

Submission Notes Hearing Stream 1

Roland Sapsford

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Part 1: Greenhouse Gas Emissions, Density and Planning

1) Density and urban form

Attention to density stems from two distinct but related traditions

- Aggregate comparisons of cities and their transport energy use

Foundational work: Newman, P., and J. R. Kenworthy. 1989a. *Cities and Automobile Dependence: An International Sourcebook*. Aldershot, UK:Gower Technical.

- Granular studies of existing urban neighbourhoods and their qualities

Foundational work: Jane Jacobs, 1961, *The Life and Death of Great American Cities*

Density is a useful **indicator** of more complex patterns, not a policy variable in isolation.

The idea that generalised increases in density *automatically* means lower greenhouse gas emissions is a myth.

The suburbs of Los Angeles for example have higher “blended” or general densities than the suburbs of Stockholm. Per capita emissions of greenhouse gases from transport are much higher in Los Angeles.

2) Urban greenhouse gas emissions

Household and commercial (as opposed to industrial process) emissions come from two main sources

- Transport
- Building energy services (light, heat and miscellaneous appliances)

Loss of embodied carbon from the demolition and disposal of wooden buildings and emissions associated with steel and concrete are also important.

3) Planning and urban greenhouse gas emissions

Planning can influence building energy service use by

- limiting shading of existing dwellings
- influencing site orientation for new builds
- masterplanning larger developments to make the best use of passive solar resources

Planning can influence transport choices through

- Location and form of development in relation to service, amenities and employment
- Local design quality and sense of place
- Ensuring quality public realms to support density done well
- Enabling agency and community cohesion

Over the long term, planning has a significant influence on how people choose to travel, and the nature and length of the trips they make. All these in turn influence emissions from transport. The cumulative effect is very large.

The Climate Change commission notes (para 170)

“..reducing emissions through the design of towns and cities depends on decisions that are made today.”

4) So what, exactly, works to reduce emissions?

The largest falls in motorised vehicle use – and hence emissions - are associated with changes from lower to medium density that *also*

- create more local walkable communities, with services and amenities closer at hand for **both existing and new residents**
- are linked by public transport and active mode facilities to other such clusters and the centre of towns.

(refer Cerver, Guerra and AI – *Beyond Mobility: Planning for People and Places*)

In the Wellington context for example, this means increases in focal density in relatively low density areas, rather than generalised increases in density in relatively high density areas such as the suburbs within the Town Belt.

This is the Northern European model of localised densification to which people often refer glowingly.

To reduce emissions, denser development needs to occur in a form, scale and location that will lead *existing* residents and businesses in the area to make fewer motorised vehicle trips and increase the proportion of travel by active modes and public transport. This requires careful, localised, granular planning to create more “15 minute communities” where needs can be met locally.

By comparison, increases in density in existing areas of medium to high density with low emissions close do little or nothing to reduce emissions.

5) National Policy Statement on Urban Development

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (e) *support reductions in greenhouse gas emissions; and*
- (f) *are resilient to the likely current and future effects of climate change.*

Objective 8: *New Zealand’s urban environments:*

- (a) **support reductions in greenhouse gas emissions; and**
- (a) *are resilient to the current and future effects of climate change.*

These are positive obligations framed in unambiguous terms. It is not restricted to future growth. It encompasses existing emissions and the possibility of new emissions. There is a prima facie obligation to ask the question whether the District Plan supports reductions in existing greenhouse gas emissions and how it influences future emissions.

6) The Proposed District Plan

An active commitment to support emissions reduction with any urgency is noticeably missing at the District Plan objective level. Rather, the Proposed District simply states

The City's built environment support a net reduction in the City's carbon emissions by 2050

2050 is well-beyond the statutory time-frame for a District Plan. Does this mean that emissions should be lower in 2050 than 2049? That by 2050 emissions are lower than some undefined baseline? What is to happen between now and 2050?

Far more ambitious targets are found in Te Atakura - First to Zero, the city's climate action plan, but these have not been translated into the PDP.

