Summary of Submissions to

Building Sustainable Urban Communities – A discussion document exploring place-based approaches to sustainable urban development

Submission period September 1 – November 28 2008
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INTRODUCTION

In September 2008 the Building Sustainable Urban Communities discussion document was released. The document sought feedback on how the public and private sector could work together more effectively to support and stimulate large-scale urban development and redevelopment.

Building Sustainable Urban Communities set out ideas for new ways to help achieve sustainable urban development in New Zealand – to deal with the increasing challenges and opportunities of urban development to ensure our towns and cities thrive, prosper and continue to provide a high quality of life.

Specific feedback was sought on a number of issues:
- the role of government in urban development;
- streamlining planning and development control processes;
- coordinating and integrating infrastructure, planning and delivery;
- funding urban development;
- assembling land; and
- improving housing supply, choice and affordability.

Further ideas and suggestions for encouraging sustainable urban development in New Zealand and dealing with existing barriers were also welcomed.

The Building Sustainable Urban Communities discussion document was available on the Department of Internal Affairs website www.dia.govt.nz. It included questions for submitters to consider, and a submission form. The submission period ran from Monday 1 September until Friday 28 November 2008.

103 submissions were received from the private and public sector, along with other interested parties. Hui were also held to gain a specific Māori/iwi perspective. Feedback received on the discussion document and summarised in this summary of submissions will help shape recommendations to the government on policy options to support sustainable urban development in New Zealand.

The Sustainable Urban Development Unit would like to thank all submitters for contributing their ideas and time to this policy process.

March 2009.
SUMMARY OF SUBMISSIONS: Barriers and implementation difficulties in sustainable urban development in New Zealand

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

What can be done to deal with these barriers?

General

Two questions were asked under this section. Most submitters combined their answers or said that they had outlined what could be done to deal with specific barriers under later questions.

Almost all submitters agreed that there were barriers and implementation difficulties in urban development. Some submitters said that they believed specific barriers or combinations of barriers were of particular importance.

Most submitters agreed that the discussion document provided a good description of the barriers currently being faced in large scale urban development. A number of submitters indicated that these barriers and difficulties were more prevalent and difficult to deal with when developing and redeveloping existing urban areas (compared with greenfield development).

Some submitters also noted that the impact of the global financial conditions had made a number of barriers more difficult to deal with, or that there was a need for temporary measures during the recessionary period.

A significant number of submitters advised other barriers were also evident – these “new” barriers are outlined at the end of this section.

Submitter 31 reframed the barriers as:
- consolidating land holdings;
- availability of credit or underwriting;
- uncertain consenting processes and a focus on process rather than outcomes;
- delivering public infrastructure on time;
- capacity in local government to handle complex projects; and
- local interests repeatedly dominating broader growth objectives.

Submitter 36 prioritised capacity and capability, and public resistance to intensification as important issues, while submitter 68 noted that funding and land availability were the two most frequently cited barriers to community housing development.

Submitter 87 noted that the barriers are:
- limited council funds for large scale land purchase (transformation projects), capital programmes – start-up funding and ongoing capital
- lack of public investment to get projects off the ground – reliance on private sector uptake
- aggregated and fragmented land ownership
- disconnection of urban development with the provision of infrastructure (including network utilities)
- complex political processes (RMA)
- community resistance to intensification.

Submitter 94 agreed with many of the barriers identified and summarised the three main issues as:
• The public are generally unaware of the issues and the need to change our urban environments, the potential benefits and the full implications of change / not changing. Consequently there is a general resistance to change as opposed to a drive for change.
• Little public demand for change, together with a system that gives power to resistors, results in leaders at all levels who appear reluctant to stand up for and advocate for change. The result is reactive, rather than positive strong leadership.
• A complicated, slow and inefficient consent process that stifles innovation and creativity and gives much greater weight to opposition and resistance to change rather than promoting and encouraging positive change.

Submitter 75 noted that the document also adequately identifies the barriers to such an approach occurring without local and central government support and, even with that support, under current funding and legislative regimes.

Submitters 41, 50 and 72 agreed with the barriers as outlined in the document.

Comments on specific barriers outlined in the discussion document

Barrier: Capacity and capability issues in all levels of government and the development industry

Most submitters believed that there were urban development and sustainability capacity and capability issues across the public and private sectors. No submitter disagreed that this was a barrier to urban development.

It was noted in a few submissions that international competition for both professional and construction skills would be a continuing problem for New Zealand. For example, submitter 17 highlighted the need to support the development sector through the economic downturn in ways that foster both capacity and capability in the long term.

Submitter 36 suggested that New Zealand needs to find ways to attract, train and/or maintain people with sufficient skills and experience to implement initiatives successfully. Having sufficient high-quality practitioners working within a more supportive delivery framework will help ensure future projects begin to change public perceptions of sustainable urban development, and of higher-density development in particular.

Submitter 57 considered that the shortage of experienced people with place-making skills needs to be addressed at the national level. Ways to harness the skills and expertise of the private sector need to be developed. Submitters 17 and 32 noted that urban economics is a particular skill gap in New Zealand. Urban economists are needed to assess the economic costs and benefits of different types of urban development, including different types of infrastructure. In particular, assessment is required of the longer term and substantial economic benefits of urban redevelopment that reduces crime, improves access to employment and improves health outcomes. Submitter 73 noted that insufficient capacity to develop new rail projects and transit villages is also a problem.

Submitter 84 said that the issue was the lack of resources available to support the level of capacity and capability within community and Māori organisations.
Barrier: Limited co-ordination of national, regional and local planning and implementation for large-scale urban development

Submitter 12 was concerned at the absence of an overall vision and guidance of how sustainability could be included in all aspects of communities at all scales. Submitter 85 noted that one of the most important factors that can influence urban development is collaboration and that a holistic, long-term view is needed.

Submitter 44 expressed the view that limited co-ordination results in a lack of national consistency for sustainable urban development, while submitter 82 believed that there is a lack of clear governance and responsibility from a leadership and guidance perspective. Both submitters 32 and 35 indicated that there is a lack of guidance from central government to local authorities about planning for sustainable communities under the RMA (e.g. appropriate National Policy Statements).

Submitter 84 believed that the public sector is generally unwilling to collaborate on long term objectives. Furthermore, the public and private sector appear to operate in silos with little regard to the need to plan for and achieve effective infrastructure development.

Submitter 86 believed that the key urban challenge is leading and managing the development of more psychologically, socially, economically and environmentally functional urban areas over the longer term.

Barrier: Ineffective integration between land use and transport planning; and transport, utility and other service providers

Submitters 32 and 43 agree that integration is ineffective across planning and service provision.

Submitters 6 and 9 believe that the lack of good public transport as a viable alternative to car commuting is the key issue. Submitter 83 offered the example of Auckland, where no one agency has control over the multiple elements of the transport network to ensure that the Regional Land Transport Strategy objectives are delivered. Integration is required to ensure that in strategic land use and transport locations integrated, well managed and funded sustainable urban communities are delivered.

Submitter 69 said that Councils were unable to address infrastructure development in a timely manner because of a lack of certainty in council/governmental approaches, complex regulation surrounding development, and councils’ reluctance to borrow to fund future development.

Barrier: Difficulties in funding urban development projects

Specific issues raised by submitters included:
- Increased cost of borrowing [submitter 11].
- Increased cost of not only Subdivision Impact Fees imposed by Councils but also significant Building Impact Fees, all of which impose a significant up-front cost for the end dwelling purchaser [submitter 11].
- That projects that are consistent with the outcomes the community seeks need to have sufficient economic incentive [submitter 32].
- Lack of government funding (grants) to enable councils to catch up on infrastructure and particularly waste water / storm water reticulation [submitter 4].
- Limited understanding of sustainable urban development amongst banks and financial institutions [submitter 35].
• That, in addition to difficulties in funding the ‘start up’ costs, it is difficult to meet costs associated with obtaining development funding, and to fund debt over the development period [submitter 74].
• The most serious issue is the inability to capture land value uplift reliably under the current legislation [submitter 73].

Submitter 85 was the only submitter to question whether funding is a barrier.

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

Specific issues raised by submitters included:
• There is a difficulty purchasing reasonably sized blocks of land to achieve any possible economy of scale [submitter 11].
• Current land assembly mechanisms are unable to create critical changes that will catalyse future beneficial redevelopment by the private sector [submitter 60].
• Limited council funds are available for large scale land purchase (transformation projects), capital programmes – start-up funding and ongoing capital. This lack of public investment to get projects off the ground leads to reliance on private sector uptake [submitter 87].

**Barrier: The length and nature of planning and development control processes**

Specific issues raised by submitters included:
• The time and cost of Resource Consenting is a significant impediment to any form of development, sustainable or otherwise [submitter 5].
• Planning regulations that promote sprawl [submitter 6].
• Councils not adhering to the processing times within the Act [submitters 11 and 59].
• Massive over-planning on the part of local authorities - local planning authorities have a habit of ignoring the simple solution to any given problem in favour of grandiose development schemes [submitter 58].
• The RMA does not support and encourage efficient quality planning because the 'effects-based' focus of the RMA promotes negative planning (dealing with adverse effects) rather than positive planning to achieve positive outcomes. Planning policies, plans and strategies offer little encouragement, incentive or reward for change or innovation [submitters 32, 49, 50, 82].
• The absence of clear direction and helpful guidance to assist the implementation of the RMA on urban, and other, matters results in considerable duplication across councils [submitter 32].
• The process of planning has become the emphasis, not the delivery of the outcome. Council staff rarely have the capacity (in either time or funding) to obtain new knowledge and apply it in innovative ways [submitter 59].
• District Plan requirements are inconsistent with good urban design [submitters 62, 89 and 92].
• Over-regulation interferes with the natural operation of the free market through overly restrictive height limits, floor space ratios, application of view shafts and sight lines, application of historic places designations etc.[submitter 69].
• Councils should be actively promoting intensification of sites in a statutory/consenting sense and implementing processes to resolve details solely between council and developer [submitters 74 and 78].
• Statutory and non-statutory policies, plans, and strategies conflict with each other as they are drafted on an isolated outcome based premise [submitter 82].
• Each resource consent is considered in isolation without considering cumulative impacts [submitter 80].
Barrier: Limits to achieving social outcomes and public benefits (such as affordable housing) through market mechanisms

Submitters 9, 27, and 54 singled out this barrier as a priority concern. Submitter 89 highlighted a disconnect between councils needing to consider the long-term and community-wide implications of development, while the industry is focused on a shorter term view.

Submitter 54 suggested that local authorities and developers collaborating effectively can result in win-win situations, especially with participation from other sectors such as health.

Submitter 60 noted that generally projects are expected to "stand on their own two feet". However, if a project is viable in this way, it is likely that the private sector would have already taken up the opportunity. So we are often dealing with projects that are not viable in normal commercial terms. Urban redevelopment is also expected to deliver a degree of 'community good', such as good urban design outcomes i.e. connectivity and open space. This often means that the commercial outcomes cannot be maximised on a project.

Submitter 84 noted that rising land values and covenanted communities mean the average person may not be able to live in many of the newly established communities, because the high costs of living, access to services, transport to and from work/home/school, etc. affect the choices they are able to make.

Barrier: Public resistance to urban intensification

A number of submitters agreed that public resistance to urban intensification was a barrier.

Issues raised by submitters included:
- Quality of the proposed development’s design, including durability and quality of construction materials [submitter 5].
- Intensification works only if it is well located and accessible to a range of services and activities but there needs to be a balance in the number of these sections that are on the market [submitter 11].
- If a Council is seeking to completely re-develop and re-build a community through intensification, the result is more than likely a significant period of disruption for the existing community while the development progresses. Many communities have identified that they are unwilling to accept this disruption and the perceived social impact [submitter 22].
- Many good projects are refused resource consent because of public and political aversion to increased densities, increased building height and increased mixed use. [submitter 52].
- Lack of exposure to quality high density living in New Zealand [submitters 54 and 93].
- Few opportunities exist to establish demonstration projects to encourage community and developer acceptance of medium to higher density housing styles [submitters 71 and 75].
- Councils and developers have relatively limited experience in quality re-development within existing urban areas, making it inherently more difficult and higher risk for investors. Public resistance adds to this risk [submitter 89].

Other barriers slowing down, preventing, or reducing the quality of sustainable urban development
• Insufficient provision of land, affordable development for the NGO sector. Building only for able-bodied people [submitter 9].
• Wide array of building standards, land use requirements, and finance criteria contribute to poor sustainability. Significant rethinking of traditional building and development approaches are needed, and even traditional lending criteria need to be adjusted to support sustainable developments [submitter 10].
• Lack of leadership from central government. Political vision is what is needed, both at a national and local government level [submitter 14].
• Lack of incentives for developers to incorporate urban development principles [submitter 16].
• Limited understanding of the economic benefits and costs of urban development, particularly the economic impacts of poor development [submitter 17].
• Serious threats to long-term sustainability in NEW ZEALAND, all of which must be addressed at several levels, but especially urban settlements. Examples include increasing fossil fuel use, increasing greenhouse gas emissions, increasing numbers of vehicles, motorways, airport extensions, increasing water abstraction and use, declining housing affordability, increasing rich-poor gap and increasing house sizes leading to greater ecological footprint [submitter 19].
• For local government the key drivers/problems are how to sustainably manage urban sprawl, and guide a settlement pattern that protects versatile soils, limits traffic congestion, provides land use supportive of public transport, has a limited ecological footprint and protects biodiversity and landscape qualities, and is affordable to a broad range of the population [submitter 22].
• How to manage the cost of growth, provide supporting infrastructure and fund that infrastructure with the limited funding tools available to local authorities [submitter 22].
• Need to benchmark sustainability, equitably negotiate with communities, and have a coordinator of action [submitter 30].
• Choked land supply, which forces land prices up [submitter 38].
• Restrictive private covenants limiting mixed uses [submitter 38].
• Land tenure - especially where leasehold land under older commercial buildings inhibits investment in, and adaptive re-use of, these buildings [submitter 46].
• Concentrations of lower-income households and absentee landlords limiting development potential [submitter 46].
• Existing land use patterns may act as a barrier to sustainable urban development [submitter 50].
• Diffuse priorities – need to focus attention on a few places and do a few things well [submitter 53].
• Lack of follow-through on the part of those visioning the ideal outcomes e.g. councils have identified growth nodes within greater Auckland but have not ensured that adequate infrastructure for transport, wastewater and stormwater are in place or planned to accommodate the redevelopment [submitter 60].
• Limited capacity in the development sector to deliver sustainable urban development [submitter 63].
• The creation of an environment that is not conducive to investment and development e.g. Annual Value Rates, (which penalise intensification - the very outcome that is being sought).and development contributions (penalise investment and gives those who benefit, both now and in the future, a subsidised supply) [submitter 69].
• Maintenance of the Metropolitan Urban Limit (MUL) has an effect on the pricing of land, and hence affordable housing. While the MUL is held in place and land supply is restricted, house prices will reflect demand exceeding supply in regions like Auckland [submitter 69].
• Lack of incentives to encourage and reward developers to move beyond the status quo [submitter 71].
• Lack of tools to measure and evaluate the sustainability outcomes of new / existing neighbourhoods [submitter 71].
• Lack of co-ordinated leadership from either local, regional or central government and their agencies in dealing with the local community [submitter 74].
• Old infrastructure with a lack of capacity and condition to support intensification, especially brown field [submitter 80].
• Environmental issues are not well considered – development may be economically sustainable but unlikely to be environmentally or socially/culturally sustainable [submitter 84].
• Continuing mandatory application in many parts of New Zealand of outdated and anti-sustainable engineering standards [submitter 88].
SUMMARY OF SUBMISSIONS: Strengthening existing tools and ways of working

Introduction

All submitters to this question identified scope for improvement in the application of existing tools and working arrangements, and / or that these should be strengthened.

The majority of submitters considered that the current frameworks generally enable sustainable urban development to be recognised and tackled to some degree, but are not sufficient, particularly at the implementation level. The clear implication is that there are legislative impediments, and resources, investment in processes and / or access to appropriate skills that are frequently lacking.

A common theme was to seek a more nationally consistent urban development approach. Submitters were concerned at inconsistent approaches and / or the potential for issues to be re-litigated via local, regional and national processes, and the court system.

The majority of submissions called for appropriate resources, expertise and skills to be available to achieve sustainable development goals.

What can be done within existing regulations and legislation to deal with barriers?

- Better ways of working
- New non-regulatory tools
- Ways to use or change existing regulatory tools to make them more effective

General support

Collaborative governance models continue to develop around New Zealand and have contributed to the creation of urban development strategies in several of the main centres over recent years (e.g. Auckland, Christchurch, Bay of Plenty and Wellington). Continuing and strengthening these mechanisms was supported by most submitters. Leadership and direct funding support from central government was seen as an important area for additional contribution to urban development [submitters 5, 8, 10, 11, 12, 17, 18, 21, 24, 27, 32, 33, 34, 36, 41, 44, 46, 48, 49, 52, 53, 54, 57, 58, 71, 77, 82, 84, 85, 87, 88, 89, 92]

Resourcing levels for strategic planning and urban development implementation need to be appropriate and affect how well existing tools will operate. Submitters indicated that investment levels have often been constrained, delaying projects and / or lowering the quality of development [submitters 11, 17, 32, 53]. This includes the level and type of engagement with communities [submitters 24, 27, 48] and the extent to which evaluation satisfactorily includes all relevant factors [submitters 18, 41, 54, 66, 87, 71, 84]. Community health assessment, environmental quality and sustainability were specifically identified as factors which should be included in such evaluations.

Alignment between policy and planning documents could be improved [submitters 5, 10, 33, 44] however the New Zealand legislative framework was seen to foster some of the problems through providing multiple opportunities for litigation [submitter 77].
Scope to make existing regulatory tools more effective was identified by some submitters, however the majority view was that legislative change and new tools are needed if sustainable urban development is to be achieved [submitters 4, 5, 8, 10, 11, 14, 32, 44, 49, 52, 53, 60, 73, 74, 82, 88, 89, 92 and 98].

Submissions included views that progressing urban development in New Zealand should include steps to get greater consistency or standardisation of approach [submitters 14, 49, 69]. Having fewer [submitter 60] or just one national consenting authority [submitter 49] is proposed as a way to deal with these issues.

Submitters suggested promoting greater use and attention to practice guidelines, best practice mechanisms (e.g. use of expert panels), and national guidelines [submitters 9, 10, 12, 21, 24, 27, 32, 33, 35, 41, 44, 46, 48, 49, 50, 53, 54, 57, 58, 60, 66, 68, 71, 77, 80, 82, 84, 85, 87, 88, 89 and 92]. A common theme in these submissions is the importance of having arrangements in place to enable and encourage collaboration, and supporting these arrangements satisfactorily.

General concerns/opposition

Suggestions for streamlining processes were counterbalanced by submitters who considered the key to successful long term progress on sustainable urban development is taking the time at the ‘front end’ to build understanding and acceptance of change within cities and towns. In particular, collaborative governance approaches (the private sector, local, regional and central agencies working together) can be powerful and effective [submitters 12, 18, 33, 87] but require a significant time commitment to operate successfully.

Submitters’ answers to this question are summarised below:

Better ways of working

Collaborative governance models

Collaborative governance models developed in major urban centres over recent years were considered to have delivered benefits and should be continued.:

Submitter 50 “.agrees with the Discussion Document assessment of the current status of working together. Various organisations involved in urban communities have divergent areas of interest (local, region, network, or issue) and co-ordinated planning between organisations is therefore integral to building sustainable urban communities.”

“Collaborative governance models have been explored (e.g see Allen W, Kilvington M and Horn C. 2002)… but the capacity of both the community and iwi as well as those consulting needs to be supported to achieve this”[Submitter 12].

“The solutions will be derived from a cooperative multi-disciplinary process that should actively engage with and draw from all of the professional institutions and sector groups that are involved in urban development, and with academia” [Submitter 88].

Submitter 21 was “.concerned to ensure that the vital role of the private and community sectors are acknowledged and harnessed. Sustainable urban development requires collaborative approaches with both. The private and community sector should be present from the early stages of projects, rather than involved as an after thought. It would be helpful for the document to clearly set out the skills and expertise of the private sector, and their relevance to
sustainable development, as well as those of the community sector, and what they each have to offer.”
“The most effective way would be for councils, government departments and other government organisations to work in multidisciplinary teams to influence development more closely. Government at all levels needs to be actively involved in sustainable urban development rather than continuing to have a "hands off" approach” [submitter 46].

“There should be government incentives to ensure that there is more collaboration within the public sector (central and local government) as well as in public and private partnerships whether the partners are the developers or the communities being developed/redeveloped” [submitter 84].

“We need better alignment between central government policy statements, regional plans and policies, and local district plans. District plan updates need to be more nimble in responding to contemporary issues. District plans are the implementation component of our broader goals; yet they react least quickly to broader policy changes. More generally, our plans are often out of alignment simply because there is not a culture of working together and sharing information across roles and responsibilities as we develop them” [submitter 10].

**Tools and funding to enable implementation**
A critical area for attention highlighted by submitters was the need to create a clear direction for urban development and provide resourcing levels for urban development.

“The technical report ‘Growing Smarter’ (an evaluation of the Auckland Regional Growth Strategy 1999) – section 5.3 (page 50) outlines that international research, literature and policy was sourced from city regions which were comparable to Auckland. Cities such as Melbourne, Sydney, Perth, Brisbane, Portland and Vancouver were chosen. The research found that these cities have not departed from their original strategic vision of compact urban form, quality intensification, liveable communities integrated with passenger transport. In addition, they have strengthened their position and used innovative approaches to implement such strategies. There is a tendency to keep on researching this issue - we need some action. Put simply, reaffirm/develop a vision (where are we going to be in 100 years) back cast in 10 year blocks and start putting the necessary pieces of the jigsaw in place. The next step is action = implementation. It may be necessary to develop alternative funding mechanisms.

