

THE PROCEEDINGS OF THE 2017 RODNEY DAVIES RESEARCH SYMPOSIUM



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Environment & Planning, Massey University**

**NEW ZEALAND PLANNING INSTITUTE CONFERENCE, TSB BANK ARENA,
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The 2017 Rodney Davies Research Symposium was organised by Jan Crawford, a Hearings Commissioner and Director of Planning Consultants, Auckland and Associate Professor Caroline Miller, of the Resource and Environmental Planning Programme in the School of People, Environment and Planning at Massey University, Palmerston North. The Symposium was held on 5th April, 2017 as part of the 2017 NZPI Conference.

All papers included in these Proceedings represent original research and have been subjected to quality assured refereeing process.

The following paper was also presented at the Symposium on the 5th April but the authors declined the opportunity to complete the refereeing process.

Henry, L, Malcolm-Buchanan, V and Reeves, D Preparing Professionals to Work and Engage with Māori.

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FOREWORD

The origins of the Rodney Davies Research symposium lies in the research symposiums that Jan Crawford, then a planning consultant and researcher with the FRST project, Planning Under a Collaborative Mandate Project, held at the annual NZPI Conferences. In recent years that research symposium has been expanded and used to honour the long planning career of the late Rodney Davies, an Auckland planning consultant and architect. Rod had been an active member of the NZPI including time as President. He was also a person who valued and invested in critical appraisals of his and others work as he sought to promote a stronger intellectual footing for planning in New Zealand.

One of the participants in this year's symposium, Dr Wendy Saunders of GNS Science, has an unbroken record of presenting her research at the Rodney Davies Research Symposium. Her involvement highlights the role of the Symposium in providing an opportunity for the academic and planning research community to present their work in a forum which allows for the participation of the planning practice community. It has always been hoped that the Symposium would also provide a New Zealand based opportunity for new researchers to present work as part of the development of their research including research for higher level degrees. This year the Symposium served that purpose and the papers included in these Proceedings include several from PhD candidates and recent PhD graduates.

The Papers

The papers in these Proceedings cover a range of planning issues and the first paper by Robert Freestone of the University of New South Wales, Robin Goodman of RMIT and Paul Burton of Griffith University, helped to set the scene for the papers which followed. Focusing on the main challenges identified by New Zealand planners, it reveals insights into New Zealand planners' views on education, capabilities and the future of planning. As such it provides some very useful insights into the concerns of the profession, some of which are addressed in other papers presented at the Symposium. Most importantly it highlights the need for the academic and research community to better communicate their work to the professional community.

The paper by Wendy Saunders and Margaret Kilvington of GNS Science addresses how natural hazard information and science can be better incorporated into plans to ensure there are better outcomes in a country subject to a wide range of natural hazards. In many cases information is known about a natural hazard but this is often disregarded presumably because it is a contentious issue, issues which will become all the more contentious as the effects of climate change are experienced. Stephen Knight Lenihan of the University of Auckland also uses scientific data to look at biodiversity off-sets and how they could be better used at the regional level to achieve a better environmental compensation and to allow for a requirement for a positive net benefit to the environment to be required. That would require a change to our environmental management regime, which presently does not require this type of net benefit

Housing inevitably seems to be likely to be a focus of and problem for planning for the foreseeable future and several papers addressed housing issues. The paper by Elham Bahmanteymori and Mohson Mohammadzedah of the University of Auckland applies

Lacanian theory to analyse the Auckland housing market and in particular to look at what roles different agencies have played in that rather complex market. In contrast Emma Fergusson from Massey University's paper looks specifically at the Tamaki Regeneration Project and what narratives have been created as part of that project. This development deals with often deprived residents whom the Project's narratives tended to cast as being responsible for their own problems. Jo Ross's paper also addresses an aspect of housing but this time the use of the NPS on Urban Land Capability to make more land available for urban use and to thereby increase housing affordability. Using discourse analysis she looks at what this NPS and other instruments mean for planners and the achievement of justice in planning.

Transport planning is an area traditionally dominated by traffic engineers with planners rarely being at the forefront of transport planning and decision making. Such project are however often controversial and Muhammad Imran of Massey University's paper explores the discourses of opposition which emerged from the Basin Reserve Bridge proposal. He concludes that the advanced discourses that emerged from this project created an opportunity to develop a new policy path for transport projects. Reflecting the diversity of issues dealt with by planners and the impact of unexpected and sometimes unplanned for hazards, the paper by Elizabeth Aitken Rose of the University of Auckland explores why historic heritage which we recognise as delivering a wide range of values to our communities, is so difficult to effectively protect. The recent earthquakes and changes to building regulations seem to pose some significant issues for an already wanting heritage protection system in which institutions lack the capacity to effectively implement their mandates.

Given the Resource Management Act 1991 stands as the country's most amended statute it was not surprising that the final paper in this collection addresses the 2017 amendments. Kate Mackness now a lecturer at Waikato University but formerly a planning practitioner provides an insightful perspective on those amendments as part of a wider suite of changes that began in 2008. In particular it highlights the growth in the power of central government in planning processes and the challenges that practitioners must face in dealing with constant change in planning processes which are in daily use.

As a group these papers touch on a wide range of issue that face the planning profession in New Zealand, a number of which were identified as being of concern in the Freestone et al. (2017) paper. This makes this a collection of papers that will be of both interest to and assistance for both the academic and research community and the practitioner community.

Associate Professor Caroline Miller
Convenor, Rodney Davies Research Symposium 2017

All papers presented at the Symposium and included in this Proceedings have been fully refereed and have met all the requirements for quality assurance.

The state of the art: New Zealand planners reflect on education, capabilities, and confronting the future

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Abstract

What are the main challenges which New Zealand planners identify for the future and how do they view their preparedness to address them? The quality of public debate on key issues? What is the role of universities in imparting the skills and research base required? And how best to inspire a future generation of planners? Responses to such lines of inquiry are documented here from a small cohort of NZ-based practitioners and academics contributed as part of a broader on-line survey of planners undertaken in late 2015-early 2016. A stimulus for the study was a survey of attitudes of European academics and practitioners undertaken by Klaus Kunzmann and Martina Koll-Schretzenmayr in 2015. We asked a mix of open and 'closed' questions attracting over 250 respondents across Australia and New Zealand although only two-thirds completed all questions. About 10% of total respondents unequivocally identified as NZ-based and this paper provides an overview of the survey results for this cohort. The specific topics revolve around identifying the grand challenges for planning, the planning skill-set required to address them, improving relationships between the worlds of practice and academia, promoting planning as a profession, the quality of public debate on planning issues, and the state of planning education. While the number of respondents is modest, key and sobering insights are obtained into the collective confidence of the NZ planning profession in positively shaping future environments.

Introduction

Where is planning and planning education headed? In the early 21st century these questions are no less relevant than at any time and are routinely discussed and debated in numerous professional and academic forums. Our contribution to the current discourse was to survey people who teach and/or practice planning in Australia and New Zealand with a view to assembling and communicating responses to derive an overview of the 'state of the art'. This paper provides an overall high-level summary of the results pertaining to the NZ respondents.

The major rationale of the exercise was to contribute to the understanding of the priorities and concerns of the profession today in Australasia. We think that the planning environment in our part of the world is in a state of flux. Drivers of change are everywhere. Issues of infrastructure financing and provision especially transport,

environmental quality, social inequality, economic development, governance, housing affordability and density, environmental change, open space, urban design and the public realm, to name a few, present as everyday issues of concern and interfaces of conflict for diverse urban stakeholders. A survey seemed timely to capture the scope and strength of opinions on not only some of the main questions of the day in relation to the current state of planning in different places but also the relationship between planning research and practice in producing applied knowledge of relevance and more broadly, with an eye to the future, whether planning education is up to the task.

There is no shortage of prognostications and pontifications on these matters in publications and conferences. The specific catalyst for this project was a recent survey conducted on the state of planning in Europe reported in the journal *disP-The Planning Review* (Kunzmann and Koll, 2015a, 2015b). This posed six key questions which were addressed via invited commentaries representing various countries in Europe. The questions were:

1. What is the present state of planning, whether urban and regional or spatial and environmental, in politics and in the society of your country?
2. What themes dominate the discourse about planning in your country? Does the national media, e.g. newspapers and television, report on these planning challenges?
3. Is the gap between theory and practice in planning growing in your country? What role does English planning literature play in this discourse?
4. To what extent do planners in your country address growing social, economic and spatial disparities, and do they believe that spatial planning could contribute to reducing such disparities?
5. Are planning students adequately prepared to pro-actively address future challenges in planning in your country? Should planning education return to schools of architecture or perhaps be offered in geography schools?
6. Would you like to see urban and regional planning and spatial planning being regulated top-down by the European Union? Should the European Union formulate a joint European Urban Policy?

Similar questions guided a subsequent exploration of the state of planning and planning education in Asia (Kunzmann 2016; Kunzmann and Koll, 2015c). The time seemed opportune to adapt their approach to our regional context. It was certainly propitious against a backdrop of change. The Planning Institute of Australia (PIA) has launched its investigation of future “demographic and disruptive” megatrends shaping the planning environment of the future (PIA 2016a). The NZ Productivity Commission had launched its now-completed inquiry into the planning system with a view to identifying “the most appropriate system for allocating land use through this system to support desirable social, economic, environmental and cultural outcomes” (NZPC 2016, 2017). And both the PIA and the New Zealand Planning Institute (NZPI) were in the throes of reviewing and updating their respective accreditation policies.

Our research was structured around the views of both academic and professional planners to three main topics (i) what did they see as the big issues currently in planning, (ii) what fruitful connections were seen between theory and practice, and (iii)

how to assess the current state and future needs of planning education. This paper develops a previously unpublished presentation to Australian and New Zealand Association of Planning Schools (ANZAPS) conference held in Sydney in late 2016. It is similarly organised around these three overarching questions, prefaced below by a description of our methodological approach. As will become apparent, NZ and Australian responses to the questionnaire did not produce wildly diverging results. We provide a brief synopsis of the overall survey results across our three main topical areas and then selectively elaborate these with qualitative responses from NZ respondents.

Methodology

The Kunzmann-Koll research design targeted individuals from different countries and this approach well in a multi-national framework. We reconceived data gathering on a larger scale and more inclusive model. We decided to assemble as wide a set of responses as practicable through an on-line survey that would combine some 'box ticking' to extract definitive positions on certain issues with the opportunity to elaborate through short written commentaries. The original six questions were thus restructured and expanded into a set of 20 in a combination of closed and open formats. We were intent on being able to disaggregate the results across different parameters, e.g. gender, experience, academics versus practitioners. To the latter division some specific questions were asked exclusively of each group.¹

The survey was conducted using Qualtrics and the open ended questions were analysed using Nvivo qualitative methods software. The survey approach and methodology were approved by the Human Ethics Advisory Network (CHEAN) of the RMIT College of Design and Social Context in November 2015. The survey ran between December 2015 and March 2016 and attracted a total of over 250 useable responses. It was promoted through the RePlan listserv (used by 350 planners in Australasia, and a sprinkle of other countries) and selective notices in professional planning outlets including the NZPI's weekly e-newsletter *Planning Focus*. A URL link was circulated to anyone wishing to participate. The inputs were completely anonymous. We closed the survey portal with a total of 255 respondents although only 66% completed all questions and the total number of responses for each question varied through the questionnaire. Relative to the size of the planning profession in Australasia, these are modest numbers but retain credibility through the significant response from the RePlan community.

A snapshot of respondents reveals that:

- 69% (160 of 233) were planning practitioners and 31% (73) were academics
- the majority of practitioners worked in the public sector
- 74% were in full-time employment

¹ We acknowledge the vital inputs into setting up the questionnaire and data analysis from Raven Cretney (RMIT), Elizabeth Taylor (RMIT) and Heather Shearer (Griffith). Our thanks also to Phil McDermott for his comments on a draft of this paper. We are also grateful to Caroline Miller and Jan Crawford for the opportunity to be part of the 2017 Rodney Davies Symposium and to the participants for the constructive discussion.

- the average working life as a planner of respondents was almost 15 years
- the gender distribution was fairly even (53% male; 45% female)

About 10% of respondents were New Zealand-based, broken down into 14 Practitioners, 7 Academics, and 1 Academic-Practitioner, categorised for analysis as an Academic. Hence the main qualification in interpreting the results and trends reported below is that the numbers of respondents was quite small. Despite these numbers, and what they may say about the willingness to engage of the NZ planning community, they retain veracity through their overall consistency with the aggregated results.

The grand challenges

We start our reporting with the big picture issues and nominations for the most important planning challenges today. A diverse range of issues were mentioned which can be organised into eight major themes:

- Climate change
- Housing issues
- Transport and infrastructure
- Governance and political concerns
- The education and training of planners
- Indigenous issues
- Social justice and inequality
- Sustainability, biodiversity and environmental issues

Table 1: Ranking of main planning challenges^c

Ranking	Practitioners	Academics	Women	Men	New Zealand
1	Housing	Climate change	Climate change	Transport	Sustainability
2	Climate change	Governance	Housing	Climate change	Climate change ^a
3	Transport	Social justice ^a	Governance	Governance	Housing ^a
4	Governance	Sustainability ^a	Sustainability	Sustainability ^a	Governance
5	Sustainability	Housing	Social justice ^a	Housing ^a	Social Justice
6	Social justice	Transport	Transport ^a	Social justice	Transport
7	Planning education	Planning education ^a	Planning education ^b	Planning education	Indigenous
8	Indigenous	Indigenous ^a	Indigenous ^b	Indigenous	Planning education

a, b = equal rankings

c = rankings from all respondents

The less frequently mentioned issues were reasonably consistent, which was not to dismiss them as residual but just that there were issues around which there was more robust consensus. The gender split might be read as almost stereotypical with hard infrastructure at the top of the male list. Women practitioners and academics both agreed on climate change as the most important planning issue. The NZ rankings are notable for the nomination of two environmental-related issues as the most pressing. This reflects both path-dependency and the statutory orientation of NZ planning activity

under the *Resource Management Act* (RMA) revolving around the physical environment (Memon and Perkins 2000; Miller 2011). Loss of biodiversity, water quality and natural disaster risk reduction were among specific issues cited.

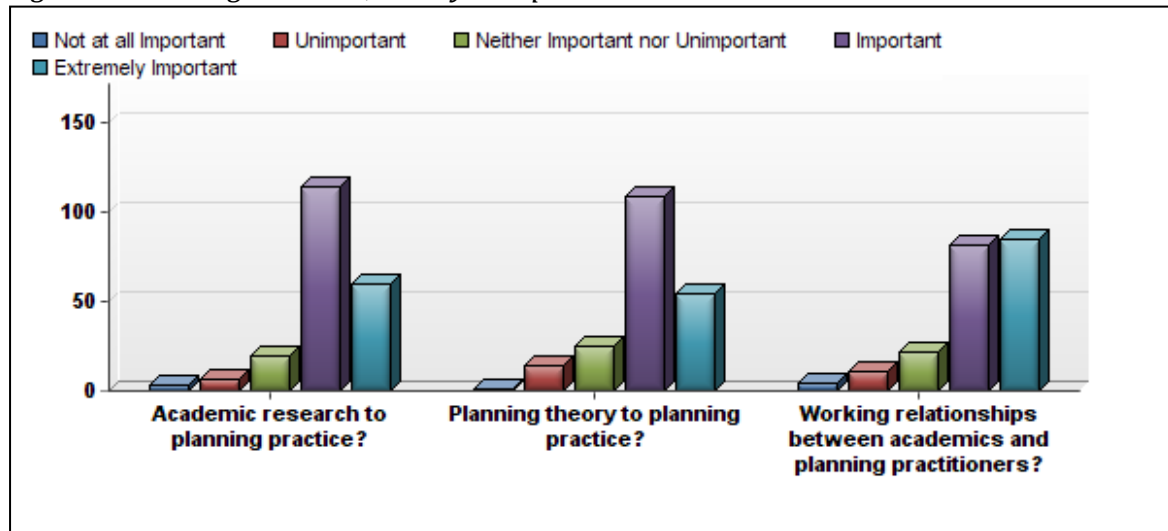
Respondents were asked to rate the quality of public debate about, and understanding of, such important planning issues. Across all respondents, largely negative assessments (84%) were conveyed, and unambiguously reinforced in both male-female and academic-practitioner splits. Of the minority who discussed public debate positively, many framed this in terms of the quality improving. Those that discussed the quality of public debate negatively described various shortcomings including lack of engaging public interest forums. NZ responses were heavily negative for both practitioners and academics. Among the concerns raised were one sided debates, their politicisation, misinformation, and short consultation times under the RMA. One practitioner said that “it’s all self-interested at the local/regional level and too pussy-footed at the national level”.

A third related question in this area asked respondents *how confident they were that the planning profession could play an effective role in addressing these future challenges*. This question had a 57% response rate overall. There were mixed views trending to the negative and thus questioning planning’s capacity and preparedness to drive positive change. NZ academics were more upbeat than either their Australian peers or local practitioners; said one: “We need to appreciate that planning is much broader than the regulatory system – it’s a way of thinking”. Pessimistic practitioners cited a range of reasons, but the conservatism, passivity and defensiveness of the planning profession were pervasive sources of unease. One respondent developed this theme: “We need a stronger voice that highlights the actual issues, not what people assume [are] the issues. More often than not planners are hamstrung by their corporation to not reply to media coverage [or] to correct information [that] perpetuates the negative image”. The more fundamental reality check is that planning provides only one input into coping with complex societal and environmental issues.

Theory and practice

A second area of interest in the survey was the health of the “town-gown” relationship and its various manifestations in terms of the relevance of academic research, planning theory, and day-to-day relationships between academics and practitioners. Securing a better relationship between the academy and practice is a perennial concern for all planners (Wu and Brooks 2012). The divide and the constraints on both sides have been highlighted in recent research (Bounds and Phibbs 2014; Bunker 2015; Taylor and Hurley 2016). A question about all three relationships attracted an 85 % response rate. Noting that the majority of respondents were practitioners, the opinions were strongly positive although the valuation of actual working relationships was decidedly less emphatic (Fig 1).

Figure 1: Relating research, theory and practice



The question of how these three relationships might be better promoted to bridge the gap drew varied but fairly consistent responses across the board. In order of importance they were:

- More opportunities for collaboration and engagement
- Access to academic research findings and forums
- More collaborative work opportunities for academics in the field
- More applied research agenda focused on “real world” planning issues
- Greater involvement of practitioners in education
- More mutually empathetic attitudes
- More structured linkages including contract research

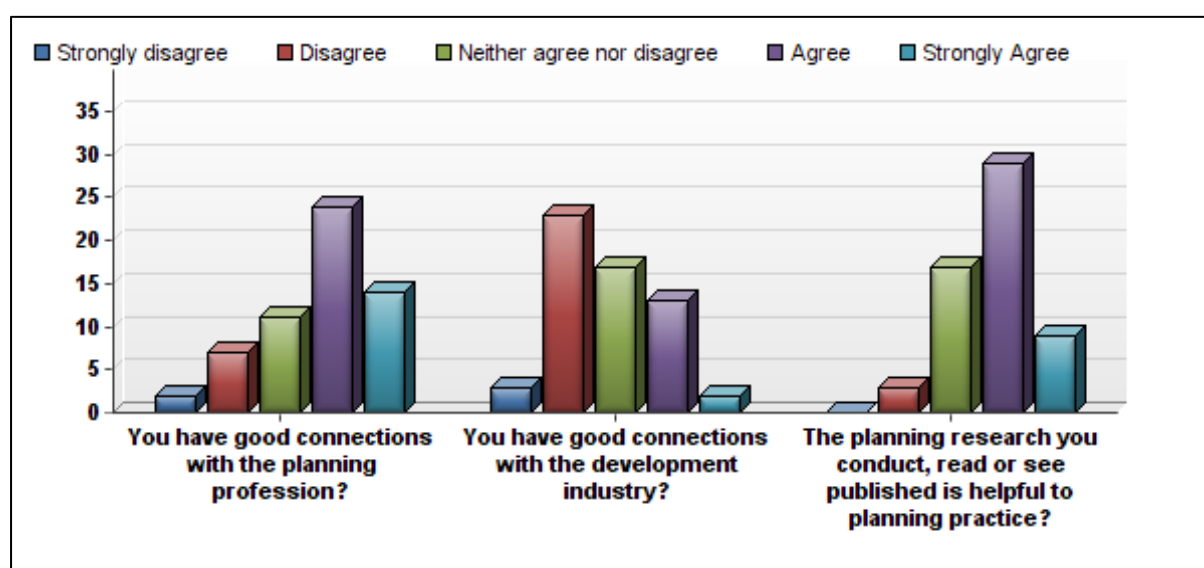
The responses from NZ participants in the survey mirrored the rankings for the top three suggestions. Formal collaborations were endorsed: “I think the best way is to physically get practitioners and academics in the same room”. Greater availability of academic research was emphasised through getting “academics to write in more accessible language” and creating “more opportunities to attend public lectures”. Several participants also noted that a change in their work practices would assist with improving the relationship between theory and practice. A bone of contention was the perceived fixation among those working in the tertiary sector on publishing in peer-reviewed journals often unavailable (except at high cost) to practitioners. At the same time, it was thought that producing “something for a professional journal like the NZPI’s *Planning Quarterly* is not really recognized as equivalent” and some academics are reluctant to publish in professional journals with comparatively low academic status.

Further aspects of the theory-practice nexus were teased out through specific sets of questions to academics and practitioners respectively.

Views of academics

Academics were asked about the strength of their connections to the planning profession and the development industry as well as whether their research was helpful to planning practice. Academics generally felt they had good connections with the planning profession but had fewer good connections to the development industry; they remained nevertheless confident of the usefulness of their research (left to right in Fig 2).

Figure 2: Academic valuations of professional linkages



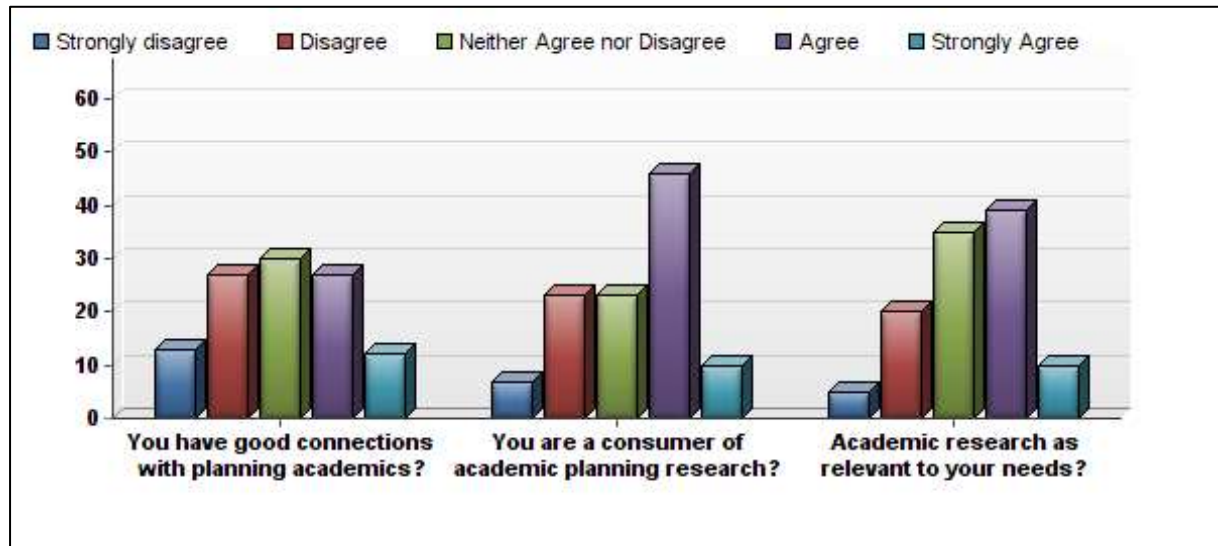
Just over half the academics (52%) said they wrote for both academic and practice audiences, the latter mainly through “grey” literature (working papers, government reports, non-refereed articles, submissions to government inquiries, blogs and on-line journalism through *The Conversation*) outside of conventional scholarly and commercial media. The balance was evenly split between practitioner-policy and academic audiences. Some respondents felt that privileging non-scholarly outputs may have even been detrimental to their career. A hard core of academics stuck with traditional academic journals, citing the metric-driven assessment culture now prevalent at universities; “that is what the system recognises”, said one. Overall, though, there appeared to be acknowledgement of trying to write for both markets depending on circumstances, time, topic and opportunities; what was described by one NZ respondent as a “two layer approach”. Academics also listed strategies employed beyond conventional publication *used to disseminate their research. These included industry conferences and seminars, participation in government inquiries, expert witness roles, and radio interviews.* Importance was attached to building relationships, networks and partnerships with practitioners and policy makers.

Views of practitioners

Practitioners were asked about the strength of their connections with planning academics, their consumption of academic planning research, and the relevance of

academic research to their needs. Practitioners were more equivocal about their relations with academics, could see value in academic research findings, but again were less effusive about its relevance (left to right in Fig. 3).

Figure 3: Practitioner valuations of academic linkages



Taylor and Hurley (2015) have highlighted the practical, political, and psychological barriers impeding the exchange of information from research to practice. When asked in this survey *how might academic research be made more relevant*, practitioners replied with several suggestions. The inaccessibility of research in specialised journals with access restricted by paywalls and costly subscriptions was a common complaint. Academic jargon was another barrier as was the lack of applied or “practical” research. There was a view that academics could work more closely with practitioners and be more dedicated to “outreach”. Ideas suggested were for universities to better communicate “what topics their students are completing their theses on” and to “set up regular academic research updates – open (and free of charge) – to keep practitioners up to date”. The responses from both academics and practitioners both point to the need to work towards closer and ongoing professional relationships of different kinds.

Planning Education

The third major strand of the survey related to equipping graduates with the right skill sets to meet future challenges of working successfully as a planner, one of the many recurring foci in planning education making for a “never-ending story” (Budge 2009). Asked to assess the current state of *planning education in Australia/New Zealand*, a clear majority of respondents (practitioners and academics) replied in the affirmative with universities seen to be producing competent professional planners.

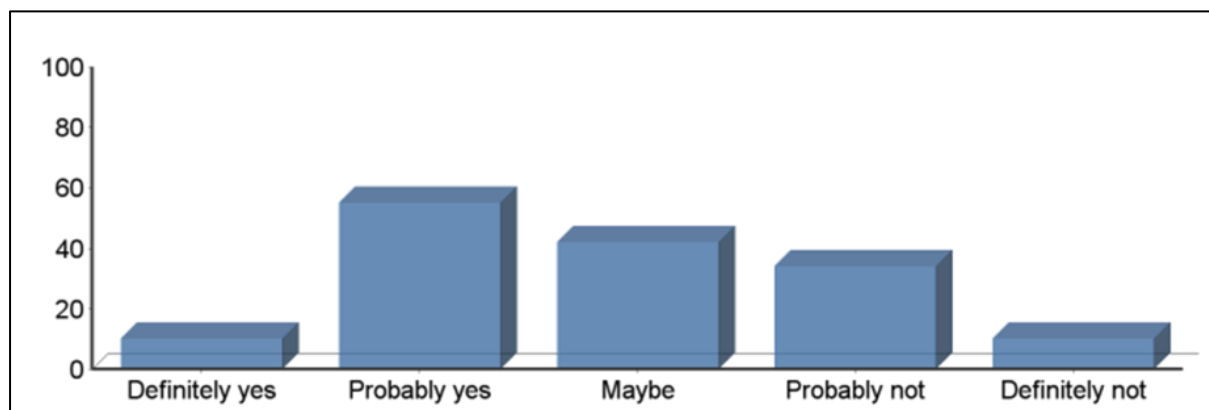
However, there were numerous qualifications. New Zealand respondents made similar assessments to their Australian counterparts, with the academics not surprisingly

providing more positive opinions but an overall drift towards “room for improvement” or similar comments. Here are some representative comments:

- “there are more people taking planning as a course, but do they really know what the job is at the end?”
- “there are gaps and conversely a lot of course work I can say I have never used in my career so far and would be surprised if I did”
- “moving more towards urban design which I don’t feel is overly practical” (54).
- “highly regulated with no initiatives...highly stressed and very negative – the colour and purpose of planning has disappeared”

In turning things around, one respondent articulated well the view of others that there needed to be “far better links between planning education and the Planning Institute, more trust that educators act in the best interests of planning ... a far more collegial relationship between Institute and educators”. At the same time, it was pointed out that many practising planners do not come from academic planning backgrounds. Respondents were split on the question as to whether *current planning graduates are being adequately prepared to become excellent planners in the future?* New Zealand responses were comparable to the Australian’s so only the aggregate results are reported here. This question had a 65.5 % response rate with 167 respondents. Only 10 (6.6%) answered definitely yes but 55 (36.4%), the largest cohort, answered probably yes; there was still a long tail of sceptics and disbelievers (Fig 4).

Figure 4: Overall evaluation of planning education



When disaggregated by employment, again academics were predictably but not universally more upbeat than practitioners with 54% generally positive (yes and probably yes) compared to 39%.

Current education policies of professional accreditation bodies provide statements as to the desired skill and competency basis of planning graduates (NZPI 2016; PIA 2016b). Other contributions highlight particular needs from time to time. McDermott (2016: 82) lists key capabilities as including context-sensitive policy identification, technical project management, communication, consultation, critical capacity, dispute resolution skills, a

future orientation, evaluation skills, and overall an “enhanced awareness of the limits to planning, and consequently a more open approach to evaluating a range of future possibilities for city development”.

