



URBAN DESIGN FORUM
A o t e a r o a

URBAN DESIGN FORUM INC

Email: manager@urbandesignforum.org.nz

Web: urbandesignforum.org.nz

Post (please communicate via email)
PO Box 5455, Auckland 1141

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Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

To the Parliamentary Select Committee on the Inquiry on the Natural and Built Environments Bill: Parliamentary Paper

This submission is made on behalf of the Urban Design Forum (UDF) of NZ.

The Urban Design Forum (UDF) thanks the Select Committee for the opportunity to provide comments on the Exposure Draft for the Natural and Built Environments Bill: Parliamentary Paper.

The UDF supports the Ministry for the Environment in preparing this Exposure Draft and for carrying out this consultation process as part of the wider Resource Management Reforms.

Urban Design Forum

The UDF is a membership organisation dedicated to promoting urban design excellence across Aotearoa New Zealand.

The UDF has a multi-disciplinary membership comprising built environment professionals including city and transport planners, architects, landscape architects, engineers, surveyors, politicians, academics, developers, architectural historians, design and planning students among others. The UDF promotes and represents a cross-disciplinary approach to understanding our urban environments.

The UDF recognises that creating great quality urban places also depends on a range of other aspects including politics and law-making including financial policies; development economics; social, community and cultural issues; policing; and traffic management to name but a few. Cities are complex organisms, and urban design seeks a coordinated approach to the arrangement of the physical components of urban form. These constitute the setting for the urban life, the choice of an overwhelming majority of people in the 21st century.



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INTRODUCTION

1. The Urban Design Forum (UDF) welcomes this opportunity to comment on the proposed Natural and Built Environments (NBA) bill. We have a long history of presenting our vision of how the urban environment should be managed in Aotearoa New Zealand, and this is an important moment when real change seems possible.
2. Since the announcement of the reform timeframe in February 2021 with the introduction of the indicative draft provisions of the NBA, UDF has engaged with its members and the wider industry to run nation-wide **‘what is a well-functioning urban environment?’** workshops as well as initiating regular discussion groups and member surveys. (Outputs of these can be made available should the committee wish to peruse them).
3. We have also had workshops with the NZ Institute of Landscape Architects and the NZ Institute of Architects - Te Kāhui Whaihanga. This submission is founded on these and represents widely held views from a diverse range of built environment professionals.
4. We generally support the recommendations contained in the Randerson report to the Government. In particular we consider the shift from an effects-based assessment process to one based on desired outcomes is a major step forward.
5. The purpose of the proposed NBA (in Part 2) should set out the fundamental tensions it is attempting to resolve. The tension between preserving the natural (pre-human) environment, which is closely allied to Te Oranga o te Taiao, and the need to modify the environment to meet human needs and aspirations needs to be acknowledged. The purpose of the Act, as we see it, is to set up a framework to facilitate an agreed balance between the two.
6. While the RMA concept of ‘amenity’ has been useful in arguing for quality outcomes in the urban environment, we can also appreciate that it has been used to argue for preservation of the status-quo and has been detrimental to meeting urban objectives, particularly around intensification.
We therefore accept the deletion of ‘amenity’ terminology in the new NBA bill.
7. The Forum is most concerned about the quality of the urban environment. Discussion of ‘quality urban design’ is often seen as an aesthetic matter only, related to relatively small aspects of the urban landscape – streetscapes, paving, street trees etc.

But this is not what we mean.

Our concern is with a much bigger picture where all the complex components of a town or city come together to form a ‘well-functioning urban environment’.
8. In the recent past, urban design has been treated as a ‘nice to have’ addition to the hard task of creating the built environment; - one that slows the overall development process and adds cost.



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9. **Our view is the opposite.**

Urban design brings together the different disciplines involved in the built environment, and facilitates faster and more effective decision-making, avoiding siloed thinking. Urban design seeks a better quality for the built environment that need not cost more, and which seeks to avoid the embedded long-term costs of poor design decisions.

WELL-FUNCTIONING URBAN ENVIRONMENTS

10. As outlined by the government's Social Wellbeing Agency (SWA), "improving social wellbeing is about enabling people, whānau and communities to live the lives to which they aspire, including **material conditions and quality of life**".

Our natural and built environments are an integral part of the material conditions and therefore directly influence quality of life.

11. Well-designed urban places are responsive to the needs of local communities. They have a direct effect on both physical and mental health and well-being of people.

We are concerned that there is no direct reference within the NBA bill to the design quality of our urban places.