Additional policy may be required to enable sustainable urban communities to be planned for ‘as of right’ rather than having such development jump through the existing regulatory hoops. We support the RMA, National Policy Statements and/or other mechanisms, to make clear that its primary concern (s5) is about facilitating individual and community wellbeing (through the management of resources), and is a key vehicle for developing sustainable urban communities.”[submitter 53].

**Resourcing for strategic planning**
Private sector submitters noted the impacts of resourcing constraints on councils:
“….where [Councils] have not done any forward strategic planning or any future structure planning, … the easiest option is to be negative to any proposal and go out of their way totally to delay any Plan Change process for the proposed development. Provide assistance to Councils for their planning for:
- growth
- all infrastructure
- funding for significant infrastructure
Take into consideration ‘what the market wants’. Engage with Developers at an early stage” [submitter 11].
Resourcing for greater community involvement
Resourcing was also a key consideration for submitters considering community implications of urban development:

“Investing in ‘on the ground’ expertise by way of funding research and building the capacity of community organisations will enable community groups, iwi and others interested in community development to work collaboratively alongside much better-resourced government agencies” [submitter 27].

“Community groups and individuals need to be consulted or better still to be involved at the project development stage” [submitter 48].

“... believes that older people should be included in the design and planning of urban development projects. Involving older people directly in project design at all levels, ranging from testing footpath surfaces to planning bus routes, will help to encourage sustainable urban development and it will also avoid dangerous and costly mistakes. Local Age Concern could facilitate this involvement.” [submitter 24].

Need to more fully incorporate sustainability considerations
Submissions included views that insufficient attention is given in the Discussion Document to sustainability considerations:

“The document does not adequately address environmental objectives, focusing primarily on a planning and development process primarily intended to meet social and economic objectives. The document does not address the importance of a sustainable urban community being also resilient, adaptable, and healthy. For example, resilient to natural hazards, adaptable to climatic changes, and designed to provide a healthy, safe and attractive environment for the community [submitter 41].

“We consider thorough sustainability criteria are needed for urban development projects. We also encourage central government to consider options for promoting sustainable development principles across regions, rather than limiting these principles to specific projects/master plans” [submitter 87].

“Adoption of frameworks / tools to objectively evaluate the sustainability of developments. Supporting DBH and MfE to strengthen water/energy efficiency requirements for new development in existing legislation in order to be more resilient. This would have minimal impact if at all on cost. [Undertake] a series of workshops showcasing good practice which reaches more than those who are already conversant with these ideas. A community development or social marketing method could be explored whereby more creative ways of engaging the various sectors involved in urban design - the utilities, the planners, the transport people, developers, the business community to understand more thoroughly the huge benefits of more sustainable urban development” [submitter 71].

“Improved government support for alternative energy e.g. solar would improve the sustainability outcomes for housing and commercial users of energy; this is something that the government could provide through investment in existing communities, redeveloped communities and new developments. Use of water tanks to collect water so that household and industrial usage is managed more effectively would also improve how money is spent and also have a positive outcome for the environment. Setting an affordable level of water use per
household/commercial activity and then a pay as you use system to monitor and manage overuse.” [submitter 84].

**Incorporating consideration of health impacts**

Several submitters suggested more explicit attention should be paid to the effects of urban development on the health of communities. Health Impact Assessments are promoted as a tool for use in the future:

“The discussion document … largely ignores the links between urban development and health. … engagement would help ensure that any resulting sustainable urban development policy maximised the benefits that such development potentially can bring. Delivering improved health outcomes from urban development needs a good understanding of the links between the two areas. Understanding of, and consideration of, these issues needs to be embedded into design and delivery models, in a similar way to the way in which crime prevention through environmental design (CPTED) is becoming increasingly mainstreamed, and one of the ‘givens’ in urban design and community development.” [submitter 18]

“In considering suitable locations and approaches to sustainable urban development projects, local public health units and DHBs should have the opportunity to be involved in planning exercises. Health Impact Assessment should be considered as a non-regulatory tool that would highlight potential positive and negative health/wellbeing impacts of urban developments on populations or communities within the population” [submitter 54].

“To ensure that an equitable sustainable plan for a community’s health and wellbeing is considered as part of policy development, it is essential that a Health Impact Assessment (HIA) tool be completed” [submitter 66].

**Alignment between Policy & Planning Documents**

“We need better alignment between central government policy statements, regional plans and policies, and local district plans. District plan updates need to be more nimble in responding to contemporary issues. District plans are the implementation component of our broader goals; yet they react least quickly to broader policy changes. More generally, our plans are often out of alignment simply because there is not a culture of working together and sharing information across roles and responsibilities as we develop them” [submitter 10]

“While regional councils are able to provide broader ‘oversight’ of development of land and regional infrastructure, often what happens with developments is that duplication then occurs with affected local councils resulting in delays and costs. Streamlining in this area would be of great assistance to cost efficient sustainable practice. Additionally there often seems to be a ‘disconnect’ between regional and local councils, providing a mechanism to control this would also save time and costs” [submitter 5].

“On national level: Incentive, competitive funding for better design. On regional level: Combine strategies by overlaying the different urban design/ spatial planning related components in one plan, one document. Need for a NZ based UD network forum that shows NZ examples, provides information for Councils (example booklets for different consent application proposals?) and is accessible (in parts) for everyone” [submitter 33].

**New non-regulatory tools**

**Assessment Tools**

“Health impact assessment as referenced in the Ministry for the Environment’s Urban Design Toolkit 2nd edition 2007 is a non-regulatory tool that has emerged as a practical support to the development of healthy urban planning. The central challenge for New Zealand is to ensure
that health impact assessment becomes part of the normal process for urban environment policy development, rather than something which is undertaken as a result of lobbying by individuals or organisations” [submitter 44].

**Capacity Building**
A significant proportion of submissions identified the need for greater effort around capacity and capability building for urban development purposes. Representative examples of these views are:

“Capacity and capability continue to be major impediments to changing practice. … would welcome more work being done, particularly around the Sustainable Development Taskforce. More is required for promoting best practice, incentives and providing specific training for specialists on the economics of development. This includes working with developers and private investors, given that developers are usually the ones who plan and design development (albeit within the framework imposed by local and central government)” [submitter 89].

“.. supports the comments made regarding capacity building. It is noted that a number of forums, courses, programs and training opportunities exist. It is also noted that capacity building is a process that occurs over time” [submitter 50].

“..agrees that building capacity and addressing skill shortages within the urban development sector will be important” [submitter 57].

Specific capacity and capability support is suggested in relation to access standards controlled by legislation:

“..officers could be greater supported by either the employment of a Barrier Free Advisor, or by compulsory training on accessibility as a job requirement. This would result in a more equitable, accessible and compliant built environment. The provisions of the RMA could be utilised to require universal accessibility” [submitter 61].

**Making existing regulatory tools more effective**
Submissions included specific suggestions aimed at existing regulatory tools impacting on urban development results:

“Building sustainable urban communities is likely to require a combination of new and existing tools. The options within the paper for developing existing tools are supported. The RMA framework could be strengthened by having clear national policies and guidelines for urban development. These must be in a form that has statutory weight in hearings or Court proceedings. For example, the cumulative effects of many smaller but inappropriate developments can erode sustainable outcomes. Guidelines could also cover aspects that Councils have found challenging, such as translating qualitative considerations – like design and appearance – into effective and appropriate rules” [submitter 89].

“Provide guidance as to how planning sustainable communities, and all the relevant facets of them which Government seeks to promote, should be delivered under the RMA, in a manner which supports councils and helps them to achieve this goal efficiently.

- Address the problem that the ‘effects no more than minor’ application of the RMA poses in constraining councils’ ability to address the accumulation of myriad small effects that are contrary to the strategic direction the community seeks in advancing its community outcomes. This consequence of the RMA’s crafting, and application by the Courts, contributes environmental outcome scenarios such as “the tyranny of small decisions”, or ‘death by a thousand cuts” [submitter 32].
Submitter 4 advised that local authorities should not be able to extend time limits. “Do not allow LAs to contract out of time limits for processing/approving consents far too much bureaucracy/managerism/incompetence/excuse making for non action approval”.

**Best Practice Guidelines**

Greater use of best practice guidelines are viewed by many submitters as a useful means of improving use of existing (or any new) regulatory tools.

“Produce best practice guidelines. Tell best practice stories which focus on solutions and highlight successful initiatives. Promote public awareness. Produce quality professional development opportunities for local people on these issues” [submitter 9].

“...considers strengthening existing tools and ways of working is important, but will not by themselves, lead to transformational changes within our urban communities. Our urban areas require new and different approaches to meet the challenges. Sharing best practice and developing capacity is regarded as a core central government function” [submitter 21].

“Examples of where Standards have been developed with a focus on sustainability include: ISO 15392:2008 ‘Sustainability in building construction. General principles’. British Standards Publicly Available Specification PAS 2010:2006 ‘Planning to halt the loss of biodiversity’, provides recommendations for the integration of biodiversity conservation into land use and spatial planning. A similar approach could be taken in New Zealand by developing guidelines that assist local authorities to incorporate conservation and enhancement of biodiversity into land use planning in urban environments” [submitter 41].

“Sharing best practice and developing capacity is regarded as a core central government function…” [submitter 57]

“We suggest that guidance be provided to councils regarding the relevant sections of the Local Government Act and the Resource Management Act, and what their policies must say and do to avoid them being defective” [submitter 85].

“... supports the idea of developing good-practice guidance material and model district plan provisions, and we believe that using the needs of older people as a benchmark when producing these tools will result in better urban environments. We recommend that the Age-friendly checklists in the WHO report, ‘Global Age-friendly Cities: A guide’; be used as a basis for nationwide good practice in sustainable urban development” [submitter 24].

“It would be helpful to have better written guidance related to existing regulations such as NZ Standard 4121: 2001 Design for Mobility – Buildings and Associated Facilities. The lack of good guidance can mean that some agencies (or parts of agencies) can take an overly risk aversion approach when applying this Code, or fail to adequately follow through on applying the standard (for example, there may be the required accessible toilet, but the fixtures such as waste paper basket is fixed in a position that prevents a person using a wheelchair from having access to the toilet.)” [submitter 44].

“Insist that national standards are up to date and enforced throughout the country. At present, standards for streetlighting are not mandatory for a LTA to follow” [submitter 34].
New Ideas

Submissions suggested establishing new mechanisms or resources to directly address urban development issues:
“Fund Urban Design Advisory Panels throughout NZ” [submitter 52].

“Incentives to good design.” [submitter 62].

Are changes to existing regulations and legislation necessary to achieve sustainable urban development?

General support

The majority of submitters indicated that regulatory or legislative change is needed to improve sustainable urban development results in New Zealand. The range of reasons provided are discussed below.

General concerns/opposition

There is tension between those submissions seeking a comprehensive and inclusive framework for evaluating and implementing proposals, and those primarily concerned with streamlining processes and increasing the certainty of timeframes for development.

Submitters’ answers to this question are summarised below:

Changes to existing regulations and legislation necessary to achieve sustainable urban development

“..the true potential and real gains... lie in the structural reforms... Without such reform sustainable urban development will remain a desired but unrealised aspiration” [submitter 82].

Submitter 10 “..believe[s] that existing regulations and even the process needs to be redesigned. Our incremental approach has left us with unsustainable development, and we do not believe that an incremental solution with regard to sustainable urban development will help achieve our goals. We believe that there may need to be significant changes in our building and planning regulations, but we also believe that obstacles and solutions must be identified by the industry groups working most closely with those regulations”. Submitters 11 and 14 offered similar views.

“Tear-up the existing regulations and legislation! Form a whole new framework that simplifies and encourages local participation in all aspects of the development. Local authorities can draw on some measures for reducing traffic without the need for any further powers” [submitter 14].

Basis for New Zealand Planning Approach

Submitter 77 observed that a fundamental reason for some of the challenges facing urban development in New Zealand relate to the framework used here:

“Urban development in NZ has been regulated by Local Authorities, initially under the Town & Country Planning Act. Whereas the British system is based on consultation between owners and regulators around property owners’ obligations and privileges, the NZ practice has
attempted through zoning to establish prescriptive property rights. These have been further defined by case law so that we now have certainty but at the cost of extreme rigidity. District Plan changes are protracted and heavily contested. The Resource Management Act that replaced the earlier legislation continues to be used vexatiously or frivolously, to frustrate or delay legitimate attempts to vary the rigid rules, even when the standard controls are patently inappropriate. The moves by Local Authorities towards Performance Standards is incomplete and patchwork. In some regions, Local Authorities compete for development investment by offering more lax controls than the neighbouring authority. One role for Government would be to research and develop more appropriate model controls that TA’s could adopt in place of their obsolete prescriptive zoning controls.”

In a similar vein, submitter 5 “...believes there needs to be options for innovative developments to achieve such places in New Zealand. Current planning practices and policies would often prevent such intensification and to achieve innovative designs it is necessary to undertake various legal avenues at great cost. If we are to achieve sustainable urban environments mechanisms need to be established to encourage them.”

Submitter 89 took the view that “...legislation requires better alignment to how our urban areas are changing. The New Zealand Building Act and Building Code needs to be brought into line with its direction on sustainability, especially as mixed use is the more likely model for urban living in the future. Property law is another potential area that requires streamlining.”

Submitter 49 considered the current RMA provisions to be counterproductive and unhelpful in urban settings – “1. ‘existing use’ in RMA is preventing improvement in brown field areas (redevelopment).
2) There is a friction between industry objectives that are looking at "short term gain" and are “profit” focussed and responsibilities from govt needing to deliver on community outcomes (LGA) and have long term community and sustainability objectives. Having a voluntary framework for cooperation is unlikely to be successful. RMA being enabling and effects based versus LGA being outcomes based is not helping in existing brown field areas that are in need of redevelopment” [submitter 49].

Changes Required To Urban Development Framework
Submitters highlighted a range of types of change considered necessary to promote sustainable urban development:

“The Discussion Document makes note of the importance of the functionality of urban areas to New Zealand as a whole. In this respect it would appear appropriate to consider implementing a National Policy Statement on sustainable urban development. This would allow consideration of strategic urban development and housing issues through a public process but would allow subsequent amendments to local government planning documents without further formality. While this may be initially complex, if appropriately implemented this would ensure a supportive regulatory regime that enabled sustainable urban development. Such a process would significantly reduce multi-agency litigation and re-litigation through RPS changes, District Plan changes and resource consent applications. An NPS could identify areas of intensification, prescribe that consent applications will be treated on a non-notified basis and limit the matters to which TLA’s are able to have regard when processing applications. It is understood that central government is currently investigating means of ensuring greater efficiency in consent processing outside of this sustainable urban development discussion.

If no consideration is given to a National Policy Statement of this type then we consider that changes to existing legislation are necessary. While the existing legislation may work in theory, history has shown that it does not in practice, particularly for complex or large scale developments” [submitter 74].
“A further amendment to the Local Government Act 2002 could be a mechanism for giving effect to the growth concept that has been adopted by these cities [non statutory growth strategies in Wellington and Christchurch, and noting Auckland alignment efforts]. This could be timely as these city councils are starting to incorporate built / urban environment including urban design, aspects into their second generation plans/regional policy statements under the Resource Management Act 1991” [submitter 44].

“Change Part 2 RMA to make it clear that beneficial effects are just as important as adverse effects and that balancing of the two is OK” [submitter 52].

“Most planning regulations need to be rewritten to allow medium density housing, reduce road widths, reduce car parking required” [submitter 6].

“..necessary to develop alternative funding mechanisms (private/public partnerships for example London Business Improvement Districts and the forming of the Central London Partnership). These entities were formed to strengthen the association between the private and public sectors…Additional policy may be required to enable sustainable urban communities to be planned for ‘as of right’ rather than having such development jump through the existing regulatory hoops. This could be achieved by developing a series of guidelines and agreed objectives.

We support the RMA, National Policy Statements and/or other mechanisms, to make clear that its primary concern (s5) is about facilitating individual and community wellbeing (through the management of resources), and is a key vehicle for developing sustainable urban communities” [submitter 53].

“A general enabling act for a public authority of some kind to undertake housing development and real estate development as a “public work.” This was critical to the initiatives of the 1920s, 1930s and 1940s” [submitter 73].

“Legislation needs to facilitate sustainable urban development particularly urban renewal projects. Currently it is not clear that these are public works with power to purchase land without the buy back provisions” [submitter 92].

“Yes - need to remove the need for resource consents for activities which are consistent with adopted masterplans.
- remove the ability for objections to activities consistent with plan. Regulate the process by which a masterplan is developed including consultation” [submitter 80]

Submitter 92 provided a view about the extent to which local communities should influence how nationally agreed sustainable urban development concepts are applied:

“We consider that the community and Councils should decide the applicable sustainable development rules and standards for a particular urban zone or precinct and that developments should then be treated as permitted, complying or controlled activities with less opportunity for unreasonable appeals. It is fair to make objections and submissions but if these are fairly considered the opportunity for appeal should removed.”

“Removal of outdated and conservative building and development standards that actively preclude sustainable design at the level of detail. This includes recently adopted excessive conservatism within the New Zealand Building Code that leads to unnecessary design and construction costs, and therefore compromises affordability.” [submitter 88].

“Enabling Local Authorities to develop masterplans for development areas with their communities and set these as a basis for regulations of subsequent works within the RMA. Funding of regional development agencies through taxation (as all of NZ benefits)” [submitter 80].
“...imbedded in legislation that cross references, so that the settlement/urban design toolbox becomes more varied and extensive and available to individual communities.” [submitter 8]

Submissions included support for special purpose urban development entities / agencies.Submitter 60 provided an example of these views:
“Create redevelopment entities that are autonomous; made up of the multi-agency perspectives and teamed with a common objective. Have the confidence to give these entities the responsibility for delivering clearly defined outcomes and give them the tools and authority to do this outside of normal regulatory frameworks including in particular, the capacity to blend planning powers with development functions within appropriate oversight and controls.”

**Specific legislative adjustments proposed**
Submitter 71 suggested the following adjustments: “.. Amend section 76 of the RMA so that a performance standard can be required for in-house water efficiency which goes beyond the Building Code.
.. Amend section 76 of the RMA to clarify the use of rules in a District Plan to give meaning to section 5(2) (a) and (b) of the Act.
.. Standing firm or enhancing proposed amendments for energy efficiency in the Building Code and setting specific water efficiency performance standards for all new developments.
.. Developing a National Water Act which emphasises the wise use of available water and acknowledges its value as an increasingly scarce resource.
.. Developing a water equivalent of EECA to oversee water efficiency and conservation projects.”

**Consistency of approach / standardization**
A more nationally consistent approach to urban development was sought by several submitters.

Submitter 69: “..believes that local councils are given too much autonomy to achieve a multifaceted sustainable and consistent urban development. The urban planning concepts are sound in principle, but the people who are best able to advise on the most appropriate concepts are scarce. Central Government assistance and direction would provide a consistency of approach across New Zealand, and while each area will have its own identity to preserve, the regulations / legislation should be more directive of local government in there dealing with investors /developers, in dealing with landowners and landholders, in dealing with intensification and most of all in traffic planning and delivery.”

“The issue here is more one of consistency of approach across all regions. A developer should face similar issues of a consistent nature across all regional boundaries within the New Zealand environment.
1) Zoning and Rezoning of land should be planned well ahead of time, with a transition of a number of years if land is to be rezoned.
2) Zoning regulations should be reasonably flexible within a zone, such that objectors to zoning regulations could be addressed at the time of the zoning. Once a zoning is applied, there should be no ability or reason to object to developments based on infrastructure issues such as traffic generation, height limits or water use, etc. - such zoning must allow and anticipate the intensity of development”[submitter 69].

“Obtain much more consistency in the basic rules applying to zones in District Plans. This would simplify land purchase decisions and reduce costs sunk into design and consent application. This could be done by;
- all Territorial Authorities within a greater urban area sharing the same plan (or amalgamate these TLA’s).
- amend RMA to require much more standardisation in format of District Plans
- provide national standards that prescribe appropriate "effects" so that there is some consistency in rule applied in District Plans" [submitter 38].

Submitter 49 goes further, suggesting one nationwide consent authority:

- “One consent authority for resource consents/building consent/etc.
- Change RMA to be outcome based in specific areas (all brown fields or by ‘designation’)
- The possibility to set up redevelopment companies with special powers for land acquisition and charging.
- New Non regulatory tools (not mentioned in the paper)
- Use of Community Based Social Marketing (CBSM)."

Changes supporting affordable and community housing

“In some instances, such as Queenstown Lakes District Council (a member of Community Housing Aotearoa), housing solutions to address lack of affordable housing for key workers have been found within existing legislation. We would recommend SUDU undertake more research into examples such as this. The regulatory model applied to community housing in Victoria, Australia should also be researched given the apparent success of the changes to regulation and legislation there, in reinvigorating both development and redevelopment projects to a point where community housing is now being seen as a potential successor to public housing.” [submitter 68].

Are there any barriers to iwi Māori involvement in partnerships to deliver sustainable urban development?

General support

Submissions included support and encouragement for incorporating iwi / Māori issues as part of thinking on sustainable urban development. Some submissions did not identify any specific difficulties as long as appropriate representation and engagement mechanisms are in place.