In relation to urban form the PDP states

A compact form contributes to reducing the City's carbon emissions and residents' need to travel long distances in private vehicles. It also incentivises more sustainable travel modes such as walking, cycling, and public transport.

The view appears to be that a compact urban form, and in general measures to increase density across the city are how the plan will support reductions in Greenhouse Gas emissions.

7) The Problem

Most of Wellington's transport emissions arise in lower density, outlying suburbs (refer Te Atakura - First to Zero illustration)

Wellington City, especially within the Town Belt is already relatively dense, with relatively low emissions.

The Proposed District Plan provides little guidance or controls over the impacts of single large developments, and officers are proposing an even larger walkable catchment within which such large buildings can be constructed.

The policy platform on which the Plan is built, the Spatial Plan, envisages a large number of areas where relatively large single developments could be built up to six or eight storeys. Illustrations for these documents suggested a "pepperpotting" of such structures. There are few controls as to the nature and form of these in terms of their impact on existing communities.

An approach focussed on emissions reduction would be more sequenced and directive as to the location, form and sequencing of developments.

8) The solution

Reducing emissions is one of several requirements of the NPS-UD. In essence though the NPS-UD requires delivering well-functioning urban environments that enable adequate housing supply and reduce emissions.

To reflect this Plan needs to more actively prioritise “retrofitting suburbia” – medium density mixed use development in the heart of lower density areas, with the potential for good public and active transport connections -rather than “enabling” this as one possibility amongst many.

Focused mixed use, medium density development in higher-emission areas is the emissions reducing alternative to both generalised densification and urban sprawl.

My proposal is that the Plan is amended to include a more precise emission reduction objective:

Manage the rate, form and scale of development to reduce building and transport Greenhouse Gas emissions over the life of the Plan.

Then that the built environment explanatory text is amended to say

Well-designed, focal increases in density in lower density areas associated with relatively high emissions, delivered through increases in mixed use, medium density development can contribute to reducing the City’s carbon emissions and residents’ need to travel long distances in private vehicles. Such development also incentivises more sustainable travel modes such as walking, cycling, and public transport.

This will require a review of the provisions throughout the Plan to implement such an evidence-based approach. In terms of the available tools, the Plan can use the Policy and Objective of reducing greenhouse gas emissions in the NPS-UD as a basis for managing location, scale, form and sequence of intensification.

The most expedient approach may be to treat greenhouse gas emission reduction as a qualifying matter, with the relevant characteristics pertaining to the location of sites including proximity to areas suitable for emission-reducing intensification.

In essence, my point is that supporting emissions reductions requires active planning and consideration of the evidence as to how precisely intensification does (or doesn’t) support lower emissions.

The final Plan will need to balance a range of considerations, but to do that effectively, decision-makers must first be informed of and consider the evidence around how to support emissions reductions.

My aim here is to set out the evidence and arguments with sufficient detail to raise in the panel’s mind the possibility that it requires further expert information on the effect of the Plan provisions on emissions.

Part 2: Aro Valley, and the need for further qualifying matters

My submissions addresses issues with the Proposed District Plan and Aro Valley in some detail. My understanding of the scheduling of issues is that this session is the place to address the high level rationale behind the range of changes proposed to the Medium Density zone.

What does the NPS UD say and what doesn't it say?

The NPS-UD focuses on the fact that amenity values can evolve and change in response to changing needs.

Objective 4: *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

By itself this objective simply suggests that urban environments develop and change in response to diverse and changing needs or people and communities. This says does not suggest that amenity values are unimportant, rather that changes which reflect changing needs at an individual and collective level are valuable. Responsiveness to need is central to this objective.

Policy 6 gives more substance to this in relation to planning decisions that

When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (e) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (f) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) *are not, of themselves, an adverse effect*

Again the language is important here – planned built form may involve changes to an area and those changes may reduce amenity for some and improve it for others, and as such should not be considered an adverse effect of themselves.

This does however leave open a wide array of possibilities encompassed by the definitions of environment and ecosystems within the RMA, that require consideration. Even for amenity values this provision has little to say about how to address matters which clearly adversely affect amenity values for people and community in an objective sense.