So what deficiencies were identified by our respondents in young planners’ skill sets and knowledge? As the NZ Productivity Commission (2016: 314) states, “cultural messages are not only sent through what students learn, but also through what they *don’t* learn.” Using NVivo, answers to our survey were categorised into several major categories, listed below in order of importance (and with a large miscellaneous category):

- Practical skills (spatial, analytical, procedural)
- Understanding of sociological and economic processes
- Communication
- Real world experience
- Political knowledge and understanding
- Legal, legislation and statutory understanding
- Quantitative skills
- Continuing professional development

These outcomes reflect the dominant practitioner orientation in survey participants. The particular shortcomings identified reflect the circumstances of respondents. Underpinning this critique was some concern at the theoretical orientation of planning education and the deficiencies which flowed from that in terms of how to interact and work with communities, understanding of cultural change, working with indigenous people (including Maori), and broader understanding of political science and sociology. The three top ranked deficiencies by practitioners were practical skills, communication and real world experiences; for the academics it was interdisciplinary knowledge, practical skills/political knowledge, and quantitative skills. NZ academics and practitioners identified a similar range of issues. Below are sampled some of the more critical comments, categorised as coming from either practitioners (p) or academics (a):

- “Planning education currently focuses too much on the lofty and meaningless ideal of sustainability, as well as good design practices. There is far too little focus on the reality of economic, social and political institutions such as environmental law, and governance and extraction of natural resources” (p)
- “Greater competency needed in technical resource management e.g. water allocation, water quality management. Likewise for Maori cultural matters” (p)
- “Real world experience/example based learning as opposed to theory only” (p)
- “The practical application of Maori values to planning. Working with communities. Gender issues” (a)
- “Empathy with the disempowered” (a)

Perceived limitations on the work-readiness of graduates are nothing new. The reality check for these judgements is the degree to which university learning can prepare students for all workplace needs and challenges. Certainly, an emphasis on maximising experiential learning opportunities has been a focus in recent Australian pedagogic

research (Baldwin and Rosier 2017). However, with industry expectations routinely exceeding realities, Miller (2016: 37) suggests that “thought should be given to accepting that planning education cannot turn out a planning graduate who is able, immediately and with minimum support, to undertake the full gamut of planning tasks” (Miller 2016, 37). The constrained capacity of workplaces to utilise the full range of student skills might also be acknowledged. As one NZ respondent told us, students are usually “well prepared” but the problem is that “they go into planning [positions] where they often are very limited in the ways they can apply their skills, especially their research and thinking skills”.

Complementing this critique of the present, several *key knowledge areas and skill sets were identified for successful planners in the future*. In rank order of magnitude and leaving aside miscellaneous suggestions these were:

- Social, economic and environmental theory
- Communication and interpersonal skills
- Technical skills
- Critical thinking
- Political understanding
- Design skills
- Understanding of legislation

These effectively mirror the deficiencies and the practitioner voice was dominant in all these rankings, except with critical thinking where the nomination was evenly split. The top three areas for practitioners were communication, critical thinking and technical skills; for the academics it was critical thinking, communication and theory. The “capacity to think critically” and good communication skills are the main common ground, the latter encompassing skills such as written work, negotiation, mediation, public engagement, and, as one NZ respondent put it, the “ability to speak out for and about planning.” Whenever a survey such as this is administered, shortfalls in knowledge will be identified. Larger questions are raised in the process about the scope of, and specialisation within, planning. The Productivity Commission’s final report echoes critiques about the superficial scope of planning education (NZPC, 2017).

A final question related to the present and future of planning education - and indeed to that imagination and drive required to address planning’s challenges as canvassed at the beginning of this paper - was how students might be best inspired to become planners, and at the same time instructed on the foundational applied knowledge they need to have. Practitioners and academics were generally aligned in their responses which grouped around three main suggestions: greater exposure to work place realities while studying, enhancing the role of working planners as mentors, and ensuring that educational curricula never lost sight of the “big picture”. The essence of this thinking from NS respondents to the survey was captured in comments from both practitioner – the need for exposure to “real world examples of good planning outcomes in practice” – and academic - “seeing planning practice making a difference in real life” – perspectives.

Conclusion

This survey of Australian and New Zealand planning academics and practitioners was well subscribed and provides robust responses to three issues of common concern: the grand challenges currently in planning, the connections between planning theory and practice, and the state of planning education. No major cleavages of opinion are revealed between practitioners and academics although there are clear nuances in priorities at different points, as there are across gender on certain specific questions. No dramatic Australia/New Zealand divide emerges. There are nuanced divergences; the most significant contrast is a greater orientation to the natural rather than the built environment in NZ, reflecting perhaps the legislative basis of planning law in environmental assessment and protection. This presentation of results is largely descriptive, but wider questions are raised around the three main foci worthy of further discussion; the planning education accreditation processes of both NZPI and PIA provide one opportunity for this discourse.

There are points of both convergence and divergence with the survey of European planners although there is not quite the same bleakness evident (Kunzmann and Koll-Schretzenmayr 2015b). Planning faces an equally broad spectrum of challenges although climate change so prominent in the Australasian mindset is not mentioned in the summation of European thinking. The same gulf between theory and practice is reported and so too a significant shortfall in informed media coverage of planning issues. While a best model for planning education is difficult to discern in Europe, more consensus is evident in our region. The results of the survey of Asian planners throws up still more diversity (Kunzmann 2015) underscoring the specific cultural dependencies and environmental settings which need to be factored in. The hegemony of neo-liberalism and market forces in shaping urbanization and public outcomes across all these theatres of planning is one powerful takeaway.

A distinctive outcome of our survey is the attention given to the leadership of the peak national bodies for the planning profession. The message that emerges in quite a number of comments in different parts of the questionnaire is the need for peak professional bodies to offer more public leadership and work more closely with the universities in preparing planning students to confront future economic, environmental, social and governance challenges. The NZ Productivity Commission's analysis of urban planning highlights the interdependencies involved. While universities were recognised as a starting point for developing professional capability and culture, "professional bodies provide an important source of cultural leadership for the planning profession. Cultural messages are transmitted through the accreditation of university courses, the direct provision of professional development opportunities, and by rewarding good practice" (NZPC 2017, 315).

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The use of natural hazard science in land use planning: exploring the challenges and opportunities to improve practice.

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Abstract

This paper summarises recent research into the challenges and opportunities to improve the use of natural hazards science information in land use planning decisions. The paper addresses a frustration, experienced by both researchers and practitioners, that policy or plan-relevant data is ignored or not used effectively. This research used international and national literature and the experience of the research team to build a conceptual model of the science-to-practice system. This model and the specific New Zealand context were further explored through interviews with researchers and practitioners at local, regional and national scale and through the review of a recent case example (Hutt City Petone Plan Change 29).

The research findings show the way natural hazards science is incorporated in local level decisions on land use is a complex process, influenced by numerous social levers and networks. Availability of technical information alone is not enough; rather, a mix of factors act to facilitate and constrain how natural hazards science contributes to any planning decision. These include: time limits of existing planning processes; skills, resources, and information networks of planners and policy makers; availability of knowledge brokers who can interpret technical information into compelling and plausible planning options; and importantly, social and political pressure which shapes the decision context and directs it towards a specific planning outcome that may not accommodate natural hazard risk as a high priority.

Opportunities do exist to improve the science-to-practice interface for natural hazards and land

use planning, including support for more dynamic and ongoing relationships between researchers and practitioners (particularly at the local level) that effectively 'socialise' science information; and active fostering of the role of knowledge brokerage. However, efforts by any one party are more likely to be successful when the system itself is better understood.

Keywords

Natural hazards, science to practice, land use planning, knowledge brokers

Introduction

In 2013 GNS Science acted as a submitter to a local planning process – the Hutt City Petone Plan Change 29 (PC29). As a corporate citizen of the community affected by the proposed plan, GNS Science presented their views through the statutorily defined submission process. This raises questions about why this was necessary. Why wasn't

this published, public good science information, which was relevant to the plan change area, incorporated earlier in the plan drafting process? This paper presents findings from research into contribution of natural hazard science to local government land use planning in New Zealand. This work included assessment of current literature, a review of Hutt City PC29 and the GNS submission, as well as selected interviews with scientists involved in natural hazards and land use planning, policy and planning staff at local, regional levels, and representatives of two national agencies (Ministry for the Environment) and EQC (Kilvington & Saunders 2016). The experience of GNS Science acting as a submitter to a local planning process was in many ways positive. However, it highlighted some of the misplaced assumptions about the relationship between a research provider and the local government agencies that are one of the primary intended users of these science resources.

Land use planning is a key risk reduction tool that can increase New Zealand's resilience to natural hazards (Burby et al. 2000; Mileti 1999). The effectiveness of risk reduction provisions within land use planning is highly dependent on the successful understanding and implementation of natural hazard science. On the surface, there appear to be many opportunities for local government planners to incorporate the latest relevant hazards science in their policies, methods, and maps. They use scientific framings to understand and assess natural hazard probability, and rely on scientific expertise to support planning decisions. However, local government often complain of difficulties managing the natural hazard science and planning interface. They face challenges over:

- The scale of science information and its translation to local context;
- The often-un-interpreted form in which research findings are presented;
- Having to reconcile inconsistent scientific views between experts;
- Managing uncertainty within policies, methods and maps; and
- The different time scale of research programmes and planning processes, which make it difficult to ensure planning decisions are made and planning provisions updated with the latest research findings (Kilvington & Saunders 2013, White, 2015).

Similarly, natural hazard science researchers are often frustrated by the lack of uptake of their science in land use planning decisions. They are unsure of the best way to interact with local government land use planning processes, including how to convey uncertainty and the limitations of findings (Kilvington & Saunders 2016).

Stimulated by GNS Science's own direct experience of presenting their science to local government via a plan submission process, this work fills a needed gap in reviewing the practice of those working at the interface between science and planning; evaluating their needs, challenges, and assumptions of scientists and planners, as well as potential opportunities that neither group may currently be fully aware of.

The research used a methodology for building and testing theory-about-practice that has emerged from constructivist modifications of grounded theory (Charmaz 2008), and participatory action research (Kemmis and Wilkinson, 1998, Kindon et al. 2007,

McIntyre 2008). The work begins with asking large questions about the subject area, and combining understanding from the literature and concerns raised by experienced stakeholders involved in the problem situation. Inquiry is progressed further through gathering and assessing qualitative and/or quantitative data. Ultimately a set of ideas about how the situation works and the potential for change is built up and validated by both researchers and practitioners.

The project had several cycles of research data gathering and reflection and interpretation. These were based on three interrelated components:

1. A review of relevant literature exploring the known challenges; proffered solutions and current gaps relating to the specific context of natural hazard science and land use planning in New Zealand;
2. An examination of the specific case of PC29;
3. A range of focus groups and targeted interviews with scientists from GNS Science and NIWA; policy and planning staff from local and regional government agencies; as well as staff from Ministry for the Environment (MFE), and the Earthquake Commission (EQC) to explore the direct experience of researchers, policy makers and planners in integrating science and planning.

Understanding about the interface between natural hazards research and land use planning practice was iteratively developed, through the case study, focus groups and interviews, enabling an initially tentative model of the science and land use planning system to be tested and progressively refined.

Findings from the literature

Recent international literature - and specifically New Zealand oriented work - revealed six likely problem areas for the natural hazard science-planning interface that were explored further during the review.

1. Information dissemination and management practices

One of the known challenges in linking science information with practice is the limited uptake of guidance material. The literature revealed this is as equally likely to be due to information dissemination and management practices, as to any feature of the material itself. Problems exist throughout the information chain – not least amongst the local government users who have inconsistent mechanisms for storage, retrieval, and raising awareness of the existence of information. They are often reliant on the memories and personal contacts of staff (Kilvington & Saunders 2013), a process made even more fragile by high staff turnover common amongst councils (Saunders et al., 2014).

2. Institutional capacity

Several sources noted that at the local level there are often not the skills or resources available to undertake research, or to interact with the science that is available to reinterpret for local scale and context (Kilvington & Saunders 2013, Reed et al. 2014). This results in a heavy reliance on commissioning work, itself contingent on those with sufficient technical skill in-house to ensure there is good conceptualisation of the

research and framing of the problem (Lunt & Davidson 2002). A survey of Councils across New Zealand on their capacity and capability regarding natural hazards found that 49% of councils outsource their natural hazards advice (Saunders et al. 2014).

3. Mutual misunderstanding and incompatibility

Several elements collectively contribute to a shared misunderstanding between researchers, and those who would use their work in the development of public policy and plans. For researchers, this has been described as: naivety of the policy process (Gluckman 2013), or a lack of full comprehension of the role science needs to play in a context of high system uncertainty and high stakes decisions (Funtowicz & Ravetz 2003). Correspondingly, planners and policy makers viewing the science research process from the perspective of what they need to get out of it, can assume there is always an identifiable and specific end-point of research where meaning is made of data and 'the answer' can be handed on to decision-makers. They can then find the reality of the nonlinear and alternating evolution and revolution processes by which science knowledge is developed frustratingly protracted (White 2015). Two significant areas where a mismatch of cultures and practices commonly troubles relationships between science research and development of public policy and plans are (i) the scale and focus of the research; and (2) uncertainty or doubt – how this is understood by researchers and how it can be further communicated to decision-makers.

4. Timely, targeted information

The challenges for improving the science-policy interface for natural hazards include addressing issues of timing and focus in the development of knowledge. Demands for science to support planning and policy decisions (e.g. evidence-based decision making), can occur simultaneously from multiple users who have overlapping but distinct requirements. Lack of coordination of research needs between major agencies can result in a siloed and patchy knowledge base (Bremmer et al. 2013). Satisfying any one of these different uses of natural hazard science information requires different output and communication forms. Producers of information may assume that knowledge is useful when they engage in research they think users need. However, because they do not completely understand or know potential users' decision-making processes and contexts, the knowledge produced remains on-the-shelf (Lemos et al. 2012).

5. Science and values in decision making

Experience in New Zealand and elsewhere has shown that science used to support various positions in resource management policy and planning is frequently subject to contestation. This is particularly so where the stakes are high, and where there will be winners and losers associated with the outcome (Gunningham 2011). This contesting can take the form of doubt in the findings, interpretations, and occasionally even the research process or researcher themselves. An example of this is the coastal erosion hazard assessment disputed in Kapiti in 2012, and similarly in Christchurch in 2015 (e.g. Cairns, 2015).

6. Clarity on where to target improvements

While many research institutions and programmes make considerable efforts to improve their relationships with stakeholders, they continue to be hampered by two challenges. The first is poor conceptual understanding of the overall knowledge management and decision-making system (Funtowicz & Ravetz 2003); and the role of science institutions within this. This means actions taken by research institutions are made in isolation from supporting actions required by others. It can also mean that significant players in the system (such as knowledge brokers) are overlooked.

The second challenge is the need for a more systematic approach to knowledge exchange that builds on known theory, methods, and deliberately learns from experience. Reflection and evaluation are important to system improvement. They ensure that steps to better knowledge integration are not treated as recipes that can be applied without an understanding of the specific research and policy context (Fazey 2014).

Plan Change 29 – the use of science in policy development

In June 2012, the Hutt City Council notified a plan change² referred to as Plan Change 29 (PC29) covering Petone West, the south-western portion of Petone, Lower Hutt. Prior land use in Petone West was predominantly business and commercial. This plan change allowed for an increased level of activity and encouraged a mixture of uses including residential development as well as educational and emergency facilities. Petone West is subject to many natural hazards including fault rupture, ground shaking, subsidence, sea level rise, liquefaction, flooding and tsunami (Saunders & Beban 2014). As such, GNS Science, as a corporate citizen of the Hutt valley, lodged a submission opposing PC29 based on the lack of provisions to address the potential impact of the natural hazards in the plan change. Several GNS Science staff (who live locally), were also personally concerned with the plan change (ibid).

PC29 was investigated as case study within this project, to understand the role of science in land use planning. Interviews were held with Hutt City staff and consultants involved with the plan change. The review of events that led to PC29 showed that the issue of natural hazards had not been deliberately or accidentally excluded from the plan development process; nor had the science information that described the natural hazard risks in the Petone area been directly contested. Limited staff capacity within Hutt City Council, to source, analyse or review research and poor information dissemination practices were discussed during the interviews. However, the main challenge to greater use of available natural hazards science in the PC29 process was that natural hazards was effectively side-lined as a priority issue. This was due to limitations placed on the scope of the decision (that it would deal with a small geographic area and therefore exclude any strategic concerns that were relevant to a wider area); and a choice by decision makers to direct the decision towards a specific planning outcome that reduced phases of issue and option scoping. The views and values of public representatives were critical in this situation.

² The notification of a plan (or plan change), occurs after a period of consultation and policy analysis. It triggers the formal process of submissions, hearings and decision-making <http://www.qualityplanning.org.nz>

Scientists themselves may be uncomfortable with the notion that they are advocates within a planning process. However, the experience of GNS Science as a submitter to the PC29 planning process, where they effectively engaged in shaping the agenda for change in land use planning priorities, is illustrative of the usefulness of presenting science in a way that unambiguously connects with a value proposition (in this case, the importance of improved management of natural hazard risk).

The science to practice interface in land use planning

An initial mind map of ideas about the science and land use planning interface gleaned from the literature and the project team's own experience was developed. This mind-map formed the starting point for a conversation with researchers and planners and policy makers involved in natural hazards and land use planning. Following a focus group, the mind map was further explored in interviews with natural hazards researchers, and those involved in local government planning. It was also presented to a mixed audience of natural hazards specialists, planners, policymakers, consultants and engineers, and central government agency staff from MFE, and EQC. Figure 1 is the final representation of the science-to-practice system for natural hazards and land use planning based on the feedback from the all these sources.

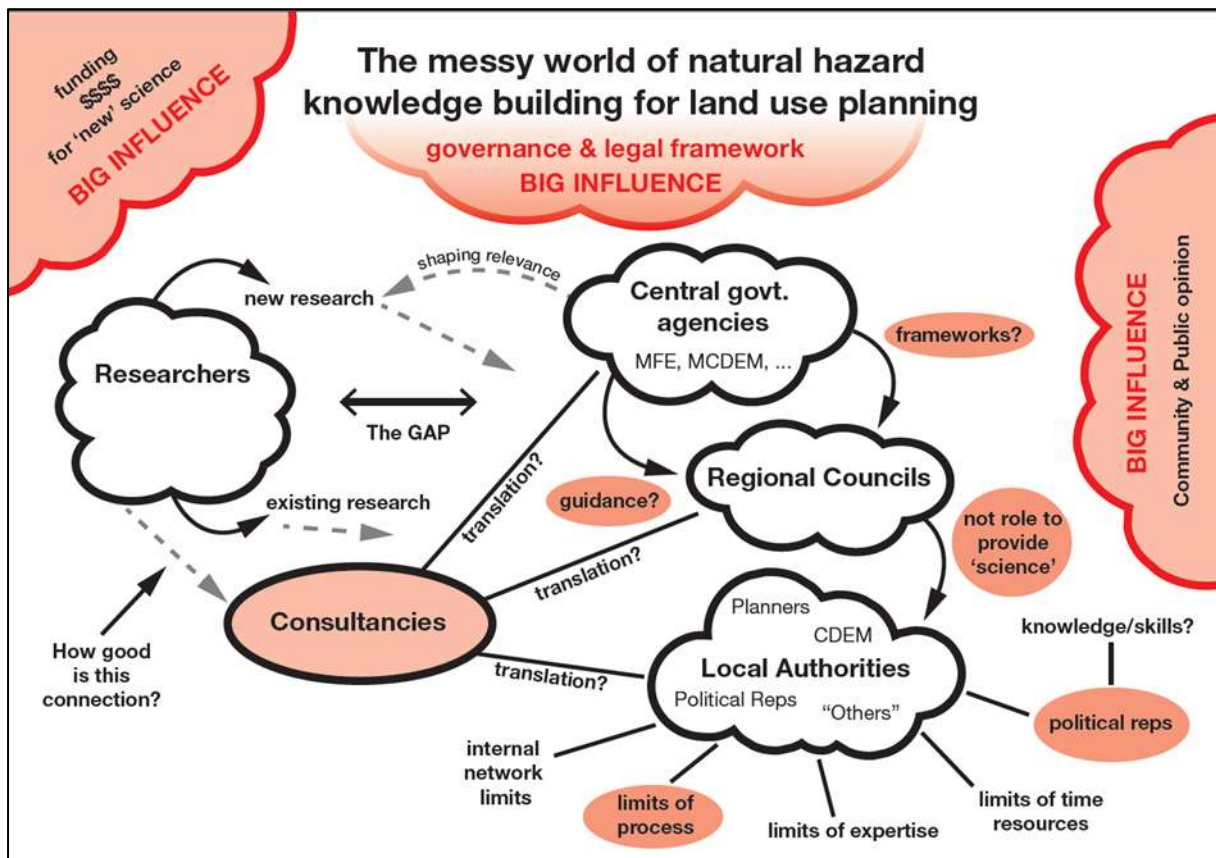


Figure 1: Mind map of the complex challenges and relationships in that affects use of natural hazards science in land use planning. MFE - Ministry for the

Environment; MCDEM – Ministry of Civil Defence Emergency Management; CDEM - Civil Defence Emergency Management.

Figure 1 identifies drivers in shaping how natural hazard science is utilised in land use planning. These include the:

- influence of community and public opinion;
- importance of overarching frameworks, guidance and legislative mandate;
- lack of explicit intention to share science between national, regional and local agencies;
- absence of obvious knowledge brokers within the system;
- limits of capacity and process that shape how natural hazards science is utilised in land use planning decisions; and
- funding preference for new and novel science research programme structures over ongoing relationships and maintenance of existing databases. This effects how science providers can intersect with the land use planning world.

These influences and other aspects of building natural hazards knowledge for land use planning are further discussed below.

The Influence of Community and Public Opinion

Local government agencies are political entities where issues of local and regional importance are debated, and action is taken on behalf of various community determined agenda. While agencies have a responsibility to consider the needs of future generations, the present concerns and priorities of communities weighs heavily in decisions. As revealed in the case of PC29, natural hazards science information is not regarded as value neutral. Rather, it is associated with ideas that potentially place constraints on the amount and direction of growth. While it is unlikely that there would be pressure to disregard such information where it is legally required for any given decision, it may be subliminally side-lined where there is no strong advocacy for its inclusion. This political context consequently runs as an undercurrent influencing what information is privileged, and how resources are spent on its acquisition and utilisation.

The Importance of Overarching Guidance and Legislative Mandate

The strongest advocacy for the kinds of information that will be actively sought and included in any land use planning practice comes from central, regional and local level directives, best-practice guidelines and legislative mandate. For local government agencies, such directives come from regional frameworks provided by the regional council or via national level guidance documents such as those provided by Ministry for the Environment (MFE). Currently in New Zealand there is no national policy statement (NPS) or national environmental standard (NES)³ for natural hazards. Policy and planning participants across the meetings conducted for this research commented on a perceived paucity in legislated or even best practice level guidance for natural hazard risk management. Scientists involved in the PC29 submission process expressed similar views, noting their surprise that there was not more definitive policy on the different

³ NPS and NES are prepared by government under the RMA1991. They state objectives and policies for matters of national significance (NPS) or prescribe technical standards, methods and requirements (NES). Local government agencies are required to give effect to NPS and NES in their policies and plans (i.e. s44A, s55).

kinds of information required to manage natural hazard risk at district and regional levels.

Divergent Identity of National, Regional and Local Level Agencies

Research agencies are increasingly sensitive to the different needs that various stakeholders have for science information. However, discussions with researchers throughout this project revealed there is a tendency to group policy and planning agencies together, or at least to assume that the relationship between national, regional and local environmental governance enables information to flow easily from one level to another. This is particularly assumed of regional and district agencies whose separate and autonomous role in natural hazard management is not always appreciated by researchers.

Regional councils commonly have in house technical and science expertise to deal with their role in the environmental management system. Consequently, these agencies are more likely to have relationships with research providers. However, regional councils do not act as science brokers, interpreters or providers for district level agencies. Moreover, local and regional councils do not generally share resources, except in ad hoc circumstances such as when working within combined projects (often initiated by science providers). In interviews at both levels of local government, some scepticism was expressed that science done at a national level had much value to them, unless the science has been used to provide baselines (preferably target figures) that can be readily incorporated into regulatory frameworks at local level (e.g. Gray et al. 2005).

Brokerage and The Role of Consultancy

The value of knowledge brokers (who have broad understanding of scientific and practitioner worlds, and can act as a translator between the two), is often espoused. It is a concept common to most if not all science-to-practice systems including health, agriculture and environmental management. Ferguson et al (2014, p.8) identify several characteristics of good science-to-practice knowledge brokers:

- Understand the management or policy context (e.g., objectives, legal constraints, timelines, spatial scales, and who makes what decisions);
- Have a solid grounding in the relevant scientific discipline;
- Place emerging research in the context of an existing body of knowledge, larger questions, management challenges, and management tools; and
- Brokers may be able to communicate sources of scientific uncertainty, and thus better contextualize available research.

From discussions with both researchers and practitioners in the natural hazards science-to-practice system, it was clear that no single agency assumes the role of knowledge brokerage. Rather, such brokerage as exists is spread across several agencies and individuals. Published material is the most common form of brokerage: the NZPI clearly provides valuable resources to planners, particularly through the Quality Planning website, focussed on good planning practice and guidelines. MFE provides some synthesis of research into overall policy directives (e.g. coastal change, MFE 2009; climate change impact on flood flow, MFE 2010; adapting to sea level rise, MFE 2014). Research agencies such as NIWA and GNS Science regularly produce scientific reports

and interpreted guidance material. However, such material still requires considerable contextualisation to meaningfully aid land use planners in their work.

Consultants can often provide a bridge to information and practice experience. However, good consultant input into planning processes is also reliant on a level of skill in-house to commission relevant work, and to provide the final step of incorporation into the planning process. The latter frequently depends on the time and opportunity for good dialogue with the consultant (Lunt & Davidson 2002).

Limits of Capacity and Process

Regional and district level policy and planning practitioners interviewed throughout this project corroborated the impact of limited capacity on the science-to-practice interface. Participants observed that capacity in different environmental management domains was heavily influenced by community and political priorities. For instance, one participant noted that their region had five full time staff available to work on science related to water management, in contrast to one half-time position given to work on air quality. Similarly, limits of process were also frequently mentioned as constraints on the science-to-practice interface. Participants cited tight time frames, particularly around investigative or scoping aspects of planning. As was illustrated in the case of PC29, this can amount to constraining the planning project to immediate needs at the expense of wider longer-term implications.

Improving the science to practice interface

The natural hazards science and land use planning review (Kilvington & Saunders 2016) identified five areas for improvement in the science-to-practice system for natural hazards and land use planning:

1. Active socialisation of science

Science information requires effort to make it relevant and useful and needs action by researcher providers, funders and users to:

- **Learn about each other's world:** i.e. How planning and policy development makes use of science; and the methodologies that sit behind scientific conclusions.
- **Create meaning-making opportunities:** Researchers and policy and planning practitioners need opportunities to work together, developing a shared sense of the problem, and a chance to check assumptions in a face-to-face setting where learning is the focus.
- **Provide good examples of science-to-practice:** Detailed examples should include realistic reflections on the costs, resources and skills needed.

2. Stronger mandate for natural hazards science in land use planning

The GNS Science review highlights that natural hazards information can be regarded as conflicting with growth and development goals and down-played or even side-lined in land use decisions. Natural hazards science needs stronger advocacy in the planning process through increased community consciousness of the need for greater risk management; and national level guidance requiring decision makers to consider natural

hazards. Methods and process guidance focussing on the structure of decisions, the types of technical input required, and clarity over the boundaries between hazard assessment and judgements about acceptable risk, would provide a foundational context for how natural hazards science and hazards risk are weighted in local planning.

3. Recognise and support knowledge brokerage

A key role in any science-to-practice system is that of knowledge brokerage. The GNS Science review highlighted that no single agency or group have responsibility for brokering natural hazards science knowledge. Consultants, and the act of consultancy itself is one of the most active forms of science brokerage available to local government agencies. Recognition of the importance of science brokerage and greater support can be achieved through active inclusion of consultants in science-to-practice engagement, recognition by research institutions that consultancy is an opportunity to build science-to-practice relationships; and better resourcing of individuals who perform this role.

4. Greater capacity and capability for addressing risk

Planners and policy makers interviewed in the GNS Science review identified several challenges for local government agencies adopting a risk based approach to land use planning. These are an inability to assess risk, and the lack of adequate frameworks and tools to have conversations with their council and communities.

...the single most useful thing for planning in New Zealand would be good practice guidance on risk assessment – both assessment and comparing options for addressing it [local government agency interviewee]

Interviewees were also aware of the need for distinguishing between technical hazard science and risk assessment and management.

Risk analysis and management is a specific expertise that regional or local level policy and planning staff cannot easily add to their repertoire without adequate support. Local government agencies are particularly unsupported in managing risk (Local Government New Zealand, 2014). The GNS review highlighted a lack of technical resource sharing between regional and local government, and noted natural hazard scientists had less direct links with district level than with regional and national level agencies.

Actions that support greater capacity for addressing risk include: clarification of the expertise involved in risk analysis and management, and cross institutional sharing of risk expertise.

5. Science providers as a ‘concerned citizen’

While the GNS Science submission to Petone Plan Change 29 is a step beyond the usual actions of a research agency, individual scientists often contribute to aspects of the planning process. Advocacy for the responsible inclusion of natural hazards information in land use planning needs support from experts within the planning process. While wholesale participation in planning processes is beyond the resources of science

providers, involvement in select cases can greatly advance best-practice for including natural hazards science in land use planning decisions.

Conclusions

Incorporating natural hazards science into land use planning is complex and influenced by numerous social levers and networks. Any contribution to improving science-to-practice is more likely to be successful when the system itself is better understood. The GNS review showed opportunities to support better capacity within planning and policy development to address natural hazards risk, including support for long term interactions between researchers and practitioners and acknowledgment of the importance of knowledge brokerage. National agencies have a key role providing directives for the inclusion of natural hazards science in land use planning; national, regional and local agencies need to become better at understanding and sharing the specific expertise associated with managing natural hazard risk.

A copy of the full GNS Review is freely available here <https://shop.gns.cri.nz/sr/2016-057-pdf/>

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Biodiversity offsets and net ecological benefit in New Zealand catchments

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Abstract

Biodiversity offsets, a type of ecological compensation, aim for at least a no net loss in biological diversity values associated with development by promoting net benefits. This overtly introduces the idea of trying to achieve a net improvement in biodiversity values and ecosystem functioning. New Zealand's current environmental management regime does not require a net benefit. Compensation is commonly practiced, and while at a regional level net positive benefits can be anticipated and planned for, they are not statutorily required. While the high uncertainty over offset outcomes currently places them as the least preferred option after avoidance, remediation and mitigation, this paper argues that the net benefit concept should be legislatively favoured in order to generate attempts to achieve net benefit. Not doing so will lead to continuing net ecological decline. A catchment based decision making framework is proposed, along with possible auditing systems for assessing the feasibility of pursuing net positive outcomes.

Keywords: ecological compensation, freshwater management, auditing

Introduction

Avoiding, remedying or mitigating adverse environmental effects under New Zealand's *Resource Management Act 1991* (s5(2)(c)) does not necessarily result in net positive ecological benefits. The goal is to minimise ecological harm and where possible generate net benefit. In contrast, this article argues the objective should be to always generate net benefit. A mechanism for exploring the logic behind this idea, and how it might be done, is biodiversity offsetting.

