome further ideas and suggestions for encouraging sustainable urban development in New Zealand and dealing with the barriers and implementation difficulties we have been told about. The material outlined in this discussion document and in the background documents and web links on the website provide supporting information.

We will use the feedback received to advise the government on the best mix of ideas and options.

General questions to think about as you read this document

1. Which options or ideas do you think would be effective in encouraging sustainable urban development?
2. What are the impacts of the options? What changes or additions would make these options or ideas work more effectively?
3. Are there any other options or ideas you have seen or thought of?

What are we aiming for?

International experience shows that creating successful places through sustainable urban development means:

- developing and working to a single vision of a distinctive, attractive community with a strong sense of place that is agreed by the people living in and building that place (a master development plan)
- working to a master development plan to get what you want. This could mean finding ways to leverage and influence the provision of more affordable housing, or consolidate and integrate development around public transport nodes. Planning for these needs should also explicitly take into account people’s employment patterns and transport needs as well as social support systems such as access to schools and childcare.
- assembling or re-packaging land or development rights into appropriate parcels that can be developed or released to the market

- making best use of public sector assets, and guiding investment by public and private sectors towards agreed objectives and outcomes
- delivering any other programmes required to achieve wider public outcomes, e.g. community or economic development
- encouraging private sector investment and speeding up the building process by:
  - ensuring infrastructure is provided to support the development patterns wanted (including integrating infrastructure planning, and aligning funding and timetables to coordinate delivery)
  - raising investor confidence (by ensuring development decisions are predictable, timely, fair, and cost-effective)
  - demonstrating innovative ways of developing land and buildings (for instance, new forms of quality, cost-effective buildings with sustainability features).

“It is in the cities that decisive battles for the quality of life will be fought, and their outcomes will have a defining effect on the planet’s environment and on human relations.”

Honourable Jaime Lerner, former Mayor of Curitiba, Brazil, 2007
What is the problem?

Many different parties contribute to the development of urban areas in New Zealand. A number of them have said barriers and implementation difficulties can slow down, affect the quality of, or prevent the kind of sustainable urban development that will make a difference in New Zealand.

To improve the sustainability of our cities, both new urban developments and redevelopments of existing suburbs and town centres need to focus on using land, infrastructure and public assets more effectively to create sustainable communities.

Existing legislative frameworks have been able to deal with most land use and development scenarios in New Zealand. However, population growth and wider social, economic, environmental and cultural changes are increasing the need to develop, redevelop and intensify land use in our cities.

New Zealanders need access to a diverse range of housing choices. Future population growth will increase the demand for housing, while the projected long-term decline in the size of households means the housing needs of many households are changing. Future needs are likely to include a mix of housing styles in areas with easy access to work, services and community facilities, to minimise environmental impacts. Developments do not seem to be delivering the required density or quality in strategic locations to achieve this. Nor is the current level of development providing a range of housing choices in the required quantities and locations. More intensive and affordable development may be needed, particularly in strategic locations.

Local and central government organisations trying to undertake sustainable urban development projects face a number of problems and are looking for ways to solve them. These problems may also be why private development of this kind is not occurring to the extent needed. A new approach could give private developers a chance to get involved with these organisations and benefit from efforts to redevelop existing urban areas.

“[This] area has long had great potential. It could become a secondary commercial district with cheaper rents, with mixed uses, and high density living. All this right on a public transport corridor, with a (potentially) beautiful avenue at its centre.”

Submitter, Adelaide Road
Planning for the Future project, 2008

“The question is not whether your part of the world is going to change. The question is how.”

Edward T. McMahon, American land-use planner

Who contributes to urban development?

- individuals, families and communities create the social fabric of an urban area
- firms, organisations and individuals buy, sell, lease and develop land to create residential, commercial and industrial buildings, shaping the land use within an urban area and providing retail services, amenities and employment
- a range of funders and providers in central government, local government, or the private sector, make decisions on major urban public infrastructure investments
- local government provides leadership on urban issues, regulates and manages the pattern of urban development through the Local Government Act 2002 and the Resource Management Act 1991, works with its communities to promote community wellbeing, and delivers a wide range of local community services
- central government sets the statutory framework under which everyone operates. But, more importantly, it also owns land and develops it for public purposes, providing important community services such as hospitals, schools, and policing in urban areas.
Barriers and implementation difficulties in sustainable urban development in New Zealand

Several New Zealand local authorities (or their property development companies\(^1\)) and one central government subsidiary\(^2\) are working on large-scale redevelopment and greenfields projects in urban areas. Some private developers and not-for-profit organisations have also looked at undertaking larger-scale projects.

Together, these projects illustrate the sort of barriers and implementation difficulties that can prevent existing organisations from being able to deliver large-scale sustainable urban development projects.

The barriers and implementation difficulties identified to date are:

a. **Capacity and capability issues in all levels of government and the development industry**

   Sustainable urban design and development is a specialised field, rapidly changing and developing. Achieving a common understanding of sustainable urban development in New Zealand and delivering it is likely to be difficult – either because the skills and experience are not available here, or because they are thinly spread across the country.

b. **Limited co-ordination of national, regional and local planning and implementation for large-scale urban development**

   Large-scale urban development can only be achieved by many parties working together. Central, regional and local government have different roles. Complementary planning, programming (including budgeting) and implementation processes are needed to make sure these are aligned. Each form of government operates at a different scale, so this seems to happen only in a limited way at present.

c. **Ineffective integration between land use and transport planning; and transport, utility and other service providers**

   Sustainable urban areas rely on effective infrastructure and access to services to support economic, environmental, social and cultural wellbeing. Infrastructure and service providers include:

   - utility operators – telephone, internet, electricity, gas, water, wastewater disposal, etc.

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1. For example, Tomorrow’s Manukau Properties Limited and Waitakere Properties Limited
2. The Hobsonville Land Company

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**What’s happening now?**

A number of urban design case studies on larger-scale developments have been published by the Ministry for the Environment as part of the New Zealand Urban Design Protocol. Follow the links on the website to find case studies on projects such as:

- Addison Place
- Botany Downs Town Centre
- Britomart
- Harbour View
- New Lynn Town Centre
- Northwood Residential Development

“Anything out of the ordinary takes too long.”

Respondent, Developer Survey: Intensification in Auckland, 2006\(^3\)

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Building sustainable urban communities

local and/or central government – roads and railways, street lighting, stormwater disposal, public transport services, reserves, open space, libraries, community and recreational facilities, refuse collection and disposal

central government – public health, police, fire, education facilities and programmes, economic and community development, etc.

Providers have their own priorities, asset management requirements, timing issues and investment decision points. All must be actively involved in planning and developing any urban areas to ensure that:

- the right infrastructure and community facilities are put in the right place at the right time, and are big enough to cope with the expected population/use
- residents and visitors can access the right services at the right time – and at a reasonable price.

Difficulties in funding urban development projects

Urban development requires significant amounts of funding in the early stages before income streams from development or land sales become established. This funding is needed to:

- buy property
- comprehensively design the area and pay for infrastructure provision
- re-package land, and either build new buildings or market the land and development rights to potential developers.

This ‘start-up capital’ can be significant. Many parties have expressed concern about how to raise these funds when there are higher priorities for spending on core services. The level of risk is also difficult to quantify given the longer-term nature of the projects.

Other funding difficulties include:

- determining who should pay for urban development (including infrastructure and services) and how/when it should be paid for
- finding ways to allocate the costs of public-good elements of a development, such as providing affordable housing or public transport.

Difficulties assembling useful parcels of land from fragmented groups of properties, or in buying and/or ensuring appropriate development of strategic sites

Land assembly can be particularly difficult when redeveloping existing neighbourhoods and town centres. Most existing urban areas are in land parcels of differing sizes, ownership and uses. Projects need enough land in common ownership so a developer (or a group of owners working together) can:

- make significant changes to urban form to create large-scale, purpose-designed, higher-density mixed-use development. This would include new roading patterns, linkages to rail, public spaces and infrastructure.
- realise economies of scale
- re-package and redevelop the land and assets to improve their utilisation or performance and increase their public/private value. This would apply particularly to public land and assets.

Possible development areas may also have strategic sites that could unlock the area’s full potential because of their location (e.g. near a railway station), size (e.g. large supermarket or car parks), or use (e.g. disused or under-utilised industrial land).

Acquiring these sites or getting the agreement of all owners to their redevelopment can be difficult.

The length and nature of planning and development control processes

A key factor in the economics of development projects is being unable to control costs due to planning uncertainties and process delays. Developer uncertainty is increased by the length of some processes and the number of chances for opponents to relitigate decisions during the planning and development control process.

“Initially I was apprehensive about moving to medium-density but it has been good - has worked out well. Small street, know everyone. Just enough companionship.”

Resident, Botany Downs survey, 2002

4 Ministry for the Environment Urban Design Case Studies, New Zealand Urban Design Protocol 2005
g. Limits to achieving social outcomes and public benefits (such as affordable housing) through market mechanisms

Some suburbs/social housing areas are due for redevelopment, either to provide new housing to support nearby business development, or because the existing stock needs to be refurbished or replaced. These areas may have poorer reputations, leading to relatively low house and land prices. This makes it difficult for investors to profit from improvements and reinvest in further development that provides both public and private benefits. In other areas, existing urban development is largely piecemeal and too small to give enough leverage to achieve wider public benefits.

h. Public resistance to urban intensification

Intensification has generated some public resistance and negative media coverage. It is not clear whether this is due to consumer preference or poor experience with specific examples. Intensification works well if it is well designed, in keeping with the character and quality of an area, well located and accessible to a range of services and activities.

Many of these barriers and difficulties are likely to be worse in complex or strategically important projects. Complex or strategically important projects are large-scale, have multiple ownership, and/or are sites of major infrastructural or other investment (e.g. rail, programmes to deal with high social needs). Complexity may also occur where projects are next to another local authority area or span local authority boundaries. This has implications for the type of approach required to address these matters.

What is slowing down, preventing, or reducing the quality of sustainable urban development? Please give examples.

What can be done to deal with these barriers?

“Higher density housing offers an inferior lifestyle only when it is without a community as its setting.”

Andres Duany, American architect and urban planner
Strengthening existing tools and ways of working

As a first step in dealing with these barriers and implementation difficulties, it is important to see if there are different ways of working or using existing tools that would help organisations undertaking sustainable urban development projects.

Looking at overseas initiatives and the New Zealand situation, it seems that some progress in dealing with the barriers and implementation difficulties could be achieved by:

- finding ways for different organisations (such as public utility operators, developers and local and central government) which plan, fund and/or provide important infrastructure, to work together more effectively
- building capacity and capability in sustainable urban development
- improving the way existing regulatory tools are used
- improving or adapting existing tools.

