

Better Urban Planning

Focus Group Evaluation

Prepared for the Productivity Commission by
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Context

The Commission submitted its final report, *Better Urban Planning*, in March 2017 and is now conducting an evaluation of its performance. The evaluation includes: a focus group of inquiry participants; a survey of inquiry participants; an independent expert evaluation; and administrative data.

This report presents the results of two focus groups held on 7 and 12 June 2017 with the following participants:

| | |
|-------------------|--------------------------------|
| Chris Parker | Treasury |
| Matt Paterson | Property Council New Zealand |
| Eric Crampton | New Zealand Initiative |
| Ronnie Cooper | Te Rūnanga o Ngāi Tahu |
| Malcolm Alexander | Local Government NZ |
| Melissa Hodd | Foodstuffs New Zealand |
| Gary Taylor | Environmental Defence Society |
| Joel Crayford | New Zealand Planning Institute |
| Mark Bishop | Watercare Services Ltd |

Input was also gathered through separate phone interviews with the following people who weren't able to attend a focus group session in person:

| | |
|----------------|------------------------------|
| Bob Nixon | Planz Consultants |
| Joe Beaglehole | Ministry for the Environment |
| Lena Henry | University of Auckland |

It is important to note that no attempt was made to reach a consensus among the participants and, as a result, some of the comments contradict others.

The focus groups and phone interviews were conducted with reference to the Commission's performance measures which are listed below and considered in turn in the body of the report.

1. The **focus** of the inquiry report, including:
 - the significance of the issues covered
 - whether they were covered in sufficient depth
 - the relevance of information sourced and people engaged with

2. Satisfaction with the **process management** for the inquiry
3. The **quality** of analysis of information and the quality of the findings and recommendations
4. The quality and effectiveness of the Commission's **engagement** in completing the inquiry
5. The effectiveness of **delivery of message**, as evidenced in the inquiry reports and supporting material (summary reports and supplementary papers).

Concluding comments and a summary of the suggestions made by participants are provided at the end of the report.

The Focus of the Inquiry

Significance of issues covered and scope of the inquiry

There was no question about the significance of the issues covered by this inquiry with many agreeing it was one of the biggest problems facing the country, if not the biggest. Participants noted that a number of topics were intertwined (planning, environmental, local government, transport) making it inevitable that the inquiry would be broad.

The Commission was congratulated on its courage in taking on such a vast and complicated inquiry and doing a really high quality job: one person described it as “epic”.

There were a range of comments about the inquiry's perspective, what was included, and what was left out:

- because the inquiry approached the larger system from an urban planning perspective, it left out other environmental aspects and other local government activities. However, this may have been unavoidable as tackling the entire system would have been unwieldy.
- it was never going to be possible for the Commission to consider all of the relevant legislation and so it was focussed on the RMA. To do otherwise would have risked making the inquiry too theoretical. The Commission had taken a pragmatic and useful step forward with urban planning legislation.
- the inquiry pushed the terms of reference to the limit.
- the inquiry looked at planning and resource management through an urban lens.
- the inquiry started with a purist economic focus then broadened out to incorporate social and environmental aspects.

Other comments about the focus of the inquiry and the Commission's approach to it were:

- that there was an appropriate focus on the outcomes being sought and ways to incentivise behaviours to achieve them.
- that it challenged current thinking.

Issues covered in sufficient depth?

One comment was that there had been a number of exercises looking at the same issues and the Commission's report was the deepest and most expansive:

"It was a deep dive – impressive."

"There wasn't much more they could have done."

Topics that some thought the Commission should have considered, or covered in more depth, were:

- local government structural reform, incentives on councils/political economy
- zoning - how and why we zone and the alternatives, ie civil/contractual solutions vs public powers, level of public powers, public vs private solutions and their limits
- UDA compulsory acquisition – *"the Commission should have understood the dangers of that approach better"*
- the implications of compulsory acquisition for tangata whenua
- how growth is funded.

Relevance of information sourced and people engaged with

People generally thought that the Commission had engaged with a wide range of NZ stakeholders and conducted useful research. However, there was some comment about the lack of awareness of the inquiry among interested groups and the public generally. This is discussed further in the next section.

Another comment was that, even though urban planning is country-specific, the Commission may have been able to learn more from overseas models.

Process Management

Participants were generally very positive about the Commission's process management. A number of observations were made about the progression of ideas from the issues paper, to the draft report, and then to the final report. One person saw the issues paper as a scene-setter and the draft report as a means of testing ideas and challenging people. The final report was often completely different to the draft and was, in his view, the real test of how well the inquiry had been done.

Another comment in a similar vein was that the Commission had changed its view substantially in the course of the inquiry, with very significant differences evident between the issues paper, draft report and final report. This change was seen as very positive in that it demonstrated that the Commission had listened to input and been willing to change its position.

