



**31 March 2013**

**Submission to the Ministry for the Environment  
on  
Improving our resource management system: a discussion document**

**Prepared by Elinor Chisholm on behalf of the Department of Public Health  
University of Otago, Wellington**

*Summary*

In general we oppose the proposed changes to sections 6 and 7 of the Resource Management Act, and support the submissions of the New Zealand Ecological Society on these matters. Nevertheless we have prepared specific feedback on those elements that relate to urban development. We are encouraged that the document proposes that the RMA consider urban design; however we find that the proposed changes to the RMA go against key urban design principles.

We recommend:

- That the Ministry incorporate the principles of urban design into a National Policy Statement as part of this package of reforms to the RMA
- That the following matter of national significance or principle be retained in the Act (current section 7c):  
“the maintenance and enhancement of amenity values”
- That proposed principle 6m be amended to:  
“the efficient and sustainable provision of infrastructure which provides net benefits to overall quality of life”
- That proposed principle 6k be amended to:  
“the effective functioning of the built environment including urban design principles such as mixed use, density and connectivity”
- That the following principle be added to proposed section 6 of the RMA:  
“the need to urgently mitigate climate change”

We wish also to register our concern with other matters related to this document as they relate to health and urban development: the narrow view of housing affordability; the proposed changes regarding local government; and the short consultation process.

Department of Public Health, Te Tari Hauora Tūmatanui  
University of Otago, Wellington, Te Whare Wānanga o Otāgo, Te Whanga-nui-a-Tara  
PO Box 7343, Wellington South 6242, New Zealand  
Tel + 64 4 385 5541 Fax 64 4 389 5319 [pubh.wsmhs@otago.ac.nz](mailto:pubh.wsmhs@otago.ac.nz)  
[www.wnmeds.ac.nz/academic/dph](http://www.wnmeds.ac.nz/academic/dph)

## Introduction

1. The Department of Public Health of University of Otago, Wellington, works to improve, promote and protect health and to reduce health inequalities through research, teaching and community service. The Department hosts researchers with expertise in urban design, housing and health and environmental health, and includes *He Kainga Oranga*/Housing and Health Research Programme and the New Zealand Centre for Sustainable Cities, which leads a 'Resilient Urban Futures' work programme.
2. Providing for health and well-being is crucial to the Resource Management Act. Its purpose is to promote the sustainable management of resources in a way that provides for well-being, health and safety.
3. Given the limited time available to provide feedback on the discussion document, we have chosen to comment only on the area of our particular expertise - health and urban development.

## Urban design and health

4. Urban design is important to the proposed reform of the RMA. In announcing the second phase of RMA reforms, then Minister for the Environment Nick Smith made its focus on urban design very clear:

"There are major question marks over the way the Resource Management Act is working in urban areas. I don't think we have the incentives right for developers to do the best urban design in our largest cities."<sup>1</sup>

The MfE document *Building Competitive Cities* elaborated on these issues:

"In an urban context, the RMA has limited capacity to adequately consider the value created by urban development and good urban design compared to what already exists, or to support positive impacts of development on the built environment, beyond effects on amenity values."<sup>2</sup>

5. Despite the acknowledged importance of urban design, this document fails to discuss urban design and form at any length, only pointing out that sections 6 and 7 "do not include nationally significant matters – such as natural hazards, urban design and related housing affordability issues" (p.20), and arguing that "if implemented, the proposed package would contribute to

---

<sup>1</sup> Nick Smith (2010). "New work underway on Phase II of RMA reforms". Beehive press release. 28 January. Available at: <http://www.beehive.govt.nz/release/new-work-underway-phase-ii-rma-reforms> (accessed 27/3/13)

<sup>2</sup> Ministry for the Environment (2010). *Building Competitive Cities: Reform of the urban and infrastructure planning system*. October. P.6. Available at: <http://www.mfe.govt.nz/publications/rma/building-competitive-cities-discussion-document/building-competitive-cities.pdf> (accessed 27/3/13)

the more integrated management of water, land use, infrastructure and urban design issues” (p.72).