Working together

There is increasing recognition that working closely together to better co-ordinate planning and integrate infrastructure provision at a more local level for place-building and development may have its advantages.

The local government sector naturally tends to focus on place-building at the local level. In contrast, central government, large infrastructure providers and public utility network operators tend to have a wider national or network view, often across local and regional boundaries. At times, the difference in focus results in different preferred options and priorities for development.

There may be scope to continue to improve communication and interaction between the different players. For example, many local and regional councils have worked with their communities to develop metropolitan and local urban development strategies and proposals for sustainable urban development.

More support may be required for central and local government, infrastructure providers and utility operators to ensure their planning and programming for investment and delivery is integrated with, and supports, those urban development strategies.

This would include greater involvement by those agencies in developing the strategies, including processes to resolve situations when different planning assumptions or commitment levels to a place-based approach occur.

Building capacity

International experience shows that sustainable urban development relies on a range of specialised design and implementation skills, as well as technical and community development expertise. In New Zealand, these skills and expertise are generally spread across central and local government, and the development sector. Capacity building will be required across local and central government to ensure urban development needs are understood, to build the skill.

“The design of our towns and cities affects almost every aspect of our lives – we all live and work in buildings, and use streets, public spaces, transport systems and other infrastructure. We need to ensure that what we design meets people’s needs and aspirations, and that people want to live there. We need to ensure our towns and cities are successful places that contribute positively to our identity as a nation.”

Hon Marian Hobbs, New Zealand Urban Design Protocol, 2005
and expertise base, and to concentrate them around particular projects. This could be helped by a range of options including:

- collecting, analysing and providing information on sustainable urban issues
- developing guidance notes, case studies, and good-practice examples, and creating forums for sharing experiences and expertise
- supporting recruitment and training initiatives to address skill gaps
- creating a shared services company or initiative for central and local government to pool and share expertise for use in projects.

**Existing regulatory practice and other tools**

In some situations it may be possible to improve the way existing regulatory tools (such as designation, development control or plan change processes) are used. Opportunities also exist for local and central government to work together to develop or adapt a range of non-regulatory and local regulatory tools to support sustainable urban development. These would be available to local government, utility providers and other key urban development stakeholders. Examples might include:

- publishing good-practice guidance material
- developing model district plan provisions capable of being adapted for specific local circumstances (to encourage public transport-oriented, higher-density areas)
- using existing consultation or planning mechanisms more effectively to support sustainable urban development.

**Will we need more than this?**

Over time, improvements to the areas outlined above – including better co-ordination, increasing capacity and capability in the public sector, and enhancing the range of non-regulatory and local regulatory tools – could help deal with many of the barriers and implementation difficulties.

In situations without a high degree of strategic importance or urgency or that are not overly complex, these sorts of improvements to existing tools and ways of working may be enough to make satisfactory progress.

Based on New Zealand and overseas experience, however, these measures alone are unlikely to deal with the more pressing opportunities and barriers being experienced in complex and strategically important urban development project locations. A wider approach may be required in these situations.

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"With over 80% of Māori now living in towns and cities, it is essential that our urban environments better reflect wider Māori values and aspirations."

Rau Hoskins, Te Aranga Māori Cultural Landscapes Strategy, 2008

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| ? | What can be done within existing regulations and legislation to deal with these barriers? Please outline your ideas for:
|  | • better ways of working
|  | • new non-regulatory tools
|  | • ways to use or change existing regulatory tools to make them more effective. |

| ? | Are changes to existing regulation and legislation necessary to achieve sustainable urban development? Please describe any changes you think are necessary. |

**Opportunities for iwi Māori**

Many iwi are working to improve the social and economic well-being of their members, and are actively using their land holdings to create opportunities to do this. A strong alignment is likely between the objectives of sustainable urban development projects and iwi development projects. This presents opportunities for urban development organisations and iwi to work together to achieve specific outcomes. The nature of these partnerships will differ depending on the way in which the partners contribute to the project.

In some areas, mana whenua may already be undertaking social or economic development programmes for their hapū or iwi. The social or economic development components of sustainable urban development projects should be assessed to determine the opportunities available to maximise the impact of these programmes.

| ? | Are there any barriers to iwi Māori becoming involved in partnerships to deliver sustainable urban development projects? Please describe these barriers. |
Having considered a range of international models and New Zealand barriers and implementation difficulties, six main areas have been identified for further discussion. In this section, a number of different ideas are discussed, and a range of non-regulatory and regulatory ideas and options outlined for each area. Some of the ideas are for tools or powers that may require legislation to allow development organisations to use them.

We want you to tell us what you think about these ideas and options, and their possible impacts.

Some of the other ideas are about exploring the issues and looking for any particular opportunities or factors to be considered in designing an approach to sustainable urban development.

Urban development is an important issue for local and central government. The role of local government as policy-makers, regulators, developers, investors and capability-builders is well recognised. Central government’s influence on urban development at the local level is less well recognised. Local authorities lead and represent their communities. They engage with their communities and encourage participation in decision-making, while considering the needs of people who are currently living there and those who will live there in the future. Central government actions also have a significant influence on urban outcomes. For example, central government invested $14.4 billion in Auckland in 2005 through health, education, transport, policing, etc. It also affects urban areas through its broader policy-making and implementation role.

The role of central government in urban development

The box describes how some of central government’s current activities support sustainable urban development. Those roles are likely to continue in some form, but there could be an opportunity for central government to build on these in the future.

How central government influences urban development

As a policy maker
Central government’s policy role includes the development of legislative frameworks (such as the Resource Management Act, the Local Government Act, the Building Act, the Unit Titles Act, and the Land Transport Management Act) as well as policies that influence the delivery of its own programmes and funding, and guide the provision of local government services. Examples of major government policies with a strong urban component include: Climate Change, the New Zealand Energy Strategy, the New Zealand Transport Strategy, the New Zealand Urban Design Protocol, the New Zealand Energy Efficiency and Conservation Strategy, and the New Zealand Housing Strategy.

As a developer and investor
Central government and its Crown entities are significant providers of urban infrastructure such as hospitals, schools, roads, public transport, social housing, prisons, courts, and police stations. Government also invests significant resources into urban areas through funding for transport delivered through regional bodies (e.g. Environment Canterbury or Auckland Regional Transport Authority).

As a capability-builder (promoting knowledge and skills)
Central government is also engaged in building capability, knowledge and skills in the urban environment. This includes funding urban-related research through the Research, Science and Technology portfolio, government-run research organisations in the housing and health areas, and government-commissioned research to support policy and programme development.
government to adopt a more explicit urban development policy at the national level that:

- reflects the implications of urban issues for New Zealand social, economic, environmental and cultural outcomes
- brings a whole-of-government approach to urban issues, with the potential for a national framework or agenda for urban development and redevelopment (to recognise the national and local implications of urban development on community wellbeing, and provide a more planned and systematic approach to urban development and redevelopment).

Within that policy advice role, central government could also work with local government on the interaction of local urban issues and national objectives/programmes to achieve greater co-operation and collaboration. Many regions have already started developing this approach through regional strategies and processes. Some opportunities in this area are discussed under the co-ordination and integration section.

Through the ‘Agenda for New Zealand research, science and technology’, central government is increasing opportunities for research, science and technology to play a role in the transformation of New Zealand’s economy, environment and society. The creation of new knowledge and partnerships to effect transformational cities and towns has been signalled for new investment.

Central government could also support the building of capability and capacity of both central and local government urban development practitioners by

The Government Urban and Economic Development Office

The importance to the national economy of Auckland as New Zealand’s largest city-region has been reflected in central government’s establishment of the Government Urban & Economic Development Office (GUEDO) in Auckland.

GUEDO has a multi-agency structure, including the Ministry of Economic Development, Ministry for the Environment, Ministry of Transport, and Department of Labour, and associate membership from the Department of the Prime Minister and Cabinet, Treasury, Department of Internal Affairs and the Ministry of Agriculture and Forestry. This enables it to integrate policy work across the full range of urban management issues.

GUEDO acts as a central government conduit into Auckland strategic processes and initiatives. The emerging Government Social Sector Office in Auckland intends to bring together social sector agencies in a similar arrangement that complements GUEDO.

The New Zealand Urban Design Protocol

The New Zealand Urban Design Protocol represents government’s vision to help achieve successful New Zealand towns and cities through quality urban design. The Protocol is a voluntary commitment to specific urban design initiatives by signatory organisations that include central and local government, the property sector, design professionals, professional institutes and other groups. The signatories champion urban design and have developed action plans that promote urban design practice within their organisation.

The Protocol identifies seven areas that characterise quality urban design:

- **Context** – building on the social, cultural, economic and environmental context with an overall long-term vision
- **Character** – reflecting and enhancing the distinctive character, heritage and identity of our urban environment
- **Choice** – ensuring diversity and choice for people
- **Connections** – enhancing how different networks link together for people
- **Creativity** – encouraging innovative and imaginative solutions and activities
- **Custodianship** – ensuring design is environmentally sustainable, safe and healthy
- **Collaboration** – communicating and sharing knowledge across sectors, professions and with communities
authorities and has developed a number of tools to help them deal with large, complex developments. Other initiatives, such as the development of a National Policy Statement on Urban Design (providing guidance to developers and local authorities on urban design issues) may also be useful.

How can central and local government support sustainable urban development?

The role for government within sustainable urban development projects

Local and central government may also decide to participate in sustainable urban development projects. Within these projects, local government could have a number of roles and interests – as a developer, provider of infrastructure and services, landowner, promoter of community well-being and regulator.

Within these projects, central government could have a number of roles and interests. These interests could include:

- the level of current or potential investment in infrastructure (such as schools, health facilities and transport facilities)
- the services it provides (including housing, community funding, welfare payments, etc)
- how the project may be able to address social disadvantage within the community, enhance employment and economic development, and improve environmental outcomes (for example, by reducing carbon emissions from transport).

Central government may also have a significant investment in land and buildings (such as Housing New Zealand Corporation holdings) that could support a redevelopment project.

Each of these factors will influence central government’s role in governance, funding, monitoring and accountability for a development project.

An urban development project might be undertaken:

- by the Crown itself (through a Crown entity company)
- through a joint Crown/Council organisation
- in joint venture with the private sector
- by a council-controlled organisation or a local authority itself.

Those options reflect the controlling interests central government might have, depending on its level of investment or interest – ranging from full government control to local authority control.

The Hobsonville Land Company is an example of a Crown subsidiary company involved in sustainable urban development. Examples of council-controlled organisations involved in urban development projects include Waitakere Properties Limited, Wellington Waterfront Limited and Tomorrow’s Manukau Properties Limited.