General concerns/opposition

Concerns raised were primarily around iwi capacity and capability to engage in urban development processes and to be in a position to invest in development. Multiple ownership arrangements are noted to have potential to add an additional complexity in terms of time required for urban development processes.

Submitters’ answers to this question are summarised below:

Representation and engagement models

“The Ministry of Health has developed the Whanau Ora Health Impact Assessment (2007) which can be used to structure an equity lens around the impacts of urban design initiatives on Māori health and wellbeing. The central challenge … is to ensure that health impact assessment becomes part of the normal process for urban environment policy development, rather than something which is undertaken as a result of lobbying by individuals or organisations”[submitter 44].

In 2009 Community Housing Aotearoa will be appointing a person to a fixed term position (with funding from Te Puni Kokiri) to work on a Māori Development Plan for community housing. We have a strong iwi Māori membership involved in both rural and urban projects. We would
recommend SUDU include a reference to this aspect of the work of Community Housing Aotearoa so that further consultation can occur in the future” [submitter 68].

“It is important that any partnership agreements reflect the relationship iwi Māori have with Mana whenua. It may be worth while seeking clarity pertaining to the rights of Mana whenua” [submitter 44].

Investment and process challenges

“The barriers here are along the lines of the perceived ability of iwi to invest, to have sufficient funding and to be able to achieve prompt responses to decisions required. Often times iwi issues are perceived as deal breakers in commercial development terms. The requirement for flexibility on both sides of a partnership is necessary for any significant development to occur” [submitter 69].

“. As a representative of a large Māori Land Trust, the barriers to forming partnerships to deliver sustainable urban development mainly lie, as detailed above, in the issues with the statutory planning processes and governance structures that exist. …The enormous complexity, long timeframes, and significant costs involved immediately place the majority of Māori landowners at a disadvantage as they are invariably asset rich but cash poor and without selling their lands cannot carry out the planning and investigation work required to progress through ‘the system’. …Added to this is the lack of capacity and willingness of authorities to partner and engage with Māori landowners to progress sustainable urban development. …Māori landownership is often seen as a barrier to sustainable urban development, when in fact in many cases (such as ours) it is an opportunity. …There are enormous opportunities to partner with Māori landowners to achieve sustainable urban outcomes while providing the Māori landowners the opportunity to retain underlying land ownership to provide income and opportunity for the generations to come. … This in our opinion, defines sustainable urban development. … Opportunities we have identified include, University, Schools, Hospital, Medical services, Research facilities, Affordable housing, Recreational and Community facilities. … It is these types of land uses on long term leasehold land that will underpin the creation of sustainable urban development” [submitter 82].

“Māori often lack the capital base to compete with or participate in urban development, and in recent years this has escalated with increasing rates costs and compliance costs affecting whether or not Māori can afford to participate; this has also put a lot of pressure on Māori to sell land they cannot afford to keep. Māori land tenure needs to be reviewed so that there are sufficient protections in place for the land, but the protection does not adversely affect development aspirations. Harmonisation of legislation so that the barriers to Māori to participate in the development of urban and rural communities are reduced, and the costs to participate become less costly. Standardisation of papakainga housing policies and processes so that the flavour of the local community is maintained but there are some guidelines to provide for Māori being able to build and live on their own land; including rating of Māori land, subdivision policies, etc. Early engagement of Māori in all design and planning processes; this engagement is to reflect the Māori stake as a) landowners, b) stakeholders and c) tangata whenua groups. Cultural integrity within the design of a community is essential; few communities reflect the history of the land, many do not have a sense of the values of tangata whenua; this is not the case in for instance the UK or Europe where there is a high level of commitment to recognising and acknowledging the cultural backdrop within their communities. Industrial development and any activity that would not normally be accepted by middle class communities tend to be planned for and developed on the doorstep of marae and Māori communities; this is often the first preference for councils and developers and happens through complicated district plan changes, zoning changes, etc. that Māori do not know about, are not
informed about, and have too little time to respond to; Māori should be engaged in these processes through effective consultation and development, not through meeting with one or two people who most often do not have the authority to act on behalf of landowners especially” [Submitter 84].

“The availability of capital can be an issue particularly for those iwi authorities who have not yet attained funding through the Treaty Settlement process. Raising funds against communally owned Māori titled land can pose difficulties. The decision making process - there is a requirement for a collective decision making process as there can be competing objectives for decision making for communally owned land” [Submitter 53].

“The Resource Management Act can be costly, time consuming and require resources and infrastructure beyond group capacity” [Submitter 9].

“Not using compulsory land acquisition tools (e.g. Public Works Act) to acquire land to the detriment of Māori land ownership; in practice, most public works have required Māori land which has been acquired from unwilling sellers, some of those land takings have not resulted in the purpose being fulfilled e.g. schools, hospitals, airports, etc. that have not been built. Ensuring that all developers comply with a minimum standard of environmental planning to minimise resource use, and to maximise environmental protection. Looking at Māori land development as a positive thing, and developing a level of protection for the land while providing opportunities for Māori to develop activities on their land; e.g. use of leasehold lands for papakainga within an urban development context, use of leasehold lands for commercial development where the leasee is responsible for all improvements and maintaining the land itself to a minimum standard” [Submitter 84].

“A clash of cultures - where the world-view and processes of Māori are not recognised or valued - e.g. in heritage or 'mauri' issues. With good brokering and openness to different perspectives on issues, these barriers should be able to be negotiated into a win-win outcome. This could well save time and money of all parties” [Submitter 71].

“Māori land holding is important / leases for specific developments / body corporates for specific developments under an umbrella. Non payment of DLA rates prevents infrastructure developments” [Submitter 4].

“Recommend that Māori specific funding is allocated to provide scholarships to increase the number of qualified Māori Planners and Architects and that internship programmes are offered to enable practical “on the job” experience.

Recommend that partnerships with Māori are initiated that would enable specialist technical advice to be provided to Māori that have had land and resources returned to them through the Treaty of Waitangi Settlement process to assist in the development of sustainable communities on their land

Recommend that a process is established that would support Māori to wananga nationally on a regular basis (suggest annually) to collaborate on processes and practices that would enhance building sustainable communities” [Submitter 97].

**Minimal Barriers Perceived**

Some submitters reported that iwi / Māori involvement in urban development does not face any particular barriers:

“As long as tangata whenua are given due respect and provided an appropriate place at the table, we do not believe that there need be any barriers to deliver sustainable urban development projects. We must simply engage Māori as partners in the process and be no
less committed to that partnership than we are to sustainable urban development outcomes” [submitter 10].

“In providing developments for Māori, I don’t see an issue. Councils actively engage Māori now in any proposed developments” [submitter 11].

“There are no barriers whatsoever. As long as they have an ability to create and add value and are not just being involved for some other reason that could detract from the contracted outcome delivery. In fact, a potentially greater issue is the reverse effect of treaty obligations constraining land assembly where surplus crown land is involved” [submitter 60].

“With stronger Iwi organisations and recent Treaty settlements in land and money there may well now be less barriers and more appropriate land for development. A key component of urban sustainability is for developments to be near facilities and traditional Māori land is more remotely sited” [submitter 92].
SUMMARY OF SUBMISSIONS: The role of government in sustainable urban development

How can central and local government support sustainable urban development? What is the role of local and central government in sustainable urban development?

The discussion document put forward two questions for response. In summary, most submitters felt that there was a strong role for central government in supporting urban development and that the range of options for central government support was wider than those for local government support.

A few submitters believed that neither sphere of government should be involved in urban development, although most of these concurred with a wider number of submitters who believed that it is the role of central and local government to ensure that the regulatory and infrastructural pre-conditions for development are provided.

Other submitters believed that central and local government should prepare development opportunities for the private sector (particularly in existing urban areas where intensification is desired) – this could include land assembly, master planning and community engagement, reconfiguring land and providing infrastructure and other public facilities.

“the public, private and community sectors all have a role to play… Local government given its responsibility for planning for the area, should have a lead role in acquiring and developing project briefs for key landholdings. The private and community sectors should be involved in the planning for the area. While the public sector should be able to determine the project brief, so as to inform good outcomes, it should be the private sector that bids for and undertakes the projects.”

In addition to the suggestions outlined in the discussion document, submitters indicated that there were five main ways for central and local government to support sustainable urban development:

- Capacity and capability building.
- Leadership (including co-ordination, integration, collaboration).
- Funding.
- Legislative change.
- Research and monitoring.

Capacity and Capability building

General support for capacity and capability building was high [submitters 9, 10, 20, 22, 23, 26, 37, 44, 46, 51, 54, 62, 63, 66, 69, 73, 75, 79, 82, 87, 91 and 93]. The following range of more specific capacity and capability building mechanisms were supported:

- Development of good practice guidance (including identification of good examples) [submitters 20, 22, 26, 37, 44, 46, 51, 54, 63, 82 and 87].
- Provision of technical support either through intercity working parties [submitters 10, 23, 44 and 46], or through shared services company [submitters 73 and 75].
- Enhancing skills level and training [submitters 23, 26, 69, 91 and 94].
- Sponsorship for designers [submitter 62].
- Mentorship and guidelines [submitters 9 and 66].
- Partnership with professional institutions to access guidance and expertise [submitter 91].
- Standardising/consolidating work that can be carried out regionally or nationally (where adequate skills and resources are available) [submitter 94].
Leadership
Central government leadership was seen by many submitters as critical to urban development. While some submitters noted broad support for leadership at the central government level [submitters 26, 57, 87, 89, 93, 94] other gave specific examples of things that could be done to strengthen central government leadership:

- Central government coordination (including integration and collaboration) [submitters 20, 26, 27, 38, 46, 51, 57, 63, 80, 85, 93] - Integrate whole of government (systems) approach [submitters 21, 75, 94, 97, 101] - Co-ordinating/oversight body [submitter 60].

“A clear political lead will also be required with sufficient mandate to deliver on the coordination within central government that is required to influence future infrastructure investment programmes and to allocate the necessary funding. It is our belief that central government needs to deliver more than just a guiding framework – it needs to take a pro-active role…”

- Sustainable Urban Development Taskforce [submitters 17, 21, 48, 52, 75] – an across-government team with a pool of skills and appropriate influences or create ATLAS type team in government [submitters 72, 87, 98].

- A partnership approach is needed for urban regeneration – [submitter 98] “...partnerships will be multi-sectoral and multi agency by nature and will need to tackle multi-dimensional, interconnected problems to deliver joined up solutions tailored to local conditions.”


- Support or carry out demonstration projects – [submitters 20, 26, 46, 82, 87, 88] – including the provision of funding, incentives and advice to developers, and the identification of Crown-owned land.

- Establish clear roles and responsibilities [submitters 21 and 57].

- Lead by example (9) – especially via the LTCCP process [submitters 20 and 34];

- More explicit urban development policy role for central government [submitters 17 and 26] – to create the urban place-making agenda - Central government advisory board [submitter 37].

- Create similar body to UK’s Commission for Architecture and the Built Environment [submitters 20,26, 87].

- Policy and infrastructure consistency 48 – create a National Policy Statement on Urban Development { submitter 23} (including accessibility issues [submitter 61].

- Allocate responsibility for urban affairs to EPA, MfE or DIA [submitters 79 and 82] (to assist local authorities to improve urban outcomes).

- Develop criteria - where central government will assist [submitters 22 and 79], to determine nationally strategic sustainable urban development sites [submitter 21], for measuring sustainability [submitter 88].

- Landbanking for future urban development needs [submitter 33], but potentially extending to funders and developers in areas with shortages and affordability issues – [submitter 92].

- Concentrating central government agencies in town centres (‘hubbing’) and further development of the GUEDO/GSSO model – [submitter 98].

Funding
A number of submitters [submitters 6, 20, 21, 43, 49, 57, 60, 63, 82, 85, 88, 89 and 93] indicated that there was a need for local and central government to consider ways to fund urban development, with many prioritising seed funding to kick start development. Funding to provide infrastructure and good public transport was also considered important. Submitter 68 indicated that the Government should boost the Housing Innovation Fund and review its effectiveness. Submitter 72 believed that transport investment should be shifted to rail, shipping, cycle and pedestrian modes.
Legislative change
Many submitters indicated a role for central government in ensuring that the national legislative framework supports urban development. Specific suggestions included:

- Change planning legislation, improve planning tools [submitters 38, 49, 51, 82, 84, 89, 92 and 100].
- Remove GST on rates and change local government depreciation funding requirements [submitter 82].
- Legislation to make sustainably responsible development prosper [submitters 5 and 38].

Research and monitoring
Submitters 69 and 93 specifically indicated the need for research, funded centrally and freely available for all. Submitter 22 noted that specific work was required to develop economic viability analysis models. A number of submitters referred briefly to the positive role that can be played by the Ministry of Research, Science and Technology and/or the Foundation of Research, Science and Technology to provide good research to support urban development and capacity/capability building.

Submitters 60, 63, 89 and 93 indicated a strong central government role in monitoring was required.

Other comments and suggestions
Submitters introduced a range of other specific comments and suggestions, including:

- Incentivise and encourage water and rail transport [submitter 8]. Submitter 85 suggested this could be done through road and transport pricing.
- Incentivise public/private partnerships [submitters 4 and 86]. Submitter 92 recommended incentivising sustainable developments.
- Incentivise affordable housing, increased residential densities, sustainable design [submitter 82].
- Expand retrofitting and energy design improvements [submitter 8].
- Amalgamate certain councils and empower communities [submitter 7].
- Make it easier for local people to act or take part in urban development [submitters 14, 58 and 84].
- Better engagement by local authorities in community housing [submitter 68].
- Develop resilience plans [submitter 71].
- Look beyond metropolitan areas to the regional provincial areas to ensure models and tools will be useful in these areas [submitter 75].
- Pool resources at the regional level to get access to skills [submitter 91].
- The adoption of procurement methods that deliver value for money for all stakeholders, and better development outcomes [submitter 51].
- Enabling governance reform to provide regional and local government the support, capacity and funding to initiate and deliver sustainable urban development [submitter 82].
SUMMARY OF SUBMISSIONS: Improving Co-ordination and Integration

Most submitters combined their responses to this section within the previous ‘Role of Government’ section. A fuller summary of submitters’ view on improving coordination and integration can be found within the Role of Government section.

Key ideas from the submissions

Submitters identified, or agreed with, ideas for co-ordination and integration under the following broad themes:

- Direction to co-ordinate - legislative or other requirements for greater coordination.
- Supported collaboration – ways to encourage and coordinate the participation of central government agencies in urban development processes.
- Whole of government framework - to provide a 'more planned and systematic approach' across central and local government.
- Cross sector communication - systems to improve communication across sectors.
- Council internal process co-ordination.
- Public Private Partnerships.
- Capacity and capability building / good practice guidance.
- Performance monitoring.
SUMMARY OF SUBMISSIONS: Funding

How could sustainable urban development be funded?

General support

Submitters highlighted a wide range of circumstances where urban development funding is a major issue. These spanned a continuum from privately held land developed with private sector funding, to joint public / private sector urban projects, through to fully public funded urban development. A consequence of this is that a significant proportion of submitters took the view that there cannot be a ‘one size fits all’ approach to sustainable urban development funding arrangements, and a flexible and broad set of tools is required.

Some submitters contended that there is a significant failing in the current urban development funding arrangements. Lack of progress or poor quality results for important urban development areas was cited as evidence of this. Failings were generally expressed in terms of insufficient funds being available to get urban development projects off the ground in a timely fashion, and / or projects being considered to be inadequately resourced to give sufficient attention to good design, lifecycle costs and / or the resulting quality of development.

A consistent theme through most submissions is that good urban development requires significant funding early in the life of a development before income streams can be regained. It is this phase which appeared to many submitters to be particularly weak under the New Zealand urban development system. Most submitters acknowledged that public investment is appropriate and necessary for urban development to progress.

A significant proportion of submissions supported a broadening of the public funding toolbox, and in particular, many suggested giving attention to central and local government’s role in underwriting or providing loan financing to get the first phases of urban development projects underway.

Several submitters drew attention to the proactive stance taken by central governments elsewhere (e.g. Australia, U.K.) in providing initial funding mechanisms for significant urban development projects.

Suggestions included:
- Reducing risk in projects via availability of start-up government loans.
- A portion of New Zealand Government controlled or influenced funds such as the national superannuation fund being directed to invest in New Zealand urban development priority areas via start up loans or direct investment.
- Having a tax regime that incentivises urban development in declared areas.
- Workable means of issuing municipal bonds to fund urban development.
- Ability to exchange landowner equity in land for equity in an urban development company.

A fuller list of potential tools and techniques is set out later in this section.

General concerns/opposition

Some submitters made the point that any enhanced ‘funding toolbox’ should only be available where private sector activity will either require support, or is otherwise unlikely to deliver identified ‘public good’ needs for an area. The assumption is that these ‘public goods’ would be
of a scale and / or significance to support national or regional priorities for economic
development or other needs.

It was the view of a few submitters that existing tools (in the form of Local Government Act
development levies, Resource Management Act financial contributions and rate funded
investment via LTCCPs) can or should suffice in many council jurisdictions for the particular
urban development circumstances they are facing.

Related to these views were some submissions suggesting greater use should be made of
councils’ ability to borrow for urban development purposes. This included borrowing for initial
strategic land use planning and to providing necessary infrastructure and services ahead of
development. These submitters contended that councils are too conservative in terms of
prudential borrowing limits. Rates funding to support necessary borrowings was presented as
an appropriate tool and means of spreading intergenerational costs.

Some submitters were concerned that creating any additional public sector funding tools such
as levies or fees for urban development may act as disincentives to re/development occurring.
Using tax or rate gathered funds to support sustainable urban development is not seen to suffer
these drawbacks, and is argued to be fairer from the intergenerational equity and ‘who pays /
who benefits’ perspectives.

Several other submissions received opposed extending and / or retaining current urban
development funding tools available to the public sector, on the basis that market forces should
be given a greater role.

Submitters’ answers to this question are summarised below:

Public investment is appropriate and necessary
The majority of submitters to this question acknowledged an influential and important role for
public sector entities in progressing sustainable urban development [submitters 4, 11, 14, 20,
21, 22, 23, 26, 27, 30, 32, 33, 34, 35, 36, 38, 43, 44, 46, 49, 52, 53, 60, 61, 62, 63, 68, 69, 71,
72, 73, 78, 80, 82, 83, 84, 85, 87, 88, 89, 91, 92 and 93].

A broad range of ideas for how this might occur were presented within these and other
submissions received.

Proactive stance by central governments elsewhere
A common theme evident from submissions was that New Zealand central government funding
support should be made available in ways and at a similar scale to similar initiatives overseas.
Comments by submitter 20 illustrated several submitters’ views.

“What is lacking is sufficient funding to implement much of the [sustainable urban development]
vision…Sufficient and accessible central government funding needs to be made available to
kick-start sustainable urban development projects…there are significant benefits that would
accrue to a variety of government agencies and the community at large.”

Several submitters noted that most of the overseas funding models referred to in the discussion
document relied upon an up-front injection of funding and/or significant land assets from the
relevant central or state government [submitters 10, 20, 26, 35, 68, 78, 89, 92, 93].

Submitter 92 captured the tone of several of these submissions noting that: “The reality is that
local government in New Zealand has difficulty funding ahead of demand. Therefore it is going
to fall to a few larger companies and semi public and / or government agencies to make the big,
long term investments…”
The submitter went on to say: “In Australia it appears that Governments are more prepared to fund the up front investment necessary to facilitate the subsequent developments.”

Submitter 26 continued this theme stating that funding support provided in Australia and the United Kingdom is “...often in the form of an interest free loan, repaid at the end of the development period or as returns from development are made possible. The example of local Development Area agreements in the UK only work because they are explicitly related to the provision of direct central government funding to local government.”

**Broadening the public funding toolbox**

Most submitters appeared to accept that current sustainable urban development funding arrangements are deficient and warrant a new or expanded approach.

Submitter 17 stated: “I support the need to investigate alternative funding sources for driving urban development, creating wealth and improving sustainable urban development”.

“Given the difficulties funding urban regeneration, [the council] suggests that... central government must undertake a wider research agenda into the property tax mechanisms which will be useful to promote urban regeneration (e.g. capital gains tax), in collaboration with local government.”

Similar views were provided by submitter 36: “Establishing efficient and effective funding mechanisms for Sustainable Urban Development is perhaps the most challenging part of the development process”.

**Existing tools often sufficient**

Some submitters took a different view, that current funding tools via council LTCCPs, Local Government Act development levies, and Resource Management Act financial contributions are, or should be, sufficient to address sustainable urban development needs in most cases.

Submitter 49 noted that “...local government for 'smaller projects’ should be business as usual. Only if benefits stretch outside a local council then regional or central government funding should be available”.

Submitter 51 commented that “..significant funding tools are already used by the local government sector, which consequently requires the development community (and in turn the property purchaser) to pay to offset the environmental and growth impact of development”. An alternative approach is suggested in the form of using a suite of incentives provided via the public sector to achieve sustainable urban development outcomes, or for local government to consider “abstaining from using development price signals (through financial levies) to influence property development outcomes.”

**Concerns over extension / retention of current urban development funding tools**

Submitters 11, 47, 51 and 69 voiced concerns that public urban development funding tools amount to taxes that are disincentives to investment, inappropriately target developers / businesses, and / or distort markets. Incentive approaches using general taxes or rates were favoured to encourage desired results.