Offsetting is a particular type of ecological compensation. Compensation can be defined as a positive conservation action required by a resource consent to compensate for the residual adverse effects of development and resource use (Brown et al 2013). As a particular type of compensation, biodiversity offsetting includes pest or weed control programmes, restoration of degraded areas, or habitat creation (New Zealand Government 2014a; Brown et al 2013).

The broad approach to applying offsets is described in the 2011 draft of the Proposed National Policy Statement on Indigenous Biodiversity. The NPSIB says first, avoid adverse effects; where this cannot be done, ensure remediation; where remediation is not possible, ensure mitigation; and where adverse effects cannot be adequately mitigated, ensure more than minor residual effects are offset. The particular characteristics of offsetting is the explicit measurement of biodiversity predicted to be lost, and the 'reasonable demonstration' and consequent achievement of the objective of *no net loss and preferably a net gain* in biodiversity (New Zealand Government 2014a:3).

This wording reflects the Business and Biodiversity Offset Programme (BBOP 2012a, b) hierarchical approach of avoidance, minimisation, on-site rehabilitation and then, as a final step, offsetting. New Zealand case law indicates there is no hierarchy implicit in the RMA avoid-remedy-mitigate provisions (New Zealand Government 2014a; although this is being challenged: Daya-Winterbottom 2014), despite the NPSIB suggesting otherwise. However, as offsets are seen as something to be done once other avenues are exhausted, in that sense, they are at the end of the queue.

This paper builds on previous arguments that the widespread use of ecological compensation challenges the avoid-remedy-mitigate approach (Knight-Lenihan 2013, 2014, 2015; Birkeland & Knight-Lenihan 2016), raising the question whether it is now necessary to place net benefit above minimising harm.

A meaning of no net loss and net gain

The BBOP defines no net loss as

“a target for development in which the impacts on biodiversity caused by the project are balanced or outweighed by measures taken to avoid and minimise the project’s impacts, to undertake on-site restoration and finally to offset the residual impacts so that no loss remains. Where the gain exceeds the loss, the term ‘net gain’ may be used instead of no net loss”

(BBOP 2012a: 30).

This wording describes net gain as being a possible outcome of not causing harm. However, BBOP also says the goal of offsetting

“is to achieve no net loss and preferably a net gain of biodiversity on the ground with respect to species composition, habitat structure, ecosystem function and people’s use and cultural values associated with biodiversity”

(BBOP 2012b: 1)

Taken together the argument is for an overall net ecological benefit (which is a function of, and is measured by, biodiversity) as a preferred outcome when aiming to achieve no net loss. This makes sense in that erring on the side of creating an overall benefit better ensures at least achieving no overall loss.

However, if offsetting is seen as something to be done after all other avenues to avoid and minimise impacts have been exhausted (the ‘last resort’ approach - (BBOP 2012b:7)), then net biodiversity benefit is not a likely planned-for outcome.

In contrast, the *preferably net gain* objective fits well with the need to address cumulative ecological losses over time and space. Cumulative negative effects are one of the most difficult aspects to address in any form of planning, but particularly environmental planning. This is due to how economies may evolve with, and become dependent on, degraded ecosystems, a situation which in turn becomes normalised (Pitcher 2001; Knight-Lenihan 2015). An example is the inability to drink from or swim in some lowland rivers being seen as a price paid for economic development (Gluckman, 2017). In these circumstances, economies may evolve on the explicit or implicit

assumption of continuing ecological degradation. A *preferably net gain* objective can explicitly address this accumulated degradation.

Guidance and legal frameworks

New Zealand's non-statutory guide for demonstrating good offsetting practice (New Zealand Government 2014a) emphasises no net loss while noting a preference for a net gain in biodiversity values. The BBOP offsetting principles that the guide cites include noting there are some limits to what can be offset due to irreplaceability or vulnerability, and that offsets should achieve conservation outcomes above and beyond results that would have occurred if the offset had not taken place (the additionality clause). Offsetting should also be implemented in a landscape context taking into account what is known about the biological, social and cultural values of biodiversity, and supporting an ecosystem approach.

These principles suggest offsetting should be applied as a priority. For example, taking an ecosystem approach to improving biodiversity values in a particular landscape arguably requires setting coherent district, regional and national biodiversity protection and enhancement goals; this is a preferred approach for offsetting.⁴ While avoiding, remedying and mitigating can be done in such a context, only offsetting explicitly aims to make measurable improvements. Given New Zealand is running a net indigenous biodiversity deficit (albeit based on uncertain data: see OECD 2017) with significant effects on indigenous species (see for example PCE 2017), instigating a preference for net benefit would seem to be a necessary rather than discretionary strategy. Biodiversity offsetting can be practiced as noted through provisions in the RMA as well as the *Crown Minerals Act 1991* (CMA), and the *Conservation Act 1987* (CA), as discussed below.

RMA: there is no requirement under the Act's avoid, remedy or mitigate provisions to achieve a no-net-loss outcome (nor indeed net gain). Instead, an overall broad judgement would be made (New Zealand Government 2014a) leading in some cases to bartering. This is considered one of the potential downsides of offsetting as it makes no net loss or net gain 'administratively improbable and technically unrealistic' (Walker et al 2009: 149). The overall broad judgement approach has been challenged (e.g. Daya-Winterbottom 2014) but still dominates court interpretations to date.

However, district and regional plans can and do instruct on how to undertake offsetting, considerably improving the likelihood of a meaningful biodiversity offset process being put in place. Whether that in turn generates a positive biodiversity outcome is a separate issue, given success is only apparent over long time frames and is dependent on effective implementation and monitoring.

An example is the Manawatu-Wanganui Regional Council's One Plan following the avoid-remedy-mitigate and then offset hierarchy. One departure is the Plan noting that more than minor residual effects are offset with a net indigenous biological diversity gain (Policy 13-4), leaving out the no-net-loss provision. It also facilitates offsets

⁴ See for example Quétier and Lavorel 2011; BBoP 2012a,b; Pilgrim *et al.* 2013; Overton *et al.* 2013; Gardner *et al.* 2013; further discussed in Knight-Lenihan 2013, 2014; Birkeland & Knight-Lenihan 2016; with thanks to Dr Theo Stephens.

contributing to regional ecological goals (sections 6.5 and 6.6), which is likely to be more effective than more ad hoc offsetting provisions.

CMA: in terms of accessing public conservation land, the relevant Minister(s) of the Crown can consider offsetting depending on the nature of the access requested.

CA: concessions can be allocated to allow activities in conservation areas and may provide for offsetting. In such cases, decisions makers cannot consider social and economic benefits in an overall broad judgement approach. The focus is on the land affected rather than the more broad RMA consideration of the term environment. In addition, there are statutory barriers to granting concessions that cannot be met by offsets.

Offsets cannot be taken into account if a concession has been declined on the ground there are no adequate or reasonable methods available for avoiding, remedying or mitigating adverse affects. Note that public conservation land can be used as an offset site to compensate for impacts off public conservation land (New Zealand Government 2014a).

Why biodiversity offsetting is the last choice....

As noted above, a key consideration is identifying limits to what biodiversity values can be offset. Some flora, fauna or habitat simply can't be compensated for. Once those limits have been set, all steps should be taken to further avoid, minimise or remediate adverse effects on all biodiversity at the impact site (New Zealand Government 2014a). While the practicalities of deciding what is "offsetable" is technically extremely difficult and debatable (see for example Pilgrim et al 2013), the approach safeguards highly valued biodiversity, as well as ecosystems where a suitable offset can't be identified.

A significant problem is agreeing on 'currencies'. That is, how to measure what is being lost or degraded against what is being used as compensation, and then how to create an accounting system to manage the data (Overton et al 2013). There are also concerns over whether offsetting is an accounting tool ensuring better outcomes, or rather one better enabling the justification of species and habitat destruction (Tregida 2013). Or, less apocalyptically, a process giving the false impression that something is being done, and can be measured as being done, in order to diffuse opposition to development.

Additionality requires demonstrating that the offsetting is extra to what would have happened anyway. For example, habitat restoration needs to occur over and above restoration that was already occurring or was planned (BBOP 2012b).

The BBOP (2012a) term 'like for like' refers to offsetting within the same ecological conditions, on the grounds that compensating in a different system, or 'like for unlike', is far harder to calculate and achieve. Hence the preference is for like-for-like exchanges (New Zealand Government 2014). Where like for unlike may be favoured is where the impacts are in areas of relatively low biodiversity value and the offsets support improving conditions where values are (or could be) higher ('trading up') (BBOP 2012b).

Time lags and local variations due to climate and soils can create a high degree of uncertainty. Monitoring helps, but where outcomes might not be realised for decades, this can be problematic. Additionally, compliance monitoring for ecological compensation in New Zealand has a chequered history (Brown et al 2013; Brown 2017). This can result in accepting short-term losses for as yet-to-be-demonstrated long-term benefits, a primary challenge for assessing offset efficacy (Overton et al 2013).

Given the limitations it is understandable why the New Zealand Government argues “it is easier and more certain to retain biodiversity than to attempt to recreate biodiversity values elsewhere through an offset” (New Zealand Government 2014a: 18). Biodiversity offsetting is therefore seen as the thing to do when all other options have been explored.

...and arguably why it shouldn't be

While logical within the parameters of ecological compensation, avoiding the need to improve biodiversity values narrows down options and misses opportunities to address existing cumulative effects. Essentially, avoidance without enhancement will result in continuing net ecological decline as active management is required to prevent continuing losses in biodiversity and ecosystem functioning locally (OECD 2017) and internationally (WWF 2016).

The first problem is that if there are no or few existing biodiversity values (that is, little in the way of a functioning ecosystem), then there is nothing to avoid, minimise or compensate for. Which is often true at the point a development is proposed due to cumulative losses. However, if a region is identifying how best to achieve improved biodiversity values due to existing cumulative losses, this approach is counterproductive. In this context, it is necessary to look at how all development could contribute to addressing cumulative losses, that is, by creating net improvements in ecological values (Birkeland and Knight-Lenihan 2016). This suggests a net gain in biodiversity values should be the primary rather than subordinate goal.

Second, if there are biodiversity values worth protecting, these are often remnant and modified. These are still worth protecting, but the opportunity to improve values is missed. While the RMA clauses and BBOP principles allow regulatory authorities to promote ecological improvements, negotiations favour arguments for at best maintaining the status quo (Walker et al 2009) which effectively means continuing ecological decline. This is for two reasons. The first is evidential, that is, data show continuing ecological decline in New Zealand (OECD 2017; PCE 2017) despite the RMA being in effect since 1991. Second, aiming to hit the point at which “biodiversity gains from targeted biodiversity management activities match the losses of biodiversity due to the impacts of a specific development project” (New Zealand Government 2014a:20), implies a level of accuracy that simply does not exist. The chance of getting it wrong is high.

Favouring a net benefit outcome suffers from the same uncertainty. But taking this approach increases the likelihood of at least preventing further decline, and hopefully creating a benefit. This would also seem to fit well with the preferred options for achieving biodiversity gains (New Zealand Government 2014a:26-27) by:

- enhancing existing habitat by reversing declining trends i.e. improving ecological quality
- creating habitat through for example restoration planting; and
- averted loss through for example removing a threat to a habitat

All three approaches have their limits, but in combination can create potentially substantial gains, while noting the need to rule out the loss of certain at risk habitat or species for compensatory action elsewhere. The BBOP 2012b:80 puts it this way:

“...at the landscape level, restoration and reconstruction offsets (if they work) lead to true gain in biodiversity, whereas avoided degradation and averted risk offsets can only be regarded as achieving no net loss if this is judged against the degrading biodiversity baseline...[while] offsets that serve to keep genuinely threatened ecosystems intact and avert their degradation and loss would appear to be the first choice...At the same time, restoration and reconstruction activities can achieve significant conservation outcomes...[T]he offset that is best suited to the specific circumstances and stands the best chance of long term success in securing additional conservation outcomes should be chosen...[T]he key issue is how much continued loss of biodiversity society is prepared to accept and what policies will it put in place...”

Hence the choice depends upon a combination of what might work ecologically and what society is willing to accept. These are not necessarily in agreement, as discussed in the next section.

Property rights

A primary difficulty in progressing effective biodiversity management is the issue of private property rights and associated arguments over what is fair and reasonable, what the baselines will be, and who decides.

Most biodiversity gains in New Zealand involve private property (Green and Clarkson 2006). During discussions surrounding the drafting of the New Zealand Biodiversity Strategy (DoC and MfE 2000) it was noted that private property is “...not an absolute concept, but merely a bundle of rights and obligations that evolve over time....” where compensation for those affected by any change is discretionary (MAC 2000a p 19).

Subsequent debate resulted in a counter statement pointing out that “[p]roperty rights and the sanctity of a Crown grant are eroded where society decides that certain attributes on a property are of sufficient significance to warrant directing the owner on how that attribute should be managed” (MAC 2000b p 6).

As biodiversity is valued, and increasingly is valued on private property, there will be increasing pressure to protect these values directly, or offset negative impacts. This will generate increasing demand for the brokering of offsets, but will also likely see an increasing push-back from land owners who see their property rights eroded.

Deciding what is fair and reasonable and what the baseline should be are both partly a function of deciding how far back to go to compare current values, and then deciding how great the net positive contribution should be. Much of this will be place-specific.

These issues are not resolved here. However, a planning and auditing framework is proposed within which to address them, as described in the following sections.

Proposed management units

In the absence of an NPS on indigenous biodiversity (which remains on the government agenda and may still appear) another NPS, the National Policy Statement for Freshwater Management (NPSFM), provides an opportunity for framing up biodiversity offset decision-making.

The NPSFM objectives include the integrated management of fresh water and land use in catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment (Objective C1). This is done in concert with identifying the values of freshwater management units (Objective CA1). FMUs are ‘the water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits...’ (New Zealand Government 2014b:7).

Such a catchment approach will influence land use decision-making, because improving water quality will require changes in current land use while assessing water supply and absorption capacity for land use change.

Implementing planning responses to the NPSFM offers an opportunity to apply and extend a climate compatible development (CCD) approach (Stringer et al 2013) with various co-benefits associated with biodiversity and water quality improvements. That is, combining carbon sequestration and storage capacities of different types of land use vegetation and soils, their atmospheric carbon emission profiles, and their adaptation potential with associated indigenous and functional biodiversity values (Knight-Lenihan *in press* & Khodabakhshi 2017). These can be enhanced using biodiversity offsets. This in turn contributes to achieving water quality goals through, for example, upper catchment, riparian and coastal wetland vegetation protection and enhancement. FMUs could become the co-benefit management unit.

Auditing systems

If the aim is to generate net ecological benefit (Birkeland & Knight-Lenihan 2016) then it is necessary to design auditing systems to manage this process. Audits would look at all aspects of development and would consider where the raw material is sourced and energy produced through to projected annual ecological impacts associated with energy and waste production. Each stage of the supply chain providing material and energy would be assessed independently and rated against locally applicable standards. This complex process has yet to be fully articulated (Knight-Lenihan *in press*). In the meantime, the following describes possible auditing mechanisms including estimating ecological footprints, creating built environment material and resource flow assessments, and expanding product verification systems.

Ecological footprints

EFs calculate the biophysical carrying capacity required to support a given human population, including local and distant ecosystems (Rees and Wackernagel, 1994), and is evolving into a tool claiming to measure the natural environment's capacity to support human activity.⁵ An additional role could be to measure net increases in ecological values due to changes in development processes.

Built environment material and resource flow assessments

Auditing systems such as the Leadership in Energy and Environmental Design (LEED) demonstrates it is technically possible to assess all material and resource (including energy) flows for the built environment using a credit system. Commercial and residential neighbourhoods can also be assessed, along with (in theory) energy and carbon emissions mapping of urban blocks (Webster et al 2011).

Product verification systems

This could be similar in structure to the auditing done by organisations such as Trade Aid.⁶

The three approaches could be combined. Material and energy flow assessments could incorporate estimates of the infrastructure support costs for individual and neighbourhood activities and product verification. Ecological footprinting would be a cumulative measure of costs at a neighbourhood, district, urban or regional level.

The objective would be to estimate offset requirements applicable to local and distant ecological impacts. This in turn would generate incentives for local developers to investigate how to reduce the ecological impact of their activities while making explicit the impacts of those supplying material and energy locally, nationally and internationally. There would be no legal provision to require those in the supply chain to address ecological impacts, other than noting compliance with applicable local regulations, but it is anticipated there would be growing commercial and consumer pressure to source from suppliers meeting explicit ecological requirements

An example of within-FMU efforts to increase ecological values is a multi-functional space frame on buildings supporting heating, cooling, onsite water treatment, food production, and ecosystem functions (Birkeland 2014). This would add to efforts to increase urban biodiversity (e.g. Ignatieva, Stewart and Meurk 2011) and urban ecosystem services (Jansson, 2013) while promoting urban design and development practice minimising or avoiding impacts on water bodies (van Roon, Rigold and Dixon 2016). A mixture of incentives and regulatory compliance would generate credits assisting in the resource consent process.

Conclusion

⁵ See for example the Global Footprint Network
http://www.footprintnetwork.org/en/index.php/GFN/page/footprint_basics_overview/ accessed November 2016.

⁶ www.tradeaid.org.nz/index.php/page/216 accessed November 2016

Nationally explicit provisions for improving net ecological value comes through a non-statutory process supporting biodiversity offsets. Given New Zealand's current net ecological deficit due to cumulative impacts, it is argued that this net benefit requirement should be favoured over the current avoid-remedy-mitigate approach of the *Resource Management Act 1991*.

The design of a net positive ecological benefit approach, requiring as it does measuring existing and future biodiversity values, is highly contentious. However, it is identified through the biodiversity offset good practice guidelines (New Zealand Government 2014a) as a legitimate exercise to compensate for more-than-minor residual biodiversity values lost through a development. The arguments underlying this guideline support consideration being given to promoting its status. Not doing so favours the current ability to default to a *do no further harm* ecological management approach that at best does not address cumulative effects, and at worse, contributes to them.

Embedding the concept of preferring net benefits does not assure delivery. But not having a legislative driver prioritising net benefit will impose a heavy burden on its ever being developed.

Meanwhile, legitimate ecological compensation actions could earn developer credits to be traded, incentivising actions to contribute to net benefit. Local regulations attached to building codes and rating systems could be used to drive compensation into net positive territory. New and retrofitted buildings could include systems that increase ecological value, and site design would reduce receiving environment impacts.

The catchment approach required through the National Policy Statement for Freshwater Management provides an opportunity for creating management units addressing co-benefits for water quality, climate change, and biodiversity values. The offsetting process could be managed within the freshwater management units required by the NPS.

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Free Market Failures Disavowal in the Auckland Housing Market

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Abstract

Auckland is one of the most livable cities; meanwhile, it is the 8th unaffordable major in the world. Auckland's median housing price has increased dramatically between 2010 and 2016. To control Auckland's housing price inflation, the Reserve Bank of New Zealand has implemented several restriction policies such as changing the loan-to-value ratio (LVR) policy, and requiring residential property investors using bank loans to have a deposit of at least 20 percent of the property value in the Auckland region. Auckland's housing price inflation combined with financially restrictive policies have subsequently banished lower- and middle-income Aucklanders from the housing market. As a consequence of increasing rents in the Auckland region, household expenditures and savings have been significantly diminished. However, Auckland's housing unaffordability has become prominent within New Zealand socio-political domains. It does not generate any public political contestations in the post-political society against the dominant market rationality. On the other hand, planning and its regulations, particularly Resource Management Act (RMA), has been denounced for its lack of flexibility to respond effectively to the demand for housing. Thus, removal, or at least modification, of the existing planning regulations is generally suggested to amplify both releasing land and facilitating residential development projects to increase the supply of housing and subsequently control the Auckland's housing inflation. This paper will investigate how the overattachment of various actors and organisations to the fantasy of the "invisible hand of the market" that can eventually resolve the Auckland housing inflation impedes the ability of social movements to claim the right to the housing in one of the most unaffordable cities in the world. The authors deploy Lacanian theories to consider how neoliberalism as the hegemonic ideology deceives different actors and organisations generally to disavow its failures. In this context, different actors and organisations such as central and local governments generally deny their roles in the creation of the existing housing inflation. Accordingly, the authors conclude that planning should return to its ontological functions as the regulator of market and its failures including the housing inflation in Auckland.

Introduction:

Housing price and affordability in Auckland has been one of the main concerns of urban researchers and planners. Researchers, plans and policies mainly consider housing issue as an objective issue. Applying a Lacanian notion of the disavowal mechanism, this paper argues how planning organisations and their agents in their subjective levels disavow the cause of housing unaffordability in the Auckland metropolitan area.

Auckland housing crisis

House prices have risen dramatically over the past fifteen years (Productivity Commission, 2015). However, only from 2013, the main debate of Auckland Council and New Zealand media has been over the housing unaffordability and housing crisis in Auckland. The Auckland Council Chief Economist reported that the median house price in the Auckland region is about ten times greater than the median household income (Parker, 2015, p. i). In particular, New Zealanders “are anxious that Auckland’s property market may bust and harm the national economy” (Parker, 2015, p. i). Statistics showed that 43 per cent of mortgages in Auckland were lent to property investors and only 12 per cent were made to first-home buyers in 2015 (Howden-Chapman, 2015). In 2016, the Reserve Bank changed the Loan-to-Value (LTV) from 5 per cent to 20 percent deposit for a mortgage loan to secure the New Zealand economy against financial shock (The Reserve Bank of New Zealand, 2016). In 2015, “the Reserve Bank moved to alter the existing LTV rules applicable only for rental property investors in the Auckland region, in an attempt to dampen the rapid growth in house prices” (Howden-Chapman, 2015).

But the question is if a crisis or at least a problem has been recognised in the Auckland and consequently in New Zealand, what has been recognised as the causes for this crisis?

Housing crisis from institutional perspectives

Based on the Reserve Bank and Auckland Council’s reports and analyses, this paper briefly investigates three main available and published reports and research projects that seek to address the cause(s).

The New Zealand Productivity Commission (2015, p. 1) released that the “major contributor to this price growth has been an insufficient supply of land that is ready for housing, both within cities (brownfield land) and outside of them (Greenfield land)”.

The Reserve Bank of New Zealand (Watson, 2013, p. 2) argued that “supply conditions – which are influenced by a range of regulatory and geographic factors – are a key determinant of housing market outcomes. Low housing supply responsiveness can result in volatile house price inflation and increases in house prices that appear to be semi-permanent”. The Reserve Bank concluded with recognition of two main reasons for high house prices: growing population and tight planning restrictions.

The Auckland Council Chief Economist analysed the Auckland housing market to find the causes and solutions for the existing crisis in New Zealand and particularly in Auckland (Parker, 2015). The main causes and drivers were analysed based on the basic economic principles of demand and supply sides and the equilibrium point of the market. Higher demand in the market due to “strengthening economic growth and inward migration as well as easy credit conditions, in terms of both the price and availability of mortgage finance” were perceived as the main causes from the demand side (Reserve Bank of New Zealand, 2014, p. 2). From the supply side of the market, inelastic supply is a classic cause of high prices in the housing market (Parker, 2015, p. ii). In addition, the Chief Economist’s report identified planning constraints and design requirements as further important causes for high prices in the market (Parker, 2015). Although a discussion about the contradiction between improving housing affordability

and protecting individuals' assets by avoiding a crash in house prices was mentioned (Parker, 2015, p. iv) it was not considered as an important cause of high and unaffordable prices. Accordingly, lack of enough supply of housing combined with increased demand in the market was recognised as the main cause for housing unaffordability and housing crisis in Auckland.

Auckland Council solution for the crisis: economists and planners

The Chief Economist at Auckland Council suggested "a wide range of measures on the 'supply side' that need to be undertaken (or continued) by both the council and the government" (Parker, 2015, p. i). Importantly, the public sector was recommended "to act urgently to overcome undue costs, risks, delays and barriers to development and construction" (Parker, 2015, p. 13). In particular, it is proposed that relaxing density regulations and reforming the RMA are key solutions to address the issue for urban areas of national significance.

The Productivity Commission (2015, p. 1) recommended that "unlocking land for housing is a necessary first step and catalyst for productivity improvements in other parts of the housing supply pipeline". Also Auckland Council Research and Evaluation Unit (RIMU) performed a research which shows inelastic supply in the New Zealand housing market in general and Auckland in particular is the main cause of high prices in the market. The report recommended easing planning regulations as a solution to the issue (Nunns & Rohani, 2016).

The question is whether planning regulations are the main reason for the current crisis in the Auckland market? Applying a Lacanian approach the following paragraphs provide an explanation of the reasons for this widespread anti-planning approach.

Lacanian Theory:

This paper deploys the Lacanian concept of 'overattachment to the fundamental fantasy' through the Laclauian and Žižekian interpretation of the concept in a wider area of society, political and economic phenomena. Accordingly, the paper applies the concept in relationship with the concept of ideology, and how this concept is related to fantasy.

Ideology and fantasy

According to Žižek, ideology "is a fantasy-construction or an illusion which structures our effective, real social relations and thereby masks some insupportable, real, impossible kernel" (Žižek, 2008b, p. 45). Ideology exhibits symptoms instead of causes. It blurs the distinction between surface and depth. Ideology renders incomprehensible social situations, the meaningful and reasonable; thereupon, we can spontaneously act within and on them (Žižek, 2008b). "Žižek believes that ideology is manifest not in what we know, but in what we do, in the practices and behaviours in which we persist even as we know better" (Dean, 2006, p. xvii). Accordingly, ideological formation is not only a set of different elements constituted as a set of virtues at a certain nodal point, or as a discursive formation that covers over the fundamental incompleteness and impossibility of society, it also works and needs a fantasy construction to support and hold it.

To perform this, the fantasy explains the completeness of lack in a way that promises and produces enjoyment for the subject. Žižek (2008b, p. 43) offered a play on the words ideological “jouis-sense, in sense (enjoy-meant)” to utter how through an ideology a meaning is performed by irrational enjoyment. Based on a Laclau, an ideology is signified in relation to a ‘lack’ or ‘contingency’. “Ideology’s very function is to fantasmatically conceal such relations and structures of domination by keeping radical contingency at bay” (Glynos & Howarth, 2007, p. 198).

The ideological dimension signals the way in which the subject becomes complicit in covering over the radical contingency of social relations by identifying with a particular discourse. In this sense, ideology involves the way a subject misrecognizes its real conditions of existence. Indeed, the hold of this misrecognition injures or insulates the subject from the vagaries of the structural dislocation that always threaten to disrupt it. (Glynos & Howarth, 2007, p. 117)

According to Laclau, what characterises a hegemonic ideology is its attempt to cover over its ontological lack, its contingent character, its radical historicity, and the ultimate susceptibility to dislocation (Stavrakakis, 1997). Despite the solidity and impenetrable appearance of a hegemonic ideology, it is rendered vulnerable by its attempt to conceal its contingency. In fact, ideology is accepted by the idea of homogeneity. Through homogeneity, hegemony tries to overcome every contingency as a rival discourse or a resistance. In this manner, fantasy attempts to negate, to master, the symptoms (pressures) of a lack.

When a series of meanings and structures constituting a discourse are assisted by a fantasy – the specific mode of enjoyment attributed to the discourse – when successfully they become hegemonic. The structures, institutions, and social norms and values under this hegemonic ideology appear so normal and natural that members of a society fail to see that they are the result of political practices. At this point, the discourse reaches the level of ‘common sense’, in that its origins and intrinsic contingency are obscured and forgotten (Laclau & Mouffe, 1985).

According to Mouffe (Mouffe, 2008, p. 4), what we accept as ‘natural order’ that is taken for granted is the result of the fixed meaning of the social institutions, hegemonic (accepted) practices and the common sense.

As “hegemony is never fully complete and the condition of the politics is the incompleteness” (Torfing, 1999, p. 183), it should come out as protest followed by the collapse and overthrow of the hegemony. Nevertheless, this often does not happen; because, the hegemonic ideology attempts to apply further fantasy to continue its hegemonic relations over alternative claims or ideologies (Žižek, 2008b). A hegemonic discourse makes a particular institution possible and another institution impossible. In short, ideology describes the situation in which the social subject misrecognises the lack in the social order. At this point, most subjects accept the hegemonic discourse/ideology as reality or natural. In particular, hegemonic ideology through fantasy construction provides a cushion for subjects to maintain and hold the hegemony.

Ideological fantasy making in the case of a revealed lack or abyss “give us a direction and energy with a new promising enjoyment to cover the abyss and to capture us in the existing symbolic order” (Glynos & Howarth, 2007, p. 147). Fantasy is defined on the basis of obscuring/closing the lack or “the function of closure” (Glynos & Howarth, 2007, p. 151). The fantasy brings a feeling of security and enjoyment for the subject. Essentially, this feeling of closure and apparent completeness brings enjoyment to the subject.

Disavowal and over-attachment to the (fundamental) fantasy

According to Lacan, disavowal is one way of responding to a lack. As explained when subjects face a lack, this touching or feeling of the Real causes anxiety for a subject. One way of dealing with anxiety is disavowal as a radical defence against recognising this lack. To Lacan, “disavowal is at the root of the perverse structure” (Evans, 2006[1996], p. 24). Therefore, disavowal is one of the different types of denial of lack that subjects attach to it to face the lack of the Real.

The important point about disavowal is that disavowal is the fundamental operation in all forms of perversion. Because it shows both sides of the subject, “disavowal is always accompanied by a simultaneous acknowledgement of what is disavowed. Thus the pervert is not simply ignorant of castration – [lack of the Real] – he simultaneously knows it and denies it” (Evans, 2006[1996], p. 44). Disavowal with denial of lack dispels the feeling of anxiety. Thereupon, in the operation of disavowal, denial is involved and correlated with the mode of enjoyment in the subject.

Gunder (2016, p. 33) argued that “ideological disavowal is what permits ideology to work”. He explained how neoliberal fantasies disavow its lack such as those of “devastating Gini coefficients”, exploited labour, ecological crises, and housing unaffordability issues. Gunder (2016, p. 34) explained that our over-attachment to the fantasies provided by neoliberalism “inherently leave us individually and collectively open to external manipulation, be it through mechanisms of governance/governmentality, the market or simple traditional political promise”. These neoliberal fantasies include the logic of the free market as the fundamental fantasy of capitalism, which is supposed to provide a solution for any kinds of lack within the social order, including the lack of an affordable dwelling. Gunder (2016) contends that although we may never inherently trust a specific politician, it is less painful to believe her/his promise, for example, of providing affordable housing through applying free market-based policies, rather than to challenge the politician by questioning the validity of his/her policies. In fact, the over-attachment to the fundamental fantasy of the market as a solution for everything makes us disavow any alternative – the logic of contingency – to capitalism.

