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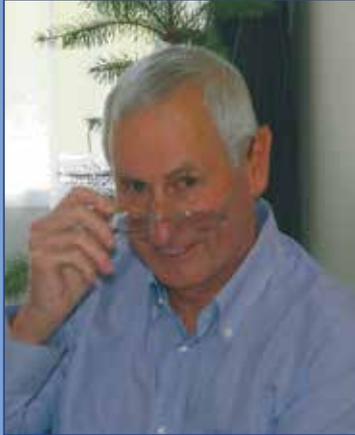
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This collection of essays is a tribute to the life and work of Tom Fookes (1943–2013), professional planner, educator, academic and a man of great integrity, who inspired others. Some essays reflect upon his contribution to the planning discipline, while others advance new and provocative ideas. Combined, they offer the reader a refreshing opportunity to think again about human settlements and the ecological/social contexts that sustain them. The prospects for human wellbeing have never been more uncertain. Response demands not just new ideas but ‘dangerous’ ones.



**CREATIVE ARTS  
AND INDUSTRIES**

Dangerous Ideas in Planning: Essays in Honour of Tom Fookes

# Dangerous Ideas in Planning

## Essays in Honour of Tom Fookes

Edited by Prue Taylor & Jan Crawford

# **Dangerous Ideas in Planning**

**Essays in Honour  
of Tom Fookes**

edited by  
**Prue Taylor & Jan Crawford**

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**Peggy Lauer**, MWS researched integrated planning for 25 years as an advocate, writer and editor. With Resource Renewal Institute's (RRI) founder, she developed the Green Plans in Action programme for international practitioners to share strategies. She led policy tours to New Zealand and the Netherlands with US multisectoral

leaders, meeting with proponents and critics of the RMA and the Dutch NEPP. In 1998 she was a visiting lecturer at The University of Auckland and hung out with Tom Fookes and his wonderful family – Susan, Emma, Catherine, Ian and canine member, Caesar. A few years after her child’s healthy birth, Ms Lauer co-developed a women-led organization to advocate integrated toxics policy in California. In 2012 she teamed up with RRI to conduct interviews with environmental elders for its web library. Based on her research on the indigenous human–nature bond, she has been adding aboriginal and feminine wisdom voices to the collection. Email: [lauerp@hotmail.com](mailto:lauerp@hotmail.com)

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**Prue Taylor**, LLB, LLM (Hons), LLM (Env'tl & Energy) teaches environmental and planning law to graduate and undergraduate students at the School of Architecture and Planning, The University of Auckland, New Zealand and is the Deputy Director of the New Zealand Centre for Environmental Law. Prue and Tom were colleagues in the School from her appointment in 1995 until his death in 2013. Prue's specialist research interests are in the areas of climate change, human rights, environmental and commons governance, ocean law and policy, property rights and environmental ethics. She has authored numerous books and articles in these areas. Her book *An Ecological Approach to International Law: Responding to the Challenges of Climate Change* (Routledge, 1998) won a NZ Legal Research Foundation Prize. In 2007 she received an outstanding achievement award from the International Union for Conservation of Nature in recognition of her contribution as a world pioneer on law, ethics and climate change. A selection of her recent work includes *Property Rights and Sustainability: The Evolution of Property Rights to Meet Ecological Challenges* (Martinus Nijhoff, 2011), co-edited with D. Grinlinton; *Common Heritage of Mankind: A Bibliography of Legal Writing* (Fondation de Malte, 2013), co-authored with L. Stroud; *Environmental Law for a Sustainable Society* (NZCEL, Monograph Series, vol 1 (2nd edn), 2013), co-edited with K. Bosselmann and D. Grinlinton; *Confronting Ecological and Economic Collapse: Ecological Integrity for Law, Policy and Human Rights* (Routledge, 2013), co-edited with L. Westra and E. Michelot; and *Ethics and Climate Change: A Study of National Commitments*

(IUCN Environmental Policy and Law Paper No 86, 2015), co-edited with A. Brown.

**Jan Crawford**, BA, DipTP, MC/MPA (Harv) has been a practising land use planner for over 40 years and has wide experience in regional and district planning and evaluation of plan quality, implementation and outcomes. Jan met Tom Fookes through Neil Ericksen when all three worked together in the Planning Under Co-operative Mandates research programme (1995–2009). They became friends and colleagues, sharing a passion and desire to improve planning through research, practice and teaching. She and Tom also shared an interest in the interface between science and environmental policy-making which led to many spirited ‘discussions’ but not always agreement. Ironically, Jan is a trained mediator. More usually, she applies her expertise in facilitation of public policy issues such as preparation of district plans, landfill site selection, mitigating the environmental effects of highways, and protection of heritage buildings. Currently, Jan is a member of the Independent Hearings Panel charged with making recommendations to the Auckland Council on submissions to the Proposed Auckland Unitary Plan (2013–2016). Jan has written and/or co-authored many articles on resource management in New Zealand and is co-author of a book entitled *Planning for Sustainability: New Zealand under the RMA* (IGCI, 2003). Most recently, she has collaborated with Associate Professor Lucie Laurian, University of Iowa, in researching organizational factors that influence implementation of environmental sustainability in local government in the USA and New Zealand (‘The Impacts of Local Government Structures, Cultures and Framing in US Cities and Counties’, *International Journal of Public Administration*, forthcoming, 2015).

## Foreword

Above all, Tom Fookes enjoyed the collegiality and discussion which was part of academic life. In teaching and working with others, he was driven to pursue the discussion; to open the dialogue in search of genuine solutions. Altruistic in his attitudes, for Tom, open discussion meant rethinking an issue from the ground up, refusing to shy away from or gloss over the complexities of human settlements. But perhaps the most daring and courageous trait that he displayed was his willingness to listen to all points of view, regardless of political clout or ideological predisposition. This commitment to people of all walks of life sparked his desire to include them in meaningful forms of collaboration, and endowed him with a store of patience and sensitivity, which would ultimately frustrate those not guided by the same motivation. Time is money. Consultation is arduous and easily undermined. Insincere, cynical and impatient stakeholders have no time for the kind of collaborative, idealistic but ultimately pragmatic processes that Tom believed in.