6. In light of this absence, it is important to recall what good urban design is, and its link to health and well-being, as summarised in the MfE research paper *The Value of Urban Design*:

Core elements of urban design:

- Respect and support for **local character**
- Promotion of higher **density**
- **Mixed-use** neighbourhoods (a variety of living and working activities in close proximity)
- Buildings, neighbourhoods and spaces are **able to adapt** to changing needs
- People have access to **quality public space**
- **Public participation** in urban design processes improves the fit between design and user needs
- **Decision-making is integrated** between and within organisations, allowing economic, social and environmental policies to complement each other.

The key conclusions on benefits provided by urban design:

- Good urban design offers significant benefits to the community; and poor design can negatively affect the environment, society and economy.
- Good urban design only sometimes costs more upfront, and often avoids long-term costs (such as increased mortgagee sales in outer suburbs when energy costs increase,<sup>3</sup> or increased carbon emissions from greater car use).
- Communities value the better quality of life that good urban design can deliver.
- Urban design has health impacts: good urban design enables more people to exercise.
- Urban design helps makes cities safer and more secure.
- Urban design elements are interconnected – urban design is most effective when a number of elements come together (e.g. mixed use, density and connectivity).

Please see *The Value of Urban Design* for a full discussion of the impacts on well-being of other elements of urban design.<sup>4</sup>

7. We agree that principles of urban design – as crystallised in the Urban Design Protocol<sup>5</sup> – should be incorporated into a National Policy Statement under

---

<sup>3</sup> Witten, K., W. Abramhamse and K. Stuart, Eds. (2011). *Growth Misconduct? Avoiding sprawl and improving urban intensification in New Zealand*. Wellington, Steele Roberts Aotearoa.

<sup>4</sup> Graeme McIndoe, Ralph Chapman, Chris McDonald, Gordon Holden, Philippa Howden-Chapman, Anna Bray Sharpin (2005). *The Value of Urban Design: the economic, environmental and social benefits of urban design*. June. Available at: <http://www.mfe.govt.nz/publications/urban/value-urban-design-full-report-jun05/value-of-urban-design-full-report-jun05.pdf> (accessed 27/3/13)

<sup>5</sup> Ministry for the Environment, New Zealand Urban Design Protocol, 2005, Ministry for the Environment: Wellington.

the RMA. However, we submit that the proposed changes to Section 6 and 7, which state matters to guide decision-makers, take away from urban design principles in important ways, discussed in paragraphs 9-20.

8. **We therefore recommend** that the Ministry incorporate the principles of urban design into an NPS as the most appropriate vehicle, as part of this package of reforms to the RMA.

*On the deletion of principles contained in the RMA*

9. The RMA presently requires decision-makers to have regard to “the maintenance and enhancement of amenity values”. As pointed out by MfE previously (noted in paragraph 4), this is one of the only places where the RMA presently allows for urban design.

10. The Act presently defines amenity values 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” (s2).

MfE have set out their view of what amenity values may mean for the urban environment. They include having open space, vegetation, character, accessibility, safety, urban design, and providing for a sense of well-being.<sup>6</sup>

11. The discussion document states that matters it proposes be deleted are now contained in other principles. On the contrary, we find that amenity values are not part of any of the principles listed on pages 36-37. Lawyer Maree Baker Galloway concurs:

“The discussion document proposes deletion of this requirement [of considering amenity values] and nothing to replace it. This will mean that considerations of the recreational values of an area, whether it is a remote area or a popular area, will be given less weight when considering whether or not a development should proceed.”<sup>7</sup>

12. Removing the concept of amenity values as of relevance in the consent process has important repercussions. According to journalist Jon Morgan:

“I take this to mean that recreational use will no longer matter. That's swimming, canoeing, a quiet walk with the dog - not important.”<sup>8</sup>

---

<sup>6</sup> Karen Bell (2000). *Urban Amenity Indicators: The liveability of our urban environments*. Ministry for the Environment. June. Available at: <http://www.mfe.govt.nz/publications/ser/tech-report-63-urban-amenity-jun00.pdf> (accessed 27/3/13)