Furthermore these provision refers to “particular regard”, and use the language of “may” rather than must. So there is considerable discretion here to give due consideration to evidence in particular circumstances.

Furthermore the NPS-UD specifically allows that matters of national importance, including historic heritage, can serve as qualifying matters in respect of the application of policies within the NPS-UD.

Thus the broad thrust of the NPS-UD is to say, this the way we want things to go in general and deviations need a clear rationale and evidence. However there is an onus on Councils to do a proper evaluation of resource management issues in sufficient granularity to make an informed decision.

Council cannot simply disregard potential effects on the environment because a proper assessment at would be onerous.

The difference between appreciation of amenity and overall effects on the environment

We are living biological creatures, and like all living creatures, certain experiences are good or bad for us in general as human beings.

Human beings in general are better off, for example, when they can experience sunlight, green space and views of green space, a sense of connection and community and a sense of agency over things which matter to them.

The way these matters play out through the planning system is – among other ways – through the use of the resource consent process to provide granular decision-making depending on the interaction of factors such as topography and insolation.

Among Tier 1 cities, Wellington has a uniquely folded landscape. Topography is a matter which significantly affects how these things are experienced on a site by site basis. Topography influences sunlight, privacy, and interacts with design to determine the quality of the environment at a site by site and overall community level.

As I noted in my submission

The steep East-West valley and folded ridgelines that define Aro Valley make it a compact and unusual settlement. Most of its major streets run above significant streams and rivers. It has a high population density and is demographically diverse. It is characterised by a substantially intact and distinct heritage character and, unusually for inner-Wellington, a high proportion of mature green space within the developed area.

Aro Valley has very “restrictive” rules – 40% site coverage, a 9 or 7.5m height limit and 45 degree recession planes. Renovations as well as new builds usually trigger the need for a resource consent. Despite this, Aro Valley has grown steadily through infill housing, largely without comment or controversy. The Valley has continuously added new dwellings over the last twenty years at a rate similar to other suburbs across Wellington.

Sunlight is a scarce resource in parts of the Aro Valley. In practice, the current rules serve to enable consideration of site specific effects, and open the door to conversations about shading and other relevant issues.

Matters such as sunlight, dampness, privacy and personal safety are not simply issues of aesthetics. Rather these go to the core of whether people and communities can meet their social, economic and cultural needs and provide for their health and safety, now and into the future.

Aro Valley offers a stark of how the Proposed District Plan fails to consider the interaction of – for example - topography and insolation. My submission provides more detail and examples of this.

Aro Valley is also a good test case for how the base requirements of the NPS-UD need to be modified to enable proper management of adverse effects, and to promote sustainable management.

Proposal

At the strategic level I suggest an additional objective is needed that says

Manage development to maintain and enhance the quality of the built environment

At the level of qualifying matters this could be expressed as a qualifying matter related to the

“localised impacts of topography on the quality of the urban environment”

Part 3: Te Tiriti o Waitangi

I support the provisions of the proposed District Plan which support the mana of kaitiaki and seek to give effect to the promise of rangatiratanga set out in Te Tiriti.

In *Ko Aotearoa Tenei* Justice Williams, now of the Supreme Court, characterised Te Tiriti o Waitangi as a series of enduring solemn promises.

As a nation we should shift our view of the Treaty from that of a breached contract, which can be repaired in the moment, to that of an exchange of solemn promises made about our ongoing relationships.

He went on to say:

This implies not only kaitiaki control of taonga where that is justified ; it also implies a genuine infusion of the core motivating principles of mātauranga Māori – such as whanaungatanga and kaitiakitanga – into all aspects of our national life.

This to me is central to giving effect to Te Tiriti within the Plan. If we genuinely wish to realise the partnership embedded in the Treaty, then we will have to consider how core motivating principles of mātauranga are embedded throughout the Plan.

The Panel may wish to reflect from time to time on how this broader task is going, and whether the overall form and shape of the Plan is consistent with this.

A particular focus could be on how the Plan implicitly treats relationships between people and communities, as well as more formal connections between between the Council and iwi leadership.