Central or local government investment in the ‘front–end’ processes (planning, land assembly and early infrastructure provision) are indicated as acceptable activities to be addressed via tax or rate funded investment into urban development areas.
Who should fund infrastructure assets, services or amenities required in a sustainable urban development project?

Discussion

The majority of submitters considered a mix of central, local and private sector funding should be available. The funding balance was generally viewed as best determined by the particular circumstances and results sought for an area. A ‘one size fits all’ approach will not work.

Ideas for determining the appropriate funding mix between parties varied widely across the submissions. There were a spectrum of positions and views regarding the appropriate shares of infrastructure assets, services or amenities funding needs. These positions included:

- All urban development costs should be addressed on the basis of ‘user pays’. It was evident however that broad variations on this concept existed. Some submitters viewed the ‘user’ as the developers and / or purchasers, while other submitters suggested the ‘user’ is in fact all taxpayers or ratepayers.

- That urban development investment should be funded predominantly via taxes and / or rates to address issues of intergenerational equity, and to spread the incidence of development costs. This position assumes that benefits are often spread across communities and over long periods of time.

A general theme in submissions was that nationally or regionally significant urban development areas should be eligible for central government financial support. Submitters perceived that a gap exists in New Zealand’s current urban development system in terms of central government funding support.

Some submitters also addressed the issue of who appropriately carries risks associated with urban development, and how rewards and incentives are structured around this risk. This manifests in two ways:

- The first is that on the basis that urban development always carries some degree of risk, the public investment should include a premium or reward for taking on this risk.

- The other point of view is that if it is proposed to exact any form of levy or contribution from the private sector on profits from urban development, then any losses incurred by the private sector should also be eligible for reimbursement or some form of tax credit.

Submitters’ answers to this question are summarised below:

The general thrust of submissions was that funding should be sourced from:

- “Central and local government [and] developers” [submitter 9]
- “Mix of central and local government and developers” [submitter 52]
- “A combination of public and private organisations based on who benefits” [submitter 71].

Submitter 83 “…recognise[s] the need for stability of funding and co-ordination across funding sources to achieve the objectives of sustainable urban development…supports the investigation of funding models to identify the most appropriate way for funding allocation and recoupment costs by various regional and local government organisations and agencies.”

Submitters provided a range of principles or bases for allocating funding responsibility, however no one clear framework is evident.

Submissions included reference to the evolution of Environment Court and High Court decisions on funding principles as a key determinant of workable funding models in the New...
Zealand context. Previous Court decisions were also seen as likely to influence how any legislative changes that might be considered will work in practice.

Submitter 10 suggested that “developer contributions should supplement, not replace, government funding.” and believes that “The creation of an urban development agency would provide for an increasingly integrated approach to sustainable urban development which focuses upon unlocking the potential for growth.”

Submitter 11 commented that “Infrastructure assets, if growth related, should be funded by the Development contributions, but if this infrastructure has a betterment factor or is intergenerational, then these should not be funded by the Development contributions.. If the infrastructure is a significant item and long term, then Central Government needs to look at the issue so this does not impact on the debt levels of Local Government.

A similar viewpoint was held by submitter 38. “Developer pays for on-site infrastructure, non-arterial roads, non-arterial services, reserves and recovers these from land sales. Taxpayer or ratepayer meets costs of arterial roads, arterial services, community facilities, and any upgrades of supply infrastructure.”

Submitter 74 observed that: “One matter that requires consideration at the outset is the extent to which such development generates a public good or positive externalities. The discussion document indicates that there is significant public benefit to sustainable intensification and this should be reflected in any decisions on funding. We consider that there is currently intergenerational inequity in funding large scale infrastructure projects.. legislation requires the costs of this to be recouped over a 10 year planning window... Debt funding would.. spread the burden of funding even more evenly over the life of the infrastructure asset rather than having the private sector contribute large up front costs.”

Submitter 21 noted that “Nationally significant urban development areas should also be considered for central government financial support as well as other possible funding mechanisms, which provide a more integrated and flexible approach responsive to local circumstances.”

In addition, “…central government has a responsibility to fund assets that have an intergenerational life span in the Auckland region”. However, recognising the limited resources available, the submission recommended that “a set of project criteria must be collaboratively developed” that enhance “regionally significant sites”.

Submitter 92 answered the question of ‘who should pay?’ stating: “While the infrastructure assets, services or amenities might be partially paid for by developer levies, these can only follow the event. Therefore the investment needs to be ahead of development and properly should be by local government through rates or partially funded by Government. The reality is that local government in New Zealand has funding ahead of demand.”

In relation to the idea that an Urban Development Organisation (UDO) might be established for sustainable urban development purposes, submitter 83 stated that: “a UDO should have the tools and / or powers to ensure that this funding is recouped or paid by those who benefit.”
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.

General support

Views were polarised on the question of value uplift as a tool. Around half of submitters supported such a tool being available.

Among the submitters who considered there is merit in a value uplift levy, support was often qualified. Submitters primarily supported a broader suite of funding mechanisms for sustainable urban development areas, and value uplift was seen as a possible component of an expanded suite of tools. It is within this context that ‘value uplift’ was seen to merit further consideration.

Submitters who fully support the concept pointed to its use overseas and believed that value uplift could be an appropriate tool to ‘sheet back’ the costs of development to those generating them.

The general view of value uplift was that it has potential to partly fund urban development. It was described by some submitters as an ‘incremental’ source of funds, and submitters pointed out that it cannot address the key issue of lack of ‘front end’ investment needed to get the first phases of urban development underway.

General concerns/opposition

Submitters, including several metropolitan councils, did not support the value uplift tool because it:

• could be potentially cumbersome or difficult to administer [submitters 36, 43, 47, 76, 80 and 82]
• does not adequately address intergenerational equity [submitters 47, 51 and 74]
• margins may be insufficient in areas where development is sought to enable an uplift tool to function [submitters 26, 76 and 87]
• has potential to generate considerable legal challenge [submitters 47 and 85]
• raises questions around what occurs in periods of market downturn (i.e. how this fund tool works if values fall) [submitters 11 and 84]
• may discourage investment into areas (canvassed in next section of report); and
• other existing tools are as effective or potentially better in gathering incremental funding [submitters 47, 51 and 69].

Several submitters considered that rather than concentrating on value uplift, the focus should be on the fact that insufficient funding is accessible under current arrangements for the initial phases of getting an urban development project underway – this is the critical funding issue.

“Mechanisms to gain ‘up-front’ funding for urban regeneration projects must be investigated” [submitter 98].

Loans, underwriting, grants and tax incentives were suggested by submitters as more effective tools to focus on for this purpose. Several submitters noted that local government is significantly limited in its ability to provide ‘up front’ funding via rate sources, and therefore central government needed to be involved.
Submitters’ answers to this question are summarised below:

Submitters supporting the idea of value uplift stated that:

“...where public actions increase the scope for development it is not unreasonable for landowners / developers benefiting from such gains to contribute towards the necessary community and strategic infrastructure” [submitter 10]. Examples of systems in use from the UK and Vancouver were cited.

“If successful Australian models could be applied to the NZ context then money from uplift could create a funding pool for master planning projects” [submitter 33].

“The concept of a value uplift levy to capture part (if not all) the unearned value increase from the potential for higher density development is supported, but such a system will need to be carefully thought through to ensure it is fair and equitable as well as simple and efficiently administered”[submitter 75].

Submitter 21 “…considers value uplift levies have some merit”, as does submitter 6 - “Yes absolutely – when new public transport like rail or tram lines are put in, the increased value of properties along that line should be “harvested” to help pay for building the lines”.

“Organised at the regional level, [the council] supports the funding of major investment in regional network infrastructure through the introduction of national legislation that would require territorial authorities to collect an return to regional council, a codified regional betterment levy.”

Submitters with reservations or opposing value uplift comment that:

“Urban redevelopment requires significant upfront funding, not incremental funding as would be delivered through value uplift levies, development contributions, and similar mechanisms” [submitter 26].

“Experience in New Zealand, the United Kingdom and Australia has shown that even where a value uplift levy is supported in principle it has proven difficult to put into practice. This appears to be in part because of the difficulties associated with valuation of the property, both before and after granting of planning permission” [submitter 98].

“Localised betterment levies (at the project / sub regional level) appear to have the potential to have negative or unanticipated flow-on effects that would disincentivise development in the very places where the region desires it” [submitter 98].

“A value uplift levy would result in a difficult system for Councils to implement and would frustrate developers” [submitter 43].

“We… disagree in principle with the underlying concept of a value uplift levy. We submit that it is an unreasonable and unjustifiable charge which raises several issues requiring careful consideration. It effectively amounts to a capital gains tax on an increase in property values at a certain point in time, but these values rise and fall with property cycles. It also does not take into account that an increase in value is not realised until a property is sold” [submitter 47].

“Not supported – this cost would be passed on to those who can least afford it, those living on low income through increased housing costs – too complicated to administer, could easily be abused” [submitter 80].
**What issues would need to be considered when designing and implementing a value uplift levy?**

**Discussion**

Points identified by submitters in considering any additional funding mechanism (including a value uplift levy) included:

- Risk that new funding tools may be disincentives to developing urban areas.
- The vital importance of having a costed and phased ‘spatial growth strategy’ or plan for the specific sustainable urban development area. This is needed to ensure various parties’ commitments are clear.
- Spatial growth strategies or plans require significant upfront investment, plus strong implementation tools to give certainty about delivery timeframes.
- A value uplift (or any new funding mechanism) should be scaleable and able to be adapted to the circumstances of different locations.
- Funding mechanisms should incentivise types of development sought, rather than introducing additional hurdles. It is observed that investment decisions by the private sector often seek to minimise risk and therefore tend to follow the ‘path of least resistance’.
- A cross section of private and public sector expertise in designing funding mechanisms should be used.
- Methodology should be as simple, clear and transparent as possible.
- ‘Whole of life cycle’ costs and sustainability impacts should be included in assessment criteria.

Submissions suggested that clarity is required about whether any new funding tool/s is for special circumstances (i.e. a declared ‘sustainable urban development’ area) or a generally available tool. It is evident some submitters have responded to this question on the basis of a value uplift (or any other tool) being used in all urban development circumstances, whereas other submitters have viewed the application of new tools only in relation to declared urban development areas with national / regional significance.

**Submitters’ answers to this question are summarised below:**

**Risk that new funding tools may be disincentives to developing urban areas**

Several of the submissions (including a number of councils and local government organisations) cautioned that particular care should be taken to ensure any new funding tools (particularly a new ‘uplift levy’) do not inadvertently discourage development in areas where it is sought [submitters 22, 26, 46, 50, 57, 63, 69, 73, 76, 80 and 98].

“The active discouragement to investment in an area where investment should be encouraged is the main issue here. The complexity of measuring the value uplift would create a drag on council expenditure where legal challenges would drain council coffers and waste productive staff time on court cases” [submitter 69].

**Importance of having a costed and phased ‘spatial growth strategy’**

Submitter 10 advised that “…it is vitally important to prepare a fully costed and phased ‘spatial growth strategy’ for the specific ‘urban development area’ which illustrates the growth projections (ie numbers of residential units, commercial floorspace etc.) and the infrastructure necessary to support the forecast growth.”
Upfront investment
“The discussion document, while touching on funding, underestimates the significant financial requirements for undertaking this work. Firstly at the master planning / RMA stages and then in implementing those outcomes...This is a fundamental issue that requires further government consideration” [submitter 22].

Scaleable and adaptable
“It is critical to avoid a “one size fits all” system that is so inflexible that it cannot be adapted to a variety of project scales and locations” [submitter 10].

“Consideration also should not focus only on the larger cities, but also focus on those cities that have significantly high growth with a limited rate base able to support and fund that growth” [submitter 22].

Incentivise types of development sought
“We consider that more options and some policy analysis work done on creating incentives for the types of development we seek will be more worthwhile [than a value uplift tool]” [submitter 63].

Expertise to inform funding approach and tool choices
“It is suggested that the best way to advance this concept is to form a working group of experts to develop the concept further comprising: property developer, commercial / tax lawyer, valuer, local authority policy analyst, local authority planner / urban designer, development contributions expert.” [submitter 75].

Simple, clear and transparent methodology
A variety of views were expressed as to how complex justifying and operating a value uplift or any new funding tool would be. Submitter 91 exemplified the majority of views that a complex approach would be needed: “A range of indicators – not just the principle of value uplift – need to be considered if such a levy is calculated... There must be a nexus between the development being levied and where the infrastructure is provided”.

At the other end of the scale views received include: “Keep it simple. Recover on sale” [submitter 38].

Whole of life benefits and sustainability assessment
Submitter 34 commented that: “Regardless of who funds these items, the provision...should be specified to reduce whole of life financial and environmental impacts. This means that the requirement of developers is to provide facilities that provide whole of life benefits rather than at a minimal costs for the developer.”

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?
Discussion

Submissions can be categorised as distinguishing between ‘up front’ investment requirements for sustainable urban development projects (e.g. for strategic spatial planning and costing, land assembly, and timely infrastructure provision), and ‘incremental’ funding sources that support urban development in later phases.

The ‘up front’ funding mechanisms in New Zealand were characterised as weak by several submitters, compared similar mechanisms in Australia or the United Kingdom. Suggested ways of addressing this were either through central government taking a direct role in investment, and / or local government making greater use of debt funding.

Specific mechanisms suggested by submitters that require action by central and / or local government in this regard are listed below. Each of the proposals was seen as a way of minimising the risk associated with urban development projects and / or attracting investment that would incentivise private involvement.

- Start-up capital loans, seed funding or underwriting of investment risk so that private developers do not need to add supplementary profit margins to cover risks.
- Subsidies.
- Greater use of debt funding by local government.
- Land with infrastructure in place to encourage private involvement (councils / central government required to bankroll this investment).
- Development licences as a value capture mechanism.
- Arrangements conducive to Public / Private Partnerships.
- Providing incentives for environmental and heritage elements.
- Means for private investment in public debentures.
- Landowner equity in land able to be exchanged for equity in an urban development company.

Additional specific mechanisms that might be considered by central government were:

- Creating a tax regime that incentivises urban development in declared areas.
- Tax incentives (e.g. tax imputation credits).
- A portion of New Zealand Government-controlled or influenced funds such as the national superannuation fund being directed to invest in New Zealand urban development priority areas via start up loans or direct investment.
- Workable legislation for issuing municipal bonds.

Specific mechanisms requiring action by local government were:

- Rates rebates.
- Municipal bonds (assuming appropriate legislation to issue these).

Other actions with potential to incentivise private involvement in sustainable urban development were:

- Ensuring a focus on a suite of incentives rather than anything that suggests a financial penalty (i.e. reduce levies or cost contributions).
- Certain and fast consenting processes (particularly where final approval via the court system is required).
Submitters’ answers to this question are summarised below:

**Central government investment in sustainable urban development**

Several submitters suggested that addressing the means of funding the significant up-front costs of urban development is a key role for central government. Comments along these lines included:

“Urban redevelopment requires significant upfront funding, not incremental funding as would be delivered through value uplift levies, development contributions, and similar mechanisms… Most of the Australian models referred to in the discussion document relied upon an up-front injection of funding and/or significant land assets from the relevant state government. These are often in the form of an interest free loan, repaid at the end of the development period or as returns from development are made possible. The example of local Development Area agreements in the UK only work because they are explicitly related to the provision of direct central government funding to local government” [submitter 26].

“It is widely recognised in international literature on the economic performance of cities that investment in high-quality infrastructure is a key driver of productivity gains. Therefore, the most direct way in which central government could contribute to its urban regeneration and town centre intensification objectives is through direct funding and provision of funding facilities which address the intergenerational nature and quantum of funding difficulties experienced by councils” [submitter 98].

“..Central government assisting local government in it’s debt structure and therefore allowing them to fund ..assist in sustainable urban developments” [submitter 11].

“..noting the critical importance of startup capital, … Government funding needs to be a fundamental cornerstone of this policy initiative to help in organisational and project start-up” [submitter 78].

Provide “..either start-up capital loans or underwriting of investment risk, so that the private developer does not need to add supplementary profit margins to cover risks” [submitter 38].

“…include New Zealand government controlled or influenced ‘super’ funds such as the national superannuation fund, Kiwibank saving funds, or certain Kiwisaver funds – ‘invest in NZ’ could be promoted to twin the ‘buy NZ made’ initiative” [submitter 30].

Several submitters also promoted central government developing takings legislation to put in place workable mechanisms to gather funds from regions. For instance, submitter 98 stated:

“... supports the funding of major investment in regional network infrastructure through the introduction of national legislation that would require territorial authorities to collect and return to regional council a codified regional betterment levy. Used not only for network infrastructure, this could form the base asset by which urban regeneration projects can be funded.”

**Greater use of debt funding by councils**

Submitter 74 commented that in their view territorial councils could also play a stronger role - “Councils generally have a reluctance to utilise debt funding for infrastructure projects which would appear more appropriate for long term investment... This would spread the burden of funding out more evenly over the life of the infrastructure asset rather than having the private sector contribute large up front costs.”
**Limitations on local government as a source of funding**

While acknowledging that local government has an ongoing role to play in funding urban development, several council submitters noted what they see as significant limitations on local government’s ability to extend ratepayer-sourced funding of urban development.

Submitter 26 commented that “As with many other territorial authorities and regional councils, Wellington is also under severe pressure to maintain rates increases to affordable levels against a backdrop of above cost increases for developing and maintaining core services. …Council work programmes and planned expenditure are being comprehensively reviewed…A government fund would provide the necessary backing to local government to enable them to take positive action at this time…”

Submitter 87 noted that “For both larger and smaller councils, funding is a major barrier to promoting sustainable urban communities.”

“The reality is that local government in New Zealand has difficulty funding ahead of demand.” [submitter 92].

**Bonds as a funding source**

Issuing bonds was an alternative means of funding urban development highlighted by some submitters:

“Internationally a common method of attracting outside capital for public projects is a government agency underwriting bonds, such as municipal bond issues. To encourage development in a specific areas large amounts of start-up funding outside the usual capital markets are needed. These are usually available to smaller developers through the creation of semi-public bonds utilising private developer credit to underwrite them” [submitter 89].

Submitter 82 also suggested use of a national urban development and infrastructure bond scheme.

**Incentives through removal of existing development or financial contributions**

Submitters 69, and 92 suggested that discounting or removing levies, rates, differentials development contributions and financial contributions would provide incentives for development/redevelopment.

“Removal of annual value rates, business differentials in rates, development contributions and financial contributions would also act as incentives. In the operation of the free market economy the removal of local government imposts is the most sensible approach” [submitter 69].

**Other matters relating to incentives for urban development**

Submitter 56 advised that consideration of an incentive based system should incorporate environmental and cost benefit analysis, including addressing heritage aspects of urban development.

“Sustainable urban development approaches need to carefully incorporate environmental and cost and benefit analysis. This approach should promote the development of an incentive-based system where owners of Historic buildings feel supported by the planning system to preserve while allowing for development to be transferred to other appropriate environments” [submitter 56].
SUMMARY OF SUBMISSIONS: Land assembly

Key messages from submissions:

Submitters were asked to identify what circumstances, if any, would warrant powers to compulsorily acquire land for urban development purposes.

Most submitters encouraged caution regarding the extension of compulsory acquisition powers. Some submitters were more comfortable if the use of such powers were restricted to a specified zone. A number of submitters absolutely opposed the compulsory acquisition of land for urban development, citing:

- the possibility that the acquiring authority and the receiver of the land could collude
- the impact on private property rights
- the profit-making nature of urban development, as opposed to the public nature of public works
- historical mistrust of compulsory acquisition under the Public Works Act.

Within those who supported the use of compulsory acquisition powers for urban development, there was a clear message that such acquisitions must be:

- used as a last resort power only
- crucial to development proceeding
- part of a project with proven strategic value.

Such criteria would have to be carefully developed to assess the need for intervention on behalf of a greater public, regional, or national good. Submitters also emphasised that any acquisition would have to follow an appropriate planning process with community engagement and decision-making, and others advocated mechanisms to protect certain kinds of land (wahi tapu, Māori land) from acquisition.

The benefits of extended compulsory acquisition powers were seen to be that town centre redevelopment could benefit from any changes, as these projects are unlikely to fit the ‘public works’ requirement for existing compulsory acquisition powers; and that compulsory acquisition could ensure comprehensive, rather than piecemeal, redevelopment of an area.

Negotiated processes, land readjustment, and long-term leases were proposed as preferred alternatives to compulsory acquisition.

Submitters were also asked to discuss how Māori interests in land could be protected, when government or Māori land is important to a project.

Hui attendees sent a clear message that there should be no compulsory acquisition of Māori land. National, rather than local, control over compulsory acquisition powers was also urged, and the use of cultural assessment of land was suggested for inclusion in criteria for assessing whether acquisition is appropriate.

It was noted that compulsory acquisition powers could mean that land returned under Treaty settlement is re-acquired by the Crown, and that this could compromise the integrity of settlements. Actions to remove land from potential settlement packages (ie by changing or avoiding the Protection Mechanism or Sites of Significance processes) were also viewed as potentially undermining settlement processes.
Suggestions to protect Māori interests included exploring development agreements and partnerships, or alternative land management models such as leasehold subdivision and long-term leases.

**Submitters were asked to outline the advantages and disadvantages of doing nothing; amending the Public Works Act; or creating enabling legislation. Other options were also solicited.**

Again, a clear division was seen between submitters who felt that the status quo is adequate, and those who felt that doing nothing isn’t a viable option to achieve sustainable urban development.