Tom was passionate about people and concerned about their lives. As many of these essays show, Tom was greatly influenced by Constantinos Doxiadis and his ideas. Settlements, Tom believed, should function in the everyday on a *human scale* – no matter how large they became. In 2012, on a trip to Turkey, he led a group of students on a walk through Istanbul. As they sweated up a steep hill, Tom sat down on a step. ‘Don’t tell my wife,’ he quipped, catching his breath. That famous grin, glinting in the midday sun, smiled in defiance at his declining health, revealing the joy of being in his element.

Taking students on foot into their local area, teaching them to look at their environment, is likely common practice in universities these days. But there is something fundamental in this gesture. As a visionary, Tom understood the importance of teaching future planners how to see not only the built environment surrounding them, but the people in it and the environment sustaining it. In this way, Tom showed his students the connection between ideals, theory and practice. Invariably, anecdotes and observations from the day's walk found their way into his lecture, adding spontaneity and freshness, highlighting and affirming his students' involvement. His stories and those of others would become the binding fabric of their understanding. In this way, as a teacher and as a planner, Tom wove life through the material. Working for the Ministry for the Environment in New Zealand, he attempted to embed the planner's relationship to people's daily lives and to the environment into the planning legislation itself.

In a rare radio interview, Tom was asked what his solution for making a more sustainable New Zealand would be. He modestly suggested that people create a vegetable garden and compost. Again, a simple idea with profound consequences: growing vegetables and composting kitchen scraps is a hands-on activity that takes us to the heart of broader questions about sustainability. It practically encourages people to go into their gardens, or to a community garden, to engage with nature. It also leads them to become involved in the social experience of growing food, preparing meals and sharing; and as anyone who has eaten fresh vegetables straight from the garden knows, it is a thought-provoking experience that makes you reconsider your relationship to food, to its production and consumption.

Tom taught me about sustainability from about the age of two. Together in the garden, he showed me how to compost, and to plant and nurture our vegetables. I watched him teach his grandchildren in the same way. Some years later, I watched him inspire planners young and old, through engaging discussions over

dinner about policy implementation and Ekistics, all seasoned with nostalgic stories and laughter. I took for granted such lessons and discussions with interesting guests and familiar faces around the table. Numerous tales of Greece told with regularity and gusto were part of life. Passionate discussion of policy and local concerns, visits to landfills and housing developments were not unusual features of weekends and holidays – they were the stuff that fostered an interest in where we lived and how it was changing.

In the spirit of so many gatherings and discussions, this collection of articles and reflections has been written and compiled in Tom's memory. Many of the contributors are old friends and colleagues. Others are new voices with diverse points to make. The discussion continues, inspired by the dangerous idea that if we actually listen to one another and talk through the complexities engendered by human settlements we can improve our world, walking together towards Entopia, an ideal (but realizable) form of human settlement.

Ian Fookes and family  
Auckland, 15 September 2015

## Acknowledgements

At the outset of this project we developed a clear principle to guide us; it was about the joy of doing. This principle has stood us in good stead, as we worked together with the Fookes family and contributing authors in creating 'Tom's book'. Now, some two years after we started, we are near the end. Our ideas formed on a beautiful summer's day and they reach fruition on a beautiful day in spring.

Thank you to Sue, Ian, Catherine Fookes and Emma Mosely for embracing this project and for their support and help along the way. Our meetings over coffee and lunch were a way to take pause, reflect, and enjoy the chance to be together. They were precious moments in the hurry of daily life.

Thank you to the friends and colleagues who contributed essays to this book. You have all embraced the aroha and generously contributed your ideas, thoughts and reflections. We hope this project of the heart and mind has refreshed you also. We have certainly enjoyed working with you all.

We are grateful to the School of Architecture and Planning, The University of Auckland, for providing financial support. Finally, thank you to Mike Wagg for his expert copy-editing and Amy Tansell (Words Alive) for her design work.

Prue Taylor  
30 September 2015

## Preface

As readers of this book will discover, Tom Fookes was a consummate planning professional. He practised, taught and contributed to the advancement of planning, with an unwavering determination to improve the lives of people and communities. Yet he never forgot that human wellbeing depends upon that of supporting systems; ecological, social, and economic. This professional vocation was a reflection of one of his greatest qualities. Tom was a person for whom other people really *did* matter – both collectively and individually. Compassionate towards students, friends and colleagues and aware of his own fragilities, he embodied a rare and precious ‘humanity’.

This book project gave us an opportunity to reflect upon Tom’s work and capture aspects for posterity. But more importantly, it has enabled us to pay tribute to the man he was. In this way, the sadness of his death is replaced by a realization that we can take great heart from his example. Looking back at what motivated him and what he achieved, Tom was always seeking to ‘advance’ thought and make life better. This often required steely determination, hard work and the courage to approach matters head on. When things didn’t quite work out, Tom never shied from giving them another go! Sometimes frustrated by a conservative and reactionary Environment Court, for example, Tom’s response was to look for opportunities to ‘get them to do better next time’. His ideas on this front were often packaged in an amusing anecdote, accompanied by a cheeky smile and a bush lawyer’s wit. When up against orthodox ‘authorities’ (institutional or otherwise) Tom’s eyes took on a particular glint. Unlike many of his contemporaries, Tom was not a sole operator. He tirelessly encouraged students, peers and colleagues to work alongside him.

His humility, work ethic and appreciation for human frailties endeared him to many.