There were other favourable comments about the Commission's participation in conferences, the way the team made time to talk to those wanting to engage, and the way written material was considered:

"We focussed our submission on the chapters that were most relevant for us and were very gratified to get a response back."

"I could see our recommendations reflected in the final report."

Everyone who wanted to have a say had a chance to do so.

Concerns with the process

Comparing the inquiry to other exercises of national significance, one person felt that the process was inadequate, at least initially. The person commenting was responsible for gathering the views of a range of people and this required more time and more engagement with the Commission than had been allowed. However, when the Commission was asked for more time and more opportunities for discussion, the team responded positively and flexibly.

One participant had thought that his prior engagement with the Commission, and reports provided earlier, would automatically be considered as part of the inquiry. However he discovered that the reports had to be formally submitted and flagged as relating to this particular inquiry, which seemed unnecessary.

Further concerns expressed by participants about the process were:

- that there needed to be a point in the process where everyone agreed on the problems with the current system, but that didn't happen
- some academics, who would have been interested in the inquiry, were unaware of it until very late in the process, suggesting that it wasn't promoted widely enough. Public awareness also seemed to be low
- that the Commission may need to use different methods to draw the attention of Maori to the inquiry and encourage wider engagement
- that some organisations received no communications about the report.

Release of the final report

One part of the process that was unsatisfactory, at least for some, was the release of an embargoed copy of the final report only two days before the public release. Further, in the case of this inquiry, people had not been warned when to expect the embargoed copy.

Given the length of the final report, and the lack of warning, two days was not enough time to absorb the content and formulate comment for the media.

A number of organisations wanted to support the Commission with informed commentary in the press. This support, if properly marshalled, could have been very helpful in promoting the report and its recommendations. However the timeframe made that extremely difficult. Instead, people had to cherry-pick the report and make comments on only a few points.

Two suggestions were made to address this:

- provide the embargoed copy a week before release; OR
- provide the embargoed copy, hold a lock-up two days later, and release the report the day after that.

Various people did acknowledge the trade-off between allowing more time with the embargoed copy and the risk of material being leaked. Also, a group of officials had been able to attend a session run by the Commission on the day before release which they found helpful.

While it was outside the control of the Commission, there was some criticism of the lengthy delay in the release of the final report and the patchy communications that failed to clarify the reasons.

As a final comment on process, one participant said they appreciated being invited to be part of a focus group.

Quality of Analysis, Findings and Recommendations

General comments on quality

Most participants thought that the Commission had done a good job of looking at the system as a whole. Someone commented the report was appropriate, innovative, and fitted with the work already underway in government agencies. It was also noted that this report was the culmination of a number of other inquiries by the Commission:

“It builds on prior reports and I can see the consistency, how things are evolving.”

“It’s the best piece of work they’ve done – an excellent report.”

Other comments included:

- that the final report struck the right balance between planning that avoids adverse environmental effects and planning that is oriented towards positive economic and social urban outcomes

- that it was more robust and a step-change compared to some of the Commission's other reports
- that the inquiry had changed the dynamic of the debate
- that it made a really useful contribution on cities
- that the Commission's report was a significant step forward from the McShane Review of 1996.

Where views differed

A question was raised about whether the Commission had clearly and correctly identified the problems with the current system, including how the legislation is interpreted by planners, as well as the legislation itself.

One participant talked about the Commission's focus on economic and administrative efficiency and thought there could have been more emphasis on the participative model. The political realities may also have been underestimated:

"It's about a lot more than efficiency. Inevitably it will be tangled in a political environment and this didn't seem to be acknowledged."

Another participant thought that the Commission may have placed too much faith in legislation as a mechanism for achieving economic and administrative efficiency. He thought that directed policy statements, as used overseas, could be relied on to a greater extent.

Individual participants also took issue with:

- the 'Wellington feel' of the reports which showed a lack of understanding of the situation in Auckland -
"It was as if they couldn't quite bring themselves to focus on Auckland"
- the portrayal of Part 2 of the RMA as messy and unclear
- some arguments in the issues paper that they felt weren't adequately backed-up with suitable references – the Commission needed to take account of the spectrum of opinions.

The recommendations

General comments about the Commission's recommendations included:

"The Commission applied the NZ Inc view – it wasn't partisan."

"It doesn't come across as ideological and that makes it more powerful."

"The government has low ambition and the Commission has high ambition."

Some thought it refreshing to see the Commission take a position that differed from what they would have expected from the government, and felt that this enhanced the

Commission's credibility. For example, the recommendations on Regional Spatial Strategies were seen as courageous in the face of signals from government that it wanted to move away from regional plans. Other comments on these plans included that it would have been useful for the Commission to provide further detail about: who would determine the strategies; the role of developers; and how the strategies would be implemented.

