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Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

To the Parliamentary Select Committee on the Natural and Built Environment Bill

This submission is made on behalf of the Urban Design Forum Aotearoa

The Urban Design Forum (UDF) thanks the Environment Committee for the opportunity to provide comments on the Natural and Built Environment Bill.

The UDF supports the Ministry for the Environment in preparing this Bill 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 environment. These constitute the setting for the urban life, the choice of an overwhelming majority of people in the 21st century.

INTRODUCTION

1. The Urban Design Forum (UDF) welcomes this opportunity to comment on the proposed Natural and Built Environment Bill. We have a long history of presenting our vision of how the urban environment should be managed in Aotearoa New Zealand. This is an important moment when what we do now will have lasting impact through the coming decades.



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2. Since the announcement of the reform timeframe in February 2021 and 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. Earlier outputs of the workshops identified common and widely agreed themes. These were shared with the committee following our appearance at the Exposure Draft hearings in late 2021.
3. We support the shift from an effects-based assessment process to an outcomes-based approach. We believe that this provides greater clarity on what the legislation is trying to achieve whereas a focus solely on effects can lead to a race to the bottom and erosion of values over time with no vision to guide actions. The new legislation can provide us with the opportunity to shape the built environment to support people’s wellbeing, if it enshrines the importance of a high-quality built environment.
4. The UDF also supports greater protection of the environment, and the reference made to the well-being of present and future generations in the purpose of the NBA. However, the purpose of the Act must also include a vision and an aspiration for enhancement and improvements, for both the natural and the built environment, beyond enabling the use, development and protection.
5. Housing affordability is a challenge of our time and is understandably one of the key drivers for the urgency for reform. The UDF understands that the particular emphasis on *ample* land supply among the NBA system outcomes, is included to significantly improve housing supply (Reference: NBA Bill General policy statement). We note that as it is written, ample land supply would apply to any land use, not just housing related uses.
6. The emphasis on ample land supply risks becoming an obstacle in dealing with evolving challenges for the environment over time. For example, shortage in food production may become a challenge for parts of the country over time, but this key legislation would clearly enable more land supply (for housing) regardless. Outcomes directed at broader and diverse considerations for the built environment will result in a more resilient legislation.
7. A focus on quantity (particularly of housing or land) and function, without the requirement to consider the overall quality of the urban environment, will not deliver successful urban outcomes for thriving communities.
8. The UDF is concerned about the explicit omission of a vision and outcomes for the built environment in New Zealand, particularly our urban environments, a subset of the built environment. Majority of the population of New Zealand live in urban environments. Provisions for high quality urban environment must be included and outcomes for it articulated in the NBA, which will form the highest level of urban planning legislation.
9. We have read in supplementary materials, parliamentary debates and cabinet papers that this omission is deliberate due to a belief that quality is a subjective matter for the built environment. We strongly disagree with this sentiment.



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10. UDF membership and the professional bodies we have coordinated with are in agreement that the attributes of quality for urban environments, are well defined both in literature and in practice and are not subjective. Examples of key attributes include pedestrian and social connectivity, ready access to services, integration of natural elements, including access to sun light, increased economic and social interactions with decreased time to do so, safety, accessibility, diversity of activities and users as well as sense of place.

WHERE IS THE BUILT ENVIRONMENT IN THE 'NATURAL AND BUILT' ENVIRONMENT ACT?

11. The NBA bill separates the natural and built environment and dwells heavily on the natural environment; the need to protect and restore it.

12. There is much less commentary devoted to the built environment, particularly urban environments and no recognition of the close interaction and integration required between the natural and the built environment within the urban environments.

13. Notably, there is a definition for 'the natural environment' and a definition for 'the environment' which can mean natural or built or both. However, there is no definition for 'the built environment' in the Bill.

14. While we agree with the increased protection of the natural environment, we are concerned about the lack of provisions for the built environment and the lack of acknowledgement of the interdependence of the natural and the built, particularly in context of urban environments.