Figure 1: Controlling interests and development organisation models

![Figure 1: Controlling interests and development organisation models](image-url)
Hobsonville Land Company

The Hobsonville Land Company is a subsidiary of Housing New Zealand Corporation. It has been formed specifically to oversee and facilitate the development of land at a former airbase. It will work with private sector partners, local councils and other agencies and interests to bring about the development.

Hobsonville Land Company is master-planning the development and has prepared a more detailed Comprehensive Development Plan for the first stages of development. This will be notified for public comment by Waitakere City Council.

Monitoring the sustainable urban development approach

Understanding both the effect of a sustainable urban development approach on specific projects and any implementation difficulties is an important aspect of refining the approach and improving outcomes for all New Zealanders. Central government could monitor the impact of a sustainable urban development approach on urban development. This might include monitoring:

- the effectiveness of any legislation governing or affecting sustainable urban development
- the extent to which any sustainable urban development approach is being applied throughout New Zealand
- the impact of the sustainable urban development approach on the achievement of outcomes.

A further potential role for central government may be in securing the future supply of land for sustainable urban development (land-banking) – purchasing land at a fair price before the development process starts, then making the land available for sustainable urban development. Ensuring that there is sufficient land in the planning process – and land available for release to the market – is an important component of demand management for sustainable urban development and the availability of a good supply of housing to meet changing population needs.

What role should the following players have in sustainable urban development projects?

- Local government
- Central government
“In a time of drastic change it is the learners who inherit the future. The learned usually find themselves equipped to live in a world that no longer exists.”

Eric Hoffer, American social writer, 1973

Improving co-ordination and integration

Sustainable urban development needs co-ordination across the national, regional and local planning systems, involving agencies including central government, local government and utility providers. Each of these has different drivers for their individual planning and decision-making. It is important for sustainable urban development that their decisions and investments contribute to a shared (rather than competing) vision of the future.

Some regions have sought to develop a shared vision for the future through regional strategic processes. These processes involve developing a localised vision for the development area, which lines up with broader regional objectives. All parties must have a chance to take part early in the vision and planning processes. This helps decision-makers to understand the processes and constraints other organisations operate under, and how decisions affect the whole community.

Sustainable urban development also needs more effective integration between land use and transport planning, and transport, utility and other service providers (including health and education services). For this, an area must be developed in a way that is consistent with an agreed plan. Infrastructure and services must be prioritised, and delivered in the right place, at the right time and for a fair price. Transport-oriented development, where higher-density communities are built around transport nodes, offers opportunities to improve integration.

More effective integration is also about understanding how initiatives affect the social, economic, environmental and cultural dimensions of well-being. This could include determining how investment to increase employment levels improves longer-term social outcomes by reducing crime and enhancing social connectivity. It also involves recognising how local and central government’s total expenditure can be prioritised to get the best possible outcomes.

Regional development strategies

One response to New Zealand’s urban development challenges and opportunities is the emergence of regional development strategies. Developed to manage growth pressures or encourage sustainable economic development, examples include the Auckland Regional Growth Strategy, SmartGrowth Western Bay of Plenty, the Wellington Regional Strategy and the Greater Christchurch Urban Development Strategy. Common themes and approaches include:

- a strategic intent to increase economic competitiveness, enhance community well-being and protect the environment
- communities planning and working together toward agreed priorities
- the development of stronger local-central government relationships
- the importance of leadership and sustained commitment across agencies and sectors to achieve long-term planning, investment and development certainty
- a shift toward more compact, mixed use and connected development
- integrating regional strategies into key legislative planning requirements, (particularly the Resource Management Act 1991, Land Transport Management Act 2003, and Local Government Act 2002) – and making use of the full range of tools in different legislation to support integrated management of growth, infrastructure provision and funding
- identifying and gathering consistent, accurate data on the growth drivers in the area – population, employment and growth trends
- a growing commitment to long-term and formal collaboration and shared implementation among key agencies.
A sustainable urban development approach offers significant opportunities to improve co-ordination and integration, particularly through the processes that involve organisations and individuals across the community, such as creating a vision and planning.

Options for making the process more effective include:

- asking a Minister to co-ordinate central government agencies’ participation in urban development processes. This could include:
  - promoting co-ordination across government agencies
  - ensuring appropriate central government engagement in local processes
  - providing a contact point for development organisations that believe a government agency is not engaging appropriately.

- enacting legislation to require greater co-ordination between central, regional and local planning instruments. This could be similar to the Local Government (Auckland) Amendment Act 2004, which requires territorial authorities in the Auckland region to amend their district plans to reflect the growth concept set out in the Auckland Regional Growth Strategy.

### Integration under the Local Government Act 2002

All councils are required to develop Long Term Council Community Plans (LTCCPs) to help them promote the social, economic, environmental and cultural well-being and sustainability of their communities/towns/cities. LTCCPs are a vehicle to enable councils to work with their communities to identify their aspirations and prioritise activities and expenditure over a 10-year period, so they have an important bearing on how urban areas develop.

There is also a trend for councils to extend the scope of the LTCCP to better integrate long-term planning and funding requirements of regional transport strategies, Resource Management Act plans and other LTCCP activities. This requires developing mutually supporting strategies and plans that can be linked to an overarching strategic growth management framework. The benefits of this approach include enhanced co-ordination and integration, better asset management, improved long-term planning, and more effective capital and operational expenditure. The three partners to the Western Bay of Plenty SmartGrowth Strategy provide an example of this. The councils use their LTCCPs to help formalise their SmartGrowth relationship, and to identify, fund and phase the implementation of SmartGrowth initiatives.

A different approach has been taken in Auckland, where integrated planning at the local level has been driven through the enactment of the Local Government (Auckland) Amendment Act 2004 (LGAAA). The LGAAA requires all Auckland region’s seven local councils to integrate their transport and land-use policies to give effect to the growth concept established by the Auckland Regional Growth Strategy.
• establishing Development Area Agreements between the development organisation and key partners to the development. These could include central government agencies, local authorities, utility providers or other community groups. The Agreement would set out the services and timing of investment each would make in the development area, and any funding for those services to be provided by the development organisation. These would be similar to Local Area Agreements in the UK. The Development Area Agreement would give greater certainty as to when and how the area would develop. That certainty is important to the development organisation, the community, and to developers and other businesses in the development area.

• establishing a process to ‘declare’ strategically significant urban development areas as focus areas for government planning and investment.

A sustainable urban development approach is also a chance for central and local government and utility providers to collaborate in the development of an area. Collaboration involves the various parties jointly ‘owning’ the outcomes for the development area. This is achieved through joint strategic planning and aligning policies, which in turn leads to the co-ordinated delivery of services.

Collaboration is important where a network utility operator (such as an electricity or telecommunications company) has ‘requiring authority’ status under the Resource Management Act 1991. This is because a requiring authority can use a ‘designation’ to restrict the use of land, including land not owned by the requiring authority. The planned development of an area by a development organisation depends on all parties working towards a shared vision. Building network utility support for the preferred pattern of land use, and commitment to the necessary investments to help bring that pattern of land use about, is an important function of any development organisation.

A development organisation might have a range of mechanisms available to it – including joint strategic planning, Development Area Agreements and contractual arrangements – to build support from network utility providers for the development area.

**How can co-ordination of investment and integration of planning be improved?**

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**UK Local Area Agreements**

Local Area Agreements (LAAs) set out the priorities for a local area agreed between central government and a local area (the local authority and Local Strategic Partnership) and other key partners at the local level. LAAs simplify some central funding, help join up public services more effectively and allow greater flexibility for local solutions to local circumstances.

Through these means, LAAs are helping to devolve decision-making, move away from a ‘government knows best’ philosophy and reduce bureaucracy. LAAs are about what sort of place people want to live in. They set out the local priorities that will make towns, cities or communities a better place to be, and they are negotiated between all the main public sector organisations in the area, along with the local authority and central government.
Urban development is expensive. It requires significant amounts of funding in the early stages before income streams from development or land sales become established. This ‘start-up capital’ can be significant. Many parties have expressed concern about how to raise these funds when there are higher priorities for spending on core services. The level of risk is also difficult to quantify given the longer-term nature of projects.

Within sustainable urban development projects, development organisations might require funding for:

- operating costs to cover organisational capacity and capability to develop an area ‘master development plan’ and facilitate integration of central/local government and utility investments in the area
- considering and determining land use/zoning change applications from private owners
- assembling enough land to enable effective redevelopment
- undertaking infrastructure and/or social investment projects to achieve the objectives of the area redevelopment
- delivering affordable housing
- economic development, social rejuvenation and/or sustainability programmes
- environmental, economic and social sustainability, including energy efficiency.

A major objective in sustainable urban development projects is to realise the financial benefits of co-ordinating capital and operating inputs from a range of agencies – such as transport systems, schools, economic and social development investments. Getting funding commitments from a range of central government agencies, along with local/regional councils, is an important part of any project and could be supported either by ‘contractual’ commitments to funding or by designating particular funding for specific sustainable urban development projects.

Funding

**Funding principles**

Arrangements to fund urban development by the public sector would generally be expected to be:

- **sustainable** – funding options should meet the revenue needs of the development project on a sustainable basis.
- **autonomous** – some degree of independence of funding is central to being able to undertake a development over an extended period.
- **accountable** – options should preserve the link between choice, accountability and funding.
- **replicable** – funding options should be designed to be used across a range of project types.
- **easy to administer** – compliance costs should be minimised.
- **efficient** – options should minimise the effect on resource allocation decisions, both now (allocative efficiency) or in the future (dynamic efficiency).
- **equitable** – options should treat like circumstances alike and different circumstances differently. This concept is often referred to as ‘fairness’.

**Sustainable urban development can increase land values**

The size of the land value uplift resulting from master development planning, zoning changes and the provision of capital works will vary, depending on the location and specific features of each project. The increase in value is mainly the result of using land more intensively
Some advantages of the value uplift levy are that it:

- provides a funding source for larger-scale sustainable urban development
- captures (part of) the unearned value gain created by public decisions and investment
- enables re-investment of value gain in public services/amenities.

Disadvantages include:

- It can be administratively complex. For example:
  ▶ At what rate should such a levy be set to minimise risk of deferral/reduction of new development?
  ▶ How should the size of any change in value be determined?
  ▶ At what point should such a levy be charged (on sale or when the gain occurs)?
  ▶ What about the interaction with existing tax liabilities for private landowners (see s.CB 14 of the Income Tax Act 2007 for tax liability, in some circumstances, on value gain from zoning changes) and existing income tax liability for property developers?
  ▶ Would it contribute to rising housing costs (if passed forward into house prices)? Charging such a levy at the point of consent for a changed land use may mean it is more likely to lower land prices than increase housing prices.
  ▶ How would the levy be integrated with existing development contributions (and other existing charges)?
- It may not be widely understood initially
- The cumulative effect of adding a value uplift levy to existing levies and contributions needs to be carefully considered. The following diagram illustrates how these levies and contributions might fit together.