As some of the essays in this book describe, Tom made significant contributions to many aspects of planning practice, education, policy and law. In particular, Ekistics (sometimes described as the science of human settlements) was very dear to his heart. Its continued development and dissemination was a constant theme that combined his intellectual curiosity with his joy for discussion and travel. Acknowledging Tom's work is important, but this book project also presented us with a rare opportunity. Tom loved what could be called a 'dangerous idea' – that is, one that threw out a fundamental challenge and dared us to think very differently and to *rethink* existing positions. So, in the spirit of the transformative power of a 'dangerous idea', some of the essays explore old problems with renewed vigour.

The book begins with an essay by Ian Fookes, which provides readers with a comprehensive introduction to his father's work, while weaving in reference to the other essays in this collection. It is not necessary to repeat that task here, but rather to say something about the order of the essays. Following on from Ian's essay, the collection comprises essays that reflect upon aspects of urban planning and Ekistics (Dixon, Byrne, Rushforth and Jagadisan). The next two essays stem from Tom's years at Waikato University (Eriksen and Vesilind). The following five essays (Lauer, Knight-Lenihan, Te Aho, Kennedy and Miller) all relate, in varying degrees, to what might be termed key issues affecting the future of resource management planning. A personal contribution by Huey Johnson completes the essay collection. An edited CV is the final item.

Finally, readers will find many references to Greece. For good reason! Greece was, for Tom, a spiritual home; a place that freed and inspired him due to its history, the simple beauty of its landscape and the fierce independence of its people.

Prue Taylor  
30 September 2015

# **Tom Fookes: A Sense of the Man through the Lens of his Work**

IAN FOOKES

## **Introduction**

At a busy reception on 8 August 2013 a wiry individual cornered me. ‘Now you listen here,’ he said. ‘There is something you need to know about your father!’ With a glint in his eye he recounted how in 1967 the then 24-year-old Tom Fookes had stayed at a public meeting until one o’clock in the morning, helping residents understand the effects of a new administrative ward system on their community. The next day the office manager at the Auckland City Council confronted the young planner for being 15 minutes late. Tom pointedly replied that he had done more work in the past 24 hours than the manager had done all week! The wizened old man telling me the story smiled approvingly. He was one of my father’s first colleagues, and Tom had made such an impression on him that 46 years later he had come to pay his last respects.

Inspired by that encounter, the present essay outlines Tom’s achievements, his dangerous ideas and his influence. It introduces the key issues that oriented Tom’s thinking and indicates where contributors have taken up and discussed them further. This essay thus provides a guide to the book, with a view to showing how Tom became a landmark figure in New Zealand and around the world: as a planner, an educator, and as an Ekistician. Through the lens of his career, the reader will get a sense of Tom – a passionate man who worked tirelessly for the improvement of human settlements and the protection of the environment.

## Formative beginnings

Tom's effort at the public meeting in 1967 is emblematic of his career, demonstrating his commitment to helping communities actively participate in the planning of their cities and localities. He made such engagement meaningful by taking it upon himself to educate both residents and planners alike in their respective roles in the planning process. His approach was hands-on and energetic. However, this enthusiasm gradually waned as he became aware of the limits imposed by a conservative and often narrow-minded council. In 1968 the *Auckland Star* reported that two bright young men were 'getting out' of Auckland.<sup>1</sup> Architect and planner Owen McShane had won a Harkness Fellowship to study at UC Berkeley, while Tom had taken the unprecedented step of accepting a postgraduate scholarship to the Athens Center of Ekistics in Greece. In the article, Tom expresses his 'frustration at the limitations placed on the planning group', which, he believed, had prevented it from achieving its potential. Both men would go on to play influential roles in New Zealand planning, and it is the intriguing divergence in their respective thinking that writer and environmental advocate Peggy Lauer explores in her contribution to this book.

In Athens, Tom studied under Constantinos Doxiadis, the charismatic philosopher, engineer and planner who had founded Ekistics – the science of human settlements. Doxiadis pioneered a trans-disciplinary approach to human settlements which focused on a holistic appreciation of their interconnected elements. In contradistinction to utopian and dystopian visions of an urban future, Doxiadis advocated the realization of Entopia – an ideal (but realizable) human settlement – created within an inevitably globalized world. This practical goal was to be achieved by adopting a rigorous scientific methodology aimed at developing an integrated and comprehensive knowledge of human settlements in their dynamic and diverse forms.

The key to creating this knowledge was to use the Ekistics grid developed by Doxiadis which structured analysis of complex human settlements according to five elements – shells (built structures), networks, nature, anthropos, and society. Ekisticians study these elements at different scales, from the individual room to the global level of Ecumenopolis – a universal city composed of interconnected urban centres. This modernist approach is guided by the anthropocentric idea that human settlements should promote *human* happiness.<sup>2</sup> Significantly, for Doxiadis, human settlements are the result of a negotiated relationship with nature and the other Ekistic elements, and as such, they can only promote human flourishing when the right balance is struck between the dynamic Ekistic elements. In May 1972 he wrote:

Our challenge now is to put aside all our personal dreams and ideas and create a goal-oriented effort representing the desires of Anthropos (Man), our great master. For this we must discover what the inevitable future is which has been decided by Nature and Anthropos (Man); what can be controlled by us; what the most desirable city for Anthropos (Man) is and finally how we can write the specifications for it, lay its foundation and build it. This is our great task: to help Anthropos (Man) find his own road.<sup>3</sup>

Tom embraced this task and excelled during the two years he spent in Athens. He obtained a Higher Certificate in Ekistics whilst working for Doxiadis Associates on projects such as the 1965–1970 study of the Detroit megalopolis. Wholeheartedly embracing Doxiadis' philosophy, he laid the foundation for his own contribution to planning, planning education and the World Society for Ekistics (WSE) itself. General Secretary of the WSE Panayis Psomopoulos recalls that 'despite his very intensive working schedule, he managed to be appreciated by everyone around him, i.e. experts, students, and distinguished Athenians, as being an extremely intelligent, charming and benevolent human being with

a rare sense of humour – which, by the way, never left him even in the most difficult moments of his life.<sup>4</sup>

Doxiadis' influence is central to understanding Tom's approach to planning, which, in addition to his professional experience as a planner, would later inform his design of New Zealand's 'Green Plan' (sustainability policy) and its central statutory component, the Resource Management Act 1991. However, within Ekistics there is an underlying tension between the desire for an exhaustive and integrated understanding of human settlements, and the need for a practical approach to their construction. This tension both drives and challenges those attempting to practise planning from an ekistical standpoint. In order to make long-term plans and discuss the future of cities with any certainty, a sophisticated understanding of how cities actually grow is required. The issue of whether such modernist theories can account for unforeseeable events haunts Ekistics, leading some to see it as having been surpassed by theoretical developments in other social sciences.