Another important recommendation made by the Commission was for Independent Hearings Panels. One view on this was that the Commission could have done a more critical analysis of these panels, drawing on Auckland's experience, and spelling out the negatives as well as the positives.

While agreeing that the Commission had recommended a package that could probably work, one person thought that other workable packages weren't considered. However another participant argued that the Commission had considered options.

There was a comment about a tension in the recommendations that came about from the inquiry (understandably) taking an urban planning perspective on environmental and local government issues. Taking one angle into the system meant that:

- recommendations were made for changes to local government changes without taking other local government responsibilities into account
- recommendations relating to the environment were made without adequate consideration of the wider national environmental framework.

What was missing?

Topics and issues that some felt needed more attention from the Commission included:

- that the recommendations about councils being provided with funding and financing toolkits needed to be fleshed-out. The Commission had done a lot of work on this but it was a bit thin in the final report
- that the Commission didn't quite nail the significance of the King Salmon case
- the structure of local government
- option contracting and assurance contracting as alternatives to compulsory acquisition
- covenants.

One organisation had urged the Commission to discuss the unreasonable delays that were sometimes caused by urban design, eg a development being held up for months because of an argument over signage. This topic was covered in the report but missing from the recommendations.

Was the case made for fundamental reform?

Participants were asked whether they felt the report made the case for fundamental reform and most agreed that it did:

- Yes - ad hoc changes make the RMA longer and more complicated. Significant changes are needed in the way plans are drafted
- Yes - although some parts of the final report were more compelling than others
- Yes it did by drawing together all the submissions which said that the RMA is about avoiding the negative effects of planning on the environment rather than looking at the positive social and economic effects
- The recommendations for a National Maori Advisory Board and a National Policy Statement on Planning and the Treaty of Waitangi are a transformational shift from current arrangements.

Two people felt the report had **not** made the case for fundamental reform, but for quite different reasons:

- one person's perspective was that the urban planning focus limited the inquiry and meant that the RMA was not considered as a whole. Because it wasn't broad enough, the inquiry could not be the basis of fundamental law reform. This person noted that there is an evolving conversation about long-term change and that the Commission's report would play a significant part in that going forward.
- the other person's perspective was that there wasn't enough clarity about the current problems to make a case for fundamental reform.

Engagement

Many participants were very satisfied with how the Commission had engaged with them and the organisations they represented:

"The way the Commission interacted with my team sets the standard for government."

"It was all good – officials had a series of useful workshops and they could see that the points made had been picked-up by the Commission in the reports."

"The personal interactions were efficient and the Commission staff were accessible – from Robyn at the front desk, to the people writing the reports."

"The Commission staff were professional, responsive and engaging."

Some found the Commission's practice of talking to small groups very powerful –

"We had a focus group where we talked through the practical issues that affect us day-to-day – people came away feeling empowered."

One comment was that, by starting from a purist economic position, the Commission had been very effective at getting engagement (ie it got people motivated). The person making this comment was impressed by the way Commission staff had immersed

themselves in a planning conference and been available for people to talk to. After that conference, the reports changed from being quite academic and purist to being more directed and outcomes-focussed.

Engagement with Maori

The comments about the Commission's engagement with Maori were more mixed.

At the start of the process, one participant had been surprised at the Commission's lack of awareness of the importance of Treaty issues for the inquiry. The Commission's team lacked diversity, being all males of European heritage and of a similar age. However they were open-minded and appreciated the information and perspectives that were shared with them during the process. One comment was that the team "went away and did their homework". As a result, what started as a short section on the Treaty was broadened out in the course of the inquiry, showing a significant shift in awareness. All of the points raised were reflected in the final report.

While this development was appreciated, the Commission may want to consider having a Maori expert either in the team, or guiding it.

There was some scepticism about the practical implications of setting up the proposed National Maori Advisory Board. While accepting that the Commission needed to find a way forward, it wasn't apparent that the Commission had enough interaction with Maori about the proposal. It was suggested that the Commission had underestimated the difficulty of setting up and establishing a mandate for such a body:

"It would have been better to get Maori together in a hui and let them thrash it out themselves. The Commission could also have approached the Iwi Chairs Forum."

However another participant thought that, while there would be challenges in establishing a National Maori Advisory Board, this had been done in other contexts and could work here too.

Delivery of Message

Summary material

The Commission's 1-pager was described as 'masterful' by one person, while another thought it was a great summary but that it didn't explain why the issues matter in the real world.

The cut-to-the-chase document was described as useful.

Draft report

It was noted that the draft report was quite academic and difficult for some people to get to grips with, especially taking into account the size of the report. A substantial amount of

reading was required to understand the report enough to make a submission. One person had pulled out the key recommendations and one particularly relevant chapter to use to brief colleagues but had found it quite difficult to get the planners in his organisation engaged. Bearing in mind that other consultative exercises were underway at the same time, it became quite a challenge to keep stakeholders informed about the inquiry and its significance.