<sup>7</sup> Marie Baker Galloway (Anderson Lloyd Lawyers) n.d. *RMA reforms a mixed bag for tourism and the outdoors*. Outdoors New Zealand.. Available at: <http://www.outdoorsnz.org.nz/news/rma-reforms-mixed-bag-tourism-and-outdoors> (accessed 27/3/13)

<sup>8</sup> Jon Morgan (2013). RMA overhaul won't help the environment. Stuff. 21 March. Available at: <http://www.stuff.co.nz/business/farming/8453690/RMA-overhaul-won-t-help-the-environment> (accessed 27/3/13)

We concur with Morgan’s concern. His comment points to some of the important physical and mental health benefits of green spaces in urban environments. Parks are a space for exercise and for peace and relaxation. The health benefits of contact with green spaces are increasingly recognised in the literature.<sup>9</sup>

**We therefore recommend that** the following matter of national significance or principle be retained in the RMA current section 7(c):

“the maintenance and enhancement of amenity values”.

*On the addition of principles to the RMA*

13. It is proposed to add two principles relating to urban design to the RMA. The first refers to “the efficient provision of infrastructure”. According to the National Infrastructure Plan 2011, the government provides infrastructure in various areas: transport, telecommunications, energy, water, and social infrastructure (the latter including education, health, housing and justice).<sup>10</sup>
14. There is a risk that, as written, the most efficient provision of infrastructure may be understood to mean the lowest cost infrastructure, and this may be in conflict with the best overall outcomes, taking into account both costs and benefits (including negative and positive externalities). For example, a low-cost road may be cheaper to build than a road which is able to be used safely by cyclists, or an off-road cycle path. This could lead to negative outcomes for health and safety, as people are less likely to exercise on bikes, more likely to be injured if they do, and air quality may deteriorate. Cheaper housing may also be more expensive in the long run, as poor quality housing leads to negative health outcomes.<sup>11</sup> Moreover, households with cheaper housing in the outer suburbs are likely to have higher private transport costs; infrastructure for housing and transport affordability should be considered together.<sup>12</sup>
15. **We therefore recommend** that proposed principle 6m be amended to:

“the efficient and sustainable provision of infrastructure which provides net benefits to overall quality of life”.

---

<sup>9</sup> E.g. C. Maller, Townsend, M., Leger, L. S., Henderson-Wilson, C., Pryor, A., Prosser, L., et al. (2008). Healthy parks, healthy people: The health benefits of contact with nature in a park context. Melbourne: Deakin University and Parks Victoria.

<sup>10</sup> National Infrastructure Advisory Board (2011). *National Infrastructure Plan 2011*. Available at: <http://www.infrastructure.govt.nz/plan/2011/nip-jul11.pdf> (accessed 27/3/13)

<sup>11</sup> P. Howden-Chapman, N. Pierse, S. Nicholls, J. Gillespie-Bennett, H. Viggers, M. Cunningham, R. Phipps, M. Boulic, P. Fjällström, S. Free, R. Chapman, B. Lloyd, K. Wickens, D. Shields, M. Baker, C. Cunningham, A. Woodward, C. Bullen and J. Crane (2008). Effects of improved home heating on asthma in community dwelling children: randomised controlled trial. *British Medical Journal*, 337:a1411. doi: 10.1136/bmj.a1411

<sup>12</sup> Center for Transit-Oriented Development and Center for Neighborhood Technology (2006). The Affordability Index: A New Tool for Measuring the True Affordability of a Housing Choice. Urban Markets Initiative. The Brookings Institution. Washington.