In his contribution to this book, planner and WSE member David Rushforth critically reassesses Ekistics, asking whether it is simplistic in approach whilst being dangerously ambitious in its aims. As the citation from Doxiadis above suggests, he conceived of the construction of a 'universal' city to serve the interests of man. Rushforth justifiably wonders whether it is dangerous to think that there would be only one ideal form of city; the design of which is to be discovered and constructed according to a theoretical model. He also questions the practicality of some Ekistics-based studies, asking whether such detailed analysis is required when their conclusions prove to be fairly straightforward. Rushforth's critique underlines the tension between the need for comprehensive understanding as the basis of long-term planning and the practicality of aiming to construct Entopia.

This tension, however, leads us to consider more closely the central role of the expert within Ekistics: For it is the 'Ekistician' who is crucial to making sense of the complexity of human settlements

studied at different scales within diverse disciplines, and from so many perspectives.

## **Pioneering environmental impact assessment and the path to sustainability**

In 1970 Tom returned to New Zealand and began teaching in the Geography Department at the University of Waikato. He played a leading role in the establishment of the Environmental Studies Unit (ESU) at the University, which enabled Fulbright Scholars to conduct research there. As coordinator for the Huntly Monitoring Project, Tom pioneered research into the socio-economic impact of the large-scale power generation project on the local Huntly community. This research became the basis of his PhD and was a forerunner to his pioneering work on environmental impact assessment (EIA).

Tom's colleague at Waikato, Professor Neil Ericksen, adopts a historical perspective in his essay to document how Tom's commitment to an all-encompassing 'synthetic' (rather than simply multidisciplinary) approach proved instrumental to his conception of EIA and the creation of the ESU. His account highlights the importance of the kind of collaborative and integrated analysis that he and Tom established as a means of coping with the complexity of actual human settlements. However, not without undue disappointment, he then describes how this Ekistics-inspired approach was eventually abandoned by the University. Ericksen's essay shows how Tom embodied the Ekistician who facilitated collective inquiry and integrated their findings to a practical end – a comprehensive and integrated understanding of socio-economic and environmental impacts which could then be used as a reasonably objective basis for decision-making. Ericksen insists upon the importance of educating skilled planners with diverse backgrounds, whilst reminding us of the politicized landscape in which human settlements are built and studied.

Tom's innovative and influential doctoral research became a practical model for EIA internationally. Fulbright Scholar and engineer Arne Vesilind recalls that he had been invited to New Zealand as a visiting expert, but soon found himself studying the innovative approaches being developed there. As was often the case, he and Tom became lifelong friends. For this book, Vesilind provides an account of the development of the Orange County Landfill in Chapel Hill, North Carolina. It presents a sobering example of the political challenges that such developments generate, and the politicized role that EIA plays in resolving them. Through the somewhat disheartening details of the development process, the Chapel Hill case highlights the need to protect the voice of those most affected by the landfill but least able to participate in decisions regarding its location.

Vesilind contextualizes the case study within a wider philosophical discussion regarding notions of fairness and equity within the planning processes. His emphasis on fairness and public participation strikes a chord with Tom's own understanding of the role of EIA as a means to empower communities affected by large-scale developments, and to participate more effectively in the planning of their communities. When asked to describe his life's work in an interview with Huey Johnson, founder of the Resource Renewal Institute in California, Tom replied: 'I'd like to think that my achievement has been to provide opportunities for the little person in the community to be able to express their views and to influence decisions going on around them regarding planning and environment.'<sup>5</sup> Vesilind's essay reminds us that EIA is fundamental to establishing equitable developments which meet our collective understanding of fairness, but equally, he points out just how vulnerable such decisions are to political machinations. In a similar vein, Stephen Knight-Lenihan has contributed an essay that calls on us to rethink the standards by which we evaluate developments. Not in terms of fairness, but in terms of another fundamental notion: harm.

Knight-Lenihan calmly presents some uncomfortable realities concerning the prevailing acceptance of environmental degradation and loss of biodiversity as acceptable levels of harm when considered within the wider economic situation. His essay constitutes a call to introduce a new logic that rejects traditional notions of avoiding, remedying, or mitigating harm; in favour of requiring developments to result in a net ecological benefit. It goes without saying that EIA would play a key role in establishing what this net ecological benefit consists of. However, Knight-Lenihan's essay taps into Tom's roots in Ekistics when he argues that biodiversity, as a sensitive and symbiotic system, needs to be measured based on a complex understanding of the habitat as a whole. Importantly, then, Knight-Lenihan prompts us to rethink how we understand 'sustainability'.

In 1983 Tom began advising the State Government in South Australia. He provided assessment of development proposals and worked with urban planners across Australasia. One example of his work was his assessment of a proposed marina at Glenelg, near Adelaide. Tom determined that the project would be 'unsustainable' due to the ongoing dredging of the tidal estuary that would be required. In his report, he revealed his commitment to sustainability and confirmed his position at the forefront of planning theory and practice. Around this time, Tom solidified his friendship with architect, planner and social housing consultant John Byrne. Though not officially working together, their mutual influence and encouragement played a key role in planning initiatives in the Australian context. To this book Byrne has contributed a personal account of their relationship as friends and professionals. Reflecting on their philosophical exchanges over the years, the piece does not shy away from discussing Tom's lifelong relationship with Ekistics and the WSE. His contribution shows that Tom reflected critically on Ekistics and planning throughout his life. But perhaps even more significantly, this personal account provides a glimpse of the deeply amicable bond that they shared; the kind of friendship that Tom struck up with many practitioners in his field.