According to Žižek (in Butler, Laclau, & Žižek, 2000, pp. 311-312) “the social norm (the set of symbolic rules) is sustained by fantasies; it can operate only through this phantasmic support, but the fantasy that sustains it had none the less to be disavowed, excluded from the public domain”.

Over-attachment to the fantasy of ‘the invisible hand of the market.’

Since the late 1980s neoliberalism has taken the hegemonic place of ideology as the accepted, normal, and unquestionable dominant discourse of human society. Neoliberal hegemonic ideology commands by a mode of enjoyment structured through surplus value/surplus enjoyment (Žižek, 2008a). One of the neoliberal fantasies is providing solutions for the deficiency of housing that planning as an apparatus is materialised in the form of land supply policies to meet the demand side of the housing market. The theory of the market equilibrium and invisible hand of the market as a self-correcting mechanism presents a fundamental or main fantasy of market-oriented policies. This fantasy shaped the main discourse and other theories have been shaped around this well-known theory of the market including all the main above-mentioned documents from New Zealand's planning and economic organisations including Auckland Council, Reserve Bank and Productivity Commission.

The over-attachment to the fantasy of free market is created the subjective level of the actors under capitalism and particularly neoliberalism. Despite revealing the logic of contingency or market deficiencies, the neoliberal reasoning continued working through the fantasmatic logic of over-attachment to the fantasy of the free market as the best approach for the provision of affordable housing for different groups including FHBs, low-income groups, and homeless people.

Through the disavowal mechanism, actors specially economists attach to the free market rationality as the fundamental fantasy of neoliberalism. Actors accept that the free market is the most possible logic in achieving affordable housing. In this regard, planning actors and economists disavow the existence of any lack in the market reasoning.

The disavowal mechanism, that is the over-attachment of the subjects to the fundamental fantasy of the free market as the only solution, encouraged people to bring their money into the housing market and reassured them about taking benefit from the market. Actors also inverted the position of their subjectivity from will-to-fill-the lack to will-to-enjoy from the lack; thus, the structure of the fantasy preserved their practice in order to gain the most profit from the lack of housing. The mechanism operated to attract subjects to obtaining value-added from the deficiencies rather than struggling to respond to them.

The lack re-emerged: we are in crisis but we disavow it

The section then explains how different actors have reacted and responded to the current situation of the market. Discussion in this section explains that the disavowal mechanism is functioning at a subjective level in some of the planning actors in the Auckland planning institutions. Through the disavowal mechanism, they attach to free market rationality as the fundamental fantasy of neoliberalism. Actors accept that the free market is the most possible logic in achieving affordable housing. In this regard, planning actors disavow the existence of any lack in the market.

When the 2008 global economic crisis occurred, many researchers in these private institutions, as well as developers, contended that the invisible hand of the market would adjust the market operation if market rules were followed. The only accepted policy as the minimum intervention into the market was reducing the interest rate to

avoid a crash in the market. Similarly, in New Zealand, OCR reduced to control and prevent a failure in the market. In fact, this group of actors disavowed any lack and failure with the market operation and insisted on relying on the market operation as the best solution for lack of affordable housing. Since the 2008 global economic crisis, within countries that have a similar neoliberal housing policies including the US, the UK, many of the European countries, Australia, and New Zealand, planning has often been criticised for restrictions on land access, which creates scarcity, higher costs in building, and more expensive services (O'Toole, 2009). Many pro-market groups have argued that restrictive policies and regulations against growth and new construction not only push people to live in apartments but also destroy the beautiful Aucklanders' dream of living in detached houses.

While before 2016, many global and New Zealand national institutions of economic research asserted that New Zealand was one of the few economies in the world that did not experience a significant correction following the global financial crisis of 2007-2008 and it continued to maintain that housing investors had enjoyed strong returns over the past two decades. They concluded that despite the variation amongst cities in New Zealand, house prices are currently near fair value (resource). Despite the research and reports that argued for the self-adjusting mechanism, some statistics even from the mentioned reports show that housing shortage could be beneficial for a certain group, particularly when the market is overheated (Parker, 2015) and when the increased price in the market is counted as the wealth or a meaningful portion of GDP.

According to the Žižekian interpretation of fantasy under the hegemonic ideology of neoliberalism, the increasing symptoms of market failure and the hegemonic ideology of neoliberalism indicates that at the subjective levels, actors deployed different types of fantasies to maintain the system of generating everlasting surplus value. Different types of fantasies support the fundamental fantasy of the free market or the self-adjusting market. These fantasies can materialise as different types of implementations, policies or strategies from the selling public houses to blaming planning system as well as design awards among many others. The disavowal mechanism disavows any lack in the market logic by accusing some of the actors of being transgressive from the free market rules. Disavowal mechanism: attract more people into market to safely pass the crisis

disavowal explain how subjects derive their complicity in concealing or covering over the radical contingency of social orders and in the maintenance of a practice such as a reducing OCR to maintain the price and activities in the market.

Conclusion

The conclusion of the paper is that to understand the function and consequence of planning, further investigation into the potential strengthening of connections between the psychoanalytical and economic dimensions of planning and policymaking is required. As Žižek (2012) explained, the current crisis in the world is the crisis in thinking rather than praxis. Žižek terms this crisis of mind 'ideological or fetishist disavowal'. He maintains that the logics of disavowal encourage obscene or cynic practices and it is the task of the intellectual to discern these disavowed beliefs of our

existence (Žižek, 2006). It is important to ensure, therefore, that the future task of critical planning theory must include revealing the fantasies/different modes of enjoyment behind practices, acts, or beliefs. Therefore, doing more research on the intellectual tasks of the planning discipline is required to create changes in both planning education and practice as well as planning-related organisations and to determine what frames our thoughts and beliefs as well as regulations and paradigms.

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Transforming responsible citizens: the regeneration of Tāmaki

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Abstract

The transformation of Tāmaki in Auckland's east exemplifies many aspects of regeneration approaches seen in the UK and US over the past twenty years, such as the promotion of mixed-tenure, mixed-income communities and the desire to deconcentrate social housing and open it up to the private sector. There has been significant debate about the impact of these approaches on deprived residents of regeneration areas. While proponents argue that they lead to improved outcomes for deprived people, others counter that these policies constitute state-led gentrification and do nothing to improve the material situation of the poor. Drawing on the notion of "persuasive stories," this paper examines the way in which the Tāmaki Strategic Framework reinforces certain assumptions about the benefits of this kind of regeneration for deprived communities. The analysis considers how the document employs fictional narratives that frame residents as responsible for their own circumstances. I argue that this rhetorical device demonstrates a meritocratic ethos underpinning the regeneration of Tāmaki, one that is enabling of a laissez-faire approach to addressing deprivation.

Introduction

The redevelopment of the area known as Tāmaki was announced to the public in early 2008 by the then Labour-led government (Street, 2008). Over the 9 years since the 'Tāmaki Transformation Programme' (TTP) was launched the regeneration initiative itself has been the subject of multiple transformations: it has been re-structured, re-framed, renamed and corporatized, and, most recently, its social housing management function has been put on the market (Tokalau-Chandra, 2017).⁷ Despite these changes, some fundamental aspects of the programme have remained consistent. Significantly, the objective of diversifying the community in terms of socioeconomic status and tenure type has remained central to the programme under both Labour- and National-led administrations.

The pursuit of social mix and tenure mix (which is arguably a euphemism for social mix (Tunstall, 2003)) has long been a feature of regeneration programmes in many western countries (Lees, Butler, & Bridge, 2012; Peel, 1995; Sarkissian, 1976). It is based on the assumption that mixed communities will promote interaction and build "bridging social capital" (Putnam, 2001) across the socioeconomic spectrum, that deconcentrating

⁷ Due to the changing name and structure of the body responsible for the redevelopment of the area it is referred to in various ways in this paper. For clarity I will use the term 'Tāmaki Transformation Programme' (or TTP) when I am referring *specifically* to matters pertaining to the years 2008-2012, and I will use 'Tāmaki Redevelopment Company' (or TRC) when speaking about developments *since* 2012. When I am discussing the redevelopment of Tāmaki in general terms I will not use these specific names.

deprivation will lead reduce negative “area effects” (Murray, 1984, 1994; Wilson, 1987, 1991, 1997), and that better-off residents will “role model” middle class norms that poorer residents can aspire to (see e.g. Arthurson, 2012; Kleinhans, 2004; Tunstall, 2003).

The social mix approach has been pursued by those on both the left and the right of politics, even though it has been widely challenged by researchers (see e.g. Arthurson, 2004, 2012; Arthurson, Levin, & Ziersch, 2015; August, 2014a, 2014b, 2014c, 2015, 2016; Crump, 2002; Darcy, 2010; Davidson, 2012; Galster, 2009; Lees, 2008; Levitas, 2005; Ostendorf, Musterd, & De Vos, 2001; Peel, 1995; Uitermark, 2003; Wood, 2003). There is little empirical evidence to suggest that social mix results in improved outcomes for the poor and some research that suggests that when socioeconomic differences are large it is in fact harmful (e.g. Galster, 2013; Heraud, 1968; Luttmer, 2005). As Arthurson (2004) notes: “there is insufficient linking between the underlying assumptions made for social mix in contemporary regeneration policy and the empirical evidence base” (p.101). Even some proponents of social mix argue that it should not be engineered through regeneration programmes because of the potential harm to existing residents (e.g. Galster, 2013). It is problematic, considering this research, for a large-scale initiative such as the regeneration of Tāmaki to be fundamentally geared towards tenure diversification and promoting social mix. A lack of evidence to support its stated aims leaves the policy approach open to criticism as a form of state-led gentrification, and indeed this claim has been levelled at Tāmaki (Gordon, 2015).

How, in the absence of evidence to support this policy approach, do its advocates procure support from decision makers and the community? “Persuasive story-telling” (Throgmorton, 1996, 2003a) about the outcomes policy-makers hope will eventuate is one approach. The *Tāmaki Strategic Framework* (Tāmaki Redevelopment Company [TRC], 2013) sets out the programme of change in the area and is the primary public articulation of the initiative’s purpose and approach. This document invites analysis as an instance of “persuasive story-telling” because of its conspicuous use of narrative to legitimise the regeneration programme. I propose that the “persuasive stories” contained in the *Framework* function to justify the social mix/tenure mix approach by representing residents’ material circumstances as primarily a matter of personal responsibility. After briefly introducing the Tāmaki area and its demographic characteristics, this paper turns an interpretive gaze on the *Tāmaki Strategic Framework* (TRC, 2013). Examination of the fictional narratives used in the *Framework* reveals a strong meritocratic ideology underpinning the document; this ideology, I argue, functions to responsibilise the residents of Tāmaki and legitimises renewal by gentrification.

Context: the Tāmaki area

The area referred to as Tāmaki for the purposes of the regeneration programme⁸ covers just under 890 hectares and is located approximately 13 kilometres east of Auckland’s

⁸ It must be acknowledged that Tāmaki (or, more fully, Tāmaki Makaurau) is actually the Māori name for the Auckland isthmus, and its application to this small area is considered very inappropriate by some. The name Tāmaki was ascribed to the river (known by Māori as Wai O Taiki (Evans, 1997)) and the land to the west of the river by early Pākehā settlers, perhaps through a misunderstanding of what the Māori name actually referred to (Pita Turei of Ngāi Tai Ki Tāmaki and Ngāti Paoa, in TIES Team, 2010, p. 31). Although it would be my

central business district on the shores of the Tāmaki Estuary (Figure 1). It is serviced by the eastern rail line, and is therefore in relatively easy commuting distance to both the inner city and the industrial areas around Onehunga, Penrose, Panmure and Manukau. For the purposes of this paper, demographic data about Tāmaki will be derived from the census area units (CAUs) that fall entirely within the study area (Figure 2): Glen Innes East, Glen Innes West, Point England and Tāmaki.⁹



Figure 1 Location of Tāmaki case study area in relation to Auckland isthmus (author's map created with LINZ data)

Figure 2 Case study area detail, showing CAUs (author's map created with LINZ data)

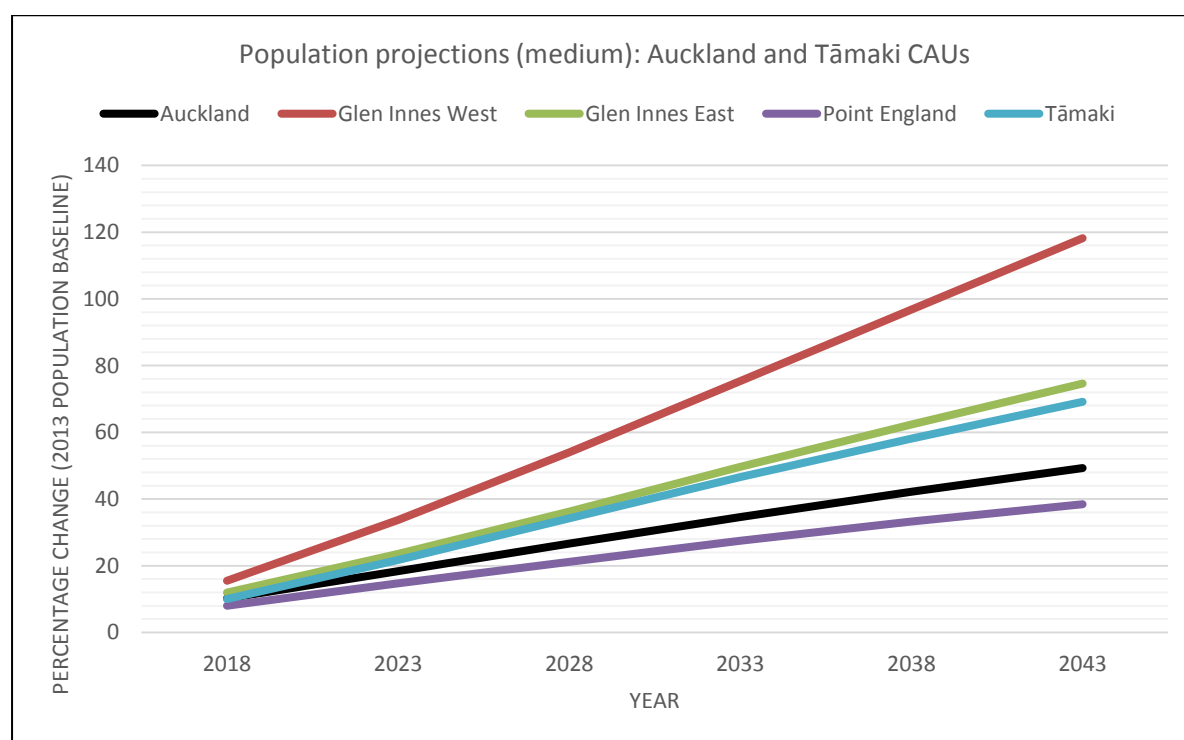
Development of the area commenced in 1945 as part of a major state-sponsored housing programme to address the post-war housing shortage (Firth, 1949, pp. 78-79; "Housing Project," 1945). In 1943 the government purchased 2000 acres (809 ha, or most of the present-day Tāmaki redevelopment area) of land with a view to developing 8000 dwellings ("Tamaki Suburb," 1943); the intention was to provide housing and

preference to employ the name correctly, the fact that the regeneration programme applies it unproblematically to its target area makes this impractical. The politics of the naming of the regeneration area is beyond the scope of this paper, but is discussed in detail in my doctoral thesis, from which this case study is drawn.

⁹ While some small parts of other CAUs are also included in the study area, these do not correlate to meshblock boundaries, making a complete and accurate aggregation of population data for Tāmaki as defined by the programme impossible. Given the predominance of non-residential land uses in the parts of the CAUs excluded it is not considered to be a significant limitation of my data.

facilities for a population of more than 30000 (Firth, 1949, p. 79). The housing development on this “magnificent site” would provide “[b]eautiful homes, in an area standing well to the sun” was conceived of as being “for all time... a monument to [the government’s] State Housing plan” (Carnahan & Panmure Centennial Committee, 1948, pp. 39-40). The majority of the development occurred in the late 1940s and 1950s, with returning WWII veterans and their families, along with the workers in the industrial areas to the south of Tāmaki, being the intended residents of the newly-developed suburbs (Scott, Shaw, & Bava, 2010; Shirley, 1979).

While a substantial state housing suburb was established, the goal of building 8000 homes was never realised. In 2009, when the TTP was being designed, the area comprised 4700 households and had a population of 17000 (Tamaki Transformation Programme Establishment Board [TTPEB], 2009, p. 9); at that point in time, approximately 60% of Tāmaki’s housing stock remained in state ownership (TTPEB, 2009, p. 39), with the rest having passed to the private sector over the intervening decades. The goal of increasing residential development in the area has persisted, and has been a long-standing priority for local government (see e.g. Auckland Regional Growth Forum, 1999, p. 33). Comparison of Statistics New Zealand’s (medium) population projections for the four Tāmaki CAUs and the Auckland region demonstrates that even in the context of a rapidly growing region the population of this area is expected to grow at an astonishing rate over the next 25 years (Figure 3).¹⁰



¹⁰ The only CAU that does not have a growth rate higher than the region as a whole in the current Statistics New Zealand projections is Point England; as this paper goes to press the Point England Development Enabling Bill, which will rezone nearly 12ha of reserve land for residential development, is awaiting its third reading in Parliament. This bill, if it becomes law, will significantly increase the capacity for growth in the Point England CAU.

Tāmaki's people

Population movements in the 1960s and 1970s influenced the demographics of Tāmaki. Māori rural-urban migration, combined with the arrival of Pasifika peoples displaced by the gentrification of inner city suburbs such as Freeman's Bay and Ponsonby, both contributed to the emergence of a community with large proportions of these groups relative to the population as a whole (Scott et al., 2010; Shirley, 1979). During the 1960s and 1970s the socioeconomic situation of the residents of the area declined, as the better-off state housing tenants moved into non-state accommodation and the houses were allocated to new families on the basis of acute housing need (Shirley, 1979). As economic conditions worsened during the 1980s and 1990s the relative deprivation of the Tāmaki area grew (Scott, 2013). The rapid growth in economic inequality following the structural adjustment programme affected Māori and Pasifika communities disproportionately, and, because of the concentrations of these populations in Tāmaki (see Table 1 below) the area exhibited worsening social statistics.

All four Tāmaki CAUs have been in the most deprived decile in the country since 1991, when the NZDep data was first released (Atkinson, Salmond, & Crampton, 2014; Crampton, Salmond, & Sutton, 1997; Salmond & Crampton, 2002; Salmond, Crampton, & Atkinson, 2007; Salmond, Crampton, & Sutton, 1998; White, Gunston, Salmond, Atkinson, & Crampton, 2008). Data from the most recent census shows that the distribution of individual incomes in the four Tāmaki CAUs was significantly different from the distribution at regional and national levels (Figure 4). In 2013, 54% of Tāmaki's population were earning \$20000 or less (Statistics New Zealand, 2013). These very low incomes are in part reflective of Tāmaki's young population (relative to the national population profile (Statistics New Zealand, 2013)), as there are a higher proportion of people in the 15-24 age group who are more likely to be at school or in further education or training, and as a result may be financially dependent on whanau, in receipt of a student allowance or working part-time. However, the income poverty of many of Tāmaki's residents is also a consequence of a high rate of unemployment in the area (9.7% in 2013, compared with 4.7% nationally (Statistics New Zealand, 2013)). In 2013, more than 27% of Tāmaki's families were in receipt of either the unemployment benefit or the domestic purposes benefit, compared to just under 11% at the regional and national scales (Statistics New Zealand, 2013).

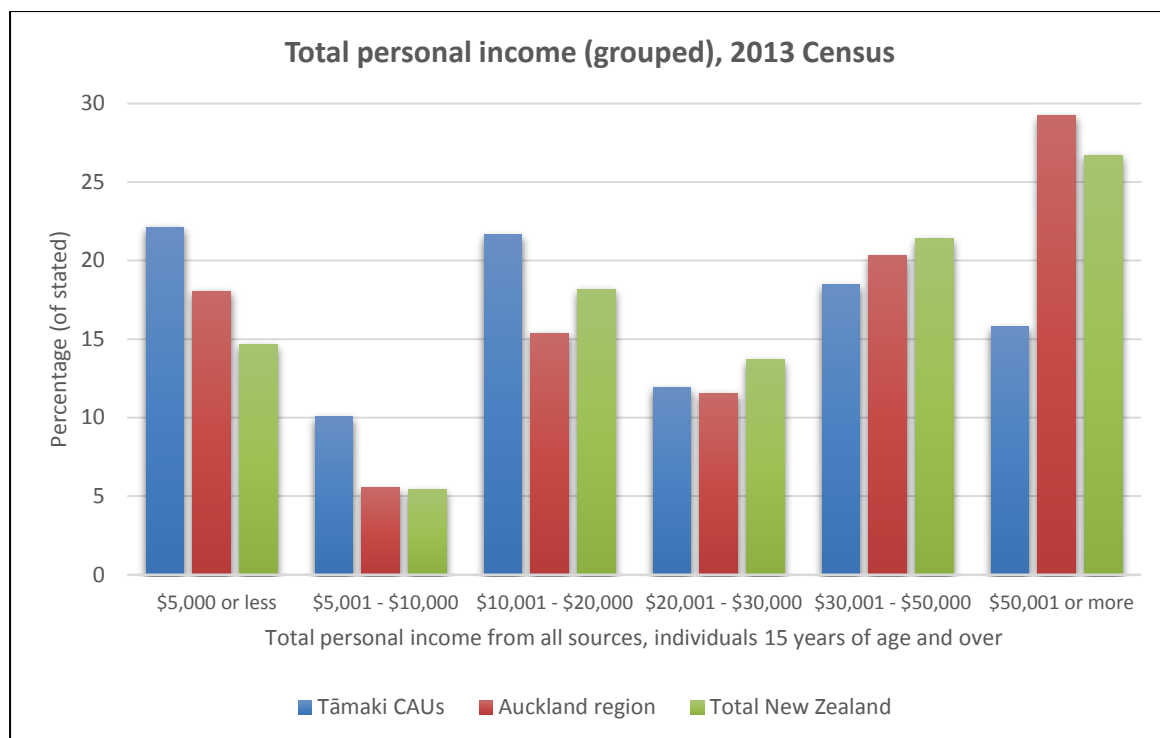


Figure 4 Total annual personal income (comparative), 2013 Census (Statistics New Zealand, 2013)

In addition to these markers of socioeconomic difference, Tāmaki’s population is also distinct from the national and regional populations in terms of ethnicity (Table 1). While there is some variation in the ethnic make-up of the four Tāmaki CAUs (as seen below), in general it is noteworthy that the area has a much smaller European population and much larger Māori and Pacific populations than might be expected from the demographic profiles of other geographic scales. The relative percentages have remained stable over the past three censuses (Statistics New Zealand, 2001, 2006, 2013). The predominance of Māori and Pacific peoples in Tāmaki is connected to the socioeconomic deprivation of the area because, as noted above, these ethnic groups have been disproportionately affected by the growth of inequality in New Zealand.

Table 1 Ethnicity (percentage): New Zealand, Auckland region and Tāmaki CAUs, 2013 Census (Statistics New Zealand, 2013)¹¹

	European	Māori	Pacific Peoples	Asian	MELAA ¹²
<i>New Zealand</i>	74.02	14.92	7.38	11.76	1.17
<i>Auckland region</i>	59.28	10.72	14.64	23.08	1.87
<i>Glen Innes West</i>	39.69	19.69	45.00	10.23	1.54
<i>Glen Innes East</i>	41.86	22.24	43.11	8.45	1.37
<i>Point England</i>	28.56	23.03	51.83	13.43	1.46
<i>Tāmaki</i>	35.42	24.52	41.30	14.77	1.55

¹¹ Percentages for ethnicity in the census do not sum to 100% due to some individuals identifying with multiple ethnic groups.

¹² This abbreviation stands for the census category ‘Middle Eastern/Latin American/African’.

In 2013 Tāmaki had about 4740 dwellings, of which more than 67% were rented; this is significantly higher than the national average, which is 35% (Statistics New Zealand, 2013). Before the start of the redevelopment programme 2850 houses, or 60% of the total housing stock, was owned by Housing New Zealand (TTPEB, 2009, p. 13).

To summarise, Tāmaki’s population is younger, poorer, and less Pākehā than the average population nationally. Residents of Tāmaki are also less likely to have educational qualifications (32% have no qualifications, compared to 20% nationally (Statistics New Zealand, 2013)) and more likely to be unemployed or in receipt of a benefit. They are also less likely to own their own home and more likely to be renting accommodation. It is this context that has given rise to the policy priority central and local government have given to making changes in Tāmaki over a long period.

Since the 1980s the area has been consistently scrutinised and policy approaches to address the relative deprivation of its residents and to increase the residential capacity of Tāmaki advanced (see e.g. Auckland City Council, 1984; Auckland City Council, 1987, 1993, 2003, 2004; Boffa Miskell, 2004; Heatley, 2009; Street, 2008; TTPEB, 2009). While the various manifestations of policy interest in Tāmaki are beyond the scope of this paper, the transition from the Tāmaki Transformation Programme to the Tāmaki Redevelopment Company is worth highlighting. In 2012, following a few years of modest progress by the TTP in modernising the state housing stock, the government created a new corporate entity—the TRC—to implement the regeneration of Tāmaki. The TTP had been a policy programme overseen by a board (comprised of representatives from Housing New Zealand Corporation, Auckland City Council, Auckland Regional Council, Auckland District Health Board, the Ministry of Social Development, the Ministry of Economic Development, the Ministry of Education, the Ministry of Pacific Island Affairs, Te Puni Kokiri, and mana whenua (TTPEB, 2009, p. 7)) and implemented by the Tāmaki Plan Development Unit (comprised of staff seconded from local and central government departments on an ad hoc basis (TTPEB, 2009, p. 36)). The TRC, by contrast, is a corporation owned jointly by the New Zealand government (59%) and Auckland Council (41%). The corporate structure, in concert with the 2016 transfer of 2800 state houses from Housing New Zealand to the TRC, arguably makes overt the regeneration authority’s role as a housing developer and manager. The TRC’s aims and objectives do not differ markedly from those articulated in earlier iterations, but since these changes took place the organisation has increased its power to effect change in the physical environment, and particularly the housing stock, in Tāmaki. The focus of the rest of the paper is on the strategic planning document produced by the TRC to outline their plans for the area: the *Tāmaki Strategic Framework*.

Introducing the Tāmaki Strategic Framework

The *Tāmaki Strategic Framework* (TRC, 2013) outlines the TRC’s plan for the Tāmaki area. Its “vision for Tāmaki” is as follows:

The vision is that Tāmaki will be a great place to live and work. Our improved

neighbourhoods, town centres and community facilities will match the outstanding natural environment and cultural richness that the area already enjoys.

It will be a safe, friendly place for children and families and a place where people want

to retire.

Tāmaki will be an attractive place for business to locate, and for the private sector

to invest. This will generate jobs and wealth (TRC, 2013, p. 9).

The explanation of the vision goes on to note that the regeneration is as much about “creating greater wealth and opportunity for people and their children” as “physical transformation of the area” (TRC, 2013, p. 9). It is the way in which these social outcomes are expected to be brought about that is of particular interest in the context of my analysis.

The activities that constitute the regeneration of Tāmaki are arranged in three thematic groups: “Lifestyle and Culture, Talent and Creativity and Places and Neighbourhoods” (TRC, 2013, p. 17); the domains each theme covers are indicated in Figure 5 below. The first two themes incorporate a range of actions that are predominantly supportive or advocacy-based, rather than things that the TRC themselves will implement. Many of these actions arguably lack specificity. For example, under “healthy, happy children” the summary of initiatives states that the TRC will “[w]ork with a range of partners to deliver services for children in the community and listen to children’s voices”, and the more detailed matrix is dominated by verbs such as “support” and “advocate”. Similarly, under “education”, the TRC’s actions are primarily supporting current initiatives in schools and advocating for the retention or expansion of education and training programmes (TRC, 2013, pp. 26-27). While the “vision” emphasises that the regeneration is not purely about the physical environment, the extent to which the TRC can be agential in social and economic change appears—from their own description of the regeneration—to be constrained.

Where there are actions under these two themes that the TRC can implement directly and independently they tend to be built environment regeneration projects that are anticipated to produce particular social outcomes. By way of illustration: “happy, healthy children” will be fostered through the provision of “child-friendly parks and open spaces such as streets and urban environments” (TRC, 2013, p. 21); “safety” will be enhanced by the use of CPTED design principles (TRC, 2013, p. 25); “innovation” will be enabled by developing “a range of affordable housing products” (TRC, 2013, p. 33). These policies are all clearly positive in and of themselves; however, the expectation that these alterations to the *physical* environment will lead to alterations in the *social* environment is indicative of an environmentally deterministic position. This is further reinforced by the framing of actions and anticipated outcomes included in the third theme, “Places and neighbourhoods”.



Figure 5 Diagram of the three key themes and their constituent elements, Tāmaki Strategic Framework (TRC, 2013, p. 17)

Under the “Places and Neighbourhoods” theme, the direct intervention of the TRC in the lives of residents is more evident than in the other two. This is because the owners of the TRC (central and local government) are (to a greater or lesser extent) in control of public spaces and the transport system, responsible for protecting the natural environment, and instrumental in housing development (particularly in relation to the 60% of Tāmaki’s housing owned by the state, but also more widely through planning regulations). For these perfectly practical reasons, the areas that have seen the greatest

intervention to date are public spaces and facilities, and the redevelopment of large tracts of state housing into mixed-tenure neighbourhoods.

The outcomes that the *Framework* expects to be achieved through these measures, particularly in relation to urban development and housing, are telling. The revitalisation of Tāmaki’s town centres will “create the right conditions” for growth (in both population and the economy of the area), and can also “contribut[e] to social cohesion and a stronger sense of community” (TRC, 2013, p. 35). The deconcentration of social housing and promotion of social mix is an explicit aim under the “housing” domain: “[o]ne of the aims of the housing strategy is to improve the diversity of housing types leading to a more mixed community” (TRC, 2013, p. 37). This “diversity of housing types” is intended to deliver a more “balanced community” (p. 37), but the rationale for why this is a desirable outcome is left unspoken. Of course “diverse” and “balanced” are positively coded terms, but as has been noted earlier, there is little evidence to support the promotion of social mix. Significantly, one of the first actions specified in the matrix under this domain is to deliver a prototype housing development that will “[d]emonstrate the benefits of mixed communities” (TRC, 2013, p. 38), suggesting that the TRC is aware that there is currently a lack of evidence to support this particular policy objective.