16. The second proposed principle relating to urban design is “the effective functioning of the built environment including the availability of land for urban expansion, use and development.”
17. By specifying that the effective functioning of the built environment includes the availability of land, and not specifying the many other factors that affect the effective functioning of cities, such as transport, access to services, green spaces, and affordable housing, the document implicitly asks decision-makers to prioritise extensive (in its technical sense) urban expansion. Indeed the use of the word ‘expansion’ is in our view highly problematic.
18. While there can be a place for some urban expansion, prioritising urban expansion over more compact, higher density cities can contribute to poorly functioning built environments in several ways:
- *Increased car usage:* There is a close relationship between lower density development and more travel by car.<sup>13</sup> More car travel leads to negative health outcomes:
    - Vehicle exhaust emissions are a major source of air pollution.<sup>14</sup> Anthropogenic air pollution is responsible for around 1,175 premature deaths each year in New Zealand, and 607 extra hospital admissions for respiratory and cardiac illnesses.<sup>15</sup>
    - Transport is responsible for around 44% of New Zealand’s carbon emissions.<sup>16</sup> Carbon emissions contribute directly to climate change; their impact on the climate system is long-lasting and largely irreversible. Climate change will have a variety of negative health impacts, including an increased risk of infectious disease epidemics.<sup>17</sup>
  - *Physical inactivity:* Low residential density has been associated with lower levels of physical activity, as people become more vehicle dependent.<sup>18</sup> Physical inactivity is the fourth leading contributor to

<sup>13</sup> For example: M.J. Trowbridge, N.C. McDonald. Urban sprawl and miles driven daily by teenagers in the United States. *American Journal of Preventive Medicine*; 34(3): 202-6; Frumkin, H., Cities, suburbs and urban sprawl: Their impact on health. In *Cities and the Health of the Public*, N. Freudenberg, S. Galea, and et al, Eds. 2006, Vanderbilt University Press: Nashville.

<sup>14</sup> Howden-Chapman, P., Hales, S., Chapman, R. & Shaw, C. Improving air quality: co-benefits for the urban system, *Air Quality and Climate Change*, 2011, 45, 4, 19-23.

<sup>15</sup> Gerda Kuschel, Jayne Metcalde, Emily Wilton, Jagadish Guria, Simon Hales, Kevin Rolfe and Alistair Woodward (2012). Updated Health and Air Pollution in New Zealand Study. Prepared for Health Research Council of New Zealand, Ministry of Transport, Ministry for the Environment and New Zealand Transport Agency. Available at:

[http://www.hapinz.org.nz/HAPINZ%20Update\\_Vol%201%20Summary%20Report.pdf](http://www.hapinz.org.nz/HAPINZ%20Update_Vol%201%20Summary%20Report.pdf) (accessed 27/3/13)

<sup>16</sup> Ministry for the Environment. Environmental effects. Wellington. [www.mfe.govt.nz/issues/transport/environmental.html](http://www.mfe.govt.nz/issues/transport/environmental.html)

<sup>17</sup> P. Howden-Chapman, R. Chapman, S. Hales, E. Britton, N. Wilson (2010). Climate change and human health: Impact and adaptation issues for New Zealand. In: *Climate change adaptation in New Zealand: Future scenarios and some sectoral perspectives*. Nottage, R.A.C., Wratt, D.S., Bornman, J.F., Jones, K. (eds). New Zealand Climate Change Centre, Wellington, pp 112 - 121.

<sup>18</sup> R. Ewing, T. Schmid, R. Killingworth, A. Zlot, S. Raudenbush S. Relationship between urban sprawl and physical activity, obesity, and morbidity. *Am J Health Promot.* 2003 Sep-Oct;18(1):47-57.

the global burden of disease, and is a major risk for preventable disease.<sup>19</sup> Less than half of New Zealand's population exercises sufficiently to maintain good health.<sup>20</sup>

- *Residential segregation*: Low to middle income groups tend to live in outlying suburbs with fewer amenities. The distance from services, jobs and schools means they are reliant on either costly private or public transport.<sup>21</sup> Further release of land, rather than creation of infill housing throughout cities, may exacerbate this trend. Increasing residential segregation impacts negatively on social cohesion and the trust that has been identified as essential for a well-functioning society and a healthy population.<sup>22</sup>

19. Considering that urban expansion does not ensure, and may work against, the effective functioning of built environments, this principle is a contradiction in terms. Instead, urban design principles (as set out in paragraph 6) should be taken into account.

**We therefore recommend that** proposed principle 6(k) be amended to read:

“the effective functioning of the built environment including urban design principles such as mixed use, density and connectivity”.