Few submitters explicitly supported amending the Public Works Act or creating new legislation. The offerback clause was seen as the main impediment to using existing government land, and some submitters suggested either that the Public Works Act be amended to remove or increase the flexibility of the offerback mechanism, or that new legislation be developed without an offerback clause.

Main concerns with new legislation raised focussed on the loss of local accountability, the difficulty of assessing whether compulsory acquisition is justified, and the potential use of powers for commercial gain by a council.

Alternative options included more landbanking by central or local government, and the creation of incentives to redevelop land in certain areas. There was some interest in further developing community-based ownership models and developing better collaborative processes.

**Submitters were asked to nominate who should hold the power to compulsorily acquire land.**

Most submitters who answered this questions favoured powers being held either by a Minister or a local authority. An urban development organisation could also hold these powers on behalf of government players, or after applying to government for approval. Main reasons for choosing a Minister appeared to be political accountability and impartiality, while those who nominated a local authority emphasised the need for local representation.

An urban development organisation, depending on its nature, was viewed to have some autonomy from political process, and the ability to better coordinate actions within an area. However, a non-public organisation should only be allowed to exercise powers within a defined area and in support of ‘public good’ outcomes.

**Submitters were also asked to outline what might be needed to support land assembly through readjustment.**

Most supporters of land readjustment stressed the importance of a timely, transparent and guaranteed process. Land readjustment was seen as possible by a number of submitters, if developed in tandem with a comprehensive development plan. Legal and specialist support for community members may also be necessary to gain full engagement in these kind of schemes. However, concerns were raised about the efficiency and effectiveness of land readjustment processes. It was felt that while land readjustment could it useful, it would not be possible in many areas.

Legislative reform may be necessary to support land readjustment and a wider range of land-sharing options. Land-sharing options could be particularly useful when working with Māori
landowners and land trustees. It was also suggested that central government, or a
governmental land agency, could play a role in establishing pilot projects, buying land to swap
for strategic sites, and guaranteeing investment.

Submitters were asked to suggest further options for land assembly. These options focussed
on working more closely with landowners to support the development of their land, developing
collaborative ownership and governance models, and incentivising redevelopment.

**Specific questions about land assembly**

The discussion document put forward a number of specific questions for response. Not all
submitters offered responses to all of these questions. A summary of answers to these
questions is provided below.

*Are there circumstances in which powers to compulsorily acquire land for urban
development purposes would be warranted? Please describe these circumstances.*

Submitter 10 summarised the attitude of many submitters in their statement that compulsory
acquisition for urban development is only warranted when:
- there is an agreed public programme
- the area is a high regional priority
- redevelopment would give effect to the Regional Policy Statement
- fragmentation is frustrating implementation of development; and
- resolution is outside the power of the private sector.

A number of submitters [11, 23, 33, 50, 51, 82 and 84] emphasised that compulsory acquisition
should always be a last resort power. Some submitters [17, 21, 57, 60, 63 and 72] were more
comfortable with the extension of compulsory acquisition powers within a designated urban
development area, rather than widespread changes to compulsory acquisition powers.

Submitters 20, 26 and 51 also noted the need, in every case, to confirm that fragmentation is a
barrier to development, and demonstrate justifiable or unequivocal need for intervention. A
number of submitters [17, 21, 72 and 88] suggested clear criteria for assessing the need for
powers. Submitter 98 proposed that organisations wanting to compulsorily acquire land should
prepare a business case for consideration by a regional oversight committee. Submitter 20
stressed that the extent of powers must be clearly delineated and limited.

Some submitters [11, 33, and 91] stressed the necessity of judging whether the public good or
wider community benefits of the acquisition outweigh the cost to the individual. Submitter 100
considered that land should only be compulsorily acquired in the pursuit of strong public
objectives, agreed by consensus. Submitter 88 thought that sites should only be acquired if it
could be shown that acquisition is in the national interest.

Specific examples given for when compulsory acquisition would be justified include when:
- the land owner cannot be found [submitter 43]
- price is the only barrier to acquisition [submitter 35]
- a single owner (or small proportion of owners) is impeding development [submitters 43,
  49, 79, 82]
- redevelopment would be otherwise impossible [submitter 91]
- a council is pursuing public policy objectives [submitter 98].

Specific examples of land uses for which compulsory acquisition would be justified include:
- Public transport, rail and bus ways [submitters 6, 61 and 69]
• Public space [submitters 6, 69 and 74]
• Strategic infrastructure of national or regional importance [submitters 10, 53, 82, 88].

Submitter 84 advised that compulsory acquisitions need to be made for a 'specific purpose'.

Submitter 78 envisaged quite wide use of new powers within a town centre redevelopment, including compulsorily acquiring:

- contaminated land
- land being used inappropriately
- land held under leaseholds, in order to clear leases from titles.

Five submitters [submitters 6, 47, 52, 55, 58 and 69] stated that there are no circumstances which warrant the compulsory acquisition of land for urban development. Submitter 101 recommended that any powers of compulsory acquisition should not apply to Māori land, and to post-settlement land in particular. Submitters 85 and 99 submitted that the powers in the existing Public Works Act/Local Government Act are sufficient. Submitter 98 felt that giving such powers to any body motivated by profit would be inappropriate.

Submitters also emphasised the importance of an appropriate planning process [submitter 49] including community engagement and local decision-making [submitters 20 and 79]. Submitters 49, 53 and 57 also advised that a ‘good process’ will be crucial.

Submitters 78 and 79 recommended that compulsory acquisition only be used to support the implementation of a master development plan, and one submitter [49] only supported this action being taken when the development had broad community support.

Submitters 36 and 75 emphasised the importance of a fair and transparent compensation process, while submitters 71 and 84 highlighted the need for mechanisms to protect land from compulsory acquisition.

Scale and strategic importance were also important considerations in determining whether compulsory acquisition is warranted. Submitters 23, 79 and 98 recommended that sites to be compulsorily acquired should be connected to the delivery of strategic objectives, while submitter 10 specifically identified that sites to be acquired should be part of projects that are a high regional priority and that give effect to the Regional Policy Statement. Submitters 53 and 80 echoed that strategic sites could be compulsorily acquired, but only with a ‘proper process’. Submitters 32, 61 and 62 stated that town centre redevelopments are likely to be of sufficient strategic importance to warrant the use of compulsory acquisition powers, while submitter 98 recommended these powers be made available for centres targeted for urban regeneration.

Submitters 35 and 78 also justified compulsory acquisition as a way to ensure comprehensive, rather than piecemeal, redevelopment of an area.

A number of submitters stated that collaboration and partnership models, including land readjustment, are preferable to coercive land acquisition [submitters 33, 46, 47 and 101]. Submitter 52 advised that ‘willing buyer willing seller’ is the best method for land acquisition. Submitter 98 noted that internationally, using compulsory acquisition powers has proved to be costly and time-consuming – consequently, these powers should only be used exceptionally.

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?

Hui attendees sent a clear message that there should be no compulsory acquisition of Māori land. Instead, developers should work with land trustees to facilitate development without
coercion. Agreed leasehold use was also a preferred alternative to compulsory acquisition. Some attendees stressed the importance of national-level control of these kinds of powers instead of local authority level and were concerned that closer council involvement with the development sector could result in decision-making that favours developers’ interests over Māori interests. Some attendees noted that relationships between Māori and councils historically are not considered to be positive. It was felt that holding powers at the local authority level could also remove Treaty obligations, as councils are not considered part of the Crown.

Compulsorily acquiring land that has been returned to Māori through Treaty settlements could compromise the integrity of settlements. Attendees reiterated the importance of wāhi tapu and other special sites being protected from compulsory acquisition. A number of examples were given of outstanding issues over land compulsorily acquired in the past.

Discussions about developing Crown land and the role of the Protection Mechanism and Sites of Significance processes on surplus Crown land clearly indicated concerns that any action to removes land from potential settlement packages would undermine the Treaty settlement process. It was also noted that development can change the nature of settlement assets, for instance from a site suitable as ‘cultural redress’ to a site for ‘commercial redress’.

Three submitters [10, 71 and 84] emphasised the importance of tangata whenua involvement in planning processes, from project conception to implementation. Submitter 71 identified that projects need goodwill, trust, sensitivity to different world views and a good process, in order to successfully work with different groups’ interests. Submitter 84 stated that Māori and other stakeholders should be involved early enough to develop options, rather than reacting to options presented by a local authority or developer. Specifically, submitter 33 suggested involvement of Māori representatives in the design team. Submitter 100 felt that Māori should make the final decision over any issue involving Māori land.

Submitters 33, 53 and 69 encouraged the use of a cultural assessment, considering values and rights, alongside heritage, spiritual and family interests, when thinking about acquiring land.

Submitter 60 advised that the project vision must set out the interests and expectation of each party, in order to address ‘deal-breaking’ issues as soon as possible. Submitter 44 agreed that Māori interests must be clearly defined and agreed.

Tools suggested to protect Māori interests in land included:
- development agreements [submitter 53]
- covenants and other encumbrances on title [submitter 53]
- development partnerships [submitter 92].

Specifically considering compulsory acquisition of Māori land, submitters 69 and 88 believed that Māori land should have no more protection or vulnerability than land held by other landowners. Submitter 88 advocated participation through choice rather than coercion.

Submitter 97 stated that Māori land, including post-settlement land, should be protected from compulsory acquisition. Submitter 10 also emphasised the importance of respecting Treaty settlement processes with regard to the disposal of Crown land.

Submitter 82 suggested that if Māori land is acquired, land ownership should be retained by Māori landowners until an alternative property has been found, and title transferred to the compensated owner.

A number of submitters [4, 38, and 92] identified the use of alternative land management models as a useful tool to utilise Māori land without compromising freehold. Suggested models included leasehold subdivision [submitter 4] and development partnerships with Māori retaining
all or part of the land [submitters 92 and 98]. Submitter 38 also considered that such partnerships should support decision-making for collective benefit.

What are the advantages and disadvantages of the options [do nothing, amend PWA, enabling legislation]?

Submitters set out the following advantages and disadvantages:

According to submitter 85, doing nothing will avoid the use of time and effort to draft or change legislation. However, compulsory acquisition will still not be used for urban development. Because of this, submitter 10 stated that doing nothing is not viable. Submitter 98 considered that preserving the status quo would seriously hinder the ability of regions to deliver on national goals such as increasing productivity. Submitters 71 and 11 supported not doing anything, with submitter 71 repeating that a collaborative process within a clear framework is likely to have better outcomes than potentially litigious compulsory acquisition of land.

Submitter 98 advocated amending the Local Government Act and Public Works Act to allow compulsory acquisition of land within a formally defined development project with regional objectives. Within such a project, it is possible that offer-back provisions could be waived. Submitters 20 and 37 requested that work be done to clarify the definition of ‘surplus to requirements or use’ under the Public Works Act. Submitter 37 believes that the current requirements to offer land acquired under the Act to the original owners prevents councils from using land for ‘evolving’ uses, even if the purpose of those uses remains the same as at the time of the original acquisition. Submitter 21 agreed that the offer-back provisions are a constraint on councils utilising acquired land. Councils are reluctant to test whether land can be used for urban development purposes, for fear of triggering offer-back provisions. Submitter 20 also stated that the offer-back provisions are too inflexible.

Submitter 10 supported the creation of separate enabling legislation. Creating new legislation would distance compulsory acquisition for urban development from the negative connotations of the Public Works Act. Separate legislation would also emphasise the separation of any new urban development organisation from existing territorial authorities and their subsidiaries.

Submitters 20 and 35 stated that any new legislation would have to support local decision-making, with one submitter [35] concerned that any loss of local accountability regarding land use and development intensity decisions would result in a loss of community ownership, and affect the success of any project. Submitter 20 suggested that the importance of local decision-making could be enshrined in any new legislation through setting out criteria for the declaration of a sustainable urban development area that require:

- identification of an area by the local community
- request from the local council
- consistency with regional growth strategies
- incorporation of sustainability features.

Submitters were concerned about some of the implications of new legislation, including:

- potential for corrupt use of new powers
- potential for use of powers for commercial gain by a council or other group (submitter 100)
- time and consultation effort necessary to draft new legislation
- difficult cost-benefit analysis.

Submitter 71 warned that a more regulatory approach to compulsory acquisition should only be used as a last resort, and would require a careful process.
**Are there other options?**

Leaseholds in perpetuity were suggested by submitters 4 and 82.

Submitter 22 suggested the creation of a land agency, external to council, tasked with assembling land. Submitters 33 and 37 suggested wider use of early designation and land-banking respectively. Submitter 37 indicated that support for land banking would also be useful.

Submitter 37 recommended further investigation of community-based models, such as: landowners acting as shareholders in a joint development company; creating equity partnerships; and land readjustment or property-swapping models. However, the submitter stated that clarity is required about whether there is legal provision to support such arrangements. Submitter 53 suggested that community models could be supported by requiring the developer to create comprehensive development plans which would allow landowners to clearly see their potential interests in development. Submitter 100 noted the long-term benefits of consensual decision-making.

Submitter 10 suggested incentives could be useful to encourage voluntary acquisition of land or development rights, while submitter 52 thought incentives could be created to make land redevelopment and readjustment more attractive for landowners.

Further ideas included making changes to planning regulations to support land assembly; and avoiding land assembly issues by supporting small-scale renovation, reuse and local intensification.

Submitter 30 outlined the difficulty in creating financially viable redevelopments on land that is already being used for a high-return activity. This submitter suggested linking any land assembly powers with development control, and creating development partnerships to maximise market interest in redevelopments. Submitter 98 noted that land readjustment is likely to be an extremely high-risk investment for individual property owners, and a mechanism to ‘buy-out’ wavering shareholders may be necessary.

**Who should have the power to make compulsory land acquisitions?**

Respondents were asked to choose between a minister, a local authority, a company, or an urban development organisation.

Thirteen submitters [4, 6, 32, 33, 35, 44, 53, 62, 69, 88, 91, 92 and 100] recommended that a Minister or central government agency hold powers to compulsorily acquire land, for a number of reasons. Submitters 35 and 69 felt that a Minister would need to be politically accountable, and submitter 69 recommended that the Minister of Local Government hold these powers, to ensure that vested interests do not affect acquisition decisions.

Submitters 71 and 96 simply recommended that powers be held ‘at a high level’. Submitter 84 suggested that the Supreme Court should make judgements on land acquisition, to ensure that the practices around land acquisition are fair. In particular, this submitter stressed their dissatisfaction with the practice of land being taken for one purpose, but used for another purpose.

The exclusive right of the Minister to exercise these powers was supported by submitter 6, while submitter 4 thought that the Minister should be able to delegate such powers to councils, companies or urban development organisations.
A number of submitters also envisaged a role for a Minister or the government in approving or confirming powers vested in companies [submitters 10 and 60] or councils, particularly if acquisitions are of national strategic importance [submitter 49].Submitter 11 raised concerns that a Minister could abuse this power.

Submitter 33 suggested land acquisition should be carried out by a government agency acting on behalf of local councils and investors, with a mandate to achieve benefits for the community. This organisation would also have a role in developing a national framework and regional plans for acquisition.

Nine submitters [30, 32, 44, 53, 62, 82, 85, 91 and 98] identified councils as the appropriate holder of compulsory acquisition powers.Submitter 85 justified this choice on the grounds that acquiring bodies need to be representative of the community. However, submitters 11 and 85 also warned that councils would have to work hard to manage conflicts of interest in development projects. Submitter 98 noted that compulsory acquisition should only be allowed if acquisition would support a regionally-mandated development partnership. Submitter 10 stressed the importance of urban development organisation autonomy from regulatory agencies, and argued that vesting these powers in councils would support this autonomy. Submitter 82 considered that councils should be the only organisation to hold such powers.

Submitter 30 suggested that existing PWA powers held by councils could be enhanced by amending Section 86 of the RMA so that councils can use these powers ‘as they see fit’ rather than ‘in agreement’.

Nine submitters [32, 43, 46, 49, 53, 73, 80, 91 and 98] also supported the provision of compulsory acquisition powers to urban development organisations. Conditions on the provision of these powers included that the powers of the organisation are limited to a defined area [submitter 46] and that the organisation furthers the aims of a local project [submitter 43].

Submitter 33 thought urban development organisations should hold compulsory acquisition powers on behalf of other players, including central and local government, to improve coordination.

Submitter 49 proposed that urban development organisations should hold acquisition powers for large developments, with local authorities needing to apply to the regional council or Minister to approve acquisitions for smaller-scale projects.

A couple of submitters emphasised the importance of such an organisation having a strongly representative and skilled board – submitter 73 recommended that the board include academics, retired developers, regional council appointees, while submitter 32 simply stated that the board must have adequate council and community representation.

Some submitters argued that the urban development organisation should recommend acquisitions to bodies with existing compulsory acquisition powers (either the local council [submitter 82], Ontrack or HNZC [submitter 73]) and that body should make the acquisition.

Two submitters agreed that powers to compulsorily acquire land should be vested in companies, by Ministers. Both submitters advocated for either Ministerial confirmation of acquisition decisions (similar to the process for requiring authorities) [submitter 10], or strong guidelines, with penalties for non-conformance and oversight by central government [submitter 60].Submitter 11 raised a concern about how the use of compulsory acquisition powers by councils could be effectively controlled.
What is required to support land readjustment as a way to assemble land for sustainable urban development?

Responses to this question ranged from principles to encourage community partnership, to legislative reform.

Several submitters acknowledged that land readjustment is unlikely to happen without the support of most (if not all) of the landowners [submitter 21], and/or the community [submitter 33]. Submitter 84 noted that some Māori land owners have successfully aggregated rural land, by combining land shares. Submitters 23 and 49 thought land readjustment mechanisms could make public-private partnerships easier to create. Submitter 11 considered that land readjustment is unworkable.

A number of submitters advised that a transparent, interactive process is necessary to gain the support of the community. Submitter 60 suggested providing opportunities to swap ‘better-for-like’ properties. Fair compensation was raised as an issue by submitter 33.

A couple of submitters emphasised the value of temporary relocation in assisting landowners with shifting location, and providing opportunities to landowners to return to the community.

Submitter 85 emphasised the importance of communications to the community to allow them to make informed decisions. Three other submitters [46, 52 and 62] advocated for the joint development of robust plans or urban design frameworks.

Submitters also advised that participating landowners would need:

- some flexibility to sell shares before the development is completed [submitter 80]
- a degree of protection that the end results would match promises [submitter 80]
- a robust timeline for development [submitter 60].

Submitters 10, 53, 84, 92 advocated for new or existing legislation to support land readjustment, in particular providing:

- a wider range of land-sharing options [submitter 84]
- a national framework to support regional or local landuse plans [submitter 84]
- recognition of sustainable urban development as a national good and a public work [submitter 92]
- a robust legal framework for land readjustment [submitter 10]
- encouragement to ‘plan for the future’ under the RMA [submitter 100].

Submitter 73 advised that to support landsharing, some changes may be necessary to the act governing strata title and other form of land title. The Companies and Income Tax Act could also be amended to provide incentives (tax changes and exemptions) for land readjustment.

Suggested tools to assist with land-sharing included:

- developer agreements
- wider use of leasing or cross-leasing
- use of body-corporate-style arrangements to provide for maintenance.

Submitter 10 stated that involving more stakeholders may also require assistance with negotiating and drafting agreements.

Two submitters agreed that a special agency would be necessary to coordinate land swaps and run a fair process. Submitter 82 suggested that such an agency would need special status under the Companies and Income Tax Act. Submitter 98 suggested that an agency would be necessary to hold disparate interests together. It would also be preferable for this agency to contribute land or capital to become an active, risk-bearing player in the readjustment process.
A number of submitters suggested specific roles for central government, including:

- running land readjustment pilot projects to test the concept in New Zealand
- buying appropriate land in advance to swap for strategic sites
- guaranteeing funds deposited in a land readjustment company.

Submitter 69 agreed that the availability of appropriate land to swap is a requirement for land readjustment, but stated that this land should be procured by private interests, and not by public agencies.

Submitter 91 quoted an international report that lists preconditions for land readjustment, comprising:

- A legal regulatory framework with dispute resolution mechanisms.
- Adequate cadastral records.
- Public confidence in a development agency.
- Political acceptance and willingness to share development values between a public agency and private landowners.
- A land market with accepted valuation rules and rising land values.

*Are there other options to assemble land for sustainable urban development?*

Further ideas to assemble land included:

- leasehold subdivision of Māori land [submitter 4]
- development of Crown land [submitter 57]
- designation [submitter 49]
- increasing public landholdings [submitter 74]
- public or private landbanking of strategic sites [submitter 71]
- use of Public Works Act [submitter 98]
- purchase of land on the open market by council property companies [submitter 98].

Submitter 74 pointed to the role that publicly-owned developments can play in catalysing development and setting a quality standard for others to follow.

Options for working with landowners in public-sector-led projects included:

- allowing major landowners (>10% of total landholdings) to have equity in the project [submitter 80]
- establishing an agency to partner with landowners [submitter 92]
- including landowners on a development team [submitter 33].

Options for working with landowners included:

- providing assistance to change the nature of leases after land has been developed [submitter 38]
- placing controls on land to prevent fragmentation of land title [submitter 38]
- private agreements between landowners [submitter 82]
- incentivising retrofitting and small-scale renovation [submitter 88]
- consensus-based decision-making [100].

Submitter 89 focussed on expanding the number of land management options available to Māori landowners, including allowing Māori landowners to lease out general or Māori land without affecting that land’s status.
New ideas

Some submitters suggested that exploring alternative forms of tenure to enable land-sharing would be a good avenue for future investigation. Submitters suggested investigating strata title, body-corporate structures, and using leasehold land for commercial development, papakainga, or public facilities.

