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Media Release

EDS submission on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill calls for stronger recognition of the natural environment and urban design

EDS has filed its submission on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. The Bill follows on from a number of other initiatives designed to facilitate denser urban development in our cities, including several iterations of the National Policy Statement on Urban Development (NPSUD), the Urban Development Act and the Auckland Unitary Plan process. In a novel move, the Bill was jointly announced several weeks ago by the Minister for the Environment and the Opposition.

“The Bill goes much further than previous measures by making significant changes to the Resource Management Act (RMA) itself” said senior policy advisor Dr Greg Severinsen. “That includes putting the kinds of rules and standards one might expect to find in a district plan or national direction into primary legislation. It’s a very unusual approach.

“Essentially, to enable more urban development the Bill does two big things: it requires territorial authorities to allow dense developments (up to three storeys in height) by default across all residential areas. These will be permitted activities (where consent is not required), unless a limited range of ‘qualifying matters’ can be established. And it introduces yet another streamlined planning process, bypassing the Environment Court and putting more power in the hands of the Minister, to implement the NPSUD through district plans. It also makes some changes to the NPSUD itself.

“We support the aim of achieving greater urban density, for the simple reason that urban sprawl is undesirable from an environmental and infrastructure efficiency perspective. The Bill’s heart is in the right place. Providing more housing within the existing urban footprint is a social and environmental imperative, and should not be prevented by ‘nimby’ resistance to change. However, we have a number of concerns about the Bill.

“First of all, we’re not convinced the Bill is necessary. It adds a lot of complexity to the RMA when we already have an NPSUD that is driving the provision of development capacity in a more nuanced way. This includes ensuring density happens close to transport nodes and where supporting infrastructure is available or planned. It’s not clear that opening up all residential areas to a peppering of dense development, wherever the market dictates, would achieve much more. But it could create some serious problems, such as councils being unable to service ad hoc developments, and the character of small rural towns and areas with significant landscape and environmental values like Waiheke Island being destroyed.

“Secondly, seeking to achieve change through direct legislative amendment – including by putting standards in a schedule to the Act – seems out of place when we already have a national direction mechanism in the RMA designed to do exactly this kind of thing. The Bill essentially codifies what is already in a national policy statement, and puts what are really district plan provisions into the RMA itself, upsetting the way the framework is designed to work.

“Thirdly, some of the mechanics of the Bill are problematic. For example, there is uncertainty as to whether the New Zealand Coastal Policy Statement and “deemed” national policy statements (like for the Hauraki Gulf and Waitakere Ranges) could be used to justify more stringent controls.

“Fourthly, the Bill essentially assumes that urban development can occur without district level controls unless it can be categorically proven that qualifying matters, such as matters of national importance in section 6 of the RMA or environmental safeguards in national direction, exist. That’s fundamentally the wrong presumption, especially when it comes to things like urban biodiversity. Permissive development standards should only be enabled if it can be clearly shown that they are compatible with the core environmental protections in the RMA, not the other way round.

“Finally, the Bill fundamentally misunderstands the importance of urban design controls, which if anything become *more* important in high density developments. A consenting process allows for design considerations to be built into the development process from the outset, and as we can see in places like Europe and Vancouver, good design is by no means incompatible with what the Bill is trying to achieve: a dense urban form. If design controls are rejected, then we risk the market providing the cheapest options and producing urban slums. These may provide a place to live, but not liveability. They will be hard and expensive mistakes to undo.

“Taken as a whole, the Bill is a rejection of the role of planning in shaping our cities for both people and the environment. Density is important, but it must be planned and designed, not left to the market to deliver. A fundamental rethink of the Bill is needed,” concluded Dr Severinsen.

The full [EDS submission on the Bill can be found here](#).