## **Developing New Zealand's Green Plan through the Resource Management Act 1991**

In 1987 Tom accepted a position within the newly formed Ministry for the Environment in Wellington where he became instrumental in the conception, development and implementation of the New Zealand Green Plan and the Resource Management Act 1991 (RMA) – the single most influential piece of legislation concerning the environment and sustainable use of resources in New Zealand. Huey Johnson<sup>6</sup> describes the RMA as ‘a remarkable policy document that has endured and made New Zealand one of the top three nations in the world that is managing its natural resources by integrating the issues on an ecological basis.’<sup>7</sup> The RMA broke ground internationally as it aimed to ensure the sustainable use of resources through one overarching legislative framework. The extensive public participation undertaken before the Bill’s passing, and the evaluation process upon which the RMA is based, derived from Tom’s commitment to enabling all concerned parties to participate fairly in the planning process. However, the RMA aims not only to ensure that development will be based on a process evaluating the environmental, economic and social impacts of proposals, but extends those criteria to include, in the body of the legislation, the spiritual and cultural value of landscapes and the principles set down in the Treaty of Waitangi.

In the interview with Huey Johnson previously mentioned, Tom said: ‘[M]y life’s work has been an attempt to have fair, integrated consideration of decisions and policy to do with the social and economic and environmental conditions of our people, and that’s been the objective that has emerged – I didn’t start off with that objective but it seems that this objective has emerged through what I have actually done.’<sup>8</sup> The RMA embodied his commitment to public participation and Tom regarded it as his greatest achievement. He was proud of the fact that he had been able to bring ‘a lot of public participatory and social positions through into the legislation so

that people have a clear opportunity to participate and have their voices heard in the legislation and the opportunities that follow on from that.<sup>9</sup> He was also well aware, however, that since its passage in 1991 the RMA has been misunderstood, appropriated by interested parties, and transformed through politically driven amendments. In his essay, Nathan Kennedy leads the debate central to this book, which focuses on possible responses to the perceived failure of the RMA.

Kennedy suggests that Māori are looking at alternative measures, such as co-management arrangements negotiated within Treaty Settlement agreements to legally ensure a prominent role for tangata whenua in the safeguarding and development of resources. His critical review of the current situation surrounding the legislation is supported by Linda Te Aho's assessment of the ways in which, despite the aims of the RMA, Māori and other groups have been marginalized within the planning process. In response to the undermining of provisions within the RMA, Te Aho presents the case for introducing an indigenous right to veto. She explores what some would consider the "dangerous idea" of a power for Māori to veto development projects and processes that do not accord with traditional wisdom and laws. Her understanding of this traditional wisdom dovetails with non-Māori notions of sustainability which are also 'designed to protect the integrity of natural resources and to provide for future generations'. Te Aho's essay is therefore similar in spirit to Knight-Lenihan's, as they both encourage us to rethink approaches to sustainability under the RMA which has been politically undermined.

Caroline Miller considers that the RMA is not simply compromised but past its use-by date. She advocates a return to a simplified approach to planning that streamlines excessive consultation and abolishes the need for complicated consents, both of which have proven susceptible to manipulation. Miller contends that the RMA has reduced the role of planners to advisors obliged to play second fiddle to lawyers. She points out that this constitutes a reversal of the situation from the 1920s to 1980s in New Zealand, which she

suggests was a period when planners could effectively implement district plans as the public consultation process was based on expert consensus rather than legal conflict.

Miller argues that comprehensive consultation need not be extended to all interested parties, but should be restricted to those directly affected. In this respect, her criticism of the RMA recalls Rushforth's evaluation of Ekistics. That is, the idealism that underpins both Ekistics and the RMA commits us to processes that rely on a certain degree of altruism and goodwill. Yet, Doxiadis' call to put aside self-interest in the pursuit of Entopia, or Tom's insistence on allowing all concerned parties to be heard within the planning process, has resulted in vested interests manipulating the consultation process in order to prevent genuine dialogue, as Kennedy, Te Aho and Miller all recognize. Kennedy's and Te Aho's respective responses to this situation reinforce Miller's complaint that planning under the RMA has been captured by the legal profession to the detriment of planners. Indeed, it is precisely in this shift to a legalistic approach to development rooted in vested interests and stakeholders that the idealism and altruistic goals of Doxiadis and Tom are lost; a sense of shared purpose and consensus gives way to conflict and the pursuit of self-interest. For this reason, although Miller's plan to consign the RMA to history would likely be viewed as giving up by Tom, it may well be an approach deemed necessary in the face of so many amendments and subversions. Nevertheless, it should be noted that all three contributors are arguing for certain aspects of the RMA that have been compromised since its passing into law; Kennedy seeks to affirm the recognition of Treaty principles already protected under the Act, Te Aho seeks to assign Māori a key role in ensuring sustainability through traditional Māori practices, whilst Miller aims to restore the role of the planner in a consensual planner-centred approach.

Miller's desire for planners to lead and coordinate within long-term frameworks resonates with the Ekistic approach that informed Tom's design of the RMA. Indeed, just as Ekistics reserves a crucial

role for the Ekistitician, the RMA relies on highly skilled planners negotiating outcomes within a more inclusive participatory framework. These figures must be capable of guiding submissions and evaluating diverse perspectives as part of the weighing process, with a view to reach a broad consensus as to how best to manage a resource. At the heart of the RMA lies Tom's dangerous idea that if we sincerely engage with each other over questions of sustainable development, we can find new inclusive paths to take. The implicit assumption behind it is that there will be people capable of successfully leading such a dialogue; those who can see beyond their own interests and who are committed to finding a balanced way forward in the realization of Entopia. Significantly, this desire for balance stands in opposition to notions of bargaining between vested interests and forcing compromise between parties through legal means. The Ekistics-inspired approach, Tom's approach, places an emphasis on inclusive consultation and integrated understanding of proposals as a whole.