Some submitters also suggested the introduction of some form of shared equity scheme, where landowners exchange their equity in land for shares in the development company.

Finally, submitters suggested that Housing New Zealand Corporation and territorial authorities exercise their existing powers more fully to acquire or designate land for development, early in the development process.
SUMMARY OF SUBMISSIONS: Streamlining planning and development control processes

Key messages from submissions:

All stakeholder groups generally agreed that:

- The current system and support for achieving sustainable urban development does not operate as well as it could.
- Stronger national direction, guidance and direct support of sustainable urban development are needed to assist with streamlining. Overseas jurisdictions are seen as ‘doing it better’.
- There was general support for the public sector (central and/or local government) to undertake the ‘up-front’ investment needed for development in defined locations.
- Opportunities exist for improving and streamlining the RMA around plan making, consent timeframes, process steps, and appeal rights.

Private sector submitters

- Some private sector submitters suggest a greater extent of public sector funding support and sources (e.g. loans, underwriting, incentives) to accelerate planning processes and decision-making about investment in areas.
- Sought process improvements to speed up decision-making.
- Consent processes should be improved.
- Encourage reducing opportunities and/or grounds for legal challenge.

Local government submitters:

- See merit in powers that streamline planning and implementation in defined locations.
- Appropriate legislative tools and access to funding sources are both key elements in streamlining processes (N.B. funding issues are addressed in a separate workshop).
- Views vary as to whether more national direction is needed around urban development, and whether central government should be an active partner in particular locations.
- Many council submitters highlight the need to find a balance between good community consultation/engagement processes, and achieving speedy planning and consenting for development.

Public Interest Groups and Individuals:

- Concerned that streamlined processes may come at the cost of appropriate consultation and engagement with community members.
- Sustainable urban development requires appropriate engagement and resourcing at the planning stage, and the current system often under-invests in this phase. In these submitters’ views, health, environmental impacts and community impacts are currently inadequately addressed.
- Central government should take a stronger leadership role and directly invest in streamlining sustainable urban development.

Submitters identified, or agreed with, ideas for streamlining planning and development control under the following broad themes:

- Changes in council practice.
- National Policy Statements.
- Consistency and good practice / Use of non-regulatory tools / capacity and capability.
- RMA and urban issues / Integration between the RMA and LGA.
- Incentives for developers.
- Use of masterplanning / fast track processing for sustainable urban development projects.
- Community consultation.
Specific questions about streamlining planning and development control processes

The discussion document put forward a number of specific questions for response. A summary of answers to these questions is provided below.

Are changes required to planning and development control processes to support sustainable urban development?

Submitters' answers to this question are summarised below:

Changes in practice
A number of submitters advised that changes to council practice, rather than legislative change, could remove many of the barriers currently experienced. Submitter 35 noted that delays in processing consents could be due to insufficient resources, rather than inefficient systems. Submitter 32 advocated for case management of consents within councils. Submitter 74 advised that until councils actively promote intensification through statutory and consenting processes, little progress will be made. Submitter 68 called for improved collaboration between councils, and two submitters [submitters 51 and 59] identified that a better integrated approach to planning from all government agencies would also assist the development process.

Hui attendees noted that difficult issues such as land assembly can only be tackled through developing and maintaining good relationships between Māori and local and central government.

Importance of community consultation
Many submitters advised caution when considering removing community participation and appeal rights. Submitter 50 was supported by submitters 20, 57, 81 and 96 in noting that the current system of local government is based on the principle of local decision-making, and care must be taken to make sure that any efforts to streamline planning do not undermine or compromise this principle. Submitter 96 stressed the importance of utilising local residents' knowledge. Submitter 46 advised that streamlining planning is not the same as increasing sustainability. Submitters 20 and 21 stated that third party input is critical, and that any streamlining must strike a balance between certainty and rights.

In addition, a couple of submitters [23 and 89] highlighted the need to balance improved efficiency with ensuring outcomes are high quality. Submitter 91 noted that reducing bureaucracy (and consequently, due process) may not serve the public interest. Submitter 23 doubted whether consultation on project objectives and outcomes is sufficient to justify removing existing rights of affected parties. Submitter 100 argued that very few projects are held up by the consenting process, and that rules are an important mechanism to protect public interests.

Submitter 72 advised that poor community consultation processes pose a major constraint to development. In particular, a lack of shared expectations leads to litigation and processing delays. Improving community consultation by starting public discussions early could avoid these delays. A parallel process is needed for engagement with tangata whenua.
Submitter 66 emphasised the importance of strong communication, and ensuring that participants are representative of the entire community, not just interest groups. Submitter 23 supported this idea, stating that proper consultation is likely to allay concerns and increase support for development projects. Submitter 84 advocated for community engagement in design and planning, and community involvement in implementation. Submitter 9 thought more public awareness of RMA processes is necessary.

Submitter 79 noted confusion over appropriate consultation with iwi, and recommended that consultation should only be required with registered iwi groups.

Furthermore, hui participants noted that:
- Māori want to be meaningfully engaged from the start of the process – not consulted.
- Māori groups need more technical and financial assistance to support engagement with other planning processes, participation in development projects, and their own planning.
- Māori land trusts need to be directly engaged in discussions about development.

Quality of plans
Submitter 10 explained that the standard of development control is a reflection of the district plan-making process and the quality of the resulting plans, rules and methods. The first generation of plans was 'indifferent' although submitters 44 and 50 advised that a number of improvements are being made to second generation plans, including a review of development controls.

However, submitter 44 pointed out that these kinds of changes are happening in an ad-hoc way throughout the country. Submitter 10 emphasised the need for central government planning guidance and financial support to make sure improvements are implemented more widely. Submitters 38 and 10 advocated for standardising district plan requirements and better monitoring policy effectiveness, respectively.

Submitters also suggested that district plans should more fully recognise:
- ownership of land with development potential [59]
- sustainable transport planning [21]
- provision of open space, such as community gardens [44]
- usability, access and safety requirements [61, 44]
- environmental sustainability [61].

Hui participants noted that existing documents such as District Plans, Long Term Council Community Plans and Iwi/Hapū Management Plans are good tools but need to be made easier for Māori to understand and engage with. A good relationship with council is necessary for these plans to be effective.

Submitter 98 noted that while design-led plans are a useful tool for encouraging innovation, they provide fewer absolute requirements for developments and can create uncertainty.

Availability of streamlined process
Some submitters offered ideas about when streamlined planning and consenting processes could be appropriate, for instance:
- within designated area [submitter 83]
- within masterplanned area [submitters 21, 57, 71]
- if high quality design standards are met [submitter 88]
- within nodes and corridors, if developments are consistent with a masterplan [submitter 73].
Submitter 43 advocated the creation of a new fast-track planning process, while submitter 80 encouraged the development of a single process for consenting within areas. Submitters 27 and 50 noted that further consultation with local government about changes to streamlining planning is desirable.

**Incentives for developers**
A couple of submitters identified certainty as the key outcome to improve through streamlining planning and development processes. This was further explained by submitter 57 as certainty of timeframes, and certainty of getting consent granted.Submitter 47 referred to unnecessary and substantial additional costs and time, due to notification processes and appeals.

Another submitter [16] recommended the development of urban design criteria or a rating system against which to rate development proposals. Applicants with high scores would be eligible for a number of incentives, including process incentives. Submitters 62 and 19 also advocated providing process incentives for high-quality design and sustainability outcomes, respectively. One submitter [21] felt that costs to the private sector could be reduced by minimising parking requirements.

**Changing appeal rights**
Submitter 78 recommended that within a designated area, appeals on resource consents or on plan changes could be heard by an independent commissioner, rather than the Environment Court.

**Use of a masterplan and plan changes**
A substantial number of submitters agreed (at least in principle) that the development of a comprehensive development plan, with full community engagement, could lead to a more streamlined planning process within the masterplanned area. Hui attendees noted that comprehensive joint planning has been used successfully to develop some Māori land and is important for making sure land is developed equitably for all owners and parties.

Submitter 59 felt that using a plan change to give a development plan regulatory ‘teeth’ would support multiple land uses and result in fewer resource consents. In addition, using a masterplanning process would encourage involvement of the private sector in the early stages of the process, leading to resource efficiency and innovation.

Submitter 79 stated that if development plans were publicly consulted through either LTCCP or RMA process, then the right for appeal to the Environment Court over consents could be removed. Appeals could instead be heard by an independent commissioner.

Submitter 74 felt that non-statutory documents are of little use in an environment where councils are interested in the minor matters of design, but will not advocate for intensification. This submitter also saw the implementation of non-statutory documents as very difficult when many parties are involved.

Submitters offered varying views about the possible regulatory weight of a masterplan. Submitter 83 suggested that a masterplan could have a similar status to the outline plan used for designations. Similarly, submitter 52 supported the concept of granting a ‘consent in principle’ to a masterplan or outline plan, with subsequent granting of other necessary consents.

A number of submitters [59, 76, 78] supported imposing a masterplan over the district plan. Submitter 59 questioned whether a plan change or simply a resource consent would be appropriate for this transition. Submitter 78 thought a masterplan could go through a plan...
change process to become regulation. Submitter 78 recommended requiring the council’s LTCCP to align with the masterplan.

Submitter 76 stressed that this would increase the importance of having good quality masterplans that would be robust over a long timeframe. This sentiment was echoed by submitters 71 who noted that, if a plan will enable streamlined planning, the vision and development process articulated within the plan becomes very important. Several submitters [submitters 11 and 59] emphasised the importance of creating plans with enough flexibility to change over time and with market and community demands.

**Plan changes**
Many submitters identified that the process to implement a private plan change is lengthier than it needs to be [submitter 33, 74 and 79]. Submitter 74 also believed that the current process can compromise outcomes, while submitter 60 felt that the current process leaves developments ‘hostage’ to community interests. Submitters 9, 72 and 78 echoed the need to make planning and consenting processes less time-consuming. Submitter 59 stated that planning isn’t keeping up with demand for developable land.

Submitter 79 supported the removing the ability for parties to put in ‘further submissions’ on plan changes. Submitter 59 supported a role for a Minister to facilitate transition between existing plans and new plans, if the development is staged or complicated.

However, submitters 69 and 85 reflected that planning is a long-term process, and submitter 69 acknowledged the role that local authorities play in planning for 50 year time frames, which developers do not need to do.

**Changes to legislation and regulation**
Specifically, submitters identified that changes to legislation or regulation could outline:
- upper limits on bulk [submitter 8]
- location standards [submitter 8]
- standardisation of requirements of district plans [submitter 38].

The following specific process were identified as needing review:
- notified land use consent applications (s. 93 or 104) [submitter 16]
- notified subdivision consents to provide three or more lots [submitter 16].

**Integration between RMA and LGA**
Submitters 22, 63 and 79 highlighted the lack of integrated strategic planning between the LGA and the RMA. In particular, submitters felt that implementing strategic planning documents (which have already been consulted on under the LGA) through the RMA First Schedule plan change causes an unnecessary and significant delay. These submitters recommended more recognition of non-statutory plans under the RMA.

**RMA and urban issues**
A number of submitters expressed concern that the RMA has very little explicit reference to urban issues, although it is the key piece of legislation governing urban development. Submitter 79 advocated for the RMA having a specific urban mandate, and submitter 76 supported this by advising that the narrow focus on the RMA doesn’t fit well with the holistic scope of urban design. Submitters suggested the following steps could be taken:
- Part 2, Section 6 of the RMA should either recognise that urban design is a matter of national importance [submitters 16, 63 and 76].
• Planning sustainable liveable community environments is a matter of national significance [submitter 13].
• Either of these amendments could be complemented or replaced by a National Policy Statement on Urban Design [submitter 76] or Sustainable Urban Development [submitter 74].
•Submitter 88 recommended that any amendments to the RMA strengthen the focus on sustainability in resource management.
•Submitter 76 recommended that the RMA be amended to support the use of masterplanning.

**National Policy Statements**
Submitter 16 advocated for creation of an NPS to ensure the following principles are included in RPSs:
- sustainable design
- local character enhancement
- good connectivity
- long-term vision
- diversity of space and housing type
- vibrancy
- promotion of good health
- connection with nature
- high quality public space
- incentives for developers.

Submitter 98 considered that an NPS on urban design or renewal could apply to consent processing for major projects, and empower officers to make design-based consent assessments more generally. Submitter 74 suggested an NPS on sustainable urban design to give direction on strategic urban development and housing issues, as well as identifying areas for intensification. Submitter 74 believed that the only alternative to such an NPS was legislation.

Submitter 68 called for the creation of a national framework of planning and development control, to assist with transparency and fairness.

**Regional Policy Statements**
Three submitters identified issues about regional policy statements. Submitter 74 recognised that even though regional policy statements are meant to be given effect to in district plans, this is not happening. Submitter 50 noted that in regions with proportionally small urban areas, regional policy statements are limited in their ability to address urban issues.

**Consent processing**
A number of submitters made recommendations about consent processing. Suggestions included:
- making it possible to apply for all resource consents (regional and local) at the same time, to be followed by joint hearings if necessary [submitters 21 and 57]
- transferring responsibility for all consents to a single authority, which could be supported by a regional advisory taskforce [submitter 49]
- a higher number of ‘discretionary’ approvals
- consideration of consents by a land inspector, rather than the local authority, when the local authority has an interest [submitter 57]
- encouraging strategic considerations when assessing consent applications, alongside effects-based assessment [submitter 98].
Submitters had mixed views on the possibility of transferring the consenting authority from the local council to an urban development organisation. Submitter 72 advised against this, stating that any new organisation should have an emphasis on development rather than regulation. Submitter 60 advocated for a Minister to vest consenting powers within a new authority, which would assess consents against agreed outcomes and standards. Appeals could be heard by a wider review panel.

**Notification**
A number of submitters made recommendations about changing when a resource consent application is notified, or not.

A couple of submitters argued for more use of discretionary approvals for resource consents, instead the notified/non-notified system which is perceived as time and cost intensive.

Submitter 38 suggested that more use of discretionary approvals would necessitate developing criteria to judge approvals against, and possibly national standardisation of discretionary approval systems to ensure fairness and clarity. During plan changes, submitter 72 recommended that only non-complying activities are notified. Submitter 78 proposed that if a masterplan for an area was translated into a plan change, this could also result in less consent applications requiring notification.

**Submissions**
Submitter 57 supported the investigation of limiting submissions on minor matters, as long as a community-agreed masterplan is in place.

**Removing notification and appeal rights**
Submitters 23 and 25 viewed removing notification and appeal rights as a fundamental challenge to public participation, and registered significant concerns about this. Submitter 25 argued that involvement by all affected parties is an essential part of the process, to ensure that all relevant considerations are heard and to ensure that the continuing viability of existing uses (eg airports).

Submitter 74 supported the development of a process which achieves community agreement about the big picture, and leaves the developer and the council to resolve the details.

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

Submitters’ answers to this question are summarised below:

**Training**
Some responses signalled that improvements in capability, in both the private and public sectors, would assist in streamlining planning [submitters 30 and 4]. Submitters 6, 9, and 10 called for a more proactive, positive approach from councils, including training for applicants, to improve the quality of submissions and reduce the need for ‘further information' requests.

**Consistency and best practise**
Four submitters thought that improving the consistency of standards and assessments across district plans would be useful. To this end, submitter 38 advocated for national standards regarding district plan format and assessment of effects. Submitter 94 noted that decisions on
notification are inconsistent across the country. Submitter 88 recommended a national benchmark for excellence in sustainability, which could be supported by a Reference Panel for sustainability to offer independent and informed advice. Submitters called for best practice guidelines [submitter 9] and regional level guidelines about plan change applications [submitter 33]. Submitter 100 suggested developing a standard set of district plan rules that could be adapted by councils for local use.

Some hui attendees recommended the development of a mechanism is that recognises the unique place of Māori in New Zealand, when designing new communities. Such a mechanism would balance Māori interests with general interests, and with national interests.

Use of non-regulatory tools and masterplanning
A large number of submitters supported more widespread use of comprehensive planning processes, such as masterplanning or structure planning [21, 30, 52, 57, 59, 71, 72, 76, 78, 83]. However, these plans need to be supported by implementation plans, which set out roles and responsibilities, infrastructure delivery and funding timelines [submitter 30].

Submitter 30 noted that masterplanning processes used to this date in New Zealand, while beneficial, have effectively resulted in an ‘extra consent’ rather than reducing costs or time. To avoid this, it is vitally important that masterplans are linked into the regulatory processes under the RMA and there is an opportunity for masterplans to become a statutory spatial strategy.

Submitter 30 recommended a 15 year Development Framework plan, reviewed at a regular time interval (every five or seven years) to ensure the plan is flexible. The need for flexibility within comprehensive development plans was reinforced by submitters 11 and 82.

A number of submitters advocated for the use of non-regulatory tools, such as design quality criteria [submitter 94], a design rating scheme linked to incentives for high performance [submitter 62], and sustainability-based rules and incentives in district plans [submitter 49]. Submitter 30 suggested central government could consider developing specific planning controls for brownfield redevelopment zones, which could be used across the country. This idea was supported by submitter 44 who called for a more consistent development vision for intensification.

Notification of non-complying consents
Submitter 94 characterised the process of notifying consents as ‘slow and unpredictable’. This submitter recommended a single system for complying and non-complying applications, where all applications are publicised. Non-complying applications would require strong justification for approval, and closer monitoring of development by the consenting authority. The current separate-track system for non-complying consents stifles innovation.

Appeal rights
Many submitters supported investigating limiting appeal rights, to speed up the planning process and increase certainty. Possible options recommended include:
- preserving one chance of appeal, with a final decision on appeal made by an independent panel [submitter 94]
- reducing the time and number of appeals possible on minor non-compliances [submitter 94]
- having all appeals heard by an independent commissioner [submitter 35].

Submitter 46 noted that it is already possible to limit appeals, and that there is no need to change the system in this regard. This position was supported by submitter 25 who emphasised the importance of directly affected parties to have input into the planning process.
Submitter 71 reinforced the importance of aligning the consenting system with wider community plans, so that the consenting system supports the strategic direction desired by the council and community. This could include less restrictive zoning, to permit intensification and associated effects [submitter 69]. Submitter 16 suggested requiring consent applications to include a short report setting out the projects’ fit with the Regional Policy Statement.

**Fast-track processing for sustainable urban development projects**
Submitter 31 felt that these projects are of national significance, and should be given priority or fast-track processing [submitters 31, 52 and 92].

Within a project area, submitter 75 suggested a ‘tiered’ approach:
- project declaration with wide public input (limited to high-level, off-site effects) and appeal rights
- project consents with limited notification (limited to on-site effects) and with no appeal
- site consents with limited consultation (dealing largely with design and plan compliance) and no appeal. An urban development organisation or independent commissioner could approve consents at this detailed level.

Submitter 72 provisionally supported streamlining a plan-change process within approved development areas, including a dedicated hearings board (including local council representation) and no right of appeal to the Environment Court.

Submitter 92 suggested that within an approved sustainable project, masterplan implementation could be considered a permitted activity, with limited control (such as process and performance outcomes, as suggested by submitter 30).Submitter 80 recommended new legislation to support masterplanning, with activities assessed against criteria.

Submitter 43 recommended a process ‘outside the RMA’ for project areas, with a weekly turn-around on projects that comply with the project design code and agreed planning rules.

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

Submitters 6 and 33 suggested that councils could take a proactive, possible approach to consenting, focussing on solutions. This could be manifested in:
- resourcing problem-resolution at a low level [submitter 9]
- providing a clear brief to developers about information needed for a plan change [submitter 33]
- increasing the effectiveness and availability of pre-application meetings with applicants [submitter 33]
- sponsoring specialist expertise to assist applicants with applications [submitter 62]
- standardising consenting practices across councils [submitter 100].

Submitters also suggested a number of ideas to help councils with decision-making, These included:
- creating a sustainable urban development design guide [submitter 53]
- including ‘outcome-based’ rules and objectives in district plans [submitter 49]
- national design-review panel [submitter 88]
- developing an ‘outline plan’ with development principles to guide consent assessment [submitter 35].
A number of submitters believed that better consultation by the council, and by applicants, would result in faster consenting. The following suggestions were given for better identifying and engaging affected parties:

- Using a mediated approach to achieve a common vision [submitter 71].
- Utilising Māori Land Court and Ratings and Values databases to find landowners [submitter 84].
- Clarification of notification requirements, and affected landowners’ rights [submitter 84].
- Requiring demonstration of pre-application consultation at the time a consent application is lodged [submitter 84].
- Developing a masterplan [submitter 46].

Within an approved development area, submitters offered a range of suggestions for speeding up consent processing. These included:

- Transferring consent authority status to a central organisation with a mandate to facilitate intensification [submitter 74]
- Establishing independent commissioners to assess consents [submitter 69]
- Establishing timeframes for consent processing [submitters 9 and 53], rather than penalties [submitter 10].

Submitter 98 suggested a ‘one-stop-shop’ approach could be useful, but devolving regional-level consents to a local council may be required to make this work.

Submitters 87 and 11 queried the transferral of consenting approval away from the local council, arguing that this could limit community input or increase costs respectively. Submitter 53 emphasised that any changes to ‘normal’ consenting processes need to be clearly explained during policy development.

Ideas offered for reducing the number of consents needed for development included:

- Widening the range of permitted activities and reducing the catchment of parties with consultation rights [submitter 38]
- Processing compliant activities as ‘restricted discretionary activities’ [submitter 53]
- Requiring only building consents for projects within an agreed development plan [submitter 80].