12. As intensification of the urban environment progresses, the quality of the built environment becomes more important, and the term 'amenity', if excluded as is the case in the Exposure Draft, needs to be replaced, and indeed strengthened, with some other measure of quality.

13. The Parliamentary Paper accompanying the exposure draft appears to portray quality as being subjective and coming at the price of affordability and supply. This view ignores the value that quality can add and **the long-term cost of poor quality**, especially in medium-high density urban environments. UDF considers that the need for quality must be made explicit in the NBA. Quality is not subjective. It not being numeric does not mean that it cannot be measured and described objectively.

14. We therefore strongly support the 'well-functioning urban environment' terminology proposed in the NBA bill, but suggest that, with its narrow focus on housing supply and capacity, it does not fulfil the stated objective.

15. 'Well-functioning' means much more than just providing dwellings for people. It means, or should mean, an environment where a certain efficiency is achieved, where peoples' broader needs are met with minimised time and effort and disruption to their lives. So, beyond the dwelling, it needs to encompass transport systems, access to jobs, social infrastructure, physical infrastructure and building strong communities, while minimising social harm from congestion, and associated disease, mental health issues and crime. The urban environment should provide people with choices of how to move about, which communities of interest to associate with, and ways to avoid the negative aspects of living close to other people.



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16. We share NZILA's view that well-functioning urban environments need to be resilient, responsive to climate change and assist in reducing carbon emissions.
17. The essence of a well-functioning urban environment is to maximise potential exchange, both economic and social, while minimising the time used for travel. It is the promise of easy exchange of ideas, goods, services and other human interactions that draws us to live close together in urban environments, while recognising there can be negative aspects in doing so, such as over-crowding, congestion, pollution and separation from the natural environment. Planning and design of urban environments can create and exacerbate these negative aspects, or it can avoid or, at the very least, minimise them.
18. While New Zealand is a highly urbanised country, the urban environment should contain strong aspects of the natural environment, and achieve a mediated relationship between the two. As a nation, we highly value the blue / green spaces in our cities and towns.
19. The integration of 'natural environment' or 'natural features' is considered to be a key aspect of a 'quality' urban environment. This includes provision of a network of green open spaces, trees and high quality water in urban waterways and harbours. Success of such integration requires concern around building heights, bulk and location and interfaces of buildings and groups of buildings as well as the streetscapes to the extent that they are well-balanced and in harmony with natural features.
20. The draft NBA bill, and the Parliamentary Paper accompanying it, separates the natural and built environments and dwells heavily on the natural environment; the need to protect it and the importance of improving the quality of the natural environment by setting standards.
21. There is much less commentary devoted to the urban environment and no recognition of the close interaction and integration required between the natural and built environments within the urban environment.
22. This is in spite of the fact that over 80% of us live in urban environments, and the growing recognition that the overall performance (economic and social) of our largest urban areas is fundamental to national well-being.
23. There is evidence that, for instance, the lack of quality public transport systems in our largest cities hampers their productivity, and contributes to our poor national productivity.
24. The Urban Design Forum's interest is with the full spectrum of matters that make up a well-functioning urban environment. Some of the bigger matters, such as a decision to build a new rail line or motorway, are dealt with at a central government level above the scope of the proposed NBA. Other smaller matters, such as establishing a new urban park or installing street upgrades, are dealt with at a local government level also outside the scope of the proposed NBA. The matters that are directly influenced by the proposed NBA are, however, crucially important, and we have some positive suggestions to make.



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THE NBA BILL

25. We suggest the purpose of the proposed NBA is amended to: [our additions in **bold**]
- (a) Promote Te Oranga o te Taiao to be upheld, including by protecting and enhancing the natural environment;*
(b) enable people and communities to use the environment in a way that supports the well-being of present generations without compromising the wellbeing of future generations,
(c) promote quality urban environments that support the well-being of people and communities.
(d) mediate between competing environmental outcomes to achieve commonly shared goals.
26. We suggest more definitions are needed to increase the importance of the urban environment within the bill, and to give more clarity to key aspects:
- What is the Built environment?
From the draft NBA bill:
environment means, as the context requires,—
(a) the natural environment;
(b) people and communities and the built environment that they create.
(c) the social, economic, and cultural conditions that affect the matters stated in paragraphs (a) and (b) or that are affected by those matters.
27. In the absence of a specific definition, the 'built environment' will probably be interpreted in a way similar to the bill's definition of structure: *any building, equipment, device, or other facility that is made by people and fixed to land*. This would be a reductive interpretation and would overlook the fact that the built environment is a system, more complex than its individual parts.
28. We suggest specific definitions for key aspects of the built environment need to be added to the bill in order to emphasise the significance of our towns and, particularly, cities.
29. In particular we suggest:
- Built Environment means the structures built for people and their communities to meet physical, economic, social and cultural human needs. These range in scale from buildings and open spaces to urban areas and landscapes with their supporting infrastructure services.**
30. We note that according to the eco-system definition given in the exposure draft, built environments would also be covered by this definition as a system where humans interact with their physical environment and with each other. Consequently built environments need to be approached similarly to the natural eco-systems, recognising their complexity and the inter-relations of their parts.