Some infrastructure costs are currently recouped by the ability of a territorial authority under the Local Government Act 2002 to charge development contributions to (partly) fund the cost of population growth. Development contributions are usually lump-sum cash contributions, and must be related to the direct additional costs associated with the development proposal. Income from rates is used...
for operating costs and depreciation. However, many of the services provided for new residents will exist for some time and will be used by existing and future communities, including new ratepayers. Population growth also benefits the wider community through an expanded rating base, employment growth, and so on. Local authorities can also currently charge ‘financial contributions’ (under the Resource Management Act) to mitigate the effects of development. There are mechanisms to prevent both types of contribution being collected for the same purpose.

There is an element of commercial risk that future increases in land value (and/or any value uplift levy) from sustainable urban development activity will not be enough to cover the costs incurred. This may be the case during periods of property market downturn or where land development costs have not been controlled. Robust business case development and the inclusion of commercial property skills in management and governance positions could help manage such risks.

To partly or fully fund sustainable urban development, do you support a value uplift levy to capture ‘unearned’ gain resulting from public actions to increase scope for development? Please explain your view.

What issues would need to be considered when designing and implementing a value uplift levy?

Overview of possible contribution types

- **Contributions**
  - **Development/Infrastructure Contributions**
    - Payments for planned infrastructure benefiting the site
    - Apportionment principle: payment in accordance with projected demand that development will impose on infrastructure
    - Typical instrument: Pre-notified charges via a DCP or a connection charge
  - **Financial contributions (RMA)**
    - Payments to make good adverse effects of development
    - Apportionment principle: “Polluter or Exacerbator Pays” Developers responsible for additional costs pay 100%
    - Typical instrument: Conditions on planning permits or negotiated agreements
  - **Value uplift levy**
    - Payments to the community for the right to offer higher/better uses on the site
    - Apportionment principle: A proportion of uplift attributable to additional use rights should flow back to the community
    - Typical instrument: Negotiated agreements

- **User fees and charges**
  - For services such as land use and building consenting – actual and reasonable costs of undertaking consenting work are charged by the responsible agency.

DCP = Development Contribution Policy under the LGA 2002
### Possible funding options

The table below summarises a range of existing and possible funding tools in sustainable urban development projects. The funding options described below are not mutually exclusive.

<table>
<thead>
<tr>
<th>Project stage</th>
<th>Existing funding tool</th>
<th>Potential funding tool</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban development project development</td>
<td>• local and/or central government agency ‘baseline’ funding (from taxes/rates)</td>
<td></td>
</tr>
</tbody>
</table>
| Creating a master development plan for the project and land use/development control | • local and/or central government agency contributions  
• application fees or user charges | • debt funding secured against development organisation-owned land and supported by value uplift (with interest costs capitalised and repaid on the sale of land to developers) |
| Land assembly | • direct transfer of land/assets/cash from government and/or councils  
• debt funding secured against development organisation-owned land, supported by value uplift. Debt funding for land purchase would be repaid when land is sold to developers. | • private landowners becoming equity partners/shareholders in the development (refer land readjustment)  
• levy mechanism to capture a proportion of value uplift on privately owned land redevelopment |
| Infrastructure provision | • the ability to charge ‘development contributions’  
• direct government or council provision of roading, etc (including subsidies)  
• debt funding secured against development organisation-owned land – repaid when land is sold to developers, or passed back to the council  
• up-front lump-sum infrastructure contribution by private developers in return for rates exemption on that infrastructure cost  
• the ability to charge targeted rates  
• depreciation charged against capital investment in infrastructure | • levy mechanism to capture a proportion of value uplift on privately owned land redevelopment |
| Economic and/or social rejuvenation/development projects | • operating and/or capital funding from central/local government for the delivery of specified services (e.g. grants for services to be provided) | • potential reinvestment of development profit from land the development organisation owns and eventually sells for development  
• levy mechanism to capture a proportion of value uplift on privately owned land redevelopment |
<table>
<thead>
<tr>
<th>Project stage</th>
<th>Existing funding tool</th>
<th>Potential funding tool</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delivering affordable housing</td>
<td>• direct operating (rent and/or interest rate subsidies) and/or capital funding subsidies from government/councils</td>
<td>• using the Affordable Housing (Enabling Territorial Authorities) Bill provisions to fund the provision of affordable housing (and possibly subsequently transfer ownership to not-for-profit housing providers)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• levy mechanism to capture a proportion of value uplift on privately owned land redevelopment</td>
</tr>
<tr>
<td>Regulation</td>
<td></td>
<td>• require, as a condition of land/development right sales and/or planning consent, that developments include a mix of housing styles and costs that cater to mixed tenure and income communities</td>
</tr>
</tbody>
</table>

? What other funding mechanisms could be used in sustainable urban development?

? Are there funding mechanisms that would provide incentives for private involvement in sustainable urban development?
Urban development designed to deliver economic, environmental, social and cultural improvements requires an integrated and co-ordinated process of land-use change, across a geographical area both large enough and joined-up enough to deliver significant results.

For example, a transit-oriented development near a railway station must increase residential and/or employment density (and thus patronage) enough to increase the viability and frequency of train services. Amenities and services such as schools, GPs, shops and cafes also need sufficient population density to stay viable. These amenities often attract people to live in intensified areas. Achieving the kind of self-sustaining, critical mass of population that supports such activities usually requires development on a relatively large scale.

Large-scale development will usually require enough landowners, in the right location, to sell their properties, develop/permit development of their land, or amalgamate their landholdings with others. However, landowners may be unable or unwilling to participate in a development for a variety of reasons. They may:

- have a personal attachment to their house, land or area, or be unable to relocate
- want to undertake their own lower-risk, small-scale development (i.e. infill)
- not have access to sufficient capital to develop, or not wish to carry the financial risk of development
- wish to land-bank an appreciating asset, or use their position to extract higher prices from purchasers
- be absentee and un-contactable, or simply uninterested.

Because of this, fragmented patterns of existing ownership or land use can make it difficult to assemble land into large enough blocks for sustainable urban development. Consider some land near a railway station in a suburban town centre – perhaps a run-down commercial site, a parking lot and some low-density house lots. This land could permit development of 100 or more dwellings in medium to high-density townhouses or apartments, housing 300 or so residents, including parks, retail and public spaces. Such a development might result in a significant boost to local economic activity, as well as an increase in patronage of the train service. Importantly, it may also catalyse development around the rest of the town centre.

However, if the land is in fragmented ownership, and without a planned ‘transformational vision’ or certainty around important infrastructure investment (such as public transport), a higher-value land use may not be considered viable by developers or land owners. In an assembled form, however, the land may be more valuable and able to contribute more to public-good outcomes (such as reduced car-use, increased local economic activity, or increased public transport use) than as individual pieces of land, or isolated development on individual sites.

Sometimes the land assembly issue is not fragmented ownership, or achieving adequate scale, but acquiring a particular site of strategic importance. This might be a large lot close to a town centre or near public transport, which by itself might unlock sustainable urban development opportunities within an area.

Options for land assembly

Fragmented land ownership can prevent land from being used for higher-value or important community purposes. Where the urban development project cannot be re-designed to exclude unavailable property, and the land cannot be purchased, nor development rights gained through voluntary, market-based negotiation, two options for land assembly are used in international urban development projects:

- last-resort compulsory land acquisition powers
- land readjustment (instigated property exchange).

International compulsory land acquisition powers

In the United Kingdom, Urban Development Corporations (UDCs) can be established under the Local Government, Planning and Land Act 1980. UDCs have a broad remit to secure the regeneration of a defined area by bringing land and buildings into effective use, encouraging the development of existing and new industry and commerce, creating an attractive environment, and ensuring housing and social facilities are available to encourage people to live and work in the area. To achieve this, they have powers to compulsorily purchase land as well as a general power to do anything necessary or expedient in the interests of their objectives.

In Australia, a range of special purpose urban development or regeneration corporations exist at state, regional or metropolitan levels. Some of these have compulsory acquisition powers available to them. For example, the Victorian Urban Development Act 2003 allows the State Government to mandate ‘declared project areas’. The State urban development corporation (VicUrban), when acting in a declared area, has access to a range of extraordinary powers, including – with the approval of the Minister of Planning – compulsory land acquisition.
Compulsory land acquisition

Central and local government in New Zealand has a long history of acquiring land to support economic and social development. Currently the Public Works Act 1981 enables land to be acquired for building schools, prisons, power lines and other important public works. Acquisition is generally with the landowner’s agreement. If agreement cannot be reached (or the landowner cannot be located or is deceased), the land may be acquired without their consent (compulsory acquisition).

Compulsory acquisition under the Public Works Act is rarely used and can be controversial as it involves taking away private property rights. Landowners can object to a compulsory acquisition in the Environment Court before land is taken for a public work. Compensation for acquisition is provided for in the Public Works Act. The compensation principles are well established in New Zealand, so no one should be either better or worse off due to the acquisition of their land.

In addition to the public works described above, some countries recognise the importance of compulsory acquisition for urban redevelopment. Those countries provide access to compulsory acquisition powers, in some form, to local authorities and to special-purpose urban development authorities. Australian experience suggests that even though the power to compulsorily acquire land is available to some urban development authorities, it is very rarely, if ever, used.

If compulsory acquisition powers were available for sustainable urban development purposes in New Zealand, they should be exercised only in special circumstances – i.e. to buy strategically important sites or where the sites are critical to realising the overall urban development vision. The preferred option will always be voluntary participation of landowners in the urban development process, or agreement to willingly sell their land. Compulsory acquisition is always a power of last resort.

If compulsory acquisition is used, the rights, obligations and acquisition and appeal processes must be clear to all parties involved. It is suggested that a number of criteria should be satisfied before the application of compulsory acquisition powers is considered:

- The overriding public interest (in undertaking the proposed development) has been proven.
- The land is genuinely required to realise the proposed urban development vision (it has strategic significance).
- It can be shown that all other avenues have been exhausted before resorting to compulsory acquisition (e.g. negotiation).

These types of factors are already considered by the Environment Court when inquiring into objections to land acquisition under the PWA.

Protection of Māori interests in land

If central government land were to be used for sustainable urban development, an important consideration is the link with government mechanisms to retain land for Treaty settlements, such as the Protection Mechanism, Significant Sites process, or existing and future Rights of First Refusal.

There may also be parcels of land within sustainable urban development projects that are in Māori ownership and are inalienable – leases have been used in some areas as one option to provide opportunities for appropriate development, a financial return for the owners and the retention of ownership.