Submitters 87, 88 and 92 supported offering incentives (such as high notification thresholds) for sustainable urban development, however submitter 87 stressed that these ‘process incentives’ should not come at the expense of local government input into consent assessment.

However, submitter 46 stated that no changes are needed to make consents easier to get, and submitter 35 raised a concern that widening permitted activities can compromise good design.

Submitter 63 offered the view that councils are currently doing everything possible to streamline consents under current legislative restrictions, and that implementing suggestions would save very little time; while submitter 10 reiterated that improving the quality of district plans could assist with consenting.

**Are there other options to streamline or simplify planning and development control processes?**

Submitter 98 considered a ‘design-code’ approach could be used when considering consenting within a master-planned area.Submitter 84 suggested that planning and designing should focus on enhancing the landscape; celebrating the culture of communities; and providing recreational opportunities.
Submitter 9 suggested reviewing thresholds for consents (ie when a project needs a resource consent instead of just a building consent). Submitter 69 proposed removing all restrictions on development once intensification has been approved. Submitter 11 and 92 suggested limiting frivolous or anti-competitive submissions.

Submitter 82 suggested using the streamlined process as an incentive to developers and landowners to participate in sustainable urban development. Submitter 60 suggested an alternative to transferring consenting authority could be to leave this responsibility with the council, but this would leave options like limiting appeals open to political risk.

Submitter 10 warned that streamlining planning is unlikely to result in better development outcomes, and could reduce the tools available to achieve sustainable urban areas.

**New ideas**

A number of respondents expressed frustration with the lack of explicit ‘urban’ guidance within the RMA. Some submitters suggested amending the purpose of the RMA to include the promotion of ‘sustainable urban development’ or ‘sustainability’.

Many submitters requested guidance and direction from central government on planning for intensification. Submitters suggested a number of tools, ranging from a National Policy Statement on Sustainable Urban Development, model plan provisions for intensification areas, and national direction on parking requirements for new developments.

The prevailing attitude from a number of submitters was that local authorities would like to develop plans and processes that encourage sustainable urban development, but that they either didn’t have the resources or the mandate to do this. A strong vision for better urban development from central government would give these local authorities legal and political backing.

It was felt that legislative reform to translate plans (growth management or urban design strategies in particular) developed under the Local Government Act into statutory Resource Management plans with ‘teeth’ would both cut down on duplicating consultation and give communities and developers more certainty.

A number of National Policy Statements were proposed, to give direction under the RMA on specific topics. Those proposed included:

- a National Policy Statement on Urban Design (currently being investigated by the Ministry for the Environment)
- National Policy Statement on Sustainable Urban Development
- National Policy Statement on Low Impact Urban Design
- National Policy Statement on Accessibility (relating to the ease of access to areas for the elderly, disabled, or injured)
- National Policy Statement on intensification areas and planning rules.

Further ideas included increasing the role of accredited urban experts in consenting processes, and penalising applicants for non-compliance to plans.

Some submitters suggested that the consenting process could be improved by increasing pre-consent discussions between applicants and local authority officers. Professional guidance from council staff could also improve the quality of submissions and reduce the need for local authorities to request further information. Alternatively, [Submitter 84] suggested that applicants be required to demonstrate the extent of pre-application consultation undertaken with the community.
SUMMARY OF SUBMISSIONS: Housing supply, choice and affordability

Key messages from submissions:

What options could be used to increase the supply or affordable housing, or improve housing affordability, in sustainable urban developments.

Many submitters agreed that new housing developments need to include a mix of housing types, sizes and tenures. New residential developments are seen as an ideal, and in some cases critical, area to implement water and energy efficient technologies. Residences need to be suitable for a variety of people, including the elderly, people with disabilities, and large families, while retaining flexibility to be extended or divided to meet changing needs.

Location of affordable housing was also important. There is debate about whether increasing urban density, or releasing more land for development would be more effective in reducing house prices. Submitters were concerned about the potential for gentrification and/or development on the periphery of urban areas to isolate owners of affordable housing from their communities and from amenities.

Both local and central government have a role to play in providing affordable housing. Central government was seen as playing a support and funding role, while local governments should be involved in implementation. Either central or local government could also be involved in acquiring and providing land for affordable housing.

There are a number of voluntary mechanisms which could be used by councils to encourage developers to provide more affordable housing. There are also a number of legislative or regulatory options for ensuring that developments include more affordable housing.

Partnerships with players such as community housing agencies, iwi, community groups, Housing New Zealand Corporation, and construction companies could be used to improve housing affordability within specific areas.

Programmes to retrofit existing houses are seen as a desirable complement to programmes of new building. Assistance to first-home buyers can also contribute to housing affordability.

Specific questions about housing supply, choice, and affordability

The discussion document put forward a number of specific questions for response. A summary of answers to these questions is provided below.

What options could be used to increase the supply of affordable housing, or improve housing affordability, in sustainable urban developments.

Many submitters supported the idea that new developments need to include a mix of housing types, tenures, and sizes, to ensure a diversity of residents [submitters 21, 38, 72, 78, 84, 85 and 91].

Submitters 10 and 44 discussed aspects of the current financial situation that could influence housing affordability, including stricter controls on mortgages and rising unemployment. Submitter 44 noted that mechanisms such as inclusionary zoning do not work well in a flat or declining market.
Submitters 72 and 84 noted the opportunities for Māori groups to advance community housing programmes using tools to improve housing affordability.

**Housing quality and sustainability**

Many submitters emphasised the need to ensure that new housing is high quality and healthy (ie. energy and water efficient), as well as affordable [submitters 46, 71, 79 and 84]. New developments need to include green space and amenities [80]. Submitter 29 noted that new housing developments were a great opportunity to implement ‘best-practice’ housing sustainability, while submitter 10, 24 and 29 encouraged the consideration of incentives and improved opportunities for developers and home-owners to improve energy and water efficiency.

Submitter 71 argued that housing cannot be considered ‘affordable’ if a percentage of the costs are born by the public sector (ie significant infrastructure investment), or if a percentage of the costs are deferred as maintenance of sub-standard buildings. Submitter 46 advocated for a programme to assist with the renewal and replacement of existing housing stock. Submitter 30 asked for a research model to assess the ‘lifestyle cost’ of new housing.

**House design, size and tenure**

A number of submitters commented that smaller section and house sizes are necessary to meet the needs of future populations and improve affordability, but that these houses are not currently being provided by developers [submitters 44, 46, 38].

Submitters 28 and 53 advocated housing designed to accommodate peoples’ changing needs through life. Other submitters stressed the importance of making housing accessible for older people [submitter 24] and those with disabilities [submitters 9, 38 and 44]. Submitters 18 and 38 noted that new housing should also be able to accommodate low-income, large families. Submitter 98 proposed investigating standardised house plans and ‘flat-pack’ buildings to reduce building costs.

**Housing location and land prices**

Many submitters also agreed that the location of new affordable housing is important. Five submitters stressed that affordable housing should be ‘pepper-potted’ throughout a community or development, rather than concentrated in one area [submitters 4, 17, 21, 38 and 88]. Four submitters proposed that new affordable housing should be higher density, and use land more efficiently [submitters 62, 72, 74, and 91]. Submitter 10 was concerned that housing for lower-income people is concentrated in ‘fringe locations’, without the services and amenity of more urban locations [80 and 46]. Submitter 29 called for an end to rezoning arable land for residential uses.

In comparison, three submitters called for an expansion of urban boundaries [4, 11, 69], and for the ‘realistic’ release of land for development [submitter 74]. Submitters 4 and 69 argued that releasing more land will lower land prices.

**Role of local government**

Submitter 98 stated that the role of all agencies in providing affordable housing needs to be better understood. Several submitters suggested that more analysis of the New Zealand
housing situation is needed to enable local authorities to better target housing assistance [submitters 49, 81 and 82]. Submitters 81 and 49 also suggested that local authorities should do a comprehensive assessment of all housing in their area. Submitter 49 suggested this information could then be translated into a structure plan of housing need, and implemented through a variation to the District Plan.

**Incentives**

A large number of submitters proposed mechanisms to improve housing supply, choice and affordability. Those within the ambit of local government included:

- Inclusionary zoning [submitters 17, 21, 33, 44, 75 and 81].
- Incentives for developments that include affordable housing such as requirements for fewer parking spaces [submitter 44], density bonuses [submitters 44 and 60].
- Streamlining RMA processes to reduce delays and costs [submitters 74 and 80].
- Land or cash contributions towards affordable housing [submitter 21].
- ‘Section 106’ agreements [submitter 35].
- Mandating Affordable Housing assessments under the AHETA Act [submitter 38].
- Deferred development contributions [submitter 82].
- Negotiated ‘developer rations’ which require the provision of a certain number of units of affordable housing [submitter 60].
- Lowering council charges on development [submitter 11].
- Remove restrictive covenants on house size and style within developments [submitter 38].
- Provide design guidance [submitter 44].

Within submissions supporting inclusionary zoning, concerns were raised about:

- determining the threshold size of developments to require affordable housing [submitters 33, 44 and 75]
- requiring consistency across TLAs so that developers cannot avoid areas with inclusionary zoning [submitter 81]
- possibility of amending the purpose of the RMA so that District Plans can include initiatives with social and health benefits rather than strictly environmental effects [submitter 44].

Submitter 54 also pointed out that any decisions on increasing housing need to assess the relative merits of voluntary versus mandatory programmes. Submitter 50 also queried whether the responsibility of local government is to use ratepayer money to provide housing, or to use development controls to encourage housing. Submitters 47 and 69 raised concerns about the range of developments that could be required to include or contribute to housing, such as supermarkets. Submitter 47 stated that developers should not be required to contribute money or land to affordable housing.

**Role of central government**

A number of submitters emphasised the importance of central government support for improving housing [20, 81, 87]. Submitter 78 argued that central government is solely responsible for affordable housing. Proposed mechanisms within the ambit of central government included:

- tax incentives [submitter 82]
- infrastructure subsidies [submitter 82]
- incentives to build smaller houses [submitter 91]
- central government purchasing houses at market prices within developments [submitter 69]
• legislation to specify mandatory targets [submitter 100].

Submitter 79 recommended that central government work more closely with non-governmental organisations. Submitter 68 pointed to work done by Community Housing Aotearoa as an example of innovative housing practices. Submitter 72 thought that developments should also include social housing.

Submitters suggested that government could form partnerships with construction companies [submitter 9], and implement a ‘counter-cyclical’ construction programme to support the construction and development industry [submitter 73]. Submitter 71 thought investigating economies of scale in large projects could be useful.

**Funding provision of affordable housing**

A number of ideas were also put forward about funding affordable housing. These ideas included:

• Introduction of a capital gains tax [submitter 10].
• Central government subsidy for affordable housing [submitter 52].
• Central government grants for affordable/environmentally-responsible housing [submitters 29 and 46].
• Selling Housing New Zealand Corporation stock [submitter 11].
• Central government grants for the renewal and replacement of building stock (to be supplemented by the owner contributing as well) [submitter 46].

**Supporting home ownership**

Submitters supported providing assistance to first-home buyers [submitter 10].

• fiscal policy [submitters 84 and 88]
• reducing the costs of debt-funding to the developer, and then to the home-owner [submitter 11]
• models such as shared equity, for sharing resources and ownership [submitters 28, 71 and 91].

Submitter 54 urged the importance of a mix of tenure types in new developments. Submitter 101 called for collating data on Māori home ownership nationally, and suggested that increasing Māori home ownership rates should be an outcome of sustainable urban development.

**Land purchase**

Submitters also made a number of suggestions about land purchasing for affordable housing. Submitters 72 and 91 recommended investigating land purchase organisations, such as ‘Community Land Trusts’ to acquire land for affordable housing. Submitters 43 and 91 also suggested that land could be held by trusts and provided for housing development. Submitter 92 suggested local authorities should aggregate land for this purpose. Submitter 43 proposed that land in future development projects could be bought based on ‘negative land values’.

Submitters 72 and 81 suggested that government land should be used to provide affordable housing, while submitter 63 advocated for government-led demonstration projects.

Concerns raised around sustainable urban development included gentrification — the phenomenon where changes in land value around developments displace lower income people
to areas with lower levels of service and amenity [submitter 18, 54 and 89]. Submitter 56 noted that higher-density development can be detrimental to efforts to preserve built heritage.

**New ideas**

Several submitters suggested that measures to improve housing affordability need to focus on minimising operating costs of homes through improving water and energy efficiency.
SUMMARY OF SUBMISSIONS: A possible sustainable urban development approach

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

General support

Most submitters supported the place-based approach. However, different ideas were proposed to put a place-based approach into action.

Some submitters saw a need for a wider urban development context to be developed within which ‘place-based’ activity occurs. The concern was that without the appropriate priorities and vision being established at a regional level, there is a risk of ad-hoc ‘place based’ initiatives diverting scarce resources and expertise, and potentially undermining achievement of ‘big picture’ regional / national objectives.

A few submissions did not support the place-based concept, either because they are believe that market operations should prevail, or that a nationally consistent set of guidelines or criteria would be a better approach.

Submitters’ answers to this question are summarised below:

Thirty-three submitters explicitly supported the possible sustainable urban development approach outlined in the discussion document. These submitters identified a number of benefits of a place-based approach, including:

- Complementarity with economic development initiatives [submitter 17].
- Holistic benefits produced from masterplanning developments [submitter 57].
- Opportunities to reduce environmental impact and increase resilience of developments [submitters 71 and 86].
- Opportunities for innovation and creativity in development [submitter 86].
- Improved infrastructure planning and delivery [submitter 80].

Submitters 21, 43 and 57 noted that place-based approaches have been used successfully overseas and can provide examples for New Zealand initiatives.

A couple of submitters [56 and 81] considered that the proposed approach would complement existing RMA provisions through the creation of masterplans.

Submitters 21 and 56 supported new legislation to implement a sustainable urban development approach, while four submitters [63, 57, 75 and 79] supported the creation of special-purpose vehicles empowered to undertake urban development. Submitter 75 emphasised the importance of maintaining flexible organisational structures. Submitters 26 and 87 urged further investigation into the Urban Regeneration Company model used in the United Kingdom, rather than focussing efforts on empowering council-controlled organisations.

A number of submitters suggested a strong role for local government within such an approach. Submitters 57 and 79 recommended that a new approach empower local authorities to carry out development plans. Submitter 57 further recommended that local authorities choose the development vehicle most suitable for each project. Submitter 59 argued that policy should recognise that developers are capable of delivering sustainable urban development without a public-sector led plan.
Many submitters conditionally supported the proposed approach. Caveats included the following:

- Large-scale renewal should not echo projects of the 1960s, which produced homogenous developments.
- Next steps should include a collaborative partnership with local government and others [submitters 10, 57 and 63].
- Approach needs to include emphasis on:
  - health issues [submitters 18, 44 and 54]
  - constraint mapping and reverse sensitivity issues [submitter 25]
  - historic heritage [submitter 56]
  - potential for ICT to reduce travel time and demand [submitter 1].
- Any declaration process needs to be carefully developed [submitters 23 and 46], and declaration powers should lie with local authorities instead of a minister [submitter 36].

Submitters also noted that:

- A new approach should be part of a wider RMA/LGA reform [submitter 82].
- Community masterplans are not necessarily council-led [submitter 59].
- Masterplanning is time-consuming and expensive, and needs to be properly resourced to be successful [submitters 42 and 76].
- A new approach would need to operate at a number of scales [submitter 20].
- Links with the wider context (ie outside the project boundaries) are crucial [submitter 33].
- Place-based development should operate within minimum performance standards [submitter 34], and be supported by a generic framework [submitter 41].
- Any urban development organisation will require RMA zoning powers to function effectively [submitter 42].

Submitters recommended a number of key principles to underpin sustainable urban development:

- minimising travel and taking positive action to improve transport [submitters 1, 6 and 21]
- recognising unique local contexts [submitters 9, 27, 79, 86 and 92]
- creating an approach that is ‘fit-for-purpose’ in the New Zealand context [submitters 21 and 57]
- using inclusive planning methods [submitters 21 and 57], including resourcing communities to participate in planning [submitter 84]
- supporting private sector investment through central government support and infrastructure provision [submitters 21 and 59]
- support for good urban design and using a design-led approach [submitters 42 and 62]
- supporting Māori participation in decision-making [submitter 54]
- use of equity assessment tools [submitter 54].

Four submitters did not support further investigation into the proposed approach, citing concerns around increased bureaucracy and costs [submitters 11, 47, 55 and 59]. Submitter 23 raised questions around interactions between sustainable urban development and existing planning and resource management legislation, and the possible negative impacts of any new organisation on the pool of professional resources available to local councils. Other suggestions included:

- streamlining council processes to minimise costs and delays [submitters 59 and 86]
- central government leadership and funding [submitters 21 and 22]
- central government landbanking [submitter 75]
- initiating pilot projects [submitter 63]
- whole-of-government support [submitter 78]
- building relationships between players in urban development [submitters 81 and 86]
- enabling rather than mandatory approach [submitter 23]
New Ideas

Some submitters who did not support the proposed model suggested alternative models. Submitter 47 advocated a national framework for sustainable urban development to increase consistency between local governments. Submitter 59 recommended that ‘urban development organisation’ status be awarded to any organisation (public or private) that meets a number of criteria (such as those in VicUrban’s Sustainability Charter). Submitter 78 recommended that a new approach establish Regional Development Agencies to focus on region-wide urban issues rather than places. This suggestion arose from a concern that a place-based approach would concentrate solely on areas with Crown landholdings. Submitter 81 also suggested a region-wide focus. Submitter 93 suggested that the most important step in encouraging sustainable urban development is increasing funding to targeted urban areas to allow local government to implement already developed strategies and plans.
**SUMMARY OF SUBMISSIONS: How might the approach work?**

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

**General support**

The majority of submitters anticipated input from across the private, public and NGO sectors into developing a vision for urban development. However, it is not always clear from the submissions what boundaries are anticipated for use of new tools and powers. Most submitters appeared to accept that any new agency or entity set up to focus on urban re/development will need to be appropriately empowered and funded to succeed in implementing an urban development vision.

**Submitters’ answers to this question are summarised below:**

Nine submitters suggested variations on the ‘urban development organisation’ as appropriate vehicles for new tools or powers. These variations included:

- a development body that is a facilitator/coordinator but not an active player [submitter 69]
- any organisation carrying out development and sanctioned by central government [submitter 60]
- an urban development organisation operating within agreed parameters [submitters 17, 32, 53 and 73]. Such an organisation could be established by legislation [submitter 17] or include community and council representatives [submitter 32].
- local development agency [submitter 43]
- urban development organisation for large projects [submitter 49]
- regional development agency with public/private funding as appropriate [submitter 80].

Submitters 60 and 80 also recommended that tools and powers be awarded to a council controlled organisation. Submitter 60 would require council-controlled organisations and their shareholders to approach the minister to request powers and tools.

Five submitters [53, 32, 71, 92 and 80] suggested that central government hold new tools and powers, with the exercise of new tools and powers by:

- a minister [submitters 32 and 53]
- public domain developers (such as KiwiRail and Transit) in collaboration with an urban development organisation [submitter 73]
- crown subsidiaries [submitter 80].

Four submitters [10, 32, 53 and 92] advocated for local authorities to be given new tools or powers, while submitter 71 suggested regional councils would be a more appropriate holder for such powers. Submitter 49 thought local councils could be approved by a regional body or minister to hold powers for small projects.

Three submitters suggested new powers and tools would be most appropriately held by a partnership or cross-sectoral group [submitters 9, 46 and 88]. Submitter 9 stated that such a partnership would need to include iwi, local government, central government and non-governmental organisations. Submitter 17 agreed that all these parties would have a role to play in development partnerships. Submitter 88 suggested that tools and powers should be given to a public-private partnership, coordinated by government.
Two submitters identified community-based cooperatives as appropriate organisations to hold new tools or powers, because of their skill in leading community consultation [submitters 4 and 68]. Submitters 68 and 92 highlighted the potential to involve not-for-profit organisations, such as community housing associations, as partners in development.

Submitters also suggested different tools could be held at different levels of government. Submitter 33 suggested the following responsibilities could be created:

- Central government – planning and funding; affordable housing with the support of a professional panel
- Regional government – land assembly
- Local government – planning processes

In contrast, submitter 84 suggested the following arrangement:

- Central government – affordable housing
- Regional government – coordinating investment through regional economic development agencies
- Local government – planning coordination and land assembly

Finally, submitter 46 noted that it is most important that tools and powers given are appropriate. Submitter 10 emphasised that the quality of the process is more important than the vehicle that carries out the development. Submitter 69 noted that new tools and powers should not be necessary if the market is allowed to operate fully.

How might the approach work?

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?

General support

Very few submitters gave a full answer to this question. Many referred to their comments on earlier sections of the discussion document.

Submitters’ answers to this question are summarised below:

Five submitters explicitly supported the range of tools stated in the question, noting that different ranges of powers would be necessary for different projects.

Some submitters highlighted particular areas where tools should be available – planning and investment [submitter 10]; funding [submitter 10]; central government funding [submitter 46]; and simplifying the planning process [submitter 10].

Other specific tools mentioned included:

- central government incentives to develop family-owned land [submitter 4]
- regional IT portal to guide decision-making [submitter 6]
- case studies [submitter 6]
• *Health Impact Assessment tool [submitter 44]*
• *Inclusion of a disability perspective [submitter 44]*

Submitter 6 proposed that no new tools should be available to assemble land. Submitter 88 debated whether declaring focus areas (and subsequently, identifying tools) is the most effective way to improve urban sustainability. Submitter 69 cautioned that tools that attempt to anticipate or create demand may not be successful on achieving development.
SUMMARY OF SUBMISSIONS: Any further comments

Do you have any other comments on the options and ideas within the discussion document?