PURPOSE: CLARIFY AND STRENGTHEN THE PURPOSE OF THE BILL TO INCLUDE NATIONAL ASPIRATIONS

15. We disagree with the removal of the words 'protecting and enhancing' the environment from the 'Purpose of this Act' clause 1 (a) in the Exposure Draft and replacement of it with 'enabling the use, development and protection' of the environment in re-arranged clauses.

16. In absence of a purpose to 'enhance' or 'improve', for example Part 1 Section 3 clause (a) ii, "promoting outcomes for the benefit of the environment" does not have a sufficient foundation.

17. The omission of 'enhancement' means that the Act lacks aspirations to guide the rest of the system which relies on it doing so.



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THE MISSING DEFINITIONS: THE BUILT ENVIRONMENT AND URBAN ENVIRONMENTS

18. Two key definitions are missing in the Bill: a definition for the built environment and a definition for the urban environment.

19. In the NBA Bill, Natural environment means-

- (a) *the resources of land, water, air, soil, minerals energy and all forms of plants, animals, and other living organisms (whether native to New Zealand or introduced) and their habitats; and*
- (b) *ecosystems and their constituent parts*

20. The Act is called “Natural and Built Environment Act”, so what is the built environment?

In the 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.*

21. In the absence of a specific definition, the ‘built environment’ may be interpreted in a way similar to the Bill’s definition of ‘structure’:

- (a) *means any building, equipment, device, or other facility that is made by people and fixed to land; and*
- (b) *includes any raft.*

22. This is a reductive interpretation and overlooks the fact that the built environment is a system, more complex than its individual parts.

23. Specific definitions for key aspects of the built environment need to be added to the bill to emphasise the significance of our urban environments, particularly, cities. One of the common criticisms of the Resource Management Act (RMA) is that it does not deal with urban environments well with its natural environment focus. The UDF would like to see the new legislation to address the urban environment in a more robust manner than the RMA has been able to.

24. We suggest:

Built Environment *means the collective environment formed by structures, buildings and spaces in between, including their interface and relationships with each other, made by people for individuals and their communities to meet physical, economic, social and cultural human needs. These range in scale from buildings and open spaces to urban environments and landscapes with their supporting infrastructure services.*

The UDF welcomes collaborating on a refinement of this with the writers of the Act.



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25. We note that according to the eco-system definition given in the Bill, 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.

26. We suggest defining the urban environment as a subset of the built environment: **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.

27. The UDF proposes inclusion of a well-functioning urban environment definition: **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.

SYSTEM OUTCOMES MUST BE PRIORITISED

28. The UDF proposes that the nine system outcomes need to be prioritised to provide a hierarchy which the rest of the resource management system can build on. An obvious priority we see is climate change and adaptation. Delegating the resolution of conflicts to the not yet released national framework introduces a great level of uncertainty.

SYSTEM OUTCOMES:

URBAN ENVIRONMENTS MUST INTEGRATE THE NATURAL AND THE BUILT

29. 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.

30. While Aotearoa 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.

31. The integration of 'natural environment' or elements of natural environment is a key aspect of a 'high quality' urban environment. This includes provision of a network of green open spaces, trees and high-quality water in urban waterways and harbours.

32. 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 and permeable and impermeable surfaces, to the extent that they are well-balanced and in



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harmony with natural features, including trees and other planting.

33. As evidenced from the large number of submissions relating to urban trees, on the 2021 Exposure Draft (over two-thirds according to the report of the Environment Committee, November 2021), people are concerned not so much about the intensity of development, but about the reduction in number of trees and open green areas. The management of design quality through integration of the natural environment is an effective way to mitigate many impacts of density.

34. The Bill must articulate more explicitly, among the system outcomes, the need for integration of the natural and the built environment in urban environments. We submit that a new subsection is added to Section 5 (c) as follows: **the integration of the natural and the built environment in urban environments.**

SYSTEM OUTCOMES:

REDUCTION OF EMISSIONS OR AMPLE LAND SUPPLY?