Where the use of central government or Māori land is important to a sustainable urban development project, how could Māori interests in that land be protected?
Existing mechanisms

In New Zealand, the exact nature of acquisition powers available in urban development situations is unclear. Some powers exist under the Public Works Act and Local Government Act 2002 in ‘urban renewal’ situations, but because they are not well understood or tested, they are seldom, if ever, used.

Some case law indicates that if any project involves a public element, but includes land that is privately owned, it cannot be considered a public work for the purposes of the Public Works Act.\(^1\) The exception is private network utility operators, authorised under s186 of the Resource Management Act 1991. This suggests that if an urban development project involves an element of private ownership of land, then it is unlikely to be classified as a public work under current provisions.

This would restrict situations in which the current powers could be used, which is significant, as the sustainable urban development approach is intended to be available to joint ventures between the public and private sectors.

Offer-back obligations

The Public Works Act (ss40-42) also includes ‘offer back’ provisions to return land no longer required for the public work for which it was held. This land must be offered back to the previous owner, or the previous owner’s successor. The existing legislation does not provide an exception where the disposal itself is part of the public work.

This has significant implications for sustainable urban development projects which aim to create well-serviced parcels of land to sell to an end-user (e.g. a developer, an owner-occupier, or an institutional investor in affordable rental housing). Any land acquired for an urban development project or existing council or government-owned land within that

Compulsory acquisition and urban renewal

Under the Public Works Act, the Minister for Land Information can acquire any land required for a government work (usually on behalf of other government agencies). A government work is any work that a government agency is authorised to undertake. A local authority is empowered to acquire land for any local work for which it is authorised to undertake and for which it has financial responsibility (s16). The financial responsibility clause does not apply to the Crown.

The Local Government Act 2002 (s189) authorises local authorities to compulsorily acquire land that “is necessary or convenient for the purposes of, or in connection with, any public work that the local authority was empowered to undertake immediately before 1 July 2003” – the date on which the repeal of the bulk of the previous legislation was effective. The previous legislation (the Local Government Act 1974) gave local authorities an explicit power (s644B) to “undertake and carry out urban renewal in the district”.

‘Urban renewal’ was defined in the Local Government Act 1974 (s644A) as: “the conservation, repair, or redevelopment of any land, or of any building on any land, within any urban part of the district, the standard of which should in the opinion of the council be improved; and includes the improvement, reconstruction, extension, development, and redevelopment of the utility services, roading, the landscape, and community and social facilities and services within that part”.

The Local Government Act 1974 also explicitly declared urban renewal to be a public work for the purposes of the Public Works Act, and therefore an activity to which the compulsory acquisition powers of that Act could be applied. Therefore, ‘urban renewal’, as it is defined above, is still authorised as a public work under s189 of the Local Government Act 2002.

Section 224 of the Public Works Act

A further avenue for exploration is s224 of the Public Works Act, which empowers the Crown to contract with local authorities to engage in undertakings of local and national importance. Where the Crown and a local authority have entered into an agreement under s224, ss(3) provides that any land required for the undertaking covered by the agreement “may be taken or acquired as for a public work under this Act either by the Minister or by a local authority which is a party to the agreement”.

In other words, if the Crown believes an undertaking, whether or not it is a public work in the established or accepted definition, is of national and local importance, the Crown and a local authority may enter into an agreement for allocating responsibility for undertaking the work, acquiring or disposing of land, managing and funding it.

A disposal of land in accordance with a s224 agreement may not trigger the offer-back obligation under s40 of the Public Works Act.

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\(^1\) Auckland City Council v Taubmans (New Zealand) and Others [1993] 3 NZLR 361
project is likely to be sold. So even if it could be argued that a particular site should be compulsorily acquired for an urban renewal project, the offer-back obligation may still complicate matters when it comes time to sell the land.

Some exemptions to the offer-back obligation may apply. If there has been a significant change in the character of the land since it was acquired from the owner, or if the chief executive of the local authority or the chief executive of Land Information New Zealand considers it would be impracticable, unreasonable, or unfair to make the offer, then land does not need to be offered back. These, however, are likely to be subject to various interpretations, appeals and timing issues. Because they create uncertainty, they are not ideally suited to the sustainable urban development approach envisaged.

Compulsory land acquisition options

There are three broad options for the compulsory land acquisition issue:

- **Do nothing.** Compulsory acquisition powers would still be used only where there is a defined ‘public work’ in the currently accepted sense.
- **Amend the Local Government Act and/or Public Works Act (including offer-back obligations) to make compulsory acquisition a more viable option for acquiring land for sustainable urban development.** This option could include a clarification of and/or amendment to s224 of the Public Works Act.
- **Create separate enabling legislation, similar to that in the UK and Australia, which permits compulsory acquisition powers to be used in specially declared urban development areas, subject to defined criteria and/or ministerial approval.** There would be no offer-back obligations in this approach, except where the land is no longer needed for the purposes of the urban development.

| ? | What are the advantages and disadvantages of these options? |
| ? | Are there other options? Please describe them |
| ? | Who should have the power to make compulsory land acquisitions? |
| • | A minister |
| • | A local authority |
| • | A company |
| • | An urban development organisation |

Land readjustment

Another international model used to address land assembly problems is ‘land readjustment’. In this process, also known as ‘instigated property exchange’, land is exchanged for land or property rights in a development, as part of a collective action. It involves landowners grouping together to assemble and develop their land holdings, taking individual equity in the overall project and realising a share of the resulting uplift in value and quality.

In theory, it is possible for this to happen without the need for a co-ordinating agency. In practice, however, private market players and landowners may lack the mechanisms and incentives to co-ordinate and integrate a land readjustment opportunity.

In most overseas examples of land readjustment, an agency takes a central coordinating and/or land development role and invites property owners to become stakeholders and contribute their real assets to the project as investment capital. In return, the agency contracts to give each owner land or buildings of at least equal value, but possibly greater, in the vicinity of the original site once the redevelopment is complete, while the agency takes a proportion of the value uplift generated from the project (usually in land). This land is used to directly provide, or sold to fund, the public-good activities of the project – the public spaces and amenities, infrastructure and roads, social and community services, affordable housing, etc. This is an alternative to the development organisation buying out all the existing property owners, or using compulsory acquisition powers to force a sale.

Land readjustment is a well-recognised tool of land management in many countries, but it relies on several pre-requisites. Perhaps most importantly, the density must increase enough to allow the mechanism to work. It also generally requires a robust land market, trust and goodwill.

The advantages of the land readjustment process are that it:

- does not require the development organisation to have substantial upfront capital for buying out existing owners, or government assistance to acquire land compulsorily
- enfranchises local landowners, allowing them to enjoy some of the financial gain from redevelopment, thus maintaining or increasing their interest and participation in the local community
- requires only temporary relocation of residents and/or businesses, rather than permanent relocation, and land only needs to be vacated when the works actually begin
- can be attractive to residential landowners, who are often ‘asset-rich’ but ‘cash-poor’
- creates certainty for developers, knowing that the community is a partner in the outcome.
The disadvantages and implementation challenges that could potentially impede land readjustment include:

- the reliance of the process on co-operation amongst landowners, and between landowners and the development organisation
- the risk of property owners refusing to participate, and freeloading on the benefits that accrue to those who do participate. A freeloading landowner gets all the benefits but none of the risks. If they own a key site, it may jeopardise the whole project.
- landholders unsure about how they are involved in the process. In other jurisdictions, the co-ordinating agency creates a ‘readjustment plan’, to use as a basis for community involvement. This plan demonstrates the potential of swapping land for land within the planned area.
- the extent and significance of community participation in the decision-making process means that, depending on the number of landowners involved, land readjustment is not necessarily a ‘time-saving’ tool
- the co-ordinating agency may also need coercive powers to get ‘hold-out’ landowners to participate.

<table>
<thead>
<tr>
<th>Joint venture with an iwi governance body or development company</th>
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<tr>
<td>Where mana whenua hold land assets in a sustainable urban development area, they could decide to enter into some form of land readjustment – contributing land to the development in return for a share of the profits or for revenue-generating assets arising from the development. This contribution could involve transferring land, or providing a long-term lease over land. An iwi development company might also consider working in a joint venture with a development organisation for it to undertake the physical development of land owned by the iwi development company.</td>
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| ? | What is required to support land readjustment as a way to assemble land for sustainable urban development? |
| ? | Are there other options to assemble land for sustainable urban development? |
Successful implementation of sustainable urban development is dependent on development happening at an appropriate speed. Local authorities, council-controlled development organisations and private sector developers have identified that the length and nature of planning and development control processes is a barrier to implementing sustainable urban development.

Some parts of the Resource Management Act planning and development control processes, in particular, can add long waiting periods to development timeframes and create high levels of uncertainty around what development will be allowed. Delays and uncertainty:

- add to public or private sector developers’ holding costs for developable land;
- make it difficult to predict the timing and full costs of development (including potential legal costs, increases in material and labour costs over time);
- make projects vulnerable to shifts in market demand, away from the planned product.

Local authorities have also said they have limited tools to achieve social outcomes and public benefits through market mechanisms. Reducing delays and uncertainty may result in increased financial viability of urban development projects, but these projects will not necessarily deliver desired government outcomes, such as affordable housing or urban sustainability.

Urban development organisations may need an enhanced set of development controls to create a development package that is both attractive to developers and capable of delivering sustainable communities.

New Zealand’s planning and community outcomes processes have been designed to enable communities to develop in their own unique way through local place-based solutions.

At the local level, planning decisions are based around the need for decision-makers to consider an interrelated range of social, economic, environmental and cultural outcomes, under both the Resource Management Act and the Local Government Act. In doing so, councils must meet statutory requirements and other regulatory settings, and take account of community preferences within a democratic environment where affected parties are able to express their views.

While these factors add to the complexity of the planning environment in New Zealand, they add valuable opportunities for those with local knowledge and interests to help ensure development is appropriate. The costs and benefits of any changes to these systems need to be carefully considered.

Are changes required to planning and development control processes to support sustainable urban development?
Making development happen in sustainable urban developments

Streamlining development plan processes
Internationally, one of a development organisation’s key tasks is to create a master development plan for a declared area. This plan is like a zoning for the area that sets out the development vision, supported by planning rules that might replace any existing local authority plans for the area. Under a sustainable urban development approach, and given an appropriate level of community involvement in the development planning process, the transition from the existing district plan to a development plan for the area could be streamlined.

Options for this transition range from a council plan change, to the Minister being able to direct that the development plan replaces the district plan for that area. If the transition were carried out through a council plan change, the process could be streamlined by prescribing that the decision on submissions and hearings could be appealed to an independent commissioner, the council or the Crown, but not to the Environment Court. The requiring authority model under the Resource Management Act may also be an option for consideration.