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31. **Urban Environment means an extensive area of built environment where, while aspects of the pre-existing natural environment may exist, the dominant feature is the built environment, and where natural elements are often composed and/or modified by people.**
32. **Well-functioning urban environment means an urban environment that facilitates and encourages social and economic exchanges between people while minimising any potential physical and mental negative aspects of living in close proximity to others, and which supports their well-being.**
33. It would be unfortunate if the 'well-functioning urban environment' is not defined and ends up being just as problematic as 'amenity' is in the RMA context.
34. The use of the un-defined term '*urban area*' should be deleted and the '**urban environment**' terminology used instead.
35. There are several other terms used in the bill that need further definition. Among these are 'inappropriate subdivision', 'resilient urban form' and 'good transport links'. We will welcome the opportunity to further discuss these and the draft definitions we propose above.
36. The well-functioning urban environment should, as well as providing housing, also enable the easiest possible access to jobs, shops, blue/green open space, social infrastructure (schools, libraries, community facilities); facilitating easy access to the full range of services people require, and enhancing well-being through considered design.
37. This implies a high level of attention to:
 - Access to transport and choices about how to travel
 - Access to a natural environment, or a constructed representation of it, offering a blue/green view.
38. Anecdotal evidence from Auckland since the Unitary Plan's implementation is that people are concerned not so much about the intensity of development, but about the reduction in number of trees and open green areas, and increase in congestion on the roads.
39. These matters are hinted at in clause 8(k) of the draft NBA bill, where it requires:
urban areas that are well-functioning and responsive to growth and other changes, including by— (i) enabling a range of economic, social, and cultural activities; and (ii) ensuring a resilient urban form with good transport links within and beyond the urban area.
40. However we consider a tighter definition of what 'a range of economic, social and cultural activities' looks like, and what 'good transport links' are.
The above clause could, for instance, be used to argue in favour of out-of-town big-box retail, or for new roads.
41. While both of those examples may be appropriate on occasions, the main thrust of urban development must be to develop more intensively within current urban limits and to



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introduce more shared and public transport options. It may be that these matters can be dealt with within the proposed National Planning Framework, but we would like to see some more explicit direction in the proposed NBA.

42. We suggest the environmental outcomes listed in Section 8 and ordered from (a) to (p) need to be grouped and some hierarchy assigned to them. It will be unlikely that all those outcomes can be given equal effect by any particular proposed activity. In absence of clear hierarchy in the NBA, it will likely take years for such a hierarchy to be established through the courts or hearing panels on a case by case basis. This is a direct contradiction to the reform objective to 'improve system efficiency and effectiveness, and reduce complexity'.
43. This will not be an easy task, and the hierarchy will clearly vary depending on the location and type of the proposal, and on the receiving environment.

PARLIAMENTARY PAPER ON THE EXPOSURE DRAFT OF THE NBA

44. The paper contains much that is positive from our viewpoint, and we reinforce in particular these points: [using the Paper's paragraph numbering]
45. Paragraph 68: *'Culture change will be essential to the transformation required'*.

We support any moves that will prevent the NBA from becoming as bound up in legal proceedings as has the RMA. Too much money and resource is wasted in RMA processes for no particular benefit to the urban environment.
46. This appears to be referenced in Appendix 2 (Page 82) where it is stated that forums will use 'inquisitional rather than adversarial proceedings'.
47. We note how the old Council processes of the Town and Country Planning Act were rolled over into the administration of the new RMA in the 1990's, undermining its potential to reform the system.
48. We agree a culture-change is necessary, but given the lucrative industry which has grown around RMA processes over the last 30 years, it will take more than just stating a wish for that to happen.
49. Paragraph 74: *'Not included - provision for urban design, including urban tree cover.'*

UDF is both surprised at and objects to the exclusion of urban design and urban tree cover considerations at this level of legislation and suggests it will lead to unnecessary confusion and debate at a later stage. Urban design is one of the stronger inter-disciplinary tools available to reconcile the often competing objectives in the necessarily complex context of the urban environments. This exclusion leaves a gap which is likely to lead to expensive and extensive contests to play out in the courts in the years to come.