As I have foreshadowed, I propose that in the *Tāmaki Strategic Framework* a lack of evidential justification for the policy it advances is countered by the use of “persuasive stories”. The analysis that follows explores the way in which the *Framework* deploys narratives to support its approach.

Narratives of responsibility: “persuasive stories” in the Tāmaki Strategic Framework

The idea that planning is a process of “persuasive storytelling” entered the canon of planning scholarship long ago (Throgmorton, 1996) and has been much-discussed since (see e.g. Bulkens, Minca, & Muzaini, 2015; Eckstein, 2003; Flyvbjerg, 2004; Sandercock, 2003; Throgmorton, 2003a, 2003b). This paper does not seek to address the debate about Throgmorton’s original claim; rather, I invoke the “persuasive stories” discourse as a useful contextualising device for the analysis that follows. The *Strategic Framework* sets out the TRC’s agenda for Tāmaki interspersed with five fictional narratives. I propose that these passages are intended to function as “persuasive stories” (Throgmorton, 1996, 2003a, 2003b), and that their purpose is to advance a particular understanding of the TRC programme. Throgmorton (2003a) notes that “emplotment, characterizations, descriptions of settings, and rhythm and imagery of language” all contribute to “planning stories” that “unavoidably shape the readers’ attention, turning it *this* way instead of *that*” (p. 127, emphasis in original). These narrative and literary features can, he proposes, be employed to help citizens understand the objectives of policy interventions, thereby garnering support for them:

such stories shape meaning and tell readers (and listeners) what is important and what is not... Such future-oriented stories guide readers’ sense of what is possible and desirable. If told well, they enable readers to envision desirable transformations in their cities, long for the transformations, feel inspired to act, and believe that their

actions will actually have an effect (Throgmorton, 2003a, p. 128, emphasis in original).

The stories in the *Strategic Framework*, provide a snapshot of some imaginary residents of Tāmaki, and are framed as a 'before and after' narrative, couching the regeneration as a kind of extreme makeover; the purpose of these narratives is to persuade the reader that the redevelopment of the area will result in positive outcomes. For reasons of space, only two of the five vignettes will be briefly explored here: the first and the last. These two have been selected as they exhibit the most variation among the stories.

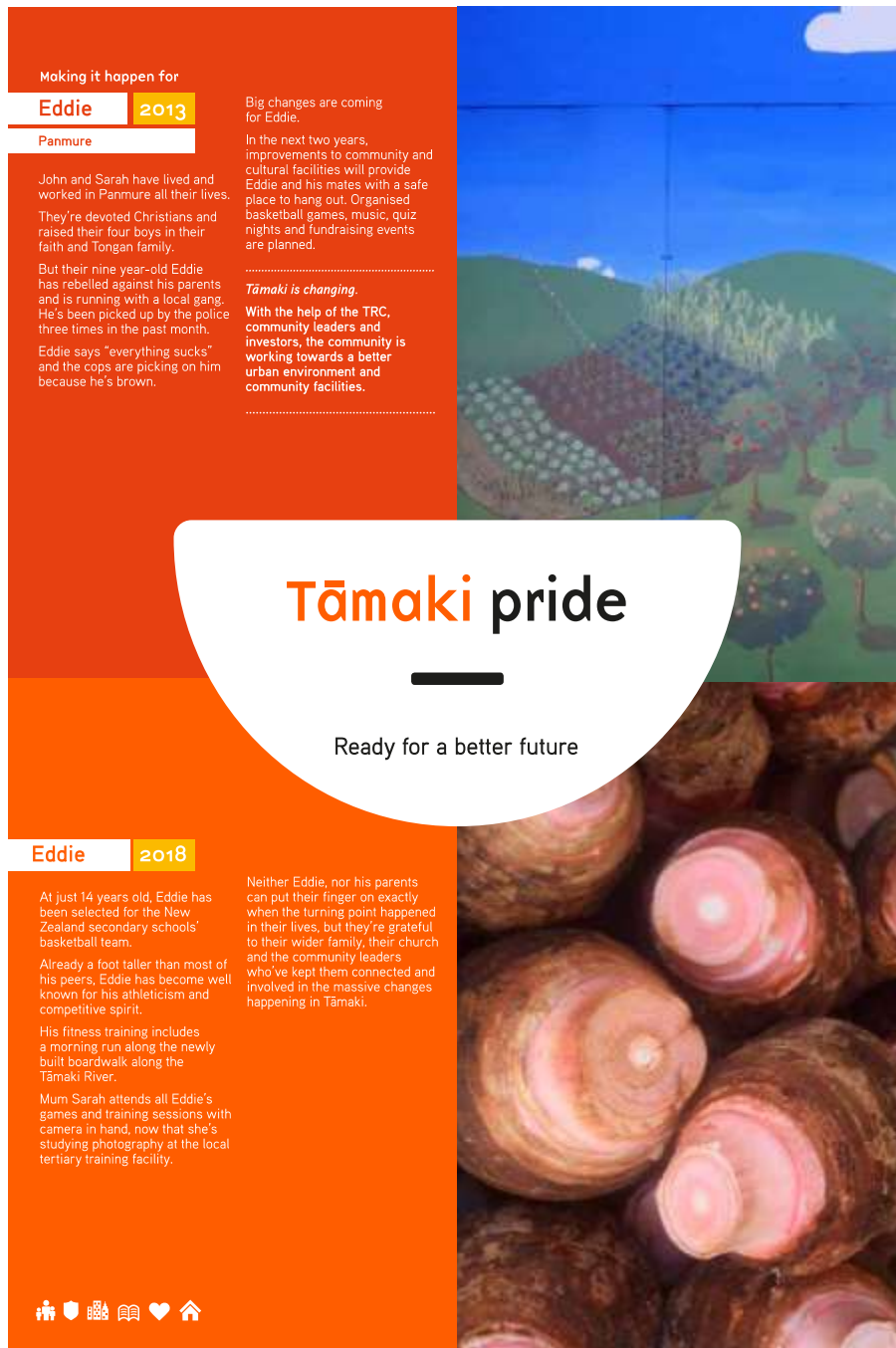
'Making it happen for Eddie'

The first narrative is that of Eddie (Figure 6). The vignette begins by framing Eddie's parents as deserving, hard-working and responsible citizens. Their long-term residence in the community is suggestive of stability, and the statement that they have also "worked in Panmure all their lives" pre-empts any questions about their work ethic and employability. Their responsibility and good citizenship is also underlined by the fact that they are "devout Christians" and have brought up their four sons "in their faith and Tongan community" (TRC, 2013, p. 4). While Aotearoa/New Zealand is now a largely secular country, this statement still conveys an image of moral rectitude, moderation and temperance, particularly when coupled with the traditional values associated with Tongan culture and the nostalgic images employed.

Eddie's story is the proverbial one of the child on the edge of delinquency who is saved by sporting prowess. The use of the child's mural to accompany the story of Eddie's emergent behavioural problems helps to reinforce the jarring effect of the news that at the age of 9 Eddie is already "running with a local gang" and has been in trouble with the police. The vignette promises that "big changes" lie ahead for Eddie, but these changes do not relate to the material circumstances of his family (and it is likely, based on what we know about the Tāmaki community from census data, that this family would be in some degree of material hardship, despite his parents being employed); instead, the changes come in the form of the provision of youth oriented community facilities. Eddie and his friends will have a "safe place to hang out" with access to wholesome activities—"basketball games, music, quiz nights" (TRC, 2013, p. 4).

Eddie's imagined situation 5 years in the future ("Eddie, 2018") demonstrates the effectiveness of this intervention: his life has been transformed through his involvement with basketball. He has become a national sporting representative at the age of 14, celebrated for his height, athleticism and competitiveness. It is significant that these characteristics are highlighted, particularly as one might regard them as explanatory of his success. To begin with his height, this enabling characteristic is not universally available; indeed, if it was, it would immediately cease to be an advantage. This edge over his peers is genetic, introducing a faint whiff of Darwinian logic to Eddie's story (not to mention the reinforcing of cultural stereotypes about Pasifika peoples), and this sits uncomfortably with the more meritocratic aspects of the text; it illustrates that the level playing field—an *a priori* assumption of the meritocratic worldview—is (at the very least) a biological fallacy.

Eddie's athleticism might likewise be assumed to be at least partly genetically pre-determined, although the narrative also emphasises his fitness and training regime. His disciplined adherence to this regime reasserts the role of personal responsibility and merit in Eddie's transformation from delinquent to sports star. His mother Sarah is also represented as responsibly pursuing self-improvement: she is "studying photography at the local tertiary training facility", even though as we know from the "before" section of the sequence she is already in stable employment. Her further study and endeavours towards self-betterment, therefore, indicate her adherence to the culture of aspiration and competition that prevails in neoliberal societies.



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Figure 6 Vignette 1: Making it happen for Eddie (TRC, 2013, p. 4)

This brings us to the valorisation of Eddie's "competitive spirit". Competitiveness is a fundamental aspect of neoliberal capitalism, seen not only as natural but also as positive (Purcell, 2009); competition between cities, universities, companies and colleagues is commonplace in contemporary discourse. The prevalence of the notion of competitiveness as an end-goal in planning has been noted by Gunder and Hillier (2009), and competition is fundamental to the ideology of meritocracy. The connotative power of this particular signifier, however, is deserving of further interrogation.

Competitiveness is routinely linked with positive attributes such as determination, motivation, and aspiration, rather than the more negative interpretations possible; a competitive person might also be aggressive, uncollaborative, ruthless, self-oriented. The characteristic of competitiveness, I would suggest, is not necessarily conducive to the development of community.

Stating that Eddie and his parents are unsure about what brought about his salvation, and that they are simply grateful to their community, positions the family as naïve and lacking in agency. This contributes to the construction of a knowing reader, one who can deduce the causes of the family's improved fortunes even if they are too inexperienced to do this for themselves. While the family is generally framed in a positive light, therefore, there is still a patronising undercurrent, as the reader is constituted as superior.

Making it happen for Tavita and Melissa

Tavita and Melissa (see Figure 7) differ from the other characters presented in the vignettes in that they are not established residents of the Tāmaki area. Their family is characterised as the sort of household that the regenerated Tāmaki will attract: aspirational working people with young children who can buy into the property market. Moreover, Tavita's desire to start his own business manifests the qualities of entrepreneurialism and ambition. The family aspires to live in the Tāmaki area because of its coastal location and because they see it as "diverse community that welcomes newcomers" (TRC, 2013, p. 16)



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Figure 7 Vignette 5: Making it happen for Tavita & Melissa (TRC, 2013, p. 16)

The catalyst for change in this vignette is housing development, but the improvement and expansion of the housing stock is not improving the lives of current residents; rather, it is making Tāmaki a desirable place, one that attracts desirable, responsible, home-owners. These new residents then, in turn, are expected to transform the community through their social and economic capital. Of the five vignettes, this is the only one that explicitly links to the TRC's stated aim of diversifying the tenure mix in the area (TRC, 2013, pp. 38, 48). The happy tale of Tavita and Melissa's move to Point England is in a sense a narrative of gentrification.

By 2018, we learn, the neighbourhood has “changed a lot”: local business has grown through the entrepreneurialism of new residents and the shopping areas are vibrant, supported by local people; Tavita and Melissa are thus both the generators and beneficiaries of this change. While the characteristics noted about Tavita in the “2013” instalment are his ambition and determination, the “2018” section emphasises the couple’s responsibility. As with Eddie’s narrative, engaged and responsible parenting is highlighted here: Tavita and Melissa are informed about their daughters’ school and its educational innovations, and their children are supported in extra-curricular activities (TRC, 2013, p. 16). Tavita has become a home-owner, established himself as a local business owner, and has moved from administration to providing financial advice, a dramatic transformation in just a few years. The family are “well known” in the area already: they do “their shopping locally and attend one of the local churches” (TRC, 2013, p. 16). Their activities are contributing to the economic and social worlds of the Tāmaki community; they are model citizens.

Discussion

The stories of Eddie and Tavita and Melissa (and the other characters that appear in the document) serve several functions. First, they promote the idea that the regeneration approach—focussed, as we have seen, on fostering “social mix” through tenure diversification and creating a more market-attractive physical environment—is sufficient to improve the lives of current and potential Tāmaki residents. Second, they frame the role of policy in the context of deprivation as one of enhancing opportunity structures, rather than intervening to support vulnerable communities directly. The third (and related) function is that these “persuasive stories” reinforce discourses of individual responsibility through an emphasis on the personal agency of their heroes. This last point is, I consider, deserving of further explanation.

While the two narratives examined here are quite different in terms of their protagonists’ circumstances and the nature of their transformation they share an identical feature: in each instance the subject has been agential in their own regeneration. They have demonstrated personal responsibility, discipline, ability, and ambition, and these qualities are integral to their dramatic change in fortune. For both families, the redevelopment of the Tāmaki area has provided some of the infrastructure or scaffolding for their self-improvement (youth activities; the boardwalk; new housing stock), but it is through their own efforts and abilities that they have brought about their achievements. The message here is, I contend, a meritocratic one: success in life is determined by *you*, not your circumstances. The problems with the meritocratic worldview have been widely discussed and I do not propose to explore them in any detail here (see e.g. Arrow, Bowles, & Durlauf, 2000; McNamee & Miller, 2004; Muntaner, Lynch, & Oates, 1999; Sen, 2000; Sibley, Liu, Duckitt, & Khan, 2008; Sibley & Wilson, 2007). It is pertinent, however, that empirical evidence does not support the meritocracy thesis (see e.g. McNamee & Miller, 2004): structural factors are vastly more significant than personal characteristics or ability in determining outcomes, and for most people social *immobility*, rather than mobility, is the reality. Meritocracy is, as McNamee and Miller (2004) compellingly argue, a “myth”. Moreover, as Sen (2000) argues, meritocracy (as it has come to be understood) as an ethos is “prone to generate

economic inequality” (p. 15). In light of this, meritocracy would appear to be a deeply problematic assumption upon which to base any public policy or planning strategy.

The “persuasive stories” in the *Strategic Framework* function to validate the TRC’s regeneration programme by demonstrating how it will improve the lives of residents (present and future). I argue, however, that these stories are underpinned by ideology rather than observation or evidence, and constitute a celebration of a meritocratic subjectivity. Meritocracy as a concept of course predates neoliberalism, but in recent years it has been characterised as a core aspect of neoliberal ideology by many scholars (Baker, 2010; Leyva, 2009; Littler, 2013; Rose, 1990, 1992, 1996), and the intersection of meritocracy and neoliberalism is evident in the subjectivities of the characters in the *Strategic Framework*. As Baker (2010) (after Rose (1990, 1996)) notes, “no matter what obstacles and disadvantages are experienced, the neoliberal subject must live their life *as though* they are free to choose its trajectory” (p. 187). Structural explanations for disadvantage and vulnerability are associated with weakness and passivity, and as a result the neoliberal subject is required to be “perpetually transformative and self-reliant” (Baker, 2010, p. 188). The subjects in the five vignettes conform to the expectations of the ideal neoliberal subject: they display the personal responsibility and will to self-improvement of what Rose (1990, 1992) has termed the “enterprising self”. There are two key reasons why the promotion of this ethos is problematic in the context of Tāmaki’s redevelopment, and planning to mitigate deprivation more generally: first, it shifts the burden of responsibility for addressing deprivation from the state to the individual; and second, it implicitly blames the poor for their own misfortune. These features of the meritocratic worldview enable a laissez-faire state and a punitive attitude towards the poor, disavowing the structural causes of inequality and deprivation.

Conclusion

In this paper I have examined the way in which the *Tāmaki Strategic Framework* uses narratives about imaginary residents as “persuasive stories”. While the role of “persuasive storytelling” in planning practice has been represented as potentially (and ideally) enabling and collaborative (see e.g. Throgmorton, 1996, 2003a, 2003b), I propose that in this instance the stories used are intended to justify a policy approach that is not supported by evidence. The narratives encourage a responsibilising and meritocratic understanding of Tāmaki’s socioeconomic challenges. This in turn legitimises a regeneration programme based on the (unfounded) assumption that social mix will generate new opportunity structures for deprived people; the privatisation of state housing and displacement of state house tenants are means to this end. Through these fictions the process of renewal by gentrification is represented as transformative for both current and future residents, provided that they demonstrate personal responsibility and engage in the entrepreneurship of the self.

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Critical analysis of the NPS-UDC and its discourse of conviction that land supply equates to affordable housing

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Key words: just city, land supply, urban containment, intensification, affordable housing,

Abstract:

Using a discourse of conviction, the NPS-UDC highlights the positives of well-functioning urban area. To address housing affordability issues, the NPS is predicated on the view that land supply equals lower house prices. Its preamble states that “planning can impact on the competitiveness of the market by reducing overall opportunities for development and restricting development rights to only a few landowners”, and this should be of concern to the planning profession, as it appears to lay the blame for housing affordability at the feet of planners.

This discourse about land supply being the cause of housing unaffordability has become compelling – those reading it potentially believe it, without stopping to challenge or evaluate it. In this way, the social reality of zoning land to ensure more affordable housing has become naturalised. However, allowing this view to prevail, and be accepted as common sense, could marginalise alternative practices in relation to affordable housing, which is a lost opportunity for the planning profession.

Using discourse analysis to explore meanings that can be attributed to the text of the NPS, this paper highlights future opportunities for planning and planners. Looking at the language of the NPS being aware of the silences of a text is as important as being aware of what is present. In particular, it is largely silent on the topic of the negative externalities of urban environments.

In addressing these negative externalities, this paper argues the need for the NZPI to begin a conversation about how the profession collectively views ‘justice’ in planning. Providing justification and rationale for particular planning interventions on the basis of a collective view of justice in planning could help the planning profession influence and achieve “just” urban environments, where planning policy focusses on the citizens who are most in need, particularly those adversely affected by housing disadvantage.

Introduction:

Access to safe and secure housing is a basic human right and central to achieving a ‘just city’. In New Zealand in the mid-20th century, planning regulations supported the ideal of suburban owner-occupier homes, contributing to the notion of the “half-gallon, quarter acre, pavlova paradise” (Mitchell, 1972). Together with other government and local government approaches (subsidies, mortgage funds, social housing provision, state housing) citizens were helped into a stand-alone, home of their own (Eaqub & Eaqub, 2015; Murphy, 2004). However, in the 21st century, following the roll back of the state from housing provision, and an increased role for market allocation of public resources

in public policy, house prices are becoming unaffordable for many. In the current context of rising inequality, it is timely to consider how the planning system can contribute to achieving a 'just city', one where housing outcomes specifically support those in need.

In New Zealand, the gap between rich and poor, as measured by the Gini coefficient, is widening faster in NZ than in any other developed country, with a disproportionate number of Māori and Pacific people living in poverty (Rashbrooke, 2013). The OECD reports that income inequality in NZ was above the OECD average in 2015 (OECD, 2015), and house prices, which almost doubled in some locations between 2001 to 2007, are very high in relation to average annual household income (Eaqub & Eaqub, 2015; The New Zealand Productivity Commission, 2012). In the context of rising inequality, and increasingly unaffordable house prices, there is a need to critically think about regulating the distribution of the land resource in order to achieve a just city.

Planning interventions, particularly regulations constraining the land use for housing, are seen as problematic. Although the effects of planning controls on housing and land prices is a topic not well quantified (Bramley, 1999; Gurran, Gilbert, & Phibbs, 2013), constraints on land-use are seen as a "distortion of market mechanisms" which threaten the efficient allocation of resources (Sager, 2011, p. 149). One particular 'threat' to the housing market is the wide acceptance amongst planners that higher density residential environments and compact cities are sustainable (Ghosh & Head, 2009). Pursuing a sustainable compact city through urban containment and land-use zoning for residential purposes is viewed by some as creating an artificial restriction on land supply. Constraints on the release of land can result in scarcity of land for housing, limiting choice and increasing house prices (The New Zealand Productivity Commission, 2015). Together with other concerns, including delays in changing land-use zoning through the statutory plan change process, and/or getting resource consent (planning permission) for large-scale developments on land not zoned for housing, this has prompted the New Zealand Government to review the planning system.

In this context, the NZ Government recently released its National Policy Statement on Urban Development Capacity (NPS-UDC). This presents a timely opportunity to consider the Government's vision for residential environments and how it plans to address this tension. Using discourse analysis this paper examines the text of the NPS-UDC to identify if a particular discourse is privileged over another. Silences within the text which might contribute to the privileging of a particular discourse are identified, and contradictions or ambiguities highlighted.

This paper begins by situating the tensions around planning for housing in the context of the international scholarly literature and statute, highlighting the discourse of 'land supply' as a planning approach which adversely affects the supply of affordable housing supply. Also within the context of the literature, the argument is made that a conversation is required within the planning profession about the collective meaning of what 'just' housing within the city would look like. After reporting and discussing the results of the discourse analysis of the NPS-UDC, in the context of other legislation where appropriate, the paper highlights that by privileging the land supply discourse, and silencing text on housing affordability, the NPS-UDC represents a lost opportunity to address housing as an integral aspect of a 'just city'. It also highlights a rupture in the

NPS-UDC text, between the compact city discourse and the land supply discourse. More positively however, it concludes suggesting the monitoring and reporting requirements may provide planners with evidence to support interventions for housing in order to achieve a 'just' city.

Tensions associated with planning for urban growth and housing in a 'just' city

Land-use plans regulating for urban containment and residential intensification can present a major tension for developers and potential homeowners. The "widening chasm" between housing demand and supply and its subsequent impact on housing affordability has been attributed to, or blamed on, the planning system (Gurran & Whitehead, 2011), potentially excluding those on low- or moderate-incomes from the housing market. Writing about the British experience of land development for housing, Crook and Monk (2011, p. 1012) suggest the lack of housing supply, caused in part by urban containment, means that some citizens "go 'unhoused', occupy smaller homes or commute longer distances from areas with less stringent planning constraints" and that it is the "poor" who "disproportionately bear the costs of planning". This tension between land supply and affordable housing leads to what Gurran and Phibbs (2013) have described as the "crisis of supply" discourse.

Land supply for housing is often achieved through zoning, an internationally used administrative basis for land use regulation. Criticised as being inflexible, narrowly focussed and a "blunt" approach to regulating land use, zoning is a tool that can hamper the achievement of a just city (Baker, Sipe, & Gleeson, 2006; Fainstein, 2010). Fainstein (2010) suggests zoning is a planning tool that gives municipalities the ability to "distribute benefits and cause harm" (p. 7). Young (1990) and Berry (2001) are more explicit about the potential for harm from land-use zoning, noting its potential to cause residential segregation and exclusion. Although intended to separate incompatible uses, there is the potential for a zone's bulk and location standards to implicitly exclude certain groups of people (Berry, 2001). These critiques of zoning are drawn from the vast body of literature on the American style of zoning, with its rigid separation of land uses and its focus on the single-family zone.

In New Zealand, the use of zoning emerged at about the same time as the single-use, or Euclidean approach to land-use zoning was legitimated in the US. Although New Zealand's Town-planning Act 1926 did not specifically require zoning, it was a technique used to delineate areas for particular land uses (Miller, 2011), later becoming mandatory under the Town and Country Planning Act 1953 (refer clause 2, First Schedule, "Town and Country Planning Act," 1953). This Act did not require 'single use zoning', instead requiring zoning for 'urban development, differentiating where possible between areas for residences, businesses, inoffensive industries, and offensive industries (refer clause 2(a), First Schedule, Town and Country Planning Act 1953). While the Town and Country Planning Act 1977 (TCPA) subsequently lost any reference to 'zoning' it still required regional schemes deal with the,

general identification of areas for urban growth including urban expansion, new urban growth, urban renewal, and areas for

comprehensive planning, and of land to be acquired for any of those purposes. Determination of programmes for land assembly, development, and disposal (Clause 4(b), First Schedule, Town and Country Planning Act 1977, as enacted).

Additionally, the design and arrangement of land uses and buildings was a matter to be dealt with in District Schemes (Clause 7, Schedule 2, Town and Country Planning Act 1977, as enacted). This was later repealed and replaced by The Resource Management Act 1991 (RMA), New Zealand's primary environmental and planning act. The RMA was developed during a period of increasing dissatisfaction with "a system of land-use planning that rested on zoning maps and rule books designed primarily for neighbour protection purposes" (Barton, 1998, p. 453). With 'sustainable management of natural and physical resources' as its key principle, the RMA repealed 75 statutes, including the former TCPA and more than 20 regulations (Palmer, 1990). Other than the oblique reference to physical resources it has few references to urban matters. As Grundy and Gleeson (1996, p. 203) note, "in essence, the 'urban' is present in the new Act only to the extent that it represents a spatial concentration of externalities that must be managed in order to ensure sustainability". The RMA was an attempt to "do away with zoning" by moving to an effects-based management system, where providing activities did not have an adverse effect on the environment it could be a permitted activity (Perkins & Thorns, 2001, p. 341). However, 'zoning continues to be used as a planning tool nationally, with the Ministry for the Environment (2010) reporting that most district plans have at least one or more residential zones.

Unlike the US and NZ, land supply for housing in England does not rely on a system of zoning. Government ownership of the development rights to land has been in place since the 1947 Town and Country Planning Act, which 'nationalised' development rights (Gurran & Whitehead, 2011; Hirt, 2012). Instead of zoning, each local planning authority in England is required to decide the number of new homes it needs, and all development requires planning permission; instead of zoning, land is 'released' for housing in accordance with the identified need (Crook & Monk, 2011).

Insufficient land supply for housing, by either zoning or release, is often seen as a primary causal factor of housing unaffordability. In the Australian context, Gurran and Phibbs (2013) suggest the "crisis of supply" is dominating housing policy discourse, and framing planning regulation and planning reform. Beer, Kearns, and Pieters (2007) refer to the reluctance of governments to release large volumes of land on the urban fringe for urban development because it is seen as unsustainable. This highlights the tension between the neoliberal anti-interventionist view, and the desire, and often statutory requirement, to plan for sustainable urban outcomes.

The international literature suggests land supply is only one of a number of considerations when addressing housing affordability. In the UK, Carmona, Carmona, and Gallent (2003) note debate is needed on the nature and need of housing demand as well as land allocation when addressing housing affordability. Bramley (2007) also notes planning constraints are only one explanation for England's low and unresponsive housing supply. Another factor is cut backs to public sector direct investment in housing, reflecting an international trend of governments moving away from direct provision of public housing, and shrinking public resources for affordable housing (Beer

et al., 2007; Mukhija, Das, Regus, & Tsay, 2015; Sheridan, Manley, MacDonald, & Flynn, 2002; Taub, 1990). The house building industry is a further factor affecting housing affordability. Bramley (2007) describes the UK housing industry as “exhibiting a structure and behaviours that limits supply responsiveness” (p. 224). Eaqub and Eaqub (2015) highlight the prevalence of micro-firms” in the NZ building industry, noting that “when demand increases rapidly they simply do not have the resources – labour, finances or management know-how – to meet that demand” (p.64). This suggests there is an opportunity for planning, over and above zoning land for housing, to provide affordable housing through other innovative solutions at state and local levels.

Internationally, many planning tools have been used to contribute to the achievement of affordable housing. For example, housing trust funds, mandatory or voluntary inclusionary housing/zoning, various types of exactions, and including objectives in legislation or national/state planning policy, providing for affordable housing as a “planning matter”/“material consideration” in decision making (Austin, Gurran, & Whitehead, 2014; Been, 2005; Calavita & Grimes, 1998; Calavita & Mallach, 2010; Crook & Monk, 2011; Gurran, 2008; Kontokosta, 2015; Taub, 1990; Williams, 2000). Many of these have also been criticised, in particular inclusionary zoning (IZ). IZ has been described as a controversial tool, and criticised for being a tax on developers (Calavita & Grimes, 1998; Mukhija et al., 2015). It has also been suggested that IZ impacts housing affordability for middle-income earners given that developers pass any losses incurred on to the purchasers or renters of market-rate units (Calavita & Grimes, 1998). The multiplicity of tools, and criticisms of IZ, highlights further the complexity of the issue.

The literature suggests a multi-pronged approach is required if planning is to make a difference to housing affordability and contribute to the achievement of a just city. Beer et al. (2007) make the point that to make a difference to housing affordability, government attention needs to address housing policy, for example, through the expansion of social housing. Similarly, Gurran and Whitehead (2011), when comparing the approach to affordable housing in the UK with the approach in Australia, concluded that land use zoning for residential purposes should align with other government housing policy, legislatively and financially, to enable local authorities to proactively secure affordable housing. In the context of economic uncertainty for lower income households, they note political will for the provision of affordable homes is becoming increasingly important (Gurran & Whitehead, 2011). To achieve a just city, a conversation about planning for housing that is wider than just land supply is required.

The planning profession needs to incorporate a discourse of justice when planning for housing. Fainstein (2010) describes ‘justice’ as one of the principal elements of a good city, but notes in planning practice it is also one of the “most often transgressed elements” (p. 20). This transgression, in her view, is caused by the growing emphasis on economic competitiveness and the prioritisation of growth, and she calls for a sustained discussion on the meaning of justice if it is to become central to the activity of planning (Fainstein, 2009, p. 20). She suggests that in order to achieve a just city, “planners should take an active role in deliberative settings in pressing for egalitarian solutions and blocking ones that disproportionately benefit the already well-off” (Fainstein, 2010, p. 173). As place makers and champions of the public interest, planners have an influence on land-use and policy decisions as to what is good or bad,

right or wrong (Campbell, 2006; Friedmann, 2011). So having a collective view of what is 'good', or just, would be a useful starting point when planning for housing. This collective view of justice could then add to the discourse of land supply, inform policy review, development or implementation, and legitimise interventions in the market that seek urban intensification and containment for reasons of sustainability, or that seek to enable the use of land for housing to increase the supply of affordable housing.

Discourse Analysis

Using discourse analysis this paper examines the language and text of the NPS-UDC. Discourse analysis is a process of analysing text and exploring language in order to understand how views of the world are presented through written words, and is often used in housing and planning research (Gurran & Phibbs, 2013; MacCallum & Hopkins, 2011; O'Leary, 2010; Paltridge, 2006). Discourse analysis is used to identify sets of ideas or statements, discursive structures, that inform dominant understandings of, or give meaning to, particular concepts (Paltridge, 2006; Waitt, 2010). Being alert to contradictions and ambiguities in the text is also an essential part of discourse analysis as is, being aware of what is missing (Waitt, 2010). The analysis of the NPS-UDC begins by exploring if specific discursive statements, such as the discourse of land supply for housing or 'blaming' planning regulations for a lack of housing affordability, were privileged within the text. Then the NPS-UDC was examined for inconsistencies, and for what Waitt (2010) describes as "silences in the text".