The challenge of the RMA is that it requires skilled practitioners to coordinate diverse and divergent interests, encouraging them to negotiate inclusive solutions that take one another's values into account. That the process is often subverted or protracted is a reflection on those participating within it. Tom realized this early on and when asked what advice he would have for the next generation of planners, he replied: 'A message I have for people doing green legislation is that you have to ensure that people who implement it, from the government people, right down to the local community, are instructed in how to approach it. [Know] what skills they need and make sure that they have that skill if they are actually going to make an effective piece of legislation.'<sup>10</sup>

Inspired by Ekistics, Tom's conception of the RMA presupposes the existence of Ekisticians: skilled planners from diverse fields capable of coordinating and leading the development process. Accordingly, his final task at the Ministry for the Environment was to explain the new approach to planning that the RMA required whilst

developing those Ekistics-based skills within the planning and legal communities. However, a lack of funding – due in part to the lengthy consultation prior to the Bill’s passage – meant that support for the implementation of the RMA was restricted to Ministry for the Environment publications and ‘road show’ style workshops. Writing these publications and delivering these workshops signalled Tom’s return to the type of hands-on educational role he had played at the outset of his career. Tom relished this engagement which renewed his desire to educate practitioners working under the RMA.

### **Planning education at the University of Auckland**

Two years later, in 1993, Tom was appointed Head of the Department of Planning at the University of Auckland. In her contribution to this book, Deputy Vice-Chancellor (Strategic Engagement) Professor Jenny Dixon describes how Tom ‘moved between practice and academia seamlessly’, noting that ‘as a consequence, he was very grounded in his understanding of the planning world and all its complexities.’<sup>11</sup> Tom’s return to academic life was tied up with his concern for assuring the successful implementation of the RMA. He was deeply concerned that planners understood their role in relation to the public and other professionals, the importance of sustainability, and the need for fair processes based on an integrated approach to development. Like Doxiadis before him, Tom also recognized the importance of welcoming people from a range of disciplines and backgrounds into the profession. Accordingly, he created the Master of Planning Practice degree which attracted international postgraduate students from diverse backgrounds. The qualification enabled them to practise as professional planners globally.

In addition to teaching, Tom continued his involvement with the RMA through his research; working with the Planning Under Co-operative Mandates (PUCM) programme led by his close friend Neil Ericksen at the University of Waikato. Between 2002 and 2009,

they monitored the ongoing effectiveness, implementation and influence of the RMA in New Zealand. But just as his innovative approach to the Huntly Monitoring Project had become a model for the practice of EIA internationally, national Green Plans around the world began being modelled on New Zealand's policy framework for sustainability embodied in the RMA. Through his collaboration with the Resource Renewal Institute in San Francisco, he was actively engaged in shaping those international Green Plans. As Huey Johnson recalls:

RRI worked with Dr. Fookes when we developed policy tours for American and international resource managers to see the New Zealand Green Plan in action. One group of professionals was from Mexico, which influenced the Mexican President to adopt a Green Plan. This *Plan Verde* has been instrumental in moving Mexico City from having one of the world's worst records in air and water pollution to one of the best improved. It was recognized and given an award by UN Secretary General Ban Ki-Moon in 2007. Dr. Fookes was an observer on the *Plan Verde* over the years for RRI, as a top advisor.<sup>12</sup>

The full extent and importance of Tom's advisory role is discussed by Peggy Lauer in her personal account of her time as a visiting scholar at the University of Auckland and her ongoing work with Tom through the RRI. Her essay presents how she came to see Tom as a dear friend and mentor, whilst informing us of Tom's international influence. Lauer's essay combines with Jenny Dixon's contribution to provide an account of the role that Tom played at the University of Auckland, describing his teaching style and contribution to planning.

## **The protection of Auckland's iconic landscape**

Tom's expertise and experience with Greens Plans and the RMA led to his appointment as a Deputy Environment Commissioner for

the New Zealand Environment Court – the tribunal adjudicating on RMA and related planning matters. In 2007 and 2008 Tom advised on cases under review, and was actively involved in the mediation process that brought together authorities, stakeholders and various interest groups. One key case concerned the development of a housing complex in the Auckland suburb of Glen Innes, the very area where Tom had begun his grass-roots work in 1967. Having come full circle, Tom was meaningfully engaged at the highest level in the processes set out under the RMA of which he had been a chief architect. It was an exciting moment in his career and a responsibility that he took very seriously. In July 2008 *New Zealand Herald* columnist Brian Rudman championed the Environment Court's ruling regarding the aforementioned housing development in Glen Innes. Taking the moral high ground, he pointed out how '[t]he decision once again exposes Auckland City's failure to honour its own Volcanic Landscapes and Features Management Strategy, which pledges "to protect, preserve and enhance the outstanding environmental, heritage and recreational values of the [city's] volcanic landscapes and features"'.<sup>13</sup>

Tom's assessment that the proposed apartment blocks would damage the integrity of the volcanic cone – an iconic and spiritually significant landscape on the Auckland isthmus – was crucial to the decision which trumped the political accommodations which had previously been reached by the Council. This high-profile decision protected the views and hence the relationship to Maungarei/Mt Wellington which is a cornerstone of the surrounding residents' local identity. Protecting this bond between local communities and their environment was central to Tom's career, whilst the impact of his efforts will be enjoyed by citizens of Auckland for generations to come. Tom always enjoyed standing up to bureaucrats who dogmatically applied planning codes. So he must have grinned in amusement when he read Rudman's conclusion that '[t]he recent judgment shows how wrong the bureaucrats were – yet again'.<sup>14</sup>