#### *On the absence of principles in the RMA*

20. New Zealand has recently committed to the Durban Platform which states that “climate change represents an urgent and potentially irreversible threat to human societies and the planet and thus requires to be urgently addressed by all”.<sup>23</sup> Developed countries such as New Zealand must cut carbon emissions by 80% by 2050, according to the UNFCCC.<sup>24</sup> It follows that the effects of developments on carbon emissions should be of paramount concern to all decision-makers under the RMA.

---

<sup>19</sup> World Health Organization. Global health risks Mortality and burden of disease attributable to selected major risks. Geneva: WHO, 2009

<sup>20</sup> Ministry of Health (2008). A Portrait of Health: Key results of the 2006/07 New Zealand Health Survey. 4 June.

<sup>21</sup> P. Howden-Chapman, K. Stuart, R. Chapman (Eds) 2010. *Sizing up the city: Urban form and transport in New Zealand*. Wellington: New Zealand Centre for Sustainable Cities. Witten K, Abrahamse W, Stuart K. (eds) 2011. *Growth misconduct? Avoiding sprawl and improving urban intensification in New Zealand*. Wellington: New Zealand Centre for Sustainable Cities.

<sup>22</sup> R. Wilkinson R and K. Pickett (2009). *The spirit level: Why equality is better for everyone*. London: Penguin Books.

<sup>23</sup> United Nations (2011). Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action 1/CP.17 UNFCCC-COP17. [http://unfccc.int/files/meetings/durban\\_nov\\_2011/decisions/application/pdf/cop17\\_durbanplatform.pdf](http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_durbanplatform.pdf)

<sup>24</sup> UNFCCC, Synthesis of information relevant to the determination of the mitigation potential and to the identification of possible ranges of emission reduction objectives of Annex I Parties: FCCC/TP/2007/1, 2007, UNFCCC. <http://unfccc.int/resource/docs/2007/tp/01.pdf>

**We therefore recommend** that the following principle be added to proposed section 6 of the RMA:

“the need to urgently mitigate climate change”.

*Other matters*

21. The discussion document appears to link the availability of land for urban expansion to lack of housing affordability:

“Real house prices in New Zealand almost doubled between 2001 and 2007 and price increases remain far out of step with corresponding rises in incomes. While there are a number of likely reasons for this, land supply seems to be a key one” (p.24).

As discussed above in paragraph 18, simply increasing land supply has various negative external costs, including impacts on the cost of living for those unable to live more centrally. We wish also to draw attention to other factors that impact upon housing affordability, such as the quality of homes. Please see our submissions on housing affordability to the Productivity Commission.<sup>25</sup>

22. In general, we oppose the limitations the proposed changes would make in terms of the power of local government over resource management. Please refer to our submission to last year’s Local Government Act 2002 Amendment Bill, where we make the case for local government’s role in promoting healthy communities.<sup>26</sup>
23. We wish to register our concern with the short time frame allowed for consultation. This discussion document was released on the web on 1 March. Public meetings occurred in 17 locations from 11 to 27 March. The closing date for submissions is 2 April, just after the Easter holiday. Effectively less than five weeks is not sufficient time for communities to absorb and provide feedback on such an important document.

END

---

<sup>25</sup> Housing and Health Research Programme (2011). Submission to the New Zealand Productivity Commission’s Inquiry on Housing Affordability: Issues Paper. Available at: <http://www.healthyhousing.org.nz/wp-content/uploads/2011/08/Submission-to-the-New-Zealand-Productivity-Commission-on-Housing-Affordability.pdf>;  
Housing and Health Research Programme (2012). Submission to the New Zealand Productivity Commission’s Inquiry on Housing Affordability: Draft report.  
<http://www.healthyhousing.org.nz/wp-content/uploads/2012/03/039-University-of-Otago-Submission-on-housing-affordability-for-Productivity-Commission-Feb-2012.pdf>

<sup>26</sup> Department of Public Health (2012). Submission on the Local Government Act 2002 Amendment Bill. Available at: <http://www.otago.ac.nz/wellington/otago037541.pdf>