Specific Discursive Structures

Under the Resource Management Act 1991, the purpose of a national policy statement is to state objectives and policies for a matter of national significance that is relevant to achieving the purpose of this Act (Section 45, "Resource Management Act," 1991). The matter the NPS-UDC seeks to address is "recognising the national significance of:

- a) urban environments and the need to enable such environments to develop and change; and
- b) providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments" (New Zealand Government, 2016, p. 9).

The discourse of 'land supply for housing' and the discourse that planning causes housing unaffordability are both naturalised within the text of the NPS-UDC. 'Development capacity' is a key phrase within the MPS-UDC, as its definition¹³ refers to the zoning of land for residential purposes. Together with the language of the preamble, and objectives referencing "urban environments that have sufficient opportunities for the development of housing" (Objective OA2), the discourse of land supply for housing could be argued to be privileged within the NPS-UDC.

¹³ Development capacity means in relation to housing and business land, the capacity of land intended for urban development based on: a) the zoning, objectives, policies, rules and overlays that apply to the land, in the relevant proposed and operative regional policy statements, regional plans and district plans; and b) the provision of adequate development infrastructure to support the development of the land.

Echoing documents that came before it, most notably the NZ Productivity Commission's "Land for Housing" report (The New Zealand Productivity Commission, 2015), the preamble of the NPS-UDC refers to land supply, "opportunities for development", and states quite categorically "planning can impact on the competitiveness of the market by reducing overall opportunities for development and restricting development rights to only a few landowners" (New Zealand Government, 2016, p. 4). Language like this implies that planning is at the heart of the housing affordability problem. The preamble also states,

This national policy statement aims to ensure that planning decisions enable the supply of housing needed to meet demand. This will contribute to minimising artificially inflated house prices at all levels and contribute to housing affordability overall. Currently, artificially inflated house prices drive inequality, increase the fiscal burden of housing-related government subsidies, and pose a risk to the national economy (New Zealand Government, 2016, pp. 3-4).

The reference to planning decisions, and house prices being artificially inflated is not explained, however the hidden meaning can be assumed to be that urban containment policy restricts the land market, causing scarcity, and inflating house prices. This echoes the "crisis of supply" discourse to which Gurran and Phibbs (2013) referred.

The discourse that planning regulation is a distortion of the market and a cause of housing affordability is given further weight in Policy PA3(c). This policy requires decision-makers to have particular regard to "limiting as much as possible adverse impacts on the competitive operation of land and development markets" when making planning decisions (Policy PA3(c), NZ Government 2016, p. 11). Privileging these discourses of land supply and planning as a cause of housing unaffordability could be described as a discourse of conviction (Holman, Mace, Paccoud, & Sundaresan, 2015; Waitt, 2010).

Silences & Ambiguities within the Text

Although the policy statement refers in the preamble to its aim of contributing to housing affordability, its only subsequent reference to housing affordability is in Policy PB6. This policy requires local authorities to be well-informed about the demand for housing, and thus requires them to monitor indicators of housing affordability. This lack of text on housing affordability could be viewed as a 'silence within the text'.

By way of background, the NPS-UDC is intended to replace the Housing Accord and Special Housing Areas Act 2013 (HASHAA). The purpose of the HASHAA 2013 was to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in a Schedule to the Act which were identified as having housing supply and affordability issues (Section 4, HASHAA, 2013). It was an Act intended as an interim measure allowing time for initiatives such as the Resource Legislation Amendment Bill 2016 (RLAB)¹⁴ and the NPS-UDC to imbed in the resource management framework. The HASHAA 2013 does not specifically define housing

¹⁴NB: The day prior to the Rodney Davies Symposium, the Resource Legislation Amendment Bill had successfully passed its third reading.

affordability, despite its mention in the Act's purpose, although it allows affordability criteria to be specified in an Order in Council for a special housing area. Nor does the NPS-UDC define 'affordable housing'. Given the multiplicity of definitions of "affordability", (see Demographia, 2015; Downs, 2004; Gurran, Milligan, Baker, Bugg, & Christensen, 2008; MacKillop, 2013; Nguyen, 2005), the monitoring indicators may vary between local authorities depending on how they interpret housing affordability. If, as the preamble states, the document is intended to contribute to "housing affordability overall", this is a significant 'silence within the text'.

Another matter on which the NPS-UDC is silent, is the compact city discourse. The preamble of the NPS-UDC refers to the national significance of well-functioning urban environments. It highlights how 'urban' NZ society is, characterising urban environments by closeness of people and places and the connections between them. In the preamble, there is a subtle, but possibly intentional, non-use of the word 'density' with all the negative connotations it brings to mind (see Rogers, 2010). Instead, the preamble of the NPS-UDC uses positive language to describe cities / urban areas, using phrases such as, cities 'enable us to live work and play', or provide 'access to amenity, services and activities that people value'. The positive tone continues, with the document describing well-functioning urban environments as,

- providing for people and community well-being,
- providing people with access to a choice of homes,
- providing 'opportunities to earn income,
- providing attractive physical and social infrastructure and open space,
- making efficient use of resources and protecting what is precious,
- being globally connected.

It states that urban environments will "attract people and investment, and are dynamic places that make a significant contribution to national economic performance" (New Zealand Government, 2016, p. 3). Arguably this language is making a case for a compact city. However, the text of the preamble is ambiguous. It refers to the NPS-UDC providing direction to decision-makers under the RMA for urban environments, recognising the,

national significance of well-functioning urban environments, with particular focus on ensuring that local authorities, through their planning, both:

- enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and
- provide enough space for their populations to happily live and work. "This can be both through allowing development to go "up" by intensifying existing urban areas, and "out" by releasing land in greenfield areas.

(New Zealand Government, 2016, p. 3).

Although the document goes on to state, "it is up to local authorities to make decisions about what sort of urban form to pursue" (New Zealand Government, 2016, p. 3), policies such as PA3(c), which requires decision makers to limit as adverse impacts on the competitive operation of land and development markets, would suggest otherwise. This could be described as a discursive rupture, where the dominant discourse of the NPS-UDC, enabling land supply for housing, can be challenged by local authorities, wanting to pursue a more compact approach to their urban form.

A further silence in the text of the NPS-UDC relates to the negatives of urban growth. The preamble refers to 'well-functioning urban areas [that] maximise the positives and minimise the negatives' of urban growth. Unfortunately however, the NPS-UDC is largely silent on what those negatives are and how it will address them. Predicating affordable housing on increasing the land supply will rely primarily on zoning as a tool to implement it. As noted the NPS-UDC definition of *development capacity* specifically refers to zoning. This is interesting given the RMA was originally intended to overcome the reliance on zoning in District Schemes, and given the potential for zoning to exacerbate segregation – a significant negative externality. The potential for zoning to be exclusionary is a potential effect that will need monitoring as this NPS is implemented.

The NPS is also silent on whose needs it is specifically seeking to address. The text of the NPS-UDC, including Objective OA1, and OA3, OC1 and OC2, refers variously to meeting the needs of people, communities and future generations in urban environments, and providing for their social, economic, cultural and environmental wellbeing through development, while managing its effects. This implies that all residents, communities and future generations want the same outcomes and have the same needs. Tett and Wolfe (1991) call such generalisations 'fake dialogues' noting,

Planning discourse's frequent use of the term "the public" implies a unitary, homogenous public sphere and thus contradicts the discourse's own recognition of multiplicity evident, for instance, in its emphasis on different kinds of residential areas.

This reflects the earlier view of Forester (1989, p. 3) who wrote,

Planners do not work on a neutral stage, an ideally liberal setting in which all affected interests have voice; they work within political institutions, on political issues, on problems whose most basic technical components (say, a population projection) may be celebrated by some, contested by others. (Forester, 1989, p. 3)

The NPS-UDC preamble refers to the challenging role of local authorities when planning for growth and change, and enabling people and communities to provide for their wellbeing, and acknowledges the complexity of urban cities and the conflicts between preferences. However, it is silent on whose wellbeing it is intending to provide for. It does not attempt to address this complexity, or whose voice has the greatest need to be heard.

Conclusion

The language of the NPS suggests that understanding capacity, and providing land for housing accordingly, will result in housing choice and affordability – it presents a strategy of conviction. The discourse that a lack of land supply causes housing unaffordability, has become compelling, certainly for the broader public. In naturalising this discourse within statutory documents, planners (and the public) need to be aware that the language of the document is potentially shutting down alternative practices to

address housing need. The document does not acknowledge that land supply is one of many factors that affect housing affordability. Additionally, relying on zoning land for housing may exacerbate housing disadvantage – a negative externality associated with zoning for urban growth. Together with the silences in the text, including no statutory definition of ‘affordable housing’ and no specificity as to whose well-being is sought to be improved, the NPS-UDC represents a lost opportunity to achieve a ‘just city’, where citizens have equal opportunity of access to safe and secure housing.

If planners are to take an active role in achieving a ‘just city’ they should, as Fainstein (2010) suggests, understand in who’s interest they’re planning and why. To this end there is a conversation still to be had within the planning profession in NZ about justice. The planning profession needs to take a collective stance on how it views justice, in order that this can then come through more strongly in planning documents such as the NPS, providing justification and rationale for particular planning interventions.

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Basin Reserve Bridge (BRB): Discourses and disputes in transport planning

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Abstract: New transport infrastructure is increasingly resisted by local communities throughout the world. Community resistance becomes successful if alternative discourses and narratives have been developed and linked with a wide range of like-minded actors and are advanced during the transport planning process. This paper explores discourses argued and presented by various stakeholders to advance and resist the Basin Reserve Bridge (BRB) proposal in Wellington as a part of the Roads of National Significance (RoNS). This paper critically reviews planning and policy documents, media reports and submissions to uncover distinctive arguments and narratives within five main headings: economic effects, safety effects, traffic effects, environmental effects and effects on people. The influence of discourses is discussed at political, institutional and social levels to provide greater understanding of community resistance. This paper concludes that advanced community discourse has the potential to break a path dependency in transport planning and create a foundation for a new policy path.

1. Introduction: Mega transport projects, community resistance and discourses

Since 2008, the Government Policy Statements on Transport have aimed at promoting economic growth and productivity by building high quality roads known as the Roads of National Significance (RoNS). There is political recognition of the scale and number of RoNS necessary to accelerate economic growth and the creation of jobs. Politically, there is a firm belief that a strong economy and consequent prosperity is linked with road infrastructure investment which relieves congestion and promotes business. This belief is especially appealing in a country where over 85 per cent of people drive to work by car.

The Basin Reserve Bridge (BRB) proposal is part of the Wellington Northern Corridor RoNS project that aims to construct, operate and maintain a one-way two-lane bridge on the north side of the Basin Reserve Cricket Ground in Wellington. The Basin Reserve is a cricket ground located 2 km south of the Wellington CBD. The ground has officially been used for test, first-class and one-day cricket since 1866 make it the oldest test cricket ground in New Zealand. Currently, the Basin Reserve is used as a large roundabout with signals. It is estimated that over 25,000 vehicles enter into the Basin Reserve roundabout each day, 20,000 of which head towards Mount Victoria Tunnel (NZTA, 2015). These levels of traffic are producing congestion through high traffic volumes, which are affecting the State Highway one (SH1), local and freight traffic, pedestrians and buses. Without intervention, these congestion levels are projected to continue to rise by approximately 75% by 2021 due to Wellington's increasing population.

Unlike other RoNS projects, local communities resisted the BRB which is due to the gap between perceived benefits and personal and local cost such as decreased values of residential properties, personal safety and neighbourhood changes, related to the project. One way of addressing this issue is to involve the public in a meaningful way in the planning process, which reduces uncertainty and improves acceptance of such projects (Booth and Richardson 2001). In New Zealand, the Land Transport Management Act (2003) and the Resource Management Act (1991) provide a clear mechanism for public involvement in various stages of the planning process for roading projects. The consultation process includes information provision, consultation meetings, submissions, social media dissemination and workshopping. In general, the number of people actively participating in this process seems to be limited, and any mild opposition to roading projects is dealt with during this process. Moreover, this process broadens people's understanding of the project and improves their satisfaction.

According to Dear (1992), the intensity of public resistance depends on the type of project, location of the project and community characteristics, along with other factors. For example, new roading projects are perceived as increasing car use and have safety and environmental impacts (North 1998). The location of the project is important because people relate the type, size and appearance of the project with the surrounding site. Several studies show that resistance to roading projects is higher in cities and suburbs where high-income and educated professional people live and use an alternative mode of transport and have an interest in the environment (Dear 1992). They are more likely to receive information from multiple sources and attend consultation meetings and make submissions. Therefore, road infrastructure project advances based on economic growth and a car superiority agenda are contested beyond NIMBY in different cities around the world including recently in Melbourne (Legacy 2016). Schwanenetal (2012) argues that contesting roads projects are more likely to become successful by developing alternative discourses, focusing broaden the criteria for road infrastructure investment. In recent years, decision makers recognise border social and environmental agenda and promote roading project with social and environmental discourses. Therefore, it is important to develop alternative discourses encompasses contextual details and focuses on promoting smarter choices that appeal to people and mobilise the community. Moreover, alternative discourses should be advanced and propagated them during the planning process.

This paper explores the Basin Reserve Bridge project's history, decision-making process, and the discourses argued and presented by NZTA, GWRC, WCCC and local communities and stakeholders. The paper addresses two broad questions. First is the question of whether there is community resistance of mega roading projects of BRB in Wellington. Second, if there is such resistance, what alternative discourse has been developed to make that resistance successful? In terms of method, the paper critically reviews planning and policy documents, media reports and submissions to uncover distinctive arguments and narratives.

2. The Basin Reserve Bridge (BRB) – History and decision-making process

The Basin Reserve Bridge (BRB) proposal can be traced back to the 1963 De Leuw Cather Transport Plan, followed by the debate carried on in the 1970s, when an extension to the Wellington Urban Motorway was considered. However, it was not until the early 2000s that the idea of the Basin Bridge was properly explored. In 2000 a study of transport options around the Basin Reserve, prepared by Transit NZ and titled the Meritec Interim Scheme Assessment Report, was completed. This study identified ten options to relieve congestion at the Basin Reserve. The preferred option was a bridge at the northern boundary of the Basin.

In 2008 and 2009, the Basin Reserve Inquiry by Design was conducted. The aim of these design workshops was to assess and recommend transport interchange scenarios for the Basin Reserve. As a result, preferred scenarios were shortlisted and recommended for technical assessment (Urbanismplus Ltd, 2009).

The Feasible Options Report in 2011 listed five possible options which would aim to solve the traffic issue. An option evaluation workshop was held with relevant technical specialists in order to compare these five options. This report outlines the key drivers of each option, as well as descriptions, cost estimates and BCR figures, transportation benefits, artists' sketches and walking and cycling routes (NZTA, 2011). The five options were compared against several evaluation criteria and effects. This report concluded by recommending options A and B as preferred options. However, option A was preferred by the majority of the technical specialists and the public.

The main purpose of the Basin Reserve Bridge (BRB) was to partially separate SH1 westbound traffic from the local road network to improve congestion (see Figure 1 & 2). The proposal aspires to overcome the existing congestion, which is currently affecting SH1 traffic as well as local traffic, freight, buses, cyclists and pedestrians. The proposal also aims to (i) resolve the conflict between the two key transport arterial corridors of Wellington City, (ii) reduce traffic flows around the Basin Reserve, (iii) improve journey times and reliability, (iv) improve safety for all travel modes and (v) provide more reliable emergency service access to and from Wellington Hospital (NZTA, 2015).

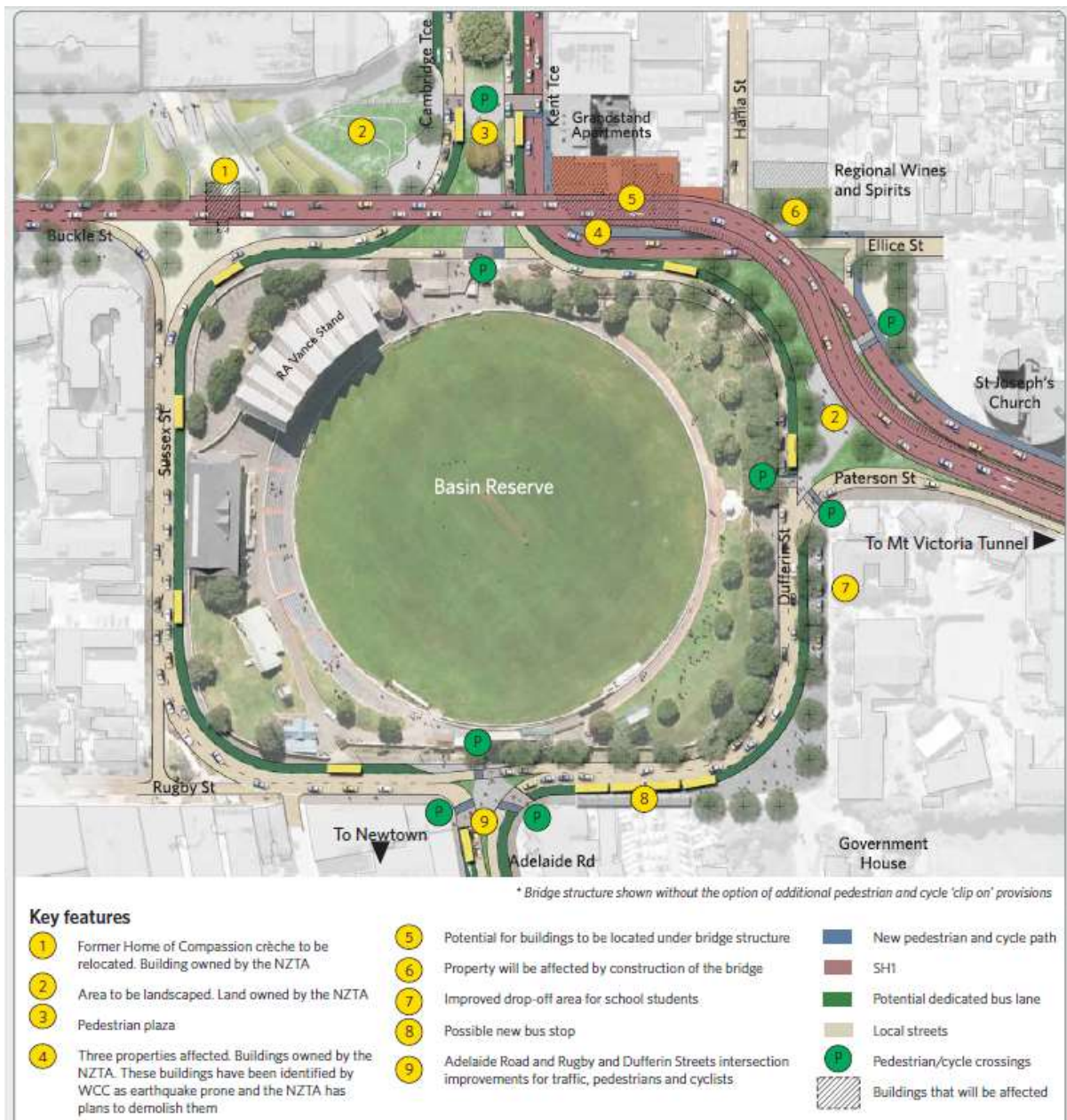


Figure 1 Project area showing the proposed road layout



Figure 2. Before and after views of what the Basin Reserve project would look like.

Source: <http://transportblog.co.nz/2013/11/27/photo-of-the-day-basin-bridge/>

The key stakeholders supported the Basin Reserve Bridge (BRB) as explained in Table 1.

Table 1: Key stakeholders in the Basin Bridge Proposal

Actors	Responsibilities	The Basin Bridge perspective
Minister of Transport	The Minister of Transport advises central government on transport policy and projects.	The Minister of Transport, Simon Bridges, strongly supports the Basin Bridge proposal. Even the Prime Minister, John Key, stated that a 'solution must be found to resolve the impasse over the Basin Reserve bottleneck' (Sutcliffe, 2015). However, Amy Adams, the Minister for the Environment, believes the proposal is likely to result in 'significant and irreversible changes to the urban environment around the Basin Reserve' (Shelton, 2013).
NZTA	The NZTA is a Crown entity, responsible for allocating funds from the National Land Transport Fund to the land transport system including	The NZTA is the main agency responsible for RoNS and led the investigations and community engagement program in 2011 that decided to build the Basin Bridge as a preferred option. In the past, NZTA (with GWRC and WCC) supported the Ngauranga to Airport

	State Highways (SHs), as per government policies.	Corridor Plan's conclusion that the north-south traffic needed to be separated from the east-west traffic around the Basin Reserve.
Greater Wellington Regional Council (GWRC)	The GWRC is responsible for transport planning and policy in the Wellington Region.	The GWRC supports the Basin Bridge Proposal in their formal submission (submission 103546). However, they believed there should be conditions applied to the resource consents that monitor construction impacts, post-construction operational issues, adding erosion and sediment control measures and monitoring ground water take.
Wellington City Council (WCC)	WCC is responsible for transport planning and policies in their inner city jurisdiction.	The Basin Bridge proposal was extensively debated by the WCC. According to the Press release dated 8 October 2011, WCC initially supported option A if NZTA agreed to spend money to mitigate the visual effects of the flyover. Later, the Mayor, Celia Wade-Brown, with the council's backing, supported a tunnel, option X. In the formal submission (submission 103579), WCC supported the proposal in part. They state that while option X is still their preferred option, the Basin Bridge proposal, option A, would be their second option. They wished the Board of Inquiry would grant the application with conditions. The primary concerns they had regarding the proposal were mitigation of adverse effects including: heritage values, amenity values (including noise), character, visual impacts, traffic circulation and public transport.

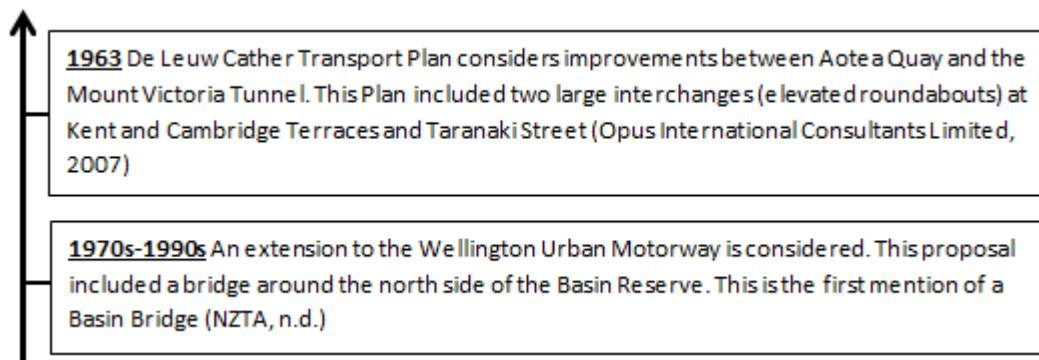
NZTA lodged one notice of requirement and five resource consents for the consenting and designation of the proposal on 17 June 2013. The notice of requirement was lodged under section 145(3) of the RMA. The five resource consent applications were lodged under section 145(1)(a) of the RMA and sought to enable the construction, operation and maintenance of the project.

On 10 August 2013 the proposal was publically notified under section 95A of the RMA (1991) and public submission was open until 6 September. The EPA also identified 700 owners and occupiers of properties around the proposal area who each received a direct notification of the proposal. The total number of submissions received was 215 (three of which were late submissions that the Board decided to accept) and the NZTA filed further evidence in support of the consent applications. The submitters were largely made up of individuals (81.4%) and an overwhelming number of them either opposed the proposal in full or part. Key actors opposing the proposal in full or part include Save the Basin Campaign Inc., Action for Environment Inc., Mt Victoria Residents Association and Grandstand Apartments Body Corporate. On the other hand, main actors supporting the proposal in full or part were the GWRC, WCC, Cricket Wellington Inc., New Zealand Automobile Association, Basin Reserve Trust and Wellington International Airport.

On 22 July 2014 the EPA board of inquiry released its draft decision regarding resource consent applications; they were declined. They then released their final decision on 5

September 2014, which also declined consent. Consent was declined on many grounds, including: the adverse effects the project would have on heritage, landscape, visual amenity, overall amenity, that the transport benefits were less than originally thought and the proposed mitigation measures would do little to reduce the adverse effects on the local area (Board of Inquiry, 2014).

On 25 September 2014 NZTA decided to appeal the Board of inquiry's decision to decline the resource consents and the notice of requirement on the grounds of points of law. On 21 August 2015 the High Court delivered its judgement, which upheld the Board of Inquiry's decision to decline the consents and notice of requirement. Justice Brown determined that the NZTA was unable to establish that the Board of inquiry made any error of law in making the decision they came to. It was then announced on 4 September 2015 that NZTA had decided not to appeal the High Court's decision.



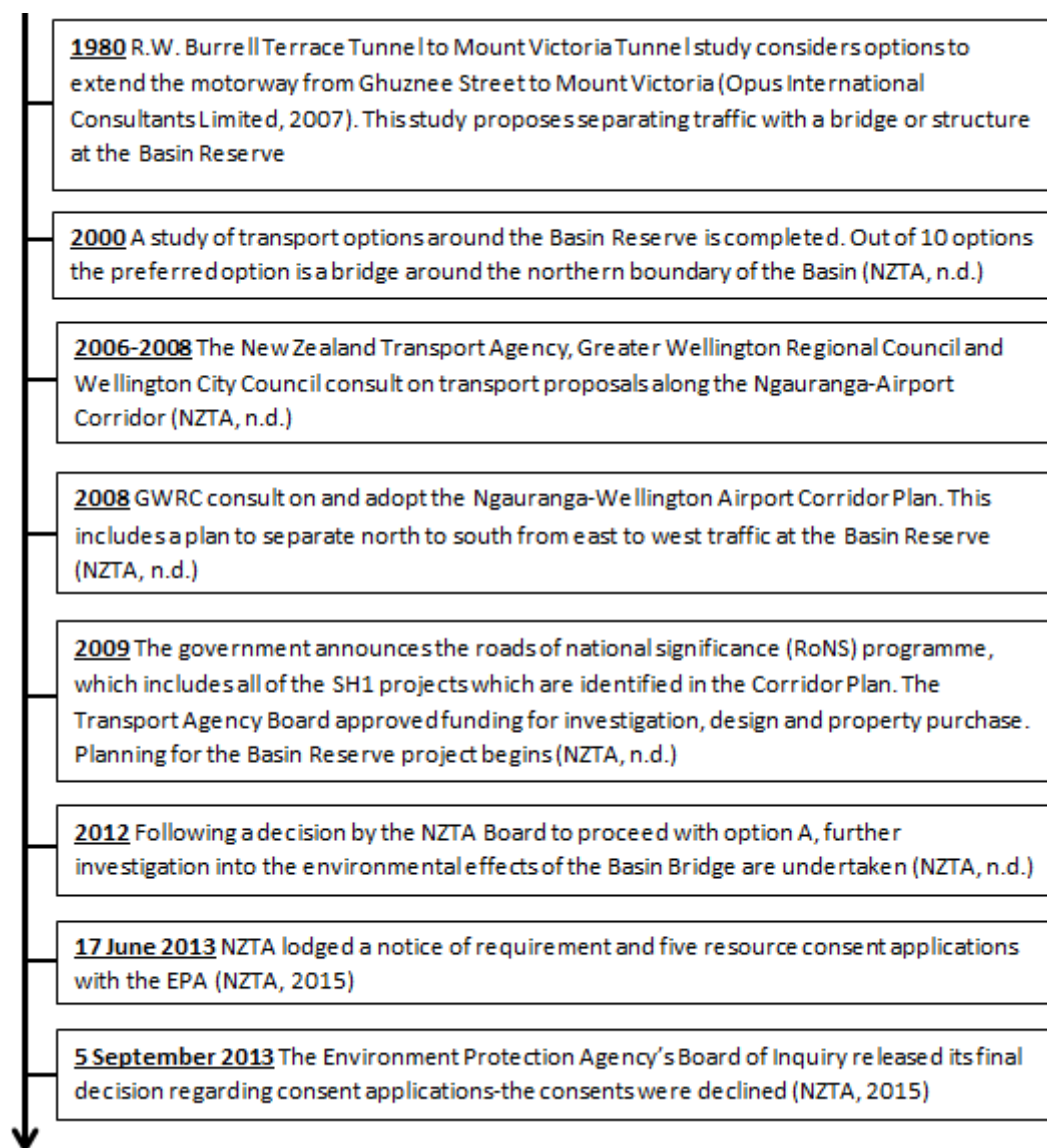


Figure 3 History of the Basin Bridge proposal

The media played an eventful and influential role in the Basin Bridge proposal process. Printed articles in the *Dominion Post* (a Wellington-based newspaper), online articles on stuff.co.nz and presentations on *One News* and *3 News* were among the most popular media outlets. There were also several social media sites, such as a Facebook page, Twitter and website created by the group Save the Basin (savethebasin.org.nz). The media, as in all stories of significance, were very vocal in sharing political and the public's views on the proposal. The following section identifies conventional and alternative discourses presented during this project.

3. Traditional and alternative discourses for the Basin Reserve Bridge (BRB)

This section critically reviews planning and policy documents, media reports and submissions to uncover distinctive arguments and narratives within five main headings: economic effects, safety effects, traffic effects, environmental effects and effects on people and their amenities.

a) Economic effects

Several economic benefits were argued in favour of the proposal. However, these arguments were continually challenged by opponents. They include:

Improved road efficiency through decreasing travel times. The Copeland Report (2013) states that the Basin Reserve Bridge (BRB) reduces travel times by approximately 90 seconds would improve vehicle operating costs¹⁵ by \$696 per annum, reducing accidents and improving trip time and reliability. Another report by Dunlop (2013) provides evidence on the significantly improved journey times the Bridge would allow for motorists. Wellington International Airport Limited (submission 103557) believes the BRB will improve their route capacity, reduce congestion on routes to the airport and improve travel times. They believe all these effects will have a direct positive benefit to the airport. However, these arguments are challenged on the ground that the BRB would reduce property values and lead to loss of income in rental properties. For example, Grandstand Apartments and Graham Wigley (submissions 103450 and 103505 respectively) noted such concerns with loss of income due to the potential decrease in amenity values of the apartments as a result of visual impacts and noise and the adverse effects these would cause. Copeland (2013) agrees that there will be some negative property effects from the proposal as a consequence of visual effects and noise (increase of approximately 1dB and severance effects). The article by Sirmans, Sirmans and Benjamin (1989) supports the idea of rental property value and income declining when such a project affects amenity values such as views, noise and general disturbances. Julie Anne Genter (2013) from Bennion Law also believes that the 'negative economic, social and environmental impacts have not been fully assessed ... and these negative effects are likely to be significant' (p. 2).