## **A lifelong commitment to Ekistics and teaching**

In quantifying the impact of Tom's life project, one could highlight the crucial and globally significant contribution that the RMA represents. One could indicate, as does Huey Johnson, the global influence of New Zealand's planning processes as the pioneering model for other countries. It would also be possible to underline Tom's role in safeguarding specific landscapes and habitats such as the tidal estuary at Glenelg in South Australia, or the iconic volcanic cone of Maungarei/Mt Wellington on the Auckland isthmus. It is important to recognize, however, that Tom made this impact through a career that combined education, research and practice. In addition to the tangible results of his work as a planner, governmental advisor and Commissioner for the Environment Court, the deepest and possibly least tangible impact of his career has been as an educator. Tom has made his most profound impact as an inspiring mentor and colleague within a global network. His efforts have shaped a generation of planners, planning professionals and the teachers of planners. For over 30 years, Tom's championing of sustainability and Ekistics took place directly within his teaching practice and research at the universities of Waikato and Auckland. His supervision of successful doctoral candidates such as Francis Mburu from Kenya, for example, illustrates his influence on planning practitioners and future academics.

Throughout this essay we have seen how Tom's approach to planning was underpinned by a lifelong commitment to Ekistics. Its influence on the RMA can be seen in evaluation processes central to the legislation, which requires the kind of impact assessment and rigorous 'synthetic' analysis that Tom developed at the University of Waikato. We have also noted how the Ekistics approach relies on highly skilled Ekisticians capable of integrating diverse perspectives into a coherent view of the path ahead. From an Ekistic standpoint, the Ekistician is not simply an expert in a particular discipline, but a sociable person skilled at leading collective research and

participatory processes in the goal of finding a path to Entopia. Naturally, it was Doxiadis himself who provided the model for such a planner. Working closely with Doxiadis and WSE General Secretary Panayis Psomopolous, Tom brought his sense of humour, altruism and gregarious nature to the role. His outstanding contribution to the inaugural UN Habitat Conference in Vancouver in 1976 was as an Ekistician both officially and in the philosophical sense of the term being articulated here.

Tom's leading contributions to the WSE symposia since its inception in 1970, and the establishment in 2002 of the Ekistics Research Unit at the University of Auckland, made it possible to conduct research specifically on Ekistics as a means of achieving sustainability. One result of this ongoing research was the thesis of planner Sharmila Jagadisan which studied the applicability and scope of Ekistics to 21st-century planning. The thesis addressed the marginalized position of Ekistics in contemporary planning and non-governmental organization (NGO) networks. In this book, Jagadisan shares her experiences of being supervised by Tom. What comes through is the profound sense of acceptance and support that he provided her – something which is echoed by other contributors who worked and studied with him. Whilst supervising a re-evaluation of Ekistic theory, Tom pursued his own research on the role that Ekistics could play in planning education. He led members of the WSE in thinking on how to upscale the role of the WSE in planning education around the world. Senior WSE member Catharine Huws Nagashima notes how at their annual meeting in India in 2011 'Tom's own teaching curriculum was the backbone of the [teaching the teachers programme]'.<sup>15</sup> In addition, Tom actively presented special workshops on Ekistics at universities in the Netherlands, India and Turkey. This effort, which represents the final stage of Tom's academic and professional life, culminated in the presentation of an Ekistics skills workshop at the UN Habitat World Urban Forum in Naples in September 2012. The event renewed the relationship between the UN Habitat members

and associated NGOs, and the WSE; thereby reintroducing Ekistic principles to approaches to sustainability on a global stage. The Naples workshop was a direct intervention in response to the lack of recognition of Ekistics in recent years. Although Tom exhausted himself in realising this final achievement, its significance lies in the fact that the workshop was the culmination of his sustained efforts to promote a revitalized understanding of Doxiadis' teaching which had been preserved by the WSE. Tom succeeded in reintroducing Ekistics to a world forum; opening a dialogue with participants about the role that Ekistics might play in creating a sustainable future.

## Conclusion

Tom was an *inspiring mentor* to generations of planners, in whom he instilled the value of sustainability and public participation. He provided them with the practical tools necessary to become deeply engaged in finding effective solutions to global problems in relation to human settlements and the environment. His passion and inspirational efforts were born out of the formative experience at the Ekistics Center in Athens in 1968–1970. Through his encounter with Doxiadis and lifelong association with Panayis Psmopolous and other members of the WSE, Tom discovered and nurtured his philosophical approach to planning. He signed up for life to the cause of building Entopia within a globalizing world, only to become a point of reference himself: a landmark figure globally within planning, planning education and Ekistics. Through all of his tireless efforts, his training of planners, policy advisors and teachers from around the world, Tom helped shape the way planning is currently practised globally and will be practised in the foreseeable future.

## Notes

- 1 See p118.
- 2 As David Rushforth notes in his contribution to this book, Doxiadis

derives his goal of 'human happiness' from Aristotle's rich conception of human flourishing or *eudaimonia*.

- 3 Doxiadis, Constantinos (1974) *Anthropopolis: City for Human Development*, Athens Publishing Center, Athens, p24.
- 4 Testimonial by Panayis Psomopoulos, Secretary General, World Society for Ekistics, n.d., on file with Ian Fookes.
- 5 Johnson, Huey and Fookes, Tom, Interview: Resource Renewal Institute Elders' Series 2012, <http://theforcesofnature.com/movies/tom-fookes/>, accessed 19 September 2015.
- 6 Founder and President of non-profit US environmental advocacy organization the Resource Renewal Institute.
- 7 Testimonial by Huey D. Johnson, President, Resource Renewal Institute, 2013, on file with Ian Fookes.
- 8 Johnson, Huey and Fookes, Tom, Interview: Resource Renewal Institute Elders' Series 2012, <http://theforcesofnature.com/movies/tom-fookes/>, accessed 19 September 2015.
- 9 Ibid.
- 10 Ibid.
- 11 Testimonial by Jenny Dixon, Deputy Vice-Chancellor (Strategic Engagement) and Professor of Planning, The University of Auckland, 8 August 2013, on file with Ian Fookes.
- 12 Testimonial by Huey D. Johnson, President, Resource Renewal Institute, 2013, on file with Ian Fookes.
- 13 Rudman, Brian (2008) 'Volcano saved from intrusion of flats,' *The New Zealand Herald*, 18 July, [http://www.nzherald.co.nz/opinion/news/article.cfm?c\\_id=466&objectid=10522187](http://www.nzherald.co.nz/opinion/news/article.cfm?c_id=466&objectid=10522187), accessed 21 September 2015.
- 14 Ibid.
- 15 The NIASA/WSE EKISTICS – TEACHING THE TEACHERS PROGRAMME (ETTP) (actively supported by MASA, CDSA and Rizvi College of Architecture), held in Pune, 11–15 November 2011.