General support / Considerations
Submissions under the ‘further comments’ heading covered a broad range of topics.

Appreciation of urban development issues.
Submitter 42 made the point that “In many ways we have only just begun as a country to understand our towns and cities and to develop a set of principles that draw upon international experience and reflect our landscapes and cultures. The document should support the development of a more sophisticated understanding of “kiwi urbanism”…” “Our main comment on the discussion document is that we feel greater attention needs to be paid to policy that supports design-based processes to develop an integrated vision for an area of redevelopment .. as well as the tools needed to successfully implement…”

Submitter 94 reflected this view stating, “There is a need for greater debate and education on the implications of how we manage urban development and the wider implications on our economy and society. Currently it is ..separated from wider debate, and issues such as traffic congestion are given greater weight, even though the two are inseparable.”

Political will
Submitters 26 and 84 highlighted the critical importance of national level leadership around sustainable urban development. They believed this leadership is not currently in place, nor is its importance recognised or discussed.

Submitter 26 believed leadership is needed to break through a culture of risk-averse decision making in both local and central government. Submitter 84 stated: “There has to be a comprehensive package of national policies to guide urban design and to incorporate the cultural landscape; these should then be built into best practice models and strategic documents to guide regional and local development i.e. National Policies (incorporating social, cultural, economic and environmental outcomes), linkages to Regional Policy Statements and Plans; and then to District Plans and Strategies”.

Mandate and media strategy
Submitters 20, 26, 59 and 88 stated that there is a need for a clear mandate and ‘game plan’ for progressing sustainable urban development in the view of these submitters. This included communicating well with the public on the topic. Many different options for this the scope of this urban development mandate were set out (as discussed in preceding sections of this Summary of Submissions). For example, Submitter 59 stated: “Any new tools or powers should primarily come from a Ministerial level, ... Such developments should be facilitated by Government through, for example, the provision of infrastructure.”

Submitter 60 agreed there should be a clear central government mandate provided, but took the view that “Central government should consider a fund such as the Australian 'Building Better Cities' fund in the 1990's to which aspiring development agencies or companies can apply for seed funding…”
Submitter 37 and 63 suggested demonstration projects have merit to help build public understanding and support. “In our view the greatest gain in the short-term would be to undertake specific urban development projects in strategic locations for re-development” [submitter 63].

**Life cycle costs / sustainability**
Submitters 5, 29, 30, 46 and 91 advocated for stronger inclusion of urban development criteria that consider life cycle costs of development, and sustainability impacts (energy use, water efficiency, impacts on traffic congestion).

Submitter 91 urged that “...the maintenance of the urban fabric as a contributor to sustainable urban development should be given more attention. That is, a greater emphasis should be placed on the importance of asset management and the retrofitting of existing buildings...Society cannot build sustainable urban development simply by the delivery of the right kind of development: it helps but it is only part of a bigger picture.”

**Role of private sector**
Submitters 10, 22 and 85 requested directly involving the private sector in further thinking about urban development. Many other submissions appeared to be based on a working assumption that significant private sector engagement will underpin any new urban development process established.

**Health relationship to urban form**
Submitters 15 18, 44, 89 and 97 sought to promote an assessment of health impacts of urban form choices. Several of the submitters encourage use of Heath Impact Assessments as part of any sustainable urban development project.

**Ensure investment in quality of design of urban areas**
Submitter 8 encouraged greater emphasis of ensuring that design quality is appropriate when progressing urban development.

**Engagement with communities**
Submitters 27, 40, 58 and 70 encouraged responsive policy processes / assessments. Submitters 40, 58 and 70 noted that sufficient time and resource has to be invested to enable meaningful engagement by all stakeholders.

**General concerns / Issues**
According to submitters 45 and 65, concepts of ‘risk’ and ‘resilience’ were not sufficiently explored in the discussion document -

“We comment that noticeably absent are the concepts of ‘risk’ and ‘resilience’. Urban resilience is defined as the degree to which cities are able to tolerate alteration before reorganising around a new set of structures and processes. It can be measured by how well a city can simultaneously balance ecosystem and human functions and as such reflects principles of ecologically sustainable urban design. Major disturbances to cities that affect their resilience come from natural and technological disasters (and social disturbances). Thus, it is essential that sustainable urban development takes into consideration risks from natural and technological hazards to our communities. Quality of life, amenity and economic and cultural wellbeing are central to your paper. Good urban planning, however, has to acknowledge that only resilient urban environments and resilient communities are sustainable.” (Submitter 65)
Submitter 45 was concerned that too few links are made to references in the Urban Design Protocol to natural hazards. Risk reduction considerations in Civil Defence Emergency Management Group Plans needed to be factored into urban development.

Resources and expertise
Submitter 37 stressed the need to ensure necessary resources (time, staff, knowledge and finances) are in place as “..the effects of not getting community development plans right are large and long-living”.

Timescales too long
Submitter 43 observed that “..options and ideas in this discussion document are excellent but I do feel that a project that may take 15 - 20 years to complete is too long and the timescale should be between 5 - 10 years. In order for a sustainable urban project to be successful it must proceed quickly to the 50% critical mass required to carry the project through to its conclusion. Therefore once the master plan has been agreed with all local parties and confirmed, funding must be in place to carry out infrastructure works quickly and efficiently.”

Overemphasis on needs of the economy
Submitter 97 recommended “that a priority of the building sustainable urban communities should be to focus on the needs of the most vulnerable populations rather than the needs of economy and commerce”.

Under-emphasis on social costs and benefits
Submitter 68 considered that “The aspects of policy development that we consider need to be made much more prominent include a due consideration of the opportunity that urban development has not only to harness the benefits of cities but to address the downsides. ... We would have liked to have seen more in this discussion document about sustainable urban development that is based on a commitment to combating social disadvantage. There is not only an economic cost to ‘doing nothing’, there is a social cost.”

Attention paid to scientific literature, tangata whenua initiatives or NGO movements
Submitter 19 was concerned that insufficient evidence is presented to give confidence that all relevant scientific literature, tangata whenua initiatives or non-government projects have been factored into the Discussion Document.

Recognition of demographic changes and household living arrangements (e.g. extended families, ethnic composition)
Submitters 28 and 54 encouraged wider range of choices for housing to better meet the changing needs of New Zealand communities.

Incorporating needs of young people
Submitter 39 encouraged building awareness and understanding about how urban form results affect young people. Suggestions include using practice guidelines and best practice models to upskill urban decision-makers.

Incorporating needs of older persons
Submitter 24 said “You remind us in the introduction to your consultation document that people are ‘the most important thing in the world’. Age concern New Zealand would like to see the
sentiment expressed in this proverb put into practice in urban design. In fact, we believe that much could be gained from allowing the needs of older people to guide decision-making in urban changes – this is because urban areas that work well for older people, and for people with disabilities, work well for us all.”

Engagement with communities
Submitters 23, 81, 95 were concerned about communities potentially losing control over urban development results. Submitter 81 saw risks around displacing existing communities out of areas due to regeneration, and creating new accountability structures that may not adequately serve local community needs.

Submitter 95 pointed to the Mainstreet programme as a potential model to provide successful urban development results. The structuring and support of Mainstreet organisations influences their effectiveness and the submission provides criteria around what promotes success.

Solutions applicable more broadly
Submitter 92 asked that “Government solutions and funding should also be applicable to edge of town green field sites – not just brown field sites. (Most provincial towns face increasing urban growth pressures, and future edge of town green field development certainly needs to deliver greatly improved sustainable development outcomes.).”

Provincial cities are also challenged to provide intensification within existing urban areas
Submitter 22 sought that any new powers or processes include scope for supporting the urban development needs of provincial cities...Submitter 63 also made this point - “This does not need to be limited to large urban areas but could also be undertaken in some of our provincial towns and centres where there is high growth and good opportunity.”

Standards New Zealand contribution
Submitter 41 promoted Standards New Zealand as a potential contributor to sustainable urban development through creating non-regulatory guidelines, and facilitating workshops.

Land taking
Submitter 2 was concerned that suggestions for fast tracking or streamlining urban development, particularly in relation to compulsory land acquisition is a form of ‘stealing’.

RMA changes needed
Submitter 5 believed an overhaul of the Resource Management Act is fundamental to making progress on sustainable urban development.

Historic heritage matters
Submitter 56 sought that historic heritage matters are identified to require explicit attention. Development of new national guidance and legislation to build sustainable urban communities are supported to this end.

Acoustic insulation near airports
Submitter 25 sought that any changes to urban development provision include mapping and requirements for acoustic insulation of noise sensitive activities in the vicinity of airports.
Matters impacting people with intellectual disabilities
Submitter 38 highlighted a range of processes and requirements that would better support needs of those with intellectual disabilities.

Soil quality
Submitter 3 encouraged greater attention in urban development assessments to ensuring scarce resources such as high quality soils are protected.

Traffic planning and powers for Territorial Local Authorities
Submitters 14 and 96 considered that traffic management practices (including measures such as car-pooling) are inadequately explored in the Discussion Document.

Quality of night time lighting environment
Submitter 34 sought adoption of standards that control outdoor lighting to avoid or reduce light pollution.

Belief systems and power culture
Submitter 67 expressed concerns about what they consider “Colonial monocultural imperialistic policies to Māori Land Use” and that the outcomes promoted by the Discussion Document are not feasible or appropriate without “…Central and local government in this day and age … recognis[ing] and giv[ing] affect to past agreements, contracts and Deed made between their parent or creator central government and Māori.”

Use of terminology
(Submitter 52) suggested reference to “master development plans” is outmoded and carries the baggage of master planning in the 1950’s and 60’s. This submitter suggested it is more appropriate to refer to urban design frame works or concepts to reflect the complexity of inputs over time, and the need for flexibility to changing circumstances.

New Ideas
Submitter 31 suggested an independent centre of expertise in sustainable urban development be established that can assist building capacity at local government level and provide an expert and independent set of quality advice on sustainable urban development issues. This included a ‘mobile response’ section whose skills could be deployed around NEW ZEALAND to assist parties.

Expert co-operative model
Submitter 76 supported progressing urban development thinking and processes by a change in approach to input to the thinking on this topic. “There is not one single item at issue here; it is the totality of our approach that needs to be reengineered. This task will be lengthy and complex, and should be undertaken cooperatively with academic, professional, government, and property industry representation. The Group would support this cooperative approach as a significant improvement over the current "policy-submission" process now commonly used - we are more likely to solve the problem if we develop the solutions cooperatively than as responses to policies promulgated by central government.”
Submitter 97 “Recommends that a Māori Ministerial representation (suggest female) be included in the Ministers that will be presented with the outcomes of the building sustainable urban communities discussion document submission feedback. We note the four Ministers are all male and are non-Māori.”
SUMMARY OF RESPONSES FROM HUI: Key themes

In late November 2008, four hui were held in Christchurch, Wellington, Auckland and Hamilton to gather ideas and opinions about the issues and options contained in the Building Sustainable Urban Communities discussion document, released by the Sustainable Urban Development Unit in September 2008. Participants at hui expressed concerns about the timing and nature of consultation and provided feedback and ideas for better engaging with Māori communities.

The following themes emerged from discussions across the four hui:

Sustainability
- Hui participants were generally supportive of the concept of a ‘sustainable urban community’. Kaitiakitanga and manaakitanga were seen as relevant concepts that focus on looking after the land and people.
- Planned and existing Māori community developments have a strong emphasis on environmental sustainability.

How can sustainable urban communities benefit Māori?
- Many Māori groups are interested in commercial development and diversifying their assets. There are opportunities for:
  - Long-term leasing and development of Māori land
  - Housing development
  - Commercial ventures, including joint ventures
- Iwi who have received settlement funds, such as Ngāi Tahu and Waikato-Tainui, have development companies that may wish to participate in joint venture development on a commercial scale. However, for smaller iwi without a large asset base, the key issues are marae maintenance, local economic development and being able to utilise their assets. There need to be strategies to work with both kinds of groups.
- Visibility of Māori in urban environments is important, and Māori culture can play a strong role in creating communities. For instance, marae can provide a focus for community development.

Land assembly
- Compulsory acquisition has created problems and pain in the past. Many attendees strongly opposed any extension of compulsory acquisition powers, saying that such an extension would undermine Crown/Māori relationships and Treaty settlements. There is a feeling that compulsory acquisition has disproportionately affected Māori land, and that Māori land needs more protection from acquisition, not less.
- Attendees sent a clear message that there should be no compulsory acquisition of Māori land. Instead, developers should work with land trustees to facilitate development without coercion. Agreed leasehold use is also a preferred alternative to compulsory acquisition. Some attendees stressed the importance of national-level control of these kinds of powers instead of local authority level and were concerned that closer council involvement with the development sector could result in decision-making that favours developers’ interests over Māori interests. Also Māori history with councils is not considered to be positive. Holding powers at the local authority level also removes Treaty obligations, as councils are not considered part of the Crown.
- Compulsorily acquiring land that has been returned to Māori through Treaty settlements could compromise the integrity of settlements. Attendees reiterated the importance of wāhi tapu and other special sites being protected from compulsory acquisition.
A number of examples were given of outstanding issues over land compulsory acquired in the past.

- Discussions about developing Crown land and the role of the Protection Mechanism and Sites of Significance processes on surplus Crown land clearly indicated concerns that any action to removes land from potential settlement packages would also undermine the Treaty settlement process. It was also noted that development can also change the nature of settlement assets, for instance from a site suitable as ‘cultural redress’ to a site for ‘commercial redress’.

**Working together better to plan and fund development**

- Difficult issues such as land assembly can only be tackled through developing and maintaining good relationships between Māori and local and central government.
- Existing documents such as District Plans, LTCCPs and Iwi/Hapū Management Plans are good tools but need to be made easier for Māori to understand and engage with. A good relationship with council is necessary for these plans to be effective. A mechanism is required that recognises the unique place of Māori in New Zealand, when designing new communities. Such a mechanism would balance Māori interests with general interests, and with national interests.
- Comprehensive joint planning has been used successfully to develop some Māori land and is important for making sure land is developed equitably for all owners and parties.
- Working together better and recognising Māori as potential investors in urban areas will assist in providing the necessary funding/resource base for sustainable urban development.

**Development of capability and capacity**

- Māori want to be meaningfully engaged from the start of the process – not consulted.
- Māori groups need more technical and financial assistance to support engagement with other planning processes, participation in development projects, and their own planning.
- Māori land trusts need to be directly engaged in discussions about development.

**Development of Māori-owned land**

- Many Māori are frustrated at barriers to utilising Māori land for residential development, such as difficulties getting rural land rezoned to permit residential development at an appropriate density for papakāinga/kāinga nohonga settlement (particularly where land was reserved for these purposes. This limits Māori investment and development – these rules need to be changed or made more flexible. Other barriers mentioned include:
  - getting infrastructure to sites;
  - Te Ture Whenua Māori Act 1993 requirements limiting leasing, free-holding or selling multiply-owned land;
  - development on or adjacent to Māori land resulting in increased values and rates bills;
  - development on the peripheries of urban areas increases development pressure on rural Māori landholdings
  - expectations that Māori land will remain undeveloped to provide open space.
- Because a significant proportion of Māori land is in rural areas, its development will not generally influence urban communities. However, papakāinga or kāinga nohonga development on Māori land could contribute to housing affordability and sustainable development for Māori communities.
Role of central government

- A whole-of-government approach is crucial to creating sustainable communities. Māori-focused agencies such as Te Puni Kōkiri and the Māori Land Court need to be involved in discussions about development of Māori communities and Māori land. A number of agencies joining together to work locally on a specific project is a good model.
- Central government could support sustainable communities by reforming legislation to support Māori engagement and participation in development (Public Works Act, Resource Management Act, Te Ture Whenua Māori Act).
- As Treaty partner, the Crown should require local authorities to show how planning documents and asset management plans can explicitly support the development of Māori land for residential purposes. In some cases, this land has been specifically reserved for residential purposes; in other cases, this land has been identified by Māori land trusts for residential development. This could be extended into an inquiry into Māori land development, and a ‘One Stop Shop’ for Māori to access local and central government expertise and support for development.
GLOSSARY OF TERMS
The following definitions were used in the Building Sustainable Urban Communities discussion document.

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 investment sites (e.g. rail, high social needs or deprivation)
- a location is adjacent to another local authority area or spans local authority boundaries
- a need for successful redevelopment to achieve other higher-level or larger-scale 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 state 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 landowners 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 or other property owners 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.
Building sustainable urban communities – *Tell us what you think!*

The Sustainable Urban Development Unit would like your input and advice on ways to encourage sustainable urban development in New Zealand. The *Building Sustainable Urban Communities* discussion 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. You can use this submission form to answer the questions highlighted in the document. Other comments are also welcome.

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.

Please call us on (04) 495 9361 if you have any questions.

**How to submit**

This submission form is in a Word format. You will need to download this submission form and save it to your hard drive before you fill it in. Use the 'Tab' key to move to the next fill-in field (Shift+Tab to move back to the previous field). Then, you can email the submission form to sudu@dia.govt.nz, or print it out and post it to:

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

You can also order a hard copy of the *Building Sustainable Urban Communities* discussion document by emailing sudu@dia.govt.nz.

Please send us your comments by Friday 28 November 2008.

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.

Thank you for sharing your comments and ideas with us.
**Contact details**

- Title: Add your details here
- First name: Add your details here
- Surname: Add your details here
- Address (Street/Box number): Add your details here
- (Town/City): Add your details here
- Email: Add your details here
- Contact telephone number: Add your details here
- Organisation (if applicable): Add your details here
- Position (if applicable): Add your details here
- Are you submitting this as: - SELECT -
  - If you selected 'other', please specify here

**General questions**

- Which options or ideas do you think would be effective in encouraging sustainable urban development?
  - Add your comments here

- What are the impacts of the options? What changes or additions would make these options or ideas work more effectively?
  - Add your comments here

- Are there any other options or ideas you have seen or thought of?
  - Add your comments here
### 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.

Add your comments here

1b  What can be done to deal with these barriers?

Add your comments here

#### 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

Add your comments here

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

Add your comments here

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

Add your comments here

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

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

Add your comments here

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

Add your comments here

### Ideas, options and issues: Improving co-ordination and integration
<table>
<thead>
<tr>
<th></th>
<th>Ideas, options and issues: Funding</th>
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<tbody>
<tr>
<td>4a</td>
<td>How can co-ordination of investment and integration of planning be improved?</td>
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<td>Add your comments here</td>
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<tr>
<td>5a</td>
<td>How could sustainable urban development be funded?</td>
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<tr>
<td>5b</td>
<td>Who should fund infrastructure assets, services or amenities required in a sustainable urban development project?</td>
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<td>5c</td>
<td>To partly or fully fund sustainable urban development, do you support a value uplift levy to capture &quot;unearned&quot; gain resulting from public actions to increase scope for development? Please explain your view.</td>
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<td>5d</td>
<td>What issues would need to be considered when designing and implementing a value uplift levy?</td>
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<td>Add your comments here</td>
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<td>5e</td>
<td>What other funding mechanisms could be used in sustainable urban development?</td>
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<td>Add your comments here</td>
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<tr>
<td>5f</td>
<td>Are there funding mechanisms that would provide incentives for private involvement in sustainable urban development?</td>
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<td>Ideas, options and issues: Land assembly</td>
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<tr>
<td>6a</td>
<td>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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<td>6b</td>
<td>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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### Building sustainable urban communities

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<th>What are the advantages and disadvantages of the options?</th>
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<th>6d</th>
<th>Are there other options? Please describe them.</th>
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<th>6e</th>
<th>Who should have the power to make compulsory land acquisitions?</th>
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<td>• A minister</td>
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<td>• A local authority</td>
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<td>• A company</td>
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<td>• An urban development organisation</td>
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<th>6f</th>
<th>What is required to support land readjustment as a way to assemble land for sustainable urban development?</th>
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<th>6g</th>
<th>Are there other options to assemble land for sustainable urban development?</th>
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### Ideas, options and issues: Streamlining planning and development control processes

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<th>7a</th>
<th>Are changes required to planning and development control processes to support sustainable urban development?</th>
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<th>7b</th>
<th>To encourage sustainable urban development, how could planning processes be simplified or streamlined?</th>
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<th>To encourage sustainable urban development, how could consenting processes or requirements be simplified or streamlined?</th>
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<th>Are there other options to streamline or simplify planning and development control processes for sustainable urban development?</th>
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### Ideas, options and issues: Housing supply, choice and affordability

| 8a | What options could be used to increase the supply of affordable housing, or improve housing affordability, in sustainable urban developments? |
| Add your comments here |

### A possible sustainable urban development approach

| 9a | What other approaches to sustainable urban development could be used in New Zealand? Please describe them or provide examples and references. |
| Add your comments here |

| 9b | What do you think about this place-based approach to sustainable urban development? |
| Add your comments here |

### How the approach might work

| 9c | What organisations should be allowed to use any new tools and powers? |
| Add your comments here |

| 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? |
| Add your comments here |

### Any further comments?

| 10a | Do you have any other comments on the options and ideas within this discussion document? |
| Add your comments here |

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Email this submission form to sudu@dia.govt.nz, or print it out and post it to:  
Sustainable Urban Development Unit  
The Department of Internal Affairs  
PO Box 805  
Wellington 6011  

Please send us your comments by Friday 28 November 2008.