Section 5(c)(ii)

35. Section 5 – System Outcomes, contains a contradiction in terms of what the system outcomes must provide for: on one hand it must comply with climate-change-related matters listed in sub-section (b) such as the reduction of greenhouse gas emissions, on the other hand, sub-section (c)(ii) requires the ‘ample supply of land for development’.

36. UDF is concerned that this sub-section is conflating urban growth management with housing unaffordability and will inevitably lead to urban sprawl, that is contrary to the purpose of the Act set out in Section 3.

37. It is well-documented that urban sprawl leads to increased infrastructure costs borne by the public, rising traffic congestion, increased air pollution, encroachment onto highly productive soils, development of environmentally sensitive land such as low-lying flood-prone, coastal margins, or steep erosion-prone land and a loss of sense of community.

38. Additionally, the inclusion of ‘ample’ land supply for development, as an outcome, directly contradicts the intent of the National Policy Statement on Urban Development 2020 (NPS-UD). NPS-UD, together with other national policy statements, is intended to be part of the secondary legislation, the National Planning Framework (NPF). The NPF is intended to consolidate national direction and address conflicts. Embedding a conflict between this legislation and the NPS-UD is, at a minimum, at odds with the reform driver for simplification.

39. We suggest amending sub-section 5(c)(ii) in a way that it refers to land within the existing urban environment to avoid proliferation of urban expansion/sprawl.



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40. We therefore submit 5(c)(ii) be amended as follows: “*the **ample** supply of **urban** land for development, **within existing urban areas**, to avoid inflated urban land prices;*”

SYSTEM OUTCOMES:

‘BUILT ENVIRONMENT AND URBAN ENVIRONMENT’, RATHER THAN ‘URBAN AREA’

Section 5(c) Well-functioning urban and rural areas

41. The “well-functioning urban and rural areas” is not a substitute for a more fulsome description of a “built environment”.

42. The system outcomes in the Bill contain a single outcome pertaining to the built environment, clause (c) which is about well-functioning urban and rural ‘areas’ *that are responsive to the diverse and changing needs of people and communities in a way that promotes...*

This clause does not sufficiently cover the ‘built environment’, nor its subset ‘urban environments’.

43. UDF proposes stronger and specific wording is needed in the system outcomes to achieve high quality ‘urban environments’.

44. We note ‘urban environments’ are distinct from ‘urban areas’. Urban area is a reductive two-dimensional bird’s eye view of urban planning. Urban environment terminology better describes the physical result of the interactions of humans and built elements with each other. This is a more complex and layered concept than ‘urban area’ which could simply refer to boundaries drawn on a map.

SYSTEM OUTCOMES:

QUALITY MUST BE AN OUTCOME SOUGHT FOR THE URBAN ENVIRONMENT

45. The Resource Management Act term ‘amenity’ has been excluded, due to its misappropriation by private interests. However, the replacement act still needs a placeholder for quality. We suggest the concept of high quality should be included and supported with inclusion of objective measures for it.

46. Additional wording along the lines of, public and community benefits taking precedence over private and individual benefits can address the concerns around private tastes becoming obstacle to societal outcomes. Additionally, reference to ‘urban design principles’ would introduce a framework, rather than subjective preferences. There is precedence in the Bill for reference to principles outside the legislation, such as the reference the Bill makes to ‘conservation principles’.

47. While we are reasonably comfortable with the use of the “well-functioning” terminology in s5(c), we are concerned that the emphasis within this subsection is weighted towards use and development with no reference to the quality of the built environment.



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48. The UDF therefore proposes that the 2020 Independent Resource Management Review Panel's recommendation on inclusion of an outcome for the built environment, should be adopted in the NBA Bill. The Panel recommended as an outcome, ***the enhancement of features and characteristics that contribute to the quality of the built environment***'.