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50. The recent history of urban development in our largest and fastest-growing cities has seen the emergence and establishment of urban design. This started in 2004 with the Urban Design Protocol, but the real advances have been made with design review panels in the main centres. These have generally been welcomed by the development community, and are seen as speeding up consenting processes and permitting developments that do not necessarily meet all the rules.

51. UDF considers a national design review panel should be formed to give high-level design advice to the government, to review projects of national importance, and to assist smaller territorial authorities that may lack the local resources to carry out effective design review.

52. We suggest the NBA should make reference to the positive role of design review in meeting the purposes of the act.

53. Paragraph 89: *'Well-being is defined in clause 3 as the social, economic, environmental, and cultural well-being of people and communities, and includes their health and safety.'*

This is a good definition, consistent with our suggested definition of the well-functioning urban environment, but it could be expanded to include mental health and then the two definitions tie together.

54. Paragraphs 115 to 118: *A focus on outcomes.*

We strongly support this future-focus.

55. Paragraph 144: *'Topics that the NPF must include.'*

Only two of the nine bullet points specifically relate to urban environments. The balance between the 'natural' and 'urban' environments, and how they interact, needs much greater consideration.

56. Paragraph 202: *'Impossible for policies and rules in plans to predict every possible scenario around resource use.'*

We agree, and suggest the use of Design Review Panels as suggested in Appendix Two (page 82) is a good way to achieve good outcomes without excessively detailed rules. (see para 50 above)

57. Appendix 1: Paragraph 1 (e)

The terms of reference for the select committee includes their paying particular attention to increasing system efficiency and effectiveness and asks for a collation of ideas. We suggest developing a consent application system for urban areas based on policies and outcomes where low-cost assessments, including urban design assessments that are based on clear principles, can be used for every-day development proposals.



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58. This will be backed up through the use of design review panels for more complex applications, but for more simple cases, some 'acceptable solutions' will be developed for commonly found situations in urban environments, such as development of medium density on lots that are of a commonly found size, proportion, orientation and interface with the street.
59. Assessments need not be time-consuming or expensive. The alternative of a heavy rules-based regime, and a pass/fail judgement based on those rules has not worked to speed the overall system in the face of the urban challenges we face. The complexity of multiple factors in the urban environments requires fine balancing for which the rules are a blunt tool.
60. The role of design guides, such as those used in Wellington and in the Auckland Housing Programme (following on from the Hobsonville Point design guide), together with a more assessments-based consenting process, should be further explored as a way of focusing on the outcomes we want while avoiding rules.

A FEW LAST POINTS

61. We note the NZILA strong support for the inclusion of a redefined 'amenity' in the new act. It is particularly in the urban environment that amenity considerations have sometimes become a barrier to good development, hence our agreement that it should be replaced. However, we support the underlying concept of quality public amenity which we have tried to incorporate into our definition of a well-functioning urban environment. We will leave further comment on the use of amenity in the 'natural' environment to NZILA.
62. We support the NZIA suggestion that the purpose of environmental limits should be expanded to specifically encompass the urban environment.

S7 (1) The purpose of environmental limits is to protect:
(a) the ecological integrity of the natural environment:
(b) human health
(c) and to enable well-functioning and resilient urban environments.
63. Other submitters will comment on the need for integration between the proposed new acts, how they are administered and the hierarchies involved. It may be, for instance, that some of the less fundamental issues we have raised can be dealt with inside the proposed National Planning Framework.

We look forward to further detail on how the planning system as a whole will work.



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CONCLUSION

64. UDF supports resource management reform, and considers it has a valuable contribution to make in this process. In particular we acknowledge that key definitions in the new acts will require work with a wider group of interested parties.
65. Along with the other professionals involved in the design of the urban environment, particularly NZIA and NZILA, UDF welcomes the opportunity to workshop further ideas, to offer on-the-ground advice and to achieve a more efficient and effective system that meets the country's aspirations. In particular, UDF wishes to be involved in ongoing discussions on this and related legislation as they are developed in the coming next year to ensure robust legislation that can be effectively implemented.
66. We wish to thank the ministry and the environmental committee for the opportunity to provide feedback, both verbally and in writing. The UDF would like to speak to the submission.