¹⁵ Based on 90 second saving, twice a day, 5 times a week, for 52 weeks of the year and petrol at \$2 a litre.

Improve industry and freight movement and overall economic productivity. Figliozi (2011) argued that the BRB improves freight transport movement due to less congestion and quicker travel time which would eventually improve economic productivity in the region. Mitchell Partnerships (2013), Copeland (2013) and submission (103557) argue that improved freight movement would increase the reliability of this key route, contributing to making the Wellington economy more efficient and competitive. Throughout the construction phase there would be an increase in jobs in the Wellington region, and some increase in jobs due to ongoing maintenance of the bridge. Once the construction of the bridge is completed, there would be generation of better economic opportunities for businesses, which would allow them to grow. However, St Marks Church School Board raised concerns that construction works would reduce their enrolment abilities, which would generate risk to the financial viability to the school (submission 103516).

Positive Benefit-Cost-Ratio (BCR). The evidence presented by Copeland (2013) states that the benefit-cost ratio of the Basin Reserve Bridge has been estimated at 1.3 benefit-cost ratio¹⁶, which shows that the project's economic benefits exceed the economic costs. They also estimated the whole Wellington Northern Corridor Road of National Significance investment package to have a benefit-cost ratio of 1.1, which would contribute to the long-term productivity and competitiveness of the Wellington region. However, 49 submitters to the proposal questioned the benefits. It is argued that the BRB would generate few benefits at all and that the adverse effects outweigh any claimed benefits. Many of the benefits are unknown and/or are reliant on the completion of unconsented future projects which may not eventuate (i.e. the other proposals in the Wellington Northern Corridor project). The majority of opposition submitters were also concerned that there had not been sufficient consideration of alternatives, such as options B and X. Politicians such as Julie Anne Genter (Green Party) also believed the proposal had a 'poor cost benefit analysis and is more costly than other options' (3 News, 2014). Genter also states that the majority of popular and expert opinion also opposed the project due to its questionable benefits.

b) Safety effects

There are several safety effects argued in favour of and against the proposal. These include:

Improved safety for all users. The Basin Reserve Bridge is strongly justified on safety grounds for all users in formal documents produced by Wendy Turvey (2013) on behalf of the NZTA. Turvey states that a reduction in traffic congestion will improve safety, especially for students who are being dropped off at nearby schools. Moreover, 1.4-metre barrier along the cycle and pedestrian lane of the bridge was proposed to improve safety. In spite of safety claims, there were 67 submitters (including the Basin Reserve Trust, Cycle Aware Wellington and Save the Basin Campaign Incorporated) out of the total 215, who opposed the proposal due to safety concerns for pedestrians and

¹⁶ The benefit-cost ratio (BCR) was calculated using a national perspective. If a narrower Wellington City or Wellington region perspective were applied, the BCR would likely be much higher due to residents and businesses receiving the majority of the benefits, but paying a smaller proportion of the costs.

cyclists. As Ron Beernink (submitter number 103510) states, the current 3-metre-wide path proposed 'is not sufficient to allow for the likely traffic volumes and the likely scenario where pedestrians will walk side by side with cyclists'. Safety concerns were also raised for pedestrians and cyclists during strong winds, due to high exposure and little protection (for example see Save the Basin Campaign Incorporated's submission 103493). These arguments are valid, as the NZTA report itself stated that winds on the Basin Bridge could be strong enough to 'knock over a high-sided vehicle or deter cyclists from using the road' (Johnstone, 2013). Moreover, a number of submitters raised safety concerns for pedestrians and cyclists during the construction phase of the project.

Improve security in the area. NZTA also produced a 'Crime Prevention through Environmental Design' (CPED) report, which lists methods such as well-designed lighting and surveillance to mitigate crimes and chances of vandalism area under the bridge (Stoks, 2013). To further improve safety and security, NZTA proposed placing a new commercial building under the bridge, which would activate the road edge (NZTA, n.d.; Turvey, 2013).

c) Environmental effects

The Basin Reserve Bridge was strongly opposed on the grounds of air, noise and visual pollution and vibration, regardless of mitigation proposals. The details are:

Air pollution: A report prepared on behalf of NZTA (by Gavin Fisher, 2013), models the worst-case scenario effects of the project on carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter (PM₁₀) and benzene increases by 2021 and 2031. The evidence shows that the appropriate standards and regulations for CO, NO₂, PM₁₀ and benzene would not be exceeded in the selected years. Therefore, it was assumed that the project would not result in unacceptable adverse effects on air quality. However, the report does believe local dust levels would increase during the construction phase but could be mitigated through measures outlined in the Construction Environmental Management Plan and the Construction Air Quality Management Plan. The proposal is argued to contribute to combatting climate change via lower emissions from vehicles using the flyover.

However, 52 submitters raise their concern about negative air quality effects, especially dust and particulates, during the construction phase and potentially increasing carbon emissions during the operational phase. These negative effects on air quality were linked with the possibility of adverse health effects on the community, potentially affecting food hygiene and ventilation systems. For example, 24 submitters raised health issues such as asthma and lung cancer they expected from dust and other forms of air pollution in the surrounding environment. A submitter suggested NZTA establish and maintain a long-term air quality monitoring station at the proposed site to address these issues (Mitchell Partnerships, 2013).

Noise pollution: The project proposal addressed noise reduction measures in advance that include building roads with quieter surfaces and introducing noise reduction barriers (Dravitzki, 2013). Evidence produced by Vincent Dravitzki on behalf of NZTA

states the operation of the Basin Bridge would increase noise levels by an average of only 1dB, which is considered to be less than minor. It was argued that the project area had historically high noise levels, and after noise mitigation measures, noise effects would be very small. Moreover, it was promised all possible measures would be taken to ensure minimum noise during the construction phase.

There were 77 submitters, including the residents of the neighbouring Grandstand Apartments (103450), who were concerned with noise effects. Evidence from Constantin Wassilieff on behalf of the Roman Catholic Archbishop of the Archdiocese of Wellington states the noise level is expected to increase between 1-2.8dB; this is a small yet noticeable increase for near-by buildings. These adverse noise effects have a potential to affect the amenity value in the area, during both the construction and operational phases. Therefore, the submitters rejected NZTA's measures and called them 'inadequate'.

Visual pollution: The Basin Bridge proposed an integrated design approach and landscape design aiming to 'soften' the concrete structure and blending it into the surrounding environment. Deyana Popova, on behalf of NZTA, explains in her statement of evidence that the Basin Bridge would have significant adverse visual effects only within a 500-metre radius of the bridge. However, these effects could be mitigated with an integrated design approach. Popova does admit that there are some adverse visual effects that are not able to be mitigated, especially when outside of the Basin Bridge site boundaries.

One hundred and fourteen submitters (out of 215) show their concern about visual effects of the project (Mitchell Partnerships, 2013). A submitter referred to the Basin Bridge as being 'ugly', 'an eyesore' and an 'ugly wall of concrete' (Mitchell Partnerships, 2013). Grandstand Apartments Body Corporate (submission 103450) noted the 'significant interruption to the views from apartments in the building' and 'the south facing apartments will have cranes, drilling rigs etc., positioned and operating outside their windows'. Other submitters made reference to the loss of pleasant views across the Basin Reserve itself. Concerns were also expressed about the visual effects of the Basin Bridge from within the Basin Reserve. The Basin Reserve Trust (submission 103585) mentions how the proposed bridge will 'distract from events occurring on the field and detracts from the amenity value of the Basin as a peaceful and enclosed sporting venue'.

Vibration effects: NZTA proposed a Vibration Management Plan during the day and night time construction activities (Dravitzki & Cenek, 2013). According to Cenek (2013) vibration effects after the operation of the BRB are no different than those currently experienced. He also states that while construction would increase vibration levels, this would be only temporary, of limited duration and could be mitigated through the Vibration Management Plan.

The majority of submitters were worried about construction-related vibrations (73%) (Mitchell Partnerships, 2013) and the potential effects this would have on amenity values around the Basin Reserve. One submitter, Tasman Garden Body Corporate

(submission 103441), even suggested that NZTA should prepare a structural assessment of their property before and after construction and be responsible for any damage caused by the vibration effects of construction.

d) Traffic and access effects

Access effects: The Basin Bridge proposal was strongly justified on the grounds of the traffic and access benefits. For example, the proposal would allow increased access around the Basin Reserve area, and in particular would improve access from the eastern suburbs of Wellington. Due to the new bridge, a more reliable emergency service access to and from Wellington Hospital is expected (Mitchell Partnerships, 2013). It would also improve access to and from schools and their facilities (NZTA, 2015). It was stated that cycling and walking facilities in the project area would be improved, bus travel time would be reduced and the overall congestion level would be improved (Coulombel, and de Palma, 2014). Buses would get the main benefit by increasing their reliability (Dunlop, 2013). It is also proposed to encourage freight traffic to use the SH1 route after the building of the bridge, which would free up the local roads (Dunlop, 2013). There were 13 submitters who were generally supportive of the implications of the proposal on traffic (Mitchells Partnerships, 2013).

There were 63 submitters who were generally opposed to the project with respect to potential construction and operational effects on traffic. Most concerns related to the construction phase include access problems for emergency services, and an unsafe environment for cyclists and pedestrians. Even the Greater Wellington Regional Council (103546), who support the proposal, has concerns with respect to the management of construction traffic effects. They advise that further information should be sought for the Construction Traffic Management Plan to ensure adverse effects are appropriately managed.

Congestion management and consideration of alternatives: 48 submitters consider that the Basin Bridge would not appropriately manage congestion, and that there are other more suitable options that would better manage traffic congestion. Ninety-two submitters specifically argue that NZTA had not given sufficient consideration to alternatives required under sections 171 (1) (b) and section 32 (1) (a)-(c) of the Resource Management Act (1991) (Mitchell Partnerships, 2013). Mr Young, on behalf of Save the Basin and Mt Victoria Residents Association, says 'NZTA did not adequately assess cost-benefits of the flyover compared to other options' (Chapman, 2014). It was noted that the desired traffic improvements could be obtained from other solutions. For example, the construction of a second Mount Victoria Tunnel would be more appropriate, or a Sussex Street Tunnel, which Mark Ashby describes in his submission (103501).

In response to this criticism, NZTA argued that they produced multiple reports and documents assessing the possible options to solve the traffic issue. For example, the Scheme Assessment Report 2001, the Basin Reserve Inquiry by Design Workshop 2009 and the Feasible Options Report 2011, identified five possible options that aim to solve congestion. In 2010, NZTA organised an option evaluation workshop with relevant

technical specialists and ran a series of public engagement meetings seeking further feedback on the preferred options A and B. After a process over many years, option A has been selected after more than enough consideration of alternatives for this proposal (Wayne Stewart, 2013). However, Justice Brown, the judge for the Basin Bridge case, agreed with the board of inquiry that 'other congestion-relief solutions could be applied to the Basin roundabout in order to pave the way for a second Mt Victoria Tunnel' (Forbes, 2015).

e) Heritage and amenity effects

The Basin Bridge is strongly opposed on heritage and amenities grounds. The details are:

Heritage effects: In the Basin Bridge project area, there are three structures that have statutory recognition, one historic area, one residential character area and nine buildings with evident heritage values that are not protected by statutory recognition. There are also several listed and/or registered heritage buildings outside the project site but in very close proximity to it. Therefore, NZTA prepared a Heritage Management Plan and the Urban and Landscape Design Plan to support the BRB proposal. Salmond (2013) believes that the overall effect of the project on heritage effects is significant but that the effects will be minor after the proposed mitigation is implemented. Mitigation methods include relocating the former Home of Compassion Crèche, and reducing the visual impacts of the bridge and new structures being built.

The opponents of the proposal believe that the Bridge will generate adverse heritage effects that are irreplaceable for the historical suburb. For example, the project will damage the architectural heritage of the inner Wellington area, as well as affecting the historically significant Basin Reserve. Historic views and the surrounding historic environment will also be affected. Forty submitters opposed the project based on the potential heritage and archaeological effects. A notable submission in this area was from the New Zealand Historic Places Trust (103577) which agreed that the proposal would generate adverse heritage effects and disturb archaeological sites.

Amenity effects: There were 75 submitters who were concerned with the negative amenity effects the proposal would have on the surrounding environment. Many of these submitters believe the Basin Bridge would affect the uniqueness and character of the Basin Reserve as an iconic cricket venue and one submitter called it 'official vandalism' (Action for Environment Inc., 103573). There are also worries regarding the effects the project would have on the topography, character and landscape of the surrounding environment. The proposal does have some methods in place to mitigate the adverse amenity effects on the surrounding environment, but they are seen as being insufficient to screen the bulk and height of the flyover (Mitchell Partnerships, 2013). Nearby residents complain the amenity effects will affect their wellbeing and their house values. This argument is supported by Sirmans, Sirmans and Benjamin (1989), who agree that amenity effects, such as noise and congestion, surrounding apartments reduce their rental value.

4. Discussion and Conclusion

The paper aims to identify the main discourses of, and the arguments in favour and against, the Basin Bridge proposal. The main discourses are grouped into five themes: economic effects, safety effects, environmental effects, traffic and access effects and heritage and amenities effects. The analysis shows that the Basin Reserve Bridge proposal was very controversial, with high levels of resistance in the form of alternative discourses appearing from the public. However, most government organisations and businesses supported the NZTA on various grounds, especially for the project's contribution to the local economy.

However, the Board of Inquiry concluded that the benefits did not outweigh the costs and the application for five resource consents and a notice of requirement was declined. NZTA decided to appeal this decision to the High Court on points of law, but the appeal was unsuccessful. The High Court believed the Board of Inquiry was correct in declining the resource consents and notice of requirement on the grounds of the adverse effects the project would have on heritage, the landscape, visual amenity and overall amenity, as well as the fact that transport benefits were less than originally thought. The Board of Inquiry also believed the proposed mitigation measures would do little to reduce the adverse effects on the local area. NZTA has decided not to appeal the decision again, so the Basin Bridge seems very unlikely and its defeat is a major achievement of community resistance for a high-profile project.

Cities are increasingly recognized as an ideal place to contest transport infrastructure projects on environmental and social grounds. To what extent the community struggle has been successful depends on the specific social, institutional and political contexts and alternative discourses advanced during the process.

Social: The BRB provides an excellent example of community struggle and commitment to resist a highway project in the middle of a city. It shows that local social/community movements have the ability to stop a transport infrastructure project and shape and reshape public attitudes towards a future project. This was happened because the current form of transport governance failed to recognise community actors who intervened in the purposive steering of society. These actors have been considered as time wasters and a hurdle to achieving efficiency in the implementation of the project. Although this paper analyses local actors' alternative discourses in resisting the BRB, resistance may vary from city to city and from project to project even within one city. Therefore, we should avoid generalisation that similar types of resistance and discourses can be found in Auckland or any other city.

Institutional: The resistance to the BRB shows that a deep level of change is required in transport planning in New Zealand. This may include a leadership role for local government in sharing and reshaping the debate rather than being a passive recipient of central government projects. At present, the alternative discourse that emerged during

the BRB may not be powerful enough to reshape transport planning policies immediately, but it should be used as a seed for discussion.

Planning is regarded as a process of knowledge co-production between actors with different kinds of technical or contextual expertise. Therefore a collaborative planning approach can become more effective to broaden objectives and find alternative solutions to BRB. In collaborative planning, meaningful participation, on-going dialogue and an open-ended transparent process may deliver transformative outcomes by facilitating social learning, overcoming institutional challenges in a practical way and fostering innovation. This process may bring new discursive narratives that will be acceptable to all actors.

The BRB example in Wellington should be taken as a first step to redefining problems and generating creative solutions. The BRB debate can become a driver of transport innovation, where Wellington can be showcased to the rest of the world. At a minimum level, the BRB decision offers grounds for hope about possible transformations toward low-carbon transport policies as a priority agenda, at least for urban areas.

Political: The BRB example shows that grassroots initiatives help to generate valuable political and professional discussion and media coverage. It also shows that cities are very complex spaces, where diverse people and businesses, contested discourses and multiple infrastructures locate together in historical and futurist contexts. Cities are so different, even within New Zealand, that it does not make sense to use a similar objective of travel-time saving and economic growth for transport infrastructure investment. It is important to recognise the history of the place, the value of people, and the social, economic and political trajectories that shape people's lives. Therefore, cities provide opportunities to co-produce transport planning knowledge based on contextual realities empowered by visionary political and professional leadership.

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Old Stuff: the conundrums of historic heritage.

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Abstract

Historic heritage is recognised as an intergenerational resource delivering social, environmental and economic benefits. In New Zealand, protection is regulated under the Resource Management Act 1991 and through the activities of the national agency: Heritage New Zealand Pouhere Tonga. This framework suggests that New Zealand values heritage, but institutions lack the capacity for the effective implementation of their mandates. This predicament has been aggravated by a series of major earthquakes over the last seven years, along with development pressures in the larger cities. The paper investigates the importance of built heritage in contemporary New Zealand. It argues for the need for nuanced planning, policy and funding models that take a long-term perspective striking a just balance between public and private interests in the protection and conservation of the past. This must have relevance in the present and space made for the new, but surviving elements become precious through rarity, affording historical insights while conferring distinctive urban identities and sense of place.

1. Introduction

Heritage is a difficult concept. Etymologically it began in 1225 as "That which has been or may be inherited; any property, and esp. land, which devolves by right of inheritance" (OED, Online). By 1993, it is also "Characterised by or pertaining to the preservation or exploitation of local and national features of historical, cultural, or scenic interest, esp. as tourist attractions" (Ibid.). For 'objective' historians, it appeals to emotion over reason (Lowenthal and Chippendale, 1997; Oliver, 2002) and tradition asphyxiates innovation (Hewison, 1987). It is enmeshed in politics, legal and moral rights and obligations - to owners, the wider public and future generations. It is vulnerable to decay, human conflict, natural hazards, weak governance and urban planning regimes (UNESCO, Online a).

For all of its conundrums heritage is acknowledged as a resource and protected in many countries through legislation and other policy initiatives. Supranational recognition is accorded through the United Nation's (UN) 1972 World Heritage Convention, now

ratified by 193 States Parties (United Nations, Educational, Scientific and Cultural Organisation (UNESCO) (UNESCO, Online), signatories including those in the highest and lowest ranks of the UN Human Development Index (United Nations Human Development Programme, Online). Each government commits to identifying and protecting its natural and cultural inheritance - not only sites acknowledged as 'universally significant' with a World Heritage Listing but equally, material and intangible heritage of national and local importance. Heritage is appreciated for multiple social and cultural reasons, including patrimony, identity and diversity. Increasingly it is also recognised for its environmental conservation advantages and the economic contribution it makes to civic distinction, vitality and tourism (Rypkema et al., 2011).

New Zealand ratified the UN Convention in 1984. Its heritage framework is complex, with many institutions and community groups responsible for preserving an array of tangible and intangible resources. Its historic built heritage, the focus of this paper, has received a degree of legal protection from the mid-twentieth century, although responsibilities largely depend on the will and capacity of its owners. Even those committed to heritage are challenged by the fragility of New Zealand's traditional building materials – with timber prone to fire and rot and unreinforced masonry to collapse in earthquakes. Modern Ferro-cement construction techniques have also been tested by the latter. For the Minister of Earthquake Recovery, built heritage is simply “old stuff” that “killed people” (Brownlee in Laugesen, 2011: 18).

This paper investigates the stature and effectiveness of the New Zealand built heritage framework in ensuring that heritage remains an intergenerational resource – particularly following public safety concerns after a seven-year succession of significant earthquakes, along with the enduring need for new infrastructure. It begins with a résumé of the relevant heritage framework, before moving on to consider specific seismic issues, drawing on case examples, and the impact of urban development pressures in the largest cities.

2. New Zealand's Built Heritage Framework

In principle, New Zealand has a well-developed built heritage protection and conservation framework. The National Historic Places Trust was set up in 1954, as a quasi-public institution offering independent advice to government; along with the recording and promotion of places important to citizens. The founding act was amended

and superseded over the ensuing decades. The Trust was rebranded Heritage New Zealand (HNZ) following the passage of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). It continues as the national agency for the "identification, protection, preservation and conservation" of New Zealand's land-based historical and cultural heritage (HNZPTA s3). It is now an autonomous Crown Entity, with a Board and advisory Māori Heritage Council. They are responsible for continuing the Trust's registration role, now known as the List. It also significantly, provides advice to government, iwi, owners, professionals and the public. The List distinguishes between places of special or outstanding heritage or cultural significance (Category 1) (usually national) and places of significance (Category 2) (often of regional or local value) (Ibid., s65(4)). HNZ is also now required to prioritise places of the greatest value known as National Historic Landmarks (HNZPTA s81(1)). These are to be established through public consultation and with the consent of owners, who must also commit to developing conservation and risk management plans. 'Landmarks' are approved by the Minister of Culture and Heritage and presumably offered greater protection. HNZ has limited regulatory powers, only over the threatened modification or demolition of pre-twentieth century archaeological sites (including buildings) and is a Heritage Protection Authority under the Resource Management Act 1991 (RMA). HNZ's resources are limited, with indispensable volunteers. Most of its funding comes from Government, complemented by subscriptions, donations and small commercial revenues. It administers a contestable fund of \$563,000 per annum – Category 1 private owners can apply for a grant of up to NZ\$100,000 covering a maximum of up to 50% of conservation, restoration and professional service costs (HNZ, Online). The fund excludes insurance, debt or financing costs.

Regulatory protection of New Zealand's built heritage is supplied primarily through the country's planning statutes, beginning with the Town and Country Planning Act 1953 - as a dimension of amenity in the First Schedule 4(b)- and today, the RMA. The RMA uses "historic heritage" terminology, this defined as the "natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures" (RMA s2). Historic heritage was elevated as a matter of "national importance" to be protected from "inappropriate, subdivision, use and development" in 2006 (Ibid. s6(f)). The overarching purpose of the Act being the "sustainable management" of "natural and physical resources" enabling current and future generations "to provide for their social, economic, and cultural well-being [...] their health and safety" (Ibid. s5(2)). The Act also instructs administrators to also have particular regard to "the maintenance and enhancement of amenity values" (Ibid. s7(c)). Defined as "those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes" (Ibid. s2(1)). Although historic heritage was not given national importance

status until 12 years after the RMA's promulgation, it was broadly recognised under the planning legislation preceding it¹⁷.

Regional, district and unitary plans provide protection through policies, schedules (ranking items and areas of outstanding or important significance or value), rules (specifying permitted, discretionary, non-complying and prohibited activities for each category) and Heritage Orders (legal enforcement notices). While the RMA protects scheduled items, it is ineffective in preserving traditional character unless land use codes are designed (and implemented) to retain morphologies and ambience. Councils, in addition to their mandatory RMA role, can offer transferable development options, targeted grants and other non-statutory assistance. Although gradually improving, only 49% of district plans made regulatory provision for heritage retention 2014-15 (HNZ, 2016:31).

New Zealand's heritage protection regimes have been reformed over recent years, ostensibly to rationalise process and encourage urban development. Historic heritage retains its 'national importance' status in amendments - so far. A dilution of s6(f) was proposed in a 2013 RMA revision, removing council obligation to 'protect' historic heritage and requiring merely recognition of its "importance and value" (New Zealand Government, 2013:13). A national policy statement has yet to be prepared¹⁸. Notwithstanding its need (accompanied by a long-term comprehensive strategy, better agency integration and more funding) identified by the Parliamentary Commissioner for the Environment (Blaschke et al., 1996) over a decade ago. The HNZPTA reform sought to address some of these issues, yet "overlapping, but inconsistent, jurisdiction between the regimes creating gaps" remain (Gregory and Stoltz, 2015:12). In particular, the protection of post-1900 heritage not covered by archaeological authority or plan schedules. The HNZPTA removed regional governance and created a small politically appointed national Board, which currently includes only one heritage professional. The 'Landmarks' requirement also suggests future prioritisation of government funding. Despite its legal standing, "the preservation and conservation of heritage items are seldom achieved if the property owner is determined to avoid such a responsibility" (Cavanagh, 2011:1). A succession of large earthquakes accentuating New Zealand's seismic vulnerability, particularly the Canterbury earthquake sequence (2010-11), has compounded the problem.

¹⁷ The Town and Country Planning Act 1977 (s3(a)) gave national importance to conserving and protecting cultural environments.

¹⁸ Statements have been few since the inception of the RMA – five since 1991 (coastal, freshwater, energy generation, energy transmission and urban development). The latter is first to directly address New Zealand's urban environment but overlooks heritage (New Zealand Government, 2016).

3. New Zealand's Seismic Problems

The February 2011 event killed 185 people and injured many more; New Zealand's second worst territorial disaster after the 1931 Hawke's Bay Earthquake in which circa 258 perished (NZ History, 2016) and destroyed the central business districts of two provincial cities. Subsequent major earthquakes -including Seddon (2013) and Hurunui/Kaikōura (2016)- resulted in few deaths, but substantial property damage. These earthquakes also reconfigured landscapes through thrusting, landslides and liquefaction. Timber buildings proved the most robust, unreinforced masonry the least. Nonetheless, the majority of 2011 Canterbury deaths (133) and 2016 Wellington demolitions occurred through damage to modern reinforced concrete and steel buildings¹⁹. Each event highlighted the complexity of understanding and forecasting hazard: geotechnics, impact on structures and the cumulative effects of sequences- leading to revisions in legal and insurance regimes.

In Christchurch, rapid action addressing public safety –unseemly haste according to heritage professionals and the Christchurch City Council- resulted in the demolition of many of its historic buildings: "huge slices of the city, huge gaps in people's memories [...] the loss of the memory of the city, the loss of 150 years of the European settlement" (May in Barton, 2012). Immediate response occurred under the Civil Defence and Emergency Management Act 2002; then the Canterbury Earthquake Recovery Agency (CERA) established in 2011 to plan and accelerate demolition and reconstruction over the next five years. By 2015, 249 items were removed from Canterbury district plan schedules (HNZ, 2016: 6).

A Royal Commission (2011-12) investigated failures and prospective practices following the earthquakes, recommending, among other things, higher standards for the strengthening of unreinforced masonry, including residences, and powers to override heritage status for hazardous structures (Canterbury Earthquakes Royal Commission: 2012). Reforms in building legislation followed, under the Ministry of Business, Innovation and Employment (MBIE) and the Building (Earthquake-prone Buildings) Amendment Act 2016. New national policy (not including dwellings) identified three seismic zones of high, medium and low risk and required owners to evaluate and retrofit buildings (within 15, 25 and 35 years respectively) to 34% of the New Building

¹⁹ Quake length affected code compliant mid-height buildings, especially those on reclaimed land (Anon., 2016a and b).

Standard (NBS). Earthquake-prone heritage owners may apply for an extension of up to 10 years for HNZ Category 1 or National Landmark items (s133AO(1)).

The costs of strengthening fall substantially on private owners²⁰. While priority is currently given through contestable grants²¹, this is often at the routine maintenance funding. The Ministry of Culture and Heritage (Online) now also contributes to the strengthening of privately owned HNZ Category 1 and Category 2 (in high or medium risk zones) buildings, through the Earthquake Upgrade Incentive Programme (EQUIP): a pot of \$12million (2016-2020).



Figure 1:

St Mary of the Angels



Figure 2:

St Gerard's Church and



Figure 3:

Wellington Hillside Residential Area

To put this into perspective, the congregation of Wellington's Category 1 St Mary of the Angels (Figure 1) had to raise \$9.5million to retrofit the building following closure after the 2013 Seddon earthquake. Anecdotaly, with as much again supplied by professionals and building contractors working at cost. The equally iconic Category 1 Wellington St Gerard's Church and Monastery (Figure 2) continues to languish. The small parish faces an estimated cost of \$3 million to reach 34% NBS and \$10million to bring the buildings up to 67% (Trust Chair, 2016). With sizeable immediate costs for preliminary engineering assessments, along with the inability to insure for earthquake damage (Ibid.). Following the Kaikōura earthquakes, owners of unreinforced masonry buildings in the Wellington and Marlborough regions must also strengthen selected parapets and facades within twelve months; a short-term measure with Government and councils supplying some funding "In recognition of the public and private benefits" (MBIE, Online).

²⁰ Public institutions also face substantial costs. The Wellington Town Hall, alone, now estimated to cost \$90million for strengthening and restoration (Devlin, 2017).

²¹ HNZ, New Zealand Lotteries Grants and some council budgets.

Meanwhile, Wellington's less visible former Erskine College (Figure 3) has been protected by New Zealand's first body corporate²² initiated Heritage Order since the 1990s. The site was bought by a developer in 2000, who subsequently failed to reach a satisfactory conservation agreement with the Trust or HNZ. The Category 1 main school building and chapel were declared earthquake-prone in 2012, evacuated and left to deteriorate. Simultaneously, land values accelerated. The site was declared a Special Housing Area in 2015 (Jackman, 2015) and the developer is now selling housing off the plan²³, proposing to save only the decontextualized chapel and its garden, transferring it to a charitable trust (The Wellington

Company, Online).

The future of Christchurch's Anglican and Catholic cathedrals (Figures 4 and 5) remain unresolved. The Christ Church Cathedral, in particular, leading to a series of legal battles between the Church Property Trustees and heritage campaigners represented through the Great Christchurch Building Trust. The Church Trustees argue that insurance payouts will not meet restoration costs and that the money might be better spent addressing contemporary parish welfare priorities and a new building attuned to current religious practices. From a community perspective, however, the cathedral is symbolic of the city and its central historic focus. Over the years it has received substantial public grants and donations for its maintenance and, ethically at least, no longer solely a private site.

²² The Save Erskine College Trust.

²³ Although the Heritage Order is still in place. The 2017 RMA Amendment will rescind the powers of body corporates as Heritage Protection Agencies in response to the Erskine case.



Figure 6:

Harcourt's Building



Figure 7:

Public Trust Building

As in Erskine case, earthquake-prone status may afford heritage owners an excuse to demolish the building and realise profits through cheaper modern development. Wellington's Harcourt's Building (Figure 6) provides a rare example where public interest and heritage values were legally pursued (by HNZ and the Wellington City Council). The Environment Court (2014) determined that the Category 1 building could be retained, strengthened and offer a safe return to the owner. It has now been restored, to become a hotel. There are other examples of good practice, where owners recognise that earthquake-prone buildings (purchased inexpensively) can be strengthened, 're-purposed' and offer distinctive character, for example, Wellington's Public Trust Building (Figure 7). The developer, however, admitting that much is a labour of love and necessary guaranteed lead-tenant (Clark, 2017). Many earthquake-prone heritage owners, however, face escalating insurance premiums²⁴, banks reluctant to offer mortgage finance, tenant fear and the triggering of deferred maintenance once strengthening commences.