49. Alternatively, the UDF would support a single outcome specifically for urban environments, such as "***High quality, well-functioning urban environments meet the diverse social, environmental, cultural and economic needs of people and communities.***", supported by inclusion of a definition for 'well-functioning'.

QUALITY, THE INSEPARABLE PARTNER OF DENSITY (QUANTITY)

50. As the urban environment intensifies, the quality of the built environment becomes more important. This particularly applies to the public realm; roads, streets and open spaces will need to work harder to accommodate more people and activities.

51. For the last thirty years, the built environment professionals have emphasised the importance of density and quality in the built environment. Density is now being given due prominence but the equally important component of a quality built environment is not. We understand amenity has been removed due to its misappropriation by private interests and we are not suggesting quality as de-facto for amenity.

52. However, we consider that without an emphasis on quality, poor outcomes will result and be baked into urban environments for many decades to come, as has happened in the past. For example, we live with the legacy of rooms without windows in apartments in Auckland and the sausage housing blocks within just a few meters of each other, in our larger cities.

53. There is good evidence of the effectiveness of design interventions in the New Zealand Planning system in the more recent times. We note the intention to provide strong government direction on the appropriate planning controls, which would be sufficient to deal with any concerns about overreach by local authorities.

THE CASE FOR QUALITY

QUALITY IS NOT A MATTER OF TASTE IN CONTEXT OF THE URBAN ENVIRONMENT

54. A high quality built environment is essential to support the wellbeing of current and future generations. Development alone, even when it takes an adaptable and resilient urban form, does not in itself ensure that the built environment will support people's health and wellbeing.

55. We do not support the apparent view that quality is subjective or comes at the price of affordability and supply. This view ignores the objective value that quality can add; it also ignores the long-term costs of poor quality, especially in medium and high-density urban environments.

56. UDF considers that the need for quality must be made explicit in the NBA. Well-being, environmental benefits and life within limits are all direct functions of the quality of the built environment. UDF would therefore counter that quality can be measured objectively, based on the effects on people's health and wellbeing.

57. A high quality built environment supports wellbeing by, for example:

a. Homes that are warm, well-insulated and well-ventilated are good for people's health. These have been shown extensively and are reflected in government policy and programmes. Similarly, the environments that homes and other buildings come together to create, also have an impact on people's health and well-being.

b. Built environment quality may also be assessed by measures such as the level of climatic consideration (including management of lack of or excess sun, wind and water), size and shape of spaces to facilitate defined individual and group activities, accessibility for diverse abilities and durability of materials and assemblies. None of these are subjective or matters of taste – they can be measured objectively.

c. Transport routes influence and are part of the built environment. Transport systems that prioritise walking, cycling and public transport over driving place far fewer demands on the environment (natural and built). They are energy-efficient and space-efficient. Energy efficiency and space efficiency are measurable.

d. New Zealand is facing a health crisis based on physical inactivity, leading to diabetes, depression and heart disease. Poor-quality built environments that discourage cycling and walking are at the centre of this problem.

Streets that invite people to walk and cycle and to meet others in their community are objectively healthy; this is the biggest single public health measure that our cities can implement. Suitability and attraction for walking and cycling is measurable.

d. High-quality pedestrian environments generate economic benefits, particularly in city centres and other areas with high footfall. This is not subjective. Auckland Council's Business Case for Walking estimated that a 10% increase in walkability would generate a 5% increase in city centre GDP2.

e. Natural features, including trees, green space, waterways and parks are hallmarks of a high quality built environment. The benefits of living near natural spaces are considerable and can be measured objectively. A 2020 Lancet study found that an increase in tree cover to 30% in Philadelphia, USA would reduce annual premature deaths by 4033.

f. The built environment, particularly our urban environments, is at the heart of our efforts to mitigate against the effects of and reduce Aotearoa's contribution to climate change. For example, street trees are not just a nice-to-have; they are part of the solution.