## A Long and Stellar Career

JENNY DIXON

I first met Dr Thomas (Tom) Fookes when he invited me to address his class at the University of Waikato on my work as a young consultant planner in the early 1980s. I recall his wry smile when I referred to the (former) Planning Tribunal, suggesting that decisions from the various judges were not always consistent. Eighteen years later, I found myself working with Tom when I joined the University of Auckland as Head of the Department of Planning. That wry smile was still much in evidence, as was his impressive energy along with his commitment to ensuring that his students understood something of the world of practice.

Tom was a rare scholar in that he moved between practice and academia seamlessly over an extraordinary professional life, spanning several decades. As a consequence, he was very grounded in his understanding of the planning world and all its complexities. He had a firm grasp of the varying interfaces between research and teaching on the one hand, and policy and practice on the other. Indeed, practice informed his teaching and research, and research informed his teaching and practice.

Like many planners of his generation, Tom's academic roots were in geography. After completion of his MA in Geography at the University of Canterbury in 1966, he worked in urban planning for Auckland City Council. In 1968 he won a scholarship to attend the Ekistics Center in Athens where he was mentored by Constantinos Doxiadis, the famous Greek engineer, architect and town planner

who developed the field of Ekistics, the science of human settlements. In 1970, Tom returned to New Zealand in order to take up a position in the Department of Geography at the University of Waikato. During this time he completed further postgraduate qualifications, a Diploma of Town Planning at the University of Auckland and then his doctorate.

Tom moved to the state government in Adelaide in 1983, where his wife Sue's family were located. Many of his entertaining anecdotes about bureaucracy, politics and planning relate to this period when he worked in environmental impact assessment. After a few years, the Fookes family moved to Wellington for Tom to take up a position in the newly created Ministry for the Environment where he was involved in legislative reform, another fertile source of anecdotes. The family then moved to Auckland in 1993 where Tom became an Associate Professor and assumed the position as Head of the Department of Planning at the University of Auckland. More recently, he served for several years as an Environment Court commissioner, yet another experience that begat funny stories.

The period in Greece constituted a formative experience which profoundly shaped Tom's way of thinking about cities and human settlements. Ekistics provided him with a method for taking a holistic and interdisciplinary approach in the way he looked at issues and brought perspectives to bear on their resolution. Tom remained a champion of this Greek science, and in love with Greece, for the rest of his rich and characterful life.

Tom's career paralleled significant changes in planning law and practice. Tom was not simply an observer or critic; he was an active participant and influencer. His early major contribution was his role as co-ordinator of the Huntly Monitoring Project. This five-year project was a very significant undertaking, funded by central government and Huntly Borough Council, and supported by the University of Waikato. It formed the topic of Tom's doctorate, completed in 1984. Many publications came out of this work. The

yellow-bounded documents distributed widely throughout the country in libraries, universities and elsewhere yielded important lessons about the impact of large-scale energy projects on small communities.

The lessons from Huntly contributed significantly to the practice of social impact assessment in New Zealand during a period of major expansion of energy projects, known as the 'Think Big' era. Tom was one of a small group of practitioners recognized for their expertise in assessing likely impacts for communities dependent on resource industries such as coal, gold and forestry. The Huntly experience demonstrated, for example, that small towns did not necessarily benefit economically from the rapid influx of construction workers, highlighting the risk of untested assumptions on the part of developers and communities. This finding was instrumental in informing unrealistic expectations held by communities about the likely short-term benefits of other large-scale projects. Looking back, the period through to the 1990s was the heyday of social impact assessment as it was then understood and practised. The Huntly Monitoring Project was a unique episode in shaping and developing practice in environmental assessment and monitoring. Nothing close to its scale and duration has been created since. It is a testament to Tom's work that the lessons from the Project have stood the test of time.

Tom's leadership in the promotion of impact assessment came to the fore in the drafting of the Resource Management legislation. By then, Tom was working at the Ministry for the Environment. Impact assessment principles and statutory planning were uniquely integrated through the creation of an effects-based style of planning. Tom always remained optimistic about the potentialities of the Resource Management Act (RMA), reminding staff and students that the Act's principles provided for people, along with its focus on protection of the natural and physical environment. Tom's subsequent academic work on the integration of impact assessment and planning is still cited.

Tom's leadership as Head of the Department of Planning at the University of Auckland from 1993 could be characterized as one that pushed the boundaries and challenged current orthodoxies. He arrived fresh from the public sector with experience in leading-edge policy development at the national level. One of his goals was to challenge 'town and country planning' thinking and to shift the prevailing paradigm of planning practice to that embodied in the Resource Management Act. He also encouraged his colleagues to embrace the new approach to planning as encapsulated in this Act. These views underpinned Tom's oversight of a major curriculum review that led to the creation of the Master of Planning Practice (MPlanPrac) degree, providing a two-year postgraduate education, alongside the four-year Bachelor of Planning (BPlan). The concept and principles of sustainability became infused in the programme content, reflecting then contemporary theory and practice.

Tom was ever-brimming with ideas, often