This is particularly acute for New Zealand's historic churches – many with diminishing financial bases and evolving aspirations not congruent with heritage values. Meanwhile, as keenly illustrated by the Christchurch cathedrals, churches iconic (and quotidian) make a significant contribution to the nation's townscapes, with tensions arising between the proper apportionment of costs and benefits.

²⁴ For example, the body corporate of a Wellington heritage building paid an insurance premium of \$12,700 before the Canterbury earthquakes, escalating to \$35,000 and then \$89,000 after the Kaikōura quakes (Developer, 2017).

Figure 8: Cause of Lost Heritage 2000-2016

Source: Calculated from HNZ (Online a)

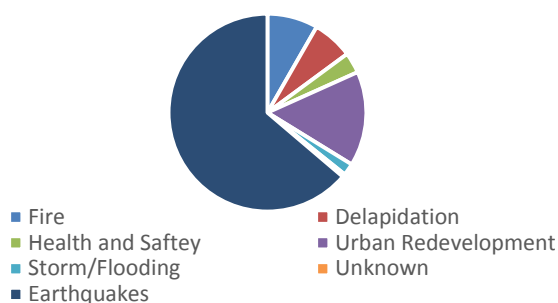


Figure 9: Cause of Lost Heritage 2000-2016 (excluding earthquake demolition)

Source: Calculated from HNZ (Online a)

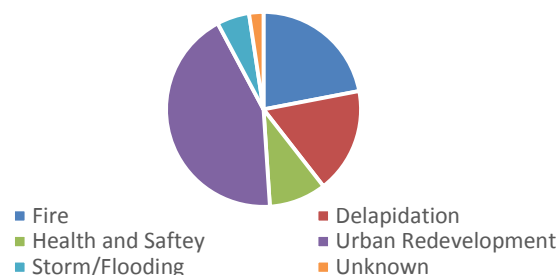
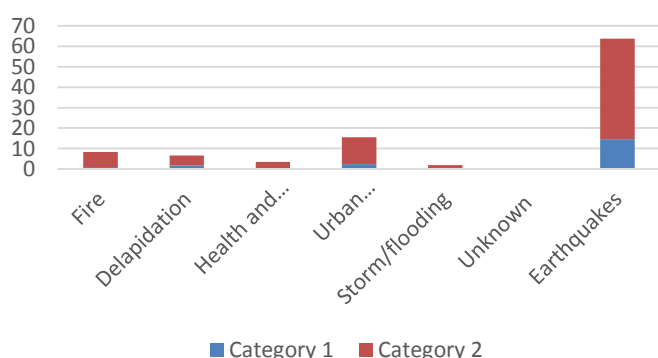


Figure 10: Cause of Lost Heritage 2000-2016 by Category

Source: Percentages calculated from HNZ (Online a)



4. Urban Development Issues

Earthquakes aside, urban growth poses the greatest threat to New Zealand's heritage. The majority of the 205 items removed from the HNZ List (2000-2016) (HNZ, Online a) were earthquake-related (Figure 8). Excluding these, urban redevelopment (caused by population growth, rising land values, economic regeneration and RMA plans) leads. Without high regulatory protection and limited access to incentives, Category 2 items are the most vulnerable (Figure 10), but with them go local sense of place and the opportunity to age and appreciate in rarity and merit.

While the RMA provides the only substantive protection for historic heritage through scheduling and amenity codes, this is compromised by the capacity of councils to undertake the necessary identification, research, consultation and plan process. Heritage is not a budgetary priority -with rates soaked up by transport and traditional services. This is illustrated by Auckland, New Zealand's largest city. The 30-year

spatial Auckland Plan²⁵ recognises historic heritage in a dedicated chapter (Auckland Council, Online). The plan aims to double the number of scheduled places from 2,100 to 4,200 by 2030, along with areas assessed for heritage values rising from 30 to 100 percent by 2040 (priority given to those identified for growth and intensification)

²⁵ A statutory requirement with the formation of the Auckland Council in 2010 and still unique in New Zealand.

(Ibid.). Slow progress, given the size of the region, its relative wealth and acute development issues. In the now partially operative Unitary Plan (Auckland Council, Online a) development values have increased²⁶, with policy privileging urban intensification.

The Auckland Council introduced the Pre-1944 Building Demolition Control Overlay in the Proposed Unitary Plan stage. This was intended as a precautionary interim measure (modelled on Brisbane and California) to safeguard heritage in areas zoned for intensification, prior to detailed identification and assessment of values (although many owners took advantage the RMA certificate of compliance provisions (s139) to ensure that they would be exempt from potential scheduling). The Control was subsequently rejected by the Independent Hearings Panel²⁷ because of 'unnecessary constraints' placed on private owners. Although there were many submissions arguing for the retention of Auckland's character townscapes, these were also dismissed by the Panel and a subsequent appeal. In the High Court's (2017: 89) view this was "Shire like unreality" and merely resistance to urban change.

In Wellington, New Zealand's second largest city, the demolition of pre-1930 buildings in the historic inner city is a long accepted 'restricted discretionary activity' (Wellington City Council, Online). This, however, may be overruled as the city looks to increase its central city population and, since the Kaikōura earthquakes, intensify development on land close to bedrock (the older parts of the city). The need for development, coupled with a new appreciation of geotechnics may countermand heritage protection (Mendonça, 2017).

The current national political climate favours releasing resources through deregulation and streamlined process. The 2017 RMA amendment restricts public notification and appeal rights. While the Act continues to support integrated consideration of environmental, social, cultural and economic wellbeing, the latter is given priority in policy and practice. Heritage, along with other cherished planning values, is often marginalised as exemplified in a recent report from the New Zealand Productivity Commission:

Making specific provision for growth, flexibility and mobility in planning legislation would not mean removing other objectives, such as amenity,

²⁶ The now modest single house zone and some rural areas excepted.

²⁷ The Auckland Unitary Plan Independent Hearings Panel (2014-16) was set up by Government to streamline RMA planning hearing and decision processes.

protection of historical heritage and outstanding natural landscapes. These make important contributions to the character and "liveability" of cities. However, it would mean that such objectives would be subordinate to the three main priorities and could not be used to frustrate their achievement (New Zealand Productivity Commission, 2017: 209).

5. Conclusion

Regardless of New Zealand's ostensibly robust heritage framework and commitment to the 1972 UN World Heritage Convention, the protection and conservation of its historic built environment are undermined by inconsistent implementation and under-resourcing. Heightened seismic hazard awareness, coupled with short-term political priorities favouring economic growth over the other dimensions of urban life add to the challenges.

A national policy statement on historic heritage, commensurate with its level of RMA importance identified. Now, more than ever, there is a need for leadership and guidance – to assist territorial authorities in carrying out their RMA mandate and in developing, executing and monitoring plans that give appropriate balance and weight to their historical heritage as an investment for future generations.

The long-term public benefits of built heritage are well recognised, but the immediate costs primarily fall on private owners. Incentives to fairly compensate owners for reduced development rights, professional and maintenance costs remain essential. Funding might be offset by a more sophisticated tax regime that captures the returns on development rights currently conferred on individuals through public action. The New Zealand Productivity Commission (2017) addresses 'value uplift', but only in the context of infrastructure provision.

Heritage is complicated. In its built form, there is still much to be resolved. In the processes for defining and safeguarding sites deemed significant, along with those protecting the collective values of neighbourhoods. Always, the question of who pays? There will be compromise and NIMBYism. Not everything can be saved, and the present does give rise to future heritage. Nonetheless, 'old stuff', whether connected with the famous, admired for its architecture and technology, or simply the stories that it tells – is necessary for the continuity and identity it bestows and bequeaths. Heritage loss was

palpable in the aftermath of the Canterbury earthquakes and continues in the debates around the future of its cathedrals - echoing in other parts of the country when elements of accustomed townscapes disappear.

The Productivity Commission condescends that heritage, character, amenity and natural landscapes add up to urban “liveability”. Urban “liveability” is framed as an ingredient towards the higher order goal of economic growth. Perhaps this should be reframed? With economic growth cast as a significant contributor, but only one factor, in the richness of city living and its inheritance. With engineering science rightly applied to human safety, but supportive of its legacies. With government agencies empowered and funded to address the gamut of the aspirations inherent in New Zealand’s planning legislation.

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The Resource Legislation Amendment Act 2017: Implications for planners

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Abstract *In 2008, the National-led government embarked upon a vigorous programme of resource management policy reform. During the course of this reform process, a number of themes emerged which have implications for planning practitioners. The Resource Legislation Amendment Bill 2015, the latest in a series of amendments to the Resource Management Act 1991, continues the government's moves towards increasing centralisation of resource management decision making, with the introduction of proposals such as the national planning template and a significant broadening of the Minister for the Environment's powers to make regulations. This paper examines the consequences of this for planning at the local scale. A reduction of opportunities for local public participation is a second trend which has implications for planning practice. New, faster processes for preparing and changing plans, the proposed requirement for councils to strike out submissions for specified reasons, "deemed permitted activities", and more restrictive notification of resource consents exemplify this approach. In this paper we traverse aspects of these changes and examine practice around the evidence base, reporting and decision making. Thirdly, although amendments to the Resource Legislation Amendment Bill 2015 are focused upon achieving efficiency and equity, this paper examines the contribution of the reform to a more complex and less certain regulatory environment, and the consequences of this for the planning profession. In conclusion we recognise challenges for the profession and discuss ways in which such challenges may be overcome.*

Key words: resource management act, resource legislation amendment act, planners

Introduction

In 2008, the National-led coalition Government embarked on a vigorous programme of resource management policy reform, culminating in the Resource Legislation Amendment Act 2017 (RLAA). This paper analyses the RLAA, and identifies four key themes which have implications for planners. These themes are the limited evidence base and lack of informed policy analysis underpinning the RLAA; the increasingly complex and less coherent regulatory and strategic environment; greater centralisation of resource management decision-making and prescriptive direction from central

government; and a reduction in participation opportunities at the local level. Through these themes, challenges for planners are examined and ways in which such challenges may be overcome are explored.

Background

The Resource Management Act 1991 (RMA) is New Zealand's key environmental statute, covering natural resource management, environmental protection, and the nation's urban planning system, as well as influencing development, the economy, and social and cultural well-being. Enacted in 1991, the RMA had its origins in the market-led reform of the Fourth Labour Government, and has since been amended 22 times. Since being elected in 2008, the National-led Government has initiated a programme of resource management policy reform, which has occurred in the context of the Government's wider reform agenda. The wider reforms include reforms aimed at increasing economic efficiency and growth through increasing housing supply and affordability; streamlining the public sector; focusing local government activity towards core business and prudent financial management; and restructuring the social housing sector (Ministry for the Environment 2015; Ministry of Social Development 2017; Department of Internal Affairs 2016; Ministry of Social Development 2017; State Services Commission 2017).

The first phase of the Government's resource management reform programme included the Resource Management (Simplifying and Streamlining) Amendment Act 2009, aimed at simplifying and streamlining the RMA to reduce costs, uncertainties and delays. The second phase involved the Resource Management Amendment Act 2013, and culminated in the enactment of the Resource Legislation Amendment Act 2017 (RLAA).

The Resource Legislation Amendment Act 2017: Background

The RLAA represents a large part of the second, and more substantive, phase of the Government's resource management reforms, as outlined in the two 2013 consultation

documents *Improving our resource management system* and *Freshwater reform 2013 and beyond* (Ministry for the Environment 2013b; Ministry for the Environment 2015a; Ministry for the Environment 2015b; Smith 2016). The RLAA made changes to national direction, plan-making processes, consenting processes, and close to forty amendments to five Acts: the Resource Management Act 1991; Reserves Act 1977; Public Works Act 1981; Conservation Act 1987; and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (Ministry for the Environment 2017a). The RLAA comprises the most significant amendments to the RMA since the Act's inception 26 years ago, and aims to achieve:

1. Greater alignment and integration across the resource management system;
2. Proportional, scalable and flexible processes to reflect specific circumstances; and
3. Robust resource management decisions, based on high value participation, sufficient evidence and capability for decision makers, and with an up-front focus on planning decisions rather than individual consents (Resource Legislation Amendment Bill 2015 101-1).

The reforms contained in the RLAA were originally proposed in 2013, but as the Government was unable to secure sufficient Parliamentary support, a revised Resource Legislation Amendment Bill excluding the controversial changes to the principles of the RMA was subsequently introduced to the House of Representatives on 26 November 2015 (Smith 2016; Resource Legislation Amendment Bill 2015). The bill was referred to the Local Government and Environment committee on 3 December 2015, and 647 unique and 94 form-style submissions were received. A number of minor technical and operational RLAA provisions received broad stakeholder and public support, as well as several of the more substantive provisions, such as the strengthening of requirements to manage natural hazard risks (Ministry for the Environment 2016b; New Zealand Planning Institute 2016; Resource Management Law Association 2016; New Zealand Law Society 2016). However, significant concerns were raised in submissions from diverse sectors of society, including local government, the Resource Management Law Association, the New Zealand Planning Institute, iwi, non-governmental organisations,

commercial organisations and private individuals that a range of other specific provisions were unlikely to achieve the intended outcomes, and would instead reduce the effective functioning and equity of New Zealand's resource management system (New Zealand Planning Institute 2016; Resource Management Law Association 2016; New Zealand Law Society 2016; Local Government New Zealand 2016).

The select committee recommended a range of amendments addressing certain submitters' concerns in its report of 6 March 2017; however, many issues remained outstanding and of concern. The bill received Royal Assent on 18 April 2017, with some provisions taking immediate effect and others due to take effect at later dates (Resource Legislation Amendment Act 2017).

Analysis of the RLAA identifies four key themes of particular concern which have implications for planners. These themes are identified and examined further below:

1. Adequacy of the evidence base and informed analysis;
2. A more complex and less coherent regulatory and strategic environment;
3. Greater prescriptive direction and centralisation of resource management decision-making; and
4. Reduced opportunities for public participation at the local level.

1.0 The Resource Legislation Amendment Act 2017: Is there sufficient evidence to support it?

A feature of recent legislative changes in the resource management and local government space is that amendments have been reactive, focused on legislative provisions and specific issues (both real and perceived), and have been the result of limited policy analysis and debate with the aim being to achieve quick solutions (Salter et al 2016). A measured, consultative process taking an integrated approach to the wider context has been lacking. Recent recommendations from the New Zealand Productivity Commission for a reinvention of the entire resource management system (New Zealand Productivity Commission 2017) and signals from the Government of an appetite for significant future change also raise the question of whether a more

sustained and searching enquiry should have been undertaken prior to the adoption of the recent piecemeal changes to the RMA.

The RLAA process may also have proceeded without sufficient recognition of progressive change in the RMA space such as the change of approach applied in the Supreme Court decision *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 38, ongoing improvements in planning performance, increased availability of national direction and rising public expectations (Environmental Defence Society et al. 2016; Berry et al 2016). Similarly, as there is a time lag for plans to implement changes in legislation, the full benefits of the 2009 and 2013 amendments to the RMA may yet to be fully experienced (Berry et al 2016).

The lack of a sufficiently robust evidence base and informed analysis demonstrating the necessity for certain RLAA amendments (Palmer 2016; Berry et al 2016) has hampered meaningful further analysis of the RLAA proposals, and poor drafting has been identified by submitters as contributing to flaws in the legislation (Palmer 2016; Berry et al 2016). While accurate quantification of the extent and impacts of the proposals across all policy options may, as the Regulatory Impact Statement states, not be feasible, sufficient qualitative data and analysis is also lacking. Cost-benefit analyses, for example, were not undertaken despite these being an expectation of rigour in development of policy statements and plans at other governance levels. This impeded attempts to understand the nature, scale and distribution of benefits and costs, and diminished any potential mitigation of cost burdens through measures such as funding and capacity building. The New Zealand Planning Institute submission identified, for example, that planners and policy makers at local levels are likely to face significant workloads in adapting internal systems to put the RLAA provisions, considered to have “a short and problematic life”, into effect (New Zealand Planning Institute 2016 8).

Robust monitoring, evaluation and reporting of the effectiveness and efficiency of relevant RMA provisions, policy instruments, and recent statutory amendments such as the Resource Management (Simplifying and Streamlining) Amendment Act 2009, and the Resource Management Amendment Act 2013 should, as best practice, have occurred

prior to further substantial RMA amendment being undertaken. While legislation may always be improved, not all resource management issues can be resolved through amendments to legislation; many issues relate to practice rather than deficiencies in the legislation itself. Improving practices takes time, effort and resourcing, but may lead to more durable benefits. A robust monitoring and evaluation programme contributes towards a sound evidence base upon which to base decision-making. *Evaluating the environmental outcomes of the RMA*, however, a report subsequently published by the Environmental Defence Society, has gone some way towards filling this information gap (Environmental Defence Society 2016).

A 2015 Ministry for the Environment Cabinet paper has acknowledged the quality assurance short-fall, stating “The Regulatory Impact Advisory Team (RIAT) of Treasury considers that the “information and analysis summarised in the RIS “Resource Legislation Amendment Bill 2015” **partially meets** the quality assurance criteria” (Ministry for the Environment 2015 18) (emphasis in the original).

2.0 A more complex and less coherent regulatory and strategic environment

The Ministry for the Environment states that an overall objective of the RLAA is to “increase ease of use, certainty and predictability of the system while reducing costs and protecting the quality of resource management outcomes” (Ministry for the Environment 2013 32). However, the RLAA contributes to both the content and administration of the RMA becoming increasingly complex and cumbersome through the cumulative effects of legislative amendment (Palmer 2016). Sir Geoffrey Palmer has described the 22 amendments to the RMA in its 26-year history as “a constant fiddling” (Palmer 2016 7), resulting in the RMA approximately doubling in size to more than 770 pages.

Although the RMA is the key legislation relating to New Zealand’s resource management system, the Local Government Act 2002 (LGA) and the Land Transport Management Act 2003 (LTMA) have a significant influence on the nature, location and timing of infrastructure development. The LGA provides for the constitution and empowerment

of multi-functional local authorities and their democratic accountabilities, and the LTMA provides the framework for the delivery of transport networks. As the decisions made under these three Acts shape urban and rural development patterns and affect individuals' actions and property rights, alignment of strategic decision-making and a coherent interrelationship between these Acts is important. As recently as 2003, coherence amongst the three statutes was evident in that the purpose of the LGA, RMA and LTMA were relatively well-aligned, with, for example, the purpose of each referring to "sustainability" in some form (Salter et al 2016). However, this coherence has been eroded with multiple recent statutory changes, particularly to the LGA and RMA, which have undermined alignment between the three Acts and increased the challenges faced by planners in planning strategically and coherently across the three Acts.

The RLAA has also introduced additional complexity through amendments such as the new resource consent notification provisions and plan-making processes. The resource consent notification provisions have been amended four times in the history of the RMA, with the RLAA amending the provisions a fifth time. The New Zealand Planning Institute submission signalled significant concerns regarding the proposed notification provisions, citing no evidence of need for the amendments, the provisions being "overly complicated and... flawed", and noting that excluding subdivision from public notification (with the exception of non-complying activity subdivisions) may result in perverse outcomes, such as councils amending district plans to categorise more subdivision activities in the non-complying activity category (New Zealand Planning Institute 2016).

Moreover, the RLAA enables the Minister for the Environment to prescribe that certain activities be precluded from public or limited notification, and to prescribe restrictions regarding who may be considered affected for the purpose of limited notification, through future regulations (Ministry for the Environment 2017). If implemented, this would again alter the resource consent notification regime, contributing to further complexity and potentially resulting in an unwarranted degree of "micro managing" of local government. Such changes may have implications for planners, who would be required to invest significant time working through and understanding the regulations,

and explaining them to others. In the event of these regulations taking effect, planners would be likely to have less discretion in identifying parties to be notified of a resource consent in circumstances specific to a local situation.

The RLAA also introduces more than 20 new terms which are not well defined at law, with implications for increased time and costs for planners in interpreting and debating ambiguous or contested provisions in a variety of circumstances, and resulting in an increased potential for litigation. For example, novel concepts such as “activities meeting certain requirements are permitted activities” and related terms such as “marginal” and “temporary non-compliance” introduced through new section 87BB have the potential to be particularly problematic due to the high frequency with which the terms are likely to be relevant, the arguably loose associated criteria, and the ambiguity of the terms. Although section 87BB frames the decision for categorising activities with marginal or temporary non-compliance as permitted activities as being at the consent authority’s discretion, it seems likely that planners will come under pressure from applicants to recommend this outcome.

The introduction of alternative plan making processes, while providing greater choice, scaleability and flexibility, also contribute to the complexity of the resource management landscape and to the challenges which planners face. The new collaborative planning process, for example, is likely to pose challenges such as ensuring that the collaborative group is sufficiently representative and not dominated by strong parties (Landers and Day-Cleavin 2017; Murray 2005), ensuring that the section 32 evaluation report provides transparency regarding any negotiations and trade-offs which the collaborative group makes, and challenges in translating the consensus recommendations of the group into a framework appropriate for a statutory plan.

Planners may also face challenges in terms of their ability to meet the new resource consent processing timeframes mandated by the RLAA. For example, six months after the RLAA received Royal Assent, territorial authorities will be required to process controlled activity land-use consent applications within ten-day timeframes (with

certain minimal exceptions). In making this a requirement, rather than providing for council discretion, there is an implicit assumption that controlled activity district land-use consents are without exception simple matters which may be processed within this relatively short timeframe, which is not always the case. This may provide a disincentive for territorial authorities to provide for controlled activities in district plans at a time when some plans are already moving towards preferred use of a restricted discretionary activity status, thus again creating potentially perverse and more complex outcomes.

Lastly, the increased array of process options introduced through the RLAA leads to a greater need for advisors to provide advice regarding process – for planners to have a role as “guides to process.” The RMA has been criticised for being focused on process at the expense of outcomes (New Zealand Planning Institute 2016); the increased range of process option choices ushered in by the RLAA exacerbates that risk.

3.0 Increase in centralised prescription and decision-making

In resource management, the key roles of central government have traditionally been in providing leadership, direction and taking a leading role in decision-making for matters of national importance involving nationally significant issues or, to some degree, where the benefits of nation-wide consistency out-weigh the benefits of local specificity. Local government is generally responsible for decision-making where local circumstances require a more site-specific or community-specific approach, where costs and benefits are localised, or where local government is best placed to make the decision. The devolving of decision-making from central to a strong lower tier of government has been considered fundamental to building capacity in local communities and in recognising that a range of environmental outcomes are appropriate across New Zealand’s different environments and communities (Environment Guide 2015). This approach maintains a balance of power between the local and national governance levels, and is based on the principle of subsidiarity (that decisions should be made at the lowest possible level or closest to the communities and resources affected by those decisions).

The RLAA has expanded the functions, powers and duties of central Government in the resource management space, continuing and accelerating a trend which has been discernible prior to the election of the Fifth National-led Government and a notable feature of the Government's reforms (Resource Management Amendment Act 2013; Resource Management (Simplifying and Streamlining) Amendment Act 2009). The RLAA significantly enhances the ability of the Minister for the Environment to provide national-level direction, prescription, oversight and decision-making. The RLAA includes the introduction of national planning standards which may include mandatory plan objectives, policies and rules; the introduction of national environmental standards and national policy statements which may be applied to specific areas of New Zealand with little ability for councils to challenge provisions; and Ministerial decision-making for streamlined planning processes (Resource Legislation Amendment Act 2017). These wide ranging and substantial powers are in addition to existing Ministerial powers, which include, for example, the ability to appoint person(s) to perform a local authority's functions, powers or duties, and to direct local authorities to prepare, review or change plans.

The national planning standards enable the Minister to specify provisions relating to the content, format and structure of plans or regional policy statements, and are intended to reduce plan-making costs, ensure national consistency, and to provide another instrument to implement national policy (Resource Legislation Amendment Act 2017; Ministry for the Environment 2015c). Aspects of the initiative, such as a nation-wide structure and format for resource management plans, have received widespread support. However, the more substantive measures are problematic, due to the potentially broad scope of the standards, implying that the national planning standards may determine the outcome of land use consents in specific zones or for particular activities, with planning effectively occurring at the national level. Such an approach would be a significant departure from the local decision-making which to date has been fundamental to the RMA, and would alter the balance of power between central and local government. Depending on the final shape of the national planning standards, it may imply some degree of dislocation of local interests, with a reduced ability for local

planners to recognise and respond to local community differences and diversity in planning for their communities, including a reduced ability to tailor plans in response to local resource management issues, interests and community aspirations. The competence of those developing the national planning standards will be a key factor in determining the quality and effectiveness of the standards. Genuine engagement with stakeholders and planners “at the coal face” and with actual knowledge of the issues will be necessary to ensure the development of effective solutions.

4.0 Reduced opportunities for local public participation

A fourth trend evident in the RLAA with significant implications for planners, and connected to the third identified trend, is a reduction in opportunities for local public participation. A key tenet of the RMA since its enactment has been recognition of the value of public participation at the local level, with provision for citizens to have a voice in decisions affecting their communities. This approach has been generally viewed as enhancing the quality of decision-making and providing an important check on the power of agencies (Reed 2008; Environment Guide 2015).

In the recent past and in the RLAA, the primary focus of the Government’s approach to the overall statutory framework and statutory amendment has been on economic outcomes over allowing for effective local democracy (Salter et al 2016), with recent changes to the RMA and LGA effectively limiting local decision-making and public participation, and emphasising “efficient” outcomes rather than quality ones with wider or longer-term benefits. The RLAA reduces provision for public participation at the resource consent level through amendments including provision for regulations to preclude notification of certain activities or limit who may be considered affected, and removal of appeal rights against council decisions for “boundary activities”, subdivision and residential activities in residential areas (except for non-complying activities). These amendments cover a variety of situations, and may be appropriate where effects are limited and localised (for example, for boundary activities and lower level consents such as controlled and restricted discretionary activities). For higher level discretionary subdivision and residential activities, however, more substantial effects may be

associated with the proposal and arguably a degree of natural justice may be associated with the ability of affected parties to be involved in an appeal process.

The Ministry for the Environment contends that the new approach will increase certainty that council's decision is final for particular types of consents; will encourage greater involvement in plan-making rather than litigating policy decisions on a consent by consent basis; and will promote more timely decisions for housing development applications (Ministry for the Environment 2017l). However, any potential increases in speed need to be balanced against the potential costs, including in terms of reduced public input impacting adversely on the quality and robustness of decision making, public perceptions of being "shut out" of planning processes, reduced transparency and perceived accountability in resource consent processes and other losses for democratic processes.

With reduced provision for participation at the resource consent level, greater emphasis will need to be placed by planners on increasing iwi, stakeholder and public participation in developing the policy framework of resource management plans, policy statements and other key planning instruments. This implies a greater need, and possibly increased expectations, for planners to engage with these parties to enhance planning literacy, and to communicate effectively how plan provisions affect parties' interests. The introduction of Mana Whakahono a Rohe agreements provide a new process for establishing agreements between tangata whenua (through iwi authorities) and councils, and an opportunity to enhance Maori participation in resource management processes.

Significant challenges will, however, continue to exist for planners in enhancing public participation in planning processes, as diversity, conflicting viewpoints, and divergent values lie at the heart of resource management, frequently meaning that agreement on issues and solutions is difficult or unachievable. More or improved consultation approaches do not necessarily bring agreement, and consultation fatigue and low levels of public engagement, particularly by specific sectors such as youth, are ongoing issues.

These types of challenges may potentially be compounded by reduced participation opportunities introduced through new plan-making processes in the RLAA, particularly the streamlined and limited notified processes. The streamlined planning process, for example, is a stripped-back plan-making process which councils must apply to the Minister for the Environment to enter, subject to meeting specific entry criteria. The process is intended to be efficient and flexible; however, the response in public submissions was largely negative, and the process is unlikely to be appropriate for a range of contentious issues despite the openness of the entry criteria. The streamlined planning process does not offer certainty of participation beyond the opportunity to make a submission, and the lack of set timeframes has the potential for tight deadlines for submitters and planners. Decisions in the streamlined process are made by the Minister for the Environment, creating risk for councils and communities as the Minister may require amendment of plan content or may reject the plan in its entirety (Landers and Day-Cleavin 2017).

Further, the lack of full appeal rights in the collaborative and streamlined plan-making processes carry a risk of not all relevant concerns being canvassed, and a subsequent inability to modify decisions. This makes it important that the initial process is sufficiently robust, as plan-making plays the crucial role of translating the purpose and principles of the RMA into a local context, and shapes the ways in which districts and regions develop (Landers and Day-Cleavin 2017).

Trade-offs clearly exist between opportunities for participation, speed and resource intensiveness, and the RLAA thus raises perennial questions regarding how planners should strike an appropriate balance between these factors, whilst ensuring quality resource management outcomes and the needs of their communities are met. The collaborative, and the streamlined and limited notification planning processes offer very different “tools in the tool box”. The collaborative planning process has the potential to promote more effective participation, which will probably take more time upfront, whereas the streamlined and limited notified planning processes appear to erode rights of participation but may have the advantage of greater speed.

The Resource Legislation Amendment Act 2017: overcoming the challenges

Planners face challenges in interpreting, understanding and implementing the provisions of the RLAA. Such challenges may be mitigated by comprehensive, robust and timely guidance and support provided by the Ministry for the Environment, including fact sheets, seminars and staff availability to answer queries to assist planners to “hit the ground running” as the RLAA provisions continue to come into force. Detailed and regularly updated information regarding the Government’s intentions for current and future initiatives, such as the national planning standards and new regulations, is also necessary to assist planners in implementing the RLAA provisions effectively and efficiently. Continuing professional development seminars, information sharing, best practice guidance material and the like provided through a variety of forums and providers, such as the Quality Planning website, the Resource Management Law Association and the New Zealand Planning Institute all have a place in promoting a smoother transition as the RLAA provisions take effect and “bed in”.

While the RLAA contains some provisions which will improve efficiency and resource management outcomes, these are outweighed by multiple provisions which cause concern, particularly when considered in light of the cumulative effects of recent amendments to the RMA. The RMA has progressively become a more complex and less coherent piece of legislation for planners, iwi, stakeholders and wider communities to work with. The cumulative weight of successive amendments to the Act has punched large holes in the RMA boat, and while the RLAA has bailed out some water, in doing so it has added several large holes of its own. What is needed at this juncture is a pause while time is taken to deliberate as a nation on coherent, integrated and sustainable solutions. Any future process should be measured and consultative, taking an integrated approach to the wider context, and with genuine engagement with stakeholders with actual knowledge of the issues and processes to enhance the development of effective solutions.

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