Consultation and accountability
The existing plan change process has a number of opportunities for supporters and objectors to submit on development proposals. Replacing a district plan with a development plan raises questions about how the community could be involved in the development plan process, including resolving any concerns they have about the development plan.

Recognition of legal provisions affecting the rights of Māori
Some legislation requires decision-makers to give special consideration to Māori interests or perspectives. For example, the Local Government Act 2002 explicitly requires local authorities, when taking decisions in relation to land or a body of water, to take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.

If a development organisation were to have similar decision-making powers to a local authority, it might be appropriate for the development organisation to have regard to those matters. If this does not occur, Māori may consider their rights within the decision-making process diminished, in contrast with existing legal rights. Other rights under the Resource Management Act or other legislation may also be affected.

Streamlining consenting requirements
Sustainable urban development is likely to be largely mixed-use, with a wider range of permitted activities than the surrounding area, and a number of conditions for developers to meet. Widening the range of permitted activities may lead to fewer resource consents being required for individual buildings or spaces within the development. Projects that do not meet the rules set out in the development plan will require resource consent.

There are a number of options for streamlining the resource consent application process within sustainable urban developments. Options include:

- simplifying and clarifying further information provisions to encourage applicants to provide all relevant information in their initial application
- reducing processing and reporting requirements for controlled activities
- reducing rights of objection and appeal to certain decisions with minor environmental effects, e.g. requests for further information.

These measures could be implemented alone or in combination, and would require amendment to the Resource Management Act.
Consultation and accountability

Current requirements can result in inefficient use of officer time, or too much documentation relative to the impact of the activity. A high level of community input to the development plan means it is less likely that minor consents would create public concern. However, reducing rights of objection and appeal to certain decisions may reduce opportunities for community input into resource management decisions.

To encourage sustainable urban development, how could planning processes be simplified or streamlined?

Streamlining consenting processes

As well as changes to rules surrounding permitted and controlled activities, there are options for changing responsibilities for processing and making decisions on development consents.

Under the Resource Management Act, local authorities hold responsibility for processing resource consents. However, within a sustainable urban development project, responsibility for processing land use consents, subdivision consents or regional consents could be delegated to the development organisation to:

- ensure integration of the various consent processes
- focus additional processing resources as needed to deal with higher periods of demand.

Section 33(2) of the Resource Management Act allows a local authority to transfer any one or more of its functions, duties or powers to another public authority. Redefining a public authority to include a development organisation would permit a local authority to delegate these planning functions and powers to a development organisation.

Accountability

An underlying principle of the Resource Management Act is that decision-making is best left to those directly affected by the results of those decisions. In some circumstances, it may be appropriate to delegate these responsibilities to a Crown-owned entity, particularly where significant government investment is planned. However, a development organisation may not have the same accountability requirements as a local authority.

Shifting responsibility for resource consent processing to a development organisation risks creating demand for more consultation and appeal rights, rather than fewer. For this reason, efforts to streamline this process, to improve certainty and confidence for developers and the public, may meet opposition.

If responsibility for processing consents remains with local government, the territorial authority, regional council and development organisation would need to maintain close links, to ensure consents for development within a declared area are processed in a timely and co-ordinated way.

To encourage sustainable urban development, how could consenting processes or requirements be simplified or streamlined?

Limiting submission and appeal rights on resource consent applications

A further option is to limit who can lodge submissions on resource consents, and how these submissions are assessed. Resource consents are currently notified generally or to a targeted range of potential submitters. Any member of the general public, notified or not, can make a submission on an application for resource consent. Consents for development, particularly intensification, can attract a considerable number of submissions, including commentary from people who may not be directly affected. Within a sustainable urban development project, the right to make submissions on resource consents could be restricted to residents and/or landowners within the project.

Restricting who can submit on resource consent applications may mean that some groups with particular interests, but without a local representative (e.g. environmental groups or commercial companies), may be excluded from commenting on development.

Rights of appeal on resource consent submissions could also be changed for applications within a sustainable urban development project. Decisions on resource consents can currently be appealed to the Environment Court. One option, given broad community support for a development plan, is for appeals on resource consents within a sustainable urban development project to be referred to an independent commissioner rather than the Environment Court.

Are there other options to streamline or simplify planning and development control processes for sustainable urban development?

planning with the community
A key objective for sustainable urban development projects could be to ensure they result in mixed communities (communities with a range of household types and income groups) and that some proportion of the dwellings delivered by the project would be affordable to the intermediate market (for both rental and first home ownership). Social housing providers should also be able to acquire some properties in the area.

More people are actively seeking housing smaller in scale than the traditional suburban three- or four-bedroom house. Many people – for a variety of social and economic reasons – are choosing town house or apartment alternatives closer to public transport and employment centres. Because well-designed and well-located medium- or high-density dwellings can use less land, be more energy-efficient and lessen the need for commuting, they are often more affordable over time.

The particular contributions to affordable and mixed community housing that a large-scale sustainable urban development project might deliver include:

- providing economies of scale in land development and building construction costs. The likely scale of these projects enables planning and delivery of ‘mixed communities’ (including a range of incomes and household types) and ‘mixed tenure’ outcomes (including rental and ownership housing), as well as social and economic development. The mix should be determined within the specific features of each project
- requiring provision of affordable housing (or contributions of land or money to acquire affordable housing), either through provisions such as those in the Affordable Housing (Enabling Territorial Authorities) Bill, or as a condition of selling land or development rights to developers
- reducing regulatory compliance costs by simplifying the land use consenting process
- being able to bring together a number of separate design, regulatory, scale and co-ordination elements to get a better overall community structure and outcome
- being able to pass cost and quality benefits through to targeted groups. This would include a mechanism to realise value uplift and use that funding to cross-subsidise the provision of affordable (or public) housing options. The extent of such a provision would depend on the specific features of each project
- providing opportunities to support workforce supply in areas where affordable accommodation is an issue for employers seeking workers.

Greater diversity in the design, price, location and tenure of housing will help to address the problem of housing affordability and help strengthen local communities. Increasing housing supply is not enough by itself – housing must also be well located and supported by jobs, public transport and social and community infrastructure. The way to improve housing affordability is not to build cheap houses on the outskirts of cities, away from employment, services and public transport links, and with low levels of energy efficiency. This simply shifts costs from housing to transport and energy.

Australian experience demonstrates that sustainable urban development projects can be used to:

- demonstrate commercially viable sustainable development, high-quality design, and community regeneration
- facilitate the provision of affordable housing, community facilities and services
- kick-start redevelopment in strategic locations where there has been little market interest.

What options could be used to increase the supply of affordable housing, or improve housing affordability, in sustainable urban development projects?
Bringing it all together – a possible sustainable urban development approach

Each sustainable urban development project seems to face a unique set of barriers and difficulties that depend on the parties involved, the objectives for the development and the site-specific circumstances of particular places.

In many urban development projects, single tools or the use of non-regulatory measures will help to address the barriers or difficulties. Complex and/or strategically important projects may need a wider range of powers, tools and support, potentially of a directive or coercive nature, such as those discussed in this document. These types of projects are likely to make up only a small (but important) proportion of all urban development.

Proposals to provide an enabling place-based approach outlined in this part of the document combine:

- legislation that will allow the declaration of sustainable urban development areas (complex and/or strategically important). This would include a range of new powers and tools for approved organisations to use in these areas as required.
- new measures to work with legislation to support sustainable urban development projects across New Zealand, regardless of their complexity and/or strategic importance.

Using this approach, business cases would be prepared for project areas to confirm their complexity or strategic importance. Once a sound business case demonstrated both significant opportunities for sustainable urban development and any likely barriers, existing public organisations would seek approval to use powers or tools that they could show were needed to undertake the project/s.

Enabling legislation could provide for the confirmation of an existing development organisation, or authorisation to establish a new development organisation for one or more sustainable urban development projects.

The legislation would also provide the ability to specify:

- the purpose, establishment provisions, functions, powers, governance and accountability frameworks, and term (including project closure processes) for the organisation and project
- any dispute resolution process needed if cross-boundary disputes occurred between local authorities or spheres of government.

The type of organisational structure that might operate would depend on a combination of factors:

- the relative level of investment in the project by central and local government

Place-based solutions are planning and development approaches based on specific physical locations and their geographical and spatial relation to other areas, which recognise the unique characteristics of each area being considered.

There is growing recognition that place-based initiatives can deliver more effective, integrated development in key locations. For instance, the One Plan for Auckland will use place-based initiatives to implement selected significant projects and programmes.

- whether the main objectives for the development are local, regional or national in nature
- whether the development depends on specific private or public properties or assets being included.

A number of types of development organisations provided for in existing legislation could be empowered under this sort of approach. These organisations are likely to be local and/or central government-owned or -controlled companies. They include:

- organisations already operating in New Zealand
- local authorities
- council-controlled organisations (either owned and controlled by one local authority or by a group of local authorities, with or without a shareholding held by government or the private sector)
- wholly-owned Crown subsidiaries

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2 New Zealand companies already set up to co-ordinate and enable urban development include Crown subsidiaries such as the Hobsonville Land Company, and existing council-controlled organisations such as Tomorrow’s Manukau Properties Ltd and Waitakere Properties Ltd
• joint ventures with private developers
• jointly controlled central and local government companies.

Some governments overseas have established special-purpose urban development authorities to tackle some of these barriers by co-ordinating and facilitating development in specific urban areas. This is not considered necessary in the New Zealand context, given the range of existing types of development organisation available to undertake sustainable urban development.

Enabling legislation could also provide for the use of the following powers/tools within the specified sustainable urban development areas:

• land assembly and compulsory land acquisition powers to be used within the area, including appropriate accountability mechanisms
• funding tools, including a framework for infrastructure and value-uplift levies within the area
• mechanisms and powers to streamline planning and development control processes, with appropriate levels of public consultation and appeal rights
• mechanisms to improve utility and service-provider integration at the planning and delivery stages of the development process.

Specific regulatory tools that could enhance the provision of affordable housing in sustainable urban development areas include:

• local regulatory tools such as planning or density bonus provisions, pre-approved development rights for developments that provide affordable housing in public transport-oriented, higher-density zones
• setting targets for affordable housing provision as a condition of approving the use of particular powers or tools in the area
• value uplift levy funding tools.

Ideally, the legislation would be supported by:

• improved application of, and enhancements to, existing regulatory tools (such as designation, development control or plan change processes)
• local and central government projects to develop a range of non-regulatory and local regulatory tools, and communicate these to local government, utility providers and other key urban development stakeholders. This would include tools such as planning zonings to get transport-oriented, higher-density areas, and ways to use existing consultation or planning mechanisms more effectively.
• building capacity in sustainability, urban design and urban development in central and local government, and the private sector
• further improvements to co-ordination and integration in central and local government, including improvements to the way in which central government agencies:

» work with local government and utility operators in planning and service delivery at the metropolitan and local urban scale
» make investment decisions (undertaking comprehensive integrated planning, prioritisation and funding for sustainable urban development)
» collect, analyse and provide information on sustainable urban issues.