i. Mitigation:



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1. Street trees provide shade and shelter; with higher temperatures and heavier rainfall
2. The shading and transpiration of trees provides a considerable cooling effect; a tree-lined street can be 10°C cooler than one that consists of buildings and bare asphalt

ii. Reducing climate change impacts:

1. Streets that are tree-lined, shaded and comfortable are more comfortable for walking and cycling, reducing the temptation to drive, particularly in hot or damp weather.
2. High-quality streets can support higher densities with less conflicts between individuals and communities. This contributes to increased social cohesion.

g. The above are consistent with the creation of a National Adaptation Plan to set out New Zealand's overall response to climate change as we move to a zero-carbon, climate resilient future, as set out by the Climate Adaptation Act.

58. We therefore, submit, that if an outcome specific to the urban environments (as discussed above in paragraphs 48 & 49) is not adopted, as a minimum, "quality" be added to section 5(c)(iv) to read "~~an~~ *adaptable, resilient and **high quality** urban **environments** ~~form~~ with good accessibility **which provide ready access** for people and communities to social, economic, and cultural opportunities;*"

A NOTE ON THE BUILDING ACT

59. We note the perceived overlap between the Building Act and the proposed NBA with respect to the quality of the built environment. The Building Act is concerned about the performance of individual buildings and their occupants/ users.

60. Urban design is concerned about the performance of the environment created by buildings and structures, including human-made infrastructure, such as the quality of streets, street interfaces and how private development interacts with and affects the public realm. This is not an area that the Building Code deals with.

LIMITS AND TARGETS NEEDED FOR THE BUILT ENVIRONMENT

Part 3 - National Planning Framework, Environmental Limits and Targets

61. Part 3 of the NBA outlines that one of the purposes of the national planning framework is to set environmental limits and strategic directions and includes the protection of human health as one of the purposes of setting environmental limits.

62. While the built environment is cited in relation to targets, there does not appear to be any reference to the built environment within the setting of limits. To protect human health and wellbeing, UDF recommends that limits should be set for the built environment as well as for the natural environment.



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63. These should be specific, quantitative, objective targets and measures that deliver a high-quality built environment in a manner consistent with New Zealand's existing and future public policy aims around energy, health and wellbeing.

64. We acknowledge and support NZ Planning Institute's discussion in their submission, on the need for limits and targets for the built environment.

MISSING KEY REFERENCE IN THE BILL: URBAN DESIGN MUST BE REFERENCED

65. UDF objects to the exclusion of reference to urban design at New Zealand's core planning legislation and suggests that this exclusion will lead to unnecessary confusion and debate at a later stage. Exclusion of urban design at this level of legislation is also a missed opportunity to champion an integrated approach to urban planning.

66. 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.

67. Urban environments grow, change and evolve over time. For the changing urban environments to continue to support the well-being of people and communities, principles of urban design provide a robust framework with its consideration of context, connections, choice, creativity, collaboration, custodianship and character.

COLLABORATION BETWEEN NEW ZEALAND'S BUILT ENVIRONMENT PROFESSIONALS

68. For this submission on the Natural and Built Environment Bill, UDF's working group coordinated with the NZ Institute of Landscape Architects - Tuia Pito Ora, the NZ Institute of Architects - Te Kāhui Whaihanga, the NZ Planning Institute - Te Kokoringa Taumata and the Urban Development Institute of NZ (UDINZ). We are confident that our submission voices widely held concerns for the quality of the built environment, by a diverse range of built environment professionals.

CONCLUSION

69. The UDF supports resource management reform, and considers it has a valuable contribution to make in this process.

70. UDF urges the Parliament to amend the Bill to include specific wording to provide a high level vision in the purpose of the Bill and in the system outcomes, for high quality built, particularly urban, environments and include a reference to good urban design principles.

71. 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.