Another participant had decided to focus in on the 3 chapters that mattered most from his organisation's perspective and where he thought he could add the most value. Ideally, he would have liked to engage more.

Some participants had been approached by council policy analysts for a steer on how to tackle the Commission's reports. It was suggested that, to fill this gap, organisations representing different interests (planning, environmental etc) could make their submissions available in advance, for the benefit of other interested parties. This could be done in a formalised way to provide ideas and a steer for groups that want to engage, but need some help in getting to grips with the key issues for them.

Final report

The final report worked very well for people who already understood the issues:

"I was delighted to see how well framed it was."

"There is a lot of flexibility in it, which is good."

"It has crystallised a lot of views."

"It's an outstanding report and we are using it heavily."

The Commission was also complimented on the high quality of its writing.

However some felt the final report did not have a lot of traction beyond the forums held by the Commission and that it wasn't accessible for busy business people.

Participants suggested some options for getting the message out more effectively:

- a 50-page summary version along the lines of a 'Summary for Policymakers' put out by the Intergovernmental Panel on Climate Change
- material prepared for Maori audiences using Maori concepts and terminology to capture the attention of Maori professionals
- making sure that documents focussed on particular topics or targeted at particular audiences came up on google searches so that journalists and others could find them and reference them.

One person commented that Chapter 7 – "the bit covering Maori" – was disappointing in that the material would have been better integrated throughout the report. A similar comment was that Chapter 7 seemed to be "hermetically sealed". A contrary view was that having Maori interests covered in one part, with appropriate depth and breadth, was

helpful for people focussed on this dimension. It was also noted that the content in Chapter 7 referred to other parts of the report in a useful way.

Engaging the media

Due to the importance of the issues covered, and the impact of people's lives, there was a degree of frustration that the public probably has a very low level of awareness of the inquiry and its significance. While this may not be the Commission's job, there was a need to put the issues into simple language and real world terms to engage the public. People need to understand why it matters:

"None of this will happen unless there's buy-in by the public."

Other organisations could have helped with this given the opportunity – especially more time with the report before its public release, as discussed above under 'Process Management'.

One person noted that Murray Sherwin's public comments seemed to be stronger than what was in the final report and another questioned whether the Commission had pulled some of its punches in the recommendations in the final report.

Some thought that the Commission had made its case well in the media, however others weren't sure the Commission had engaged journalists effectively. There was a need for a better communications plan to get the report out and have the public understand why it matters. If the Commission took up the idea of a lock-up, a small number of journalists could be invited to that.

Finally, while it is primarily the responsibility of planners to communicate their role to the public, the Commission could have taken the opportunity to assist in demystifying what planners do.

Delivering the message to ministers and officials

One participant thought that the Commission had engaged really effectively with ministers following the release of the report, with another describing the presentations to ministers and officials as excellent.

What happens next?

What happens after the Commission delivers its final report is in the hands of officials and ministers and outside the Commission's control. Nevertheless a number of people were concerned about the next steps:

- it's a struggle to find out who is leading the response
- there's a risk it goes onto a shelf and gets forgotten
- it can be a way to park an issue and tie it up for a couple of years
- there's a risk it will be cherry-picked to make to make political points

- we want to get more value out of it.

There were also several comments about the relationship between the inquiry and the concurrent changes being made to the RMA. Some expressed dissatisfaction over the conflict between long-term and short-term changes and thought that the short-term changes should have been put on hold. The differing views and roles of government agencies need to be brought together.

After each inquiry, the Commission's website provides a link to the government's response and the related media release. However there was interest in having a fuller update, 12-18 months after an inquiry, setting out what had happened as a result. This suggestion reflected a degree of frustration that the Commission's work was not always utilised by government as much as it could be.

Another perspective was that organisations could pick up the report and use it in their own work, as has happened with other Commission inquiries.

Suggestions and Concluding Comments

The main suggestions made by participants in the focus group process were:

- that the Commission may want to consider having a Maori expert either in the team, or guiding it (p11)
- that organisations representing different interests be invited to make their submissions available in advance, for the benefit of other interested parties who lack the time to fully consider the Commission's reports (p12)
- that the Commission provides the embargoed copy of its final report a week before release; OR provides the embargoed copy, holds a lock-up two days later, and releases the report the day after that (p7)
- to get the message out more effectively: use a 50-page summary version, prepare material for Maori audiences, and make sure that documents focussed on particular topics or targeted at particular audiences come up on google searches (p12)
- that the Commission provides updates on its website 12-18 months after an inquiry, setting out what had happened as a result (p14).

The following comments were made about the overall success of the inquiry:

"They have done a great job and produced a great resource."

"The Commission has put the issues on the agenda in a new way."

"Overall the Commission is doing a superb job - it has the right processes and the right people."