In projects that are not complex and/or strategically important, all these support mechanisms would help overcome barriers and implementation difficulties. However, these measures alone are unlikely to deal with the more pressing opportunities and barriers evident in the complex and strategically important urban development locations that would be targeted by the proposed legislation.

What other approaches to sustainable urban development could be used in New Zealand? Please describe them or provide examples and references.
How the sustainable urban development approach might work

The following is an outline of the broad process by which a new sustainable urban development approach might work for complex or strategically important projects.

First, a suitable location for a sustainable urban development project needs to be identified. There may be a number of triggers for a particular location to be put forward for consideration – a regional (or local) strategic planning exercise with community consultation; central government social housing redevelopment priorities; or a combination of factors.

Determining the suitability of a location for the special approach would involve a detailed study outlining the development opportunities and the likely or known barriers to development. This would also provide opportunities for potential project partners to participate (such as private sector developers, significant landowners, service and infrastructure providers, etc) along with the local community.

The next important stage is developing a more detailed project plan. This would involve getting the agreement of all project participants – including those in central and local government – to funding, resource allocation, and the main decisions that will be required. It would outline the broad vision for the area, and it would involve preparing a business case demonstrating the viability of the project. The business case must show why special urban development powers and tools are needed to realise the vision.

A Minister would consider the business case and, supported by appropriate advice, decide whether to declare the location a sustainable urban development project. This decision would outline the boundaries of the project area, the objectives of the project, the powers and tools available, and the nature of the development organisation that would undertake the project on behalf of the project partners.

It is likely at this stage, and while the development organisation gets up and running, that interim planning controls would be placed on the area to prevent any development inconsistent with the overall vision. The development organisation would then:

- prepare the detailed master development plan for consultation
- determine the final development and planning controls
- arrange formal changes to the district plan
- begin entering into development agreements, contracting work, buying, preparing, and selling land for development
- consider what social and economic programmes would be needed to support the existing and future communities.

The project may take 15 to 20 years to complete. At the end of this, the area would be returned to the normal jurisdiction of the local authority during a transition period, and the development organisation would be disestablished (or move on to another approved project).

? What do you think about this place-based approach to sustainable urban development?

? What organisations should be allowed to use any new tools and powers?

If an area is declared a sustainable urban development project, what tools should be available to:

- co-ordinate planning and investment?
- fund development?
- assemble land?
- simplify or streamline planning processes and/or consenting requirements?
- encourage the supply of a range of housing choices, including the provision of affordable housing?

? Do you have any other comments on the options and ideas within this discussion document?
Building sustainable urban communities
You can also download this submission form from the Department of Internal Affairs' website www.dia.govt.nz. Submissions should be emailed to sudu@dia.govt.nz or posted to:

Sustainable Urban Development Unit  
Department of Internal Affairs  
PO Box 805  
Wellington 6011  
New Zealand

**Please send us your comments by Friday 28 November 2008.**

### Contact details

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**Are you submitting this as: (tick one)**

- [ ] An individual (not on behalf of an organisation)?
- [ ] On behalf of a group or organisation?
- [ ] Other (please specify)
### General questions

| ? | Which options or ideas do you think would be effective in encouraging sustainable urban development? |
| ? | What are the impacts of the options? What changes or additions would make these options or ideas work more effectively? |
| ? | Are there any other options or ideas you have seen or thought of? |

### Specific questions

**Barriers and implementation difficulties in sustainable urban development in New Zealand**

1a | What is slowing down, preventing, or reducing the quality of sustainable urban development? Please give examples. |

1b | What can be done to deal with these barriers? |
### Strengthening existing tools and ways of working

**2a** What can be done within existing regulations and legislation to deal with these barriers? Please outline your ideas for:
- **better ways of working**
- **new non-regulatory tools**
- **ways to use or change existing regulatory tools to make them more effective**

**2b** Are changes to existing regulation and legislation necessary to achieve sustainable urban development? Please describe any changes you think are necessary.

**2c** Are there any barriers to iwi Māori becoming involved in partnerships to deliver sustainable urban development projects? Please describe these barriers.

### Ideas, options and issues: The role of government in sustainable urban development

**3a** How can central and local government support sustainable urban development?

**3b** What role should the following players have in sustainable urban development projects?
- **Local government**
- **Central government**

### Ideas, options and issues: Improving co-ordination and integration

**4a** How can co-ordination of investment and integration of planning be improved?
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<th><strong>Ideas, options and issues: Funding</strong></th>
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<tr>
<td><strong>5a</strong> How could sustainable urban development be funded?</td>
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<td><strong>5b</strong> Who should fund infrastructure assets, services or amenities required in a sustainable urban development project?</td>
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<td><strong>5c</strong> To partly or fully fund sustainable urban development, do you support a value uplift levy to capture ‘unearned’ gain resulting from public actions to increase scope for development? Please explain your view.</td>
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<td><strong>5d</strong> What issues would need to be considered when designing and implementing a value uplift levy?</td>
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<td><strong>5e</strong> What other funding mechanisms could be used in sustainable urban development?</td>
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<td><strong>5f</strong> Are there funding mechanisms that would provide incentives for private involvement in sustainable urban development?</td>
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<th><strong>Ideas, options and issues: Land assembly</strong></th>
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<tr>
<td><strong>6a</strong> Are there circumstances in which powers to compulsorily acquire land for urban development purposes would be warranted? Please describe these circumstances.</td>
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<tr>
<td><strong>6b</strong> Where the use of central government or Māori land is important to a sustainable urban development project, how could Māori interests in that land be protected?</td>
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### Ideas, options and issues: Streamlining planning and development control processes

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<th>6c</th>
<th>What are the advantages and disadvantages of the options?</th>
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<p>| 7a | Are changes required to planning and development control processes to support sustainable urban development? |
| 7b | To encourage sustainable urban development, how could planning processes be simplified or streamlined? |
| 7c | To encourage sustainable urban development, how could consenting processes or requirements be simplified or streamlined? |</p>
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<td>What options could be used to increase the supply of affordable housing, or improve housing affordability, in sustainable urban developments?</td>
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<td>What other approaches to sustainable urban development could be used in New Zealand? Please describe them or provide examples and references.</td>
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<tr>
<td>9b</td>
<td>What do you think about this place-based approach to sustainable urban development?</td>
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<tr>
<td>9c</td>
<td>What organisations should be allowed to use any new tools and powers?</td>
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</table>
| 9d | Within a declared sustainable urban development area, what tools should be available to:  
   - Coordinate planning and investment?  
   - Fund development?  
   - Assemble land?  
   - Simplify or streamline planning processes and/or consenting requirements?  
   - Encourage the provision of affordable housing? |
| 10 | Do you have any other comments on the options and ideas within this discussion document? |
Urban Development Authorities
In several countries, including Australia, urban development authorities undertake sustainable urban development. An urban development authority is a public sector company or authority created to co-ordinate and enable urban development in a specified area or areas. Urban development authorities are set up to promote and achieve sustainable urban development outcomes in strategic or complex urban greenfields or brownfields projects.

Most international urban development authorities are government-owned companies, with direct or indirect access to special powers (usually constrained to use in specific places) allowing them to compulsorily acquire land, streamline regulatory and planning processes, or apply levies and other financial instruments. Projects undertaken by these urban development authorities can be 5 to 20 years or more long, and vary in size from a few hectares to several hundred hectares, including:

- remediating and developing contaminated industrial sites for new uses
- developing new suburbs in urban fringe areas
- undertaking large-scale redevelopments of neighbourhoods containing significant proportions of social housing reaching the end of its life cycle
- redeveloping town centres and associated commercial, residential and industrial precincts
- undertaking large-scale redevelopment of areas around transport nodes to increase public transport patronage by creating developments with an increased mix of uses, at higher density and with affordable housing.

International urban development authority models generally rely heavily on injections of public land and/or funding to provide the initial capital to undertake planning and land development. Officials have noted that existing urban development authority models examined have:

- struggled to achieve full government co-ordination
- found it hard to reconcile the concerns of existing residents with the needs of the future community they were planning for
- indicated that a less buoyant market might slow projects down.

Australia
The Australian Federal Government announced in April 2008 that it would establish and resource a Major Cities Unit within the Department of Infrastructure, Transport, Regional Development and Local Government to provide a more co-ordinated and integrated approach to urban development. A strong relationship will be developed between this unit and Infrastructure Australia, a new body charged with prioritising major investment in infrastructure across the country.

In recent years, some state governments in Australia (New South Wales, Victoria) have established growth management agencies that work closely with their Departments of Planning to manage the planning and infrastructure co-ordination for the release of land areas for development around major cities. Growth boundaries are used by those state governments to manage urban growth through infill and intensification, and at the city boundary.

United Kingdom
In the UK, English Partnerships is the national regeneration agency, helping the Government to support high-quality sustainable growth in England. It is responsible for land acquisition and assembly, and major development projects, alone or in joint partnership with other agencies and with private sector developers. The Housing Corporation is the national government agency that funds new affordable housing and regulates housing associations in England.

Urban Regeneration Companies have been set up in England, Scotland, Wales and Northern Ireland over the last nine years to champion and stimulate new investment in areas of economic decline and to co-ordinate plans for their regeneration and redevelopment. In England, Urban Regeneration Companies are independent companies established by the relevant Local Authority and Regional Development Agency (which has an economic development focus on a regional level), with the aim of uniting public and private-sector partners. They work alongside English Partnerships and other local stakeholders including employers, amenity groups and community...
representatives. These Urban Regeneration Companies have proved successful in attracting private investment into targeted areas and in coordinating economic development delivery and funding.

In January 2007, the UK government announced proposals to bring together the delivery functions of the Housing Corporation, English Partnerships and parts of the Department for Communities and Local Government to form a new unified housing and regeneration agency, the Homes and Communities Agency (initially announced as ‘Communities England’), which is likely to become operational during 2008 or 2009.

International examples of sustainable urban development projects

Links to some international examples of successful initiatives using urban redevelopment agencies are provided on the discussion document website. These examples include: Redfern-Waterloo and CityWest projects (Sydney); Docklands and Dandenong projects (Melbourne); Playford North, Mawson Lakes and Westwood projects (Adelaide); Claisebrook Cove, Riverside, Subiaco-Centro, and Northbridge projects (Perth, West Australia); Kelvin Grove, South Bank and Varsity Lakes projects (Brisbane); False Creek and Granville Island projects (Vancouver), Toronto Waterfront project; Derby, Leicester, North Northants, Nottingham, and Sheffield projects (UK).
Note: For the purposes of this document, the following definitions are used.

**Accountability:** the way a public body is held answerable to the public and/or a higher authority for the decisions it takes, including requirements to inform and consult on its plans, report on its performance (financial and otherwise) and potentially face consequences for poor performance.

**Affordable housing:** includes social housing, rental housing and owner-occupier housing. A number of measures are used, generally relating direct housing costs to household income. The usually accepted measure is that housing is considered ‘affordable’ if the household is spending less than 30-40 percent of net household income on housing costs – with ownership costs tending to be higher than rental costs (because a saving element is included).

**Amenity:** The qualities and attributes people value about a place that contribute to ‘quality of life’ in that place, such as schools, services, and community and recreational facilities.

**Brownfield:** disused or under-utilised industrial or commercial land and facilities that may be contaminated by low concentrations of hazardous waste or pollution and have the potential to be reused once cleaned up (remediated). In some areas the term is used to describe any land with existing built uses, regardless of whether environmental remediation is needed.

**Brownfield development:** redevelopment of land which changes it from one built use to another (often from industrial or commercial to housing/mixed uses).

**Complex and/or strategically important projects:** Project locations where there is any combination of:
- large scale, multiple ownership, major infrastructural or other public investment (e.g. rail or programmes to deal with high socials needs)
- a location that is adjacent to another local authority area or spans local authority boundaries
- a need for successful redevelopment to achieve strategic objectives at regional or national level

**Concept Plan:** a conceptual plan of how a site can be developed, which is less detailed than a master development plan (see master development plan). It can also be used to illustrate proposals at the city-wide, sub-regional or regional scale. The design concept is developed in a plan format, often accompanied by sketch plans and/or a model of the project.

**Co-ordination/integration:** relates to the ways policies, plans and programmes are developed and implemented. In this context, co-ordination is the process of ensuring that the delivery of programmes and investment (especially timing and sequencing) maximises their combined effectiveness and efficiency, while ensuring that any overlaps in the scope of individual programmes and investments are actively managed to avoid conflicts. *Integration* refers to the way in which different policies, plans and programmes, with distinct intentions or outcomes, can be deliberately designed to support or enhance each other. Integration is therefore more of a strategic issue, looking particularly for ‘win-win’ results.

**Density:** (see also intensification) the spatial compactness of urban development in a given area (e.g. housing density, which can be measured in dwellings per hectare). Typical densities are: for single family homes on individual sections, 10-25 dwellings per hectare; for townhouses and flats, 50-100 dwellings per hectare; for an apartment block, 125-250 dwellings per hectare. Population density (residents per hectare) and employment density (full-time equivalent jobs per hectare) are also useful measures of the intensity or compactness of urban development.

**Designation:** (see also requiring authority) a provision made in a district plan providing notice to the community that a requiring authority intends to use land in the future for a particular work or project. Once a site is designated for a particular purpose, the requiring authority is able to: proceed with the specific work on the site as if it was permitted by the district plan; control activities that occur on the site, prevent the landowner doing anything that would compromise the future public work; apply to the Minister of Lands to compulsorily purchase or lease all or part of the land under the Public Works Act 1981; enter private land to undertake investigations.

**Development control:** the process by which a local authority makes decisions about the way development proceeds by setting rules, requiring consents for various aspects of development before they can proceed, inspecting to ensure that conditions and standards are being met, and certifying compliance with requirements.

**Development contributions:** contributions able to be charged under the Local Government Act 2002 to fund the additional infrastructure that a local authority needs to provide as a direct result of new developments.
Development organisation: an organisation with responsibility for planning, developing and managing an urban development project, and with accountability for delivery of the agreed project objectives.

Economies of scale: the economic tendency for the cost of production per unit to fall as the scale of production increases.

Financial contributions: charges on resource consents under the Resource Management Act 1991 to fund measures to avoid, remedy or mitigate the adverse environmental effects of a development.

Greenfield development: built development (industrial, commercial, residential or mixed use) on a piece of previously undeveloped land (generally on the urban fringe), which had been either used for agriculture or was in its natural state.

Intensification: (see also density) the process of increasing the density of development in an urban area. Residential intensification involves accommodating more households within an existing urban area. It could involve apartments above commercial activities or town-houses and terrace housing around town centres, along with a range of different housing types.

Intermediate market: households not eligible for social housing assistance, which would in the past have been able to move from rental into home ownership, but which cannot today afford home ownership prices on their current incomes and saving ability.

Land assembly: buying or otherwise acquiring the necessary land or development rights to enable a particular form of development to be undertaken, where that development requires a certain size, location or configuration of land sites to be practical or viable to proceed.

Land-banking: buying land at a fair price when it becomes available and holding it for a future purpose, usually with a view to putting the land to some higher-value use, or benefiting from the rise in the market price as higher-value uses become possible or recognised.

Land readjustment: assembling a large redevelopment parcel of land by giving property owners a stake in the redevelopment project. This involves working with a number of land-owners so that their collective land holdings can be assembled together or packaged up to enable a new, higher-value pattern of development from which they can all benefit in the form of a new arrangement of ownership rights.

Mana whenua: customary authority exercised by an iwi or hapū in an identified area.

Master development plan: the final expected outcome of a large site development. This plan describes the physical configuration and phasing of buildings, infrastructure and/or public spaces and may be used to direct development on smaller sites within the plan area.

Mixed communities: communities incorporating a range of housing types/sizes, household types, incomes and housing tenures.

Mixed use: compatible and complementary activities within an area (often of a mixed residential, business, recreational, retail or hospitality nature).

Place-based approach: planning and development approaches based on specific physical locations and their geographical and spatial relationship to other areas, which recognise the unique characteristics of each area being considered.

Public good: In common usage this refers to products, amenities or services provided by some public body for the wider public benefit. In strict economic terms, a public good refers to something of value that is unlikely to be provided for profit by the private market to the ultimate end-users or consumers due to a combination of two factors: 1) once it has been supplied to one person, it is not possible to stop or exclude others from using or enjoying it; 2) its availability, consumption or use by one person does not reduce its availability for use by others.

Public transport node: a focal point in a public transport network which is suitable for more intensive urban development.

Requiring authority: a Minister of the Crown, a local authority, or a network utility operator approved (under the Resource Management Act 1991) as a requiring authority, with the ability to have areas of land designated for use as network utilities or large public works.

Transit-oriented development: the creation of compact, walkable communities centred around high quality public transport systems, which make it possible to live a higher-quality life with reduced dependence on a car for mobility.

Urban design: Urban design is concerned with the design of the buildings, places, spaces and networks that make up our towns and cities, and the ways people use them. It ranges in scale from a metropolitan region, city or town down to a street, public space or even a single building. Urban design is concerned not just with appearances and built form but with the environmental, economic, social and cultural consequences of design. It is an approach that draws together many different sectors and professions, and it includes both the process of decision-making as well as the outcomes of design.

Urban form: the physical form of a city including the layout of buildings, transport networks (e.g. roads and rail), open spaces and other physical infrastructure.

Value uplift: occurs when a landowner benefits from an increase in the market value of a piece of land, usually associated with either a change in its development potential or the planning regime, enabling it to be put to a higher-value use (e.g. from stand-alone single home to terrace or apartment construction, or from farming to residential-use zoning), and/or investments and improvements made by public bodies nearby.

Value uplift levy: a requirement for a property owner to pay some proportion of the property value increase created when the scope for, or intensity of, development on a site is increased by a zoning change or development approval, and/or the provision of infrastructure and/or other public amenities.
### Milestones in urban development

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<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tr>
<td>1989</td>
<td>The structural arrangements of Local Government in New Zealand were significantly reformed when around 700 councils and special purpose bodies were amalgamated to create 86 local authorities. There are now 85 local authorities, made up of 12 regional councils and 73 territorial authorities (city/district councils).</td>
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<td>1991</td>
<td>Resource Management Act 1991 (consolidated January 2008) passed, promoting the sustainable management of natural and physical resources. Since its enactment in 1991, the RMA has undergone several reviews and amendments.</td>
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<td>1999</td>
<td>Auckland Regional Growth Strategy adopted, setting a vision for how the Auckland region could manage growth sustainably for the next 50 years.</td>
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<td>2002</td>
<td>Local Government Act 2002 passed (replacing the 1974 Act), providing a framework and powers for local authorities to promote the well-being of their communities, taking a sustainable development approach. New Zealand Transport Strategy adopted, setting out the government’s vision of an affordable, integrated, safe, responsive, and sustainable transport system by 2010. This was updated in 2008.</td>
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<td>2003 to 2006</td>
<td>New Zealand Sustainable Development Programme of Action undertaken, focused on quality and allocation of fresh water, energy, sustainable cities, and investing in child and youth development. Auckland Sustainable Cities Programme undertaken as a pilot for sustainable development and focused on dealing with some key issues facing the Auckland region.</td>
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<td>2004</td>
<td>Local Government (Auckland) Amendment Act 2004 passed, aiming to improve the integration of the Auckland regional land transport system and the management of land transport funding and assets for the Auckland Region.</td>
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<td>2005</td>
<td>New Zealand Urban Design Protocol launched, aiming to make our towns and cities more successful by using quality urban design. The Protocol currently has 158 signatories from central and local government, professional and private sector organisations.</td>
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<td>2007</td>
<td>Wellington Regional Strategy adopted, providing a sustainable economic growth strategy to 2025 and aiming to enhance Wellington’s “regional form” by addressing the issues that contribute to quality of life, such as transport, housing, urban design and open spaces. Greater Christchurch Urban Development Strategy launched, providing a clear strategic direction for Greater Christchurch over the next 35 years. Auckland Regional Growth Strategy Review (entitled Growing Smarter) completed, reporting on implementation progress since 1999 and the challenges ahead. SmartGrowth Strategy (revised version) launched, providing a growth management strategy and implementation plan for the Western Bay of Plenty over the next 50 years. New Zealand Energy Strategy adopted, setting out the government’s vision for a sustainable, low emissions energy system by 2050 and the implementation plan. Auckland Sustainability Framework endorsed, aiming to help the Auckland region secure a better quality of life and create a sustainable future.</td>
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<tr>
<td>2008</td>
<td>One Plan for Auckland approved for consultation - providing a single, strategic framework and plan of action for the Auckland region. It aims to set a clear direction for how the region plans to achieve its aspirations for sustainable development.</td>
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Submissions on this discussion document can be emailed to the Sustainable Urban Development Unit at sudu@dia.govt.nz or posted to:

Sustainable Urban Development Unit
C/- Department of Internal Affairs
P O Box 805
Wellington 6011

The discussion document website www.dia.govt.nz contains a number of links and documents that provide further information on overseas models and approaches, the New Zealand situation, technical documents and interest materials related to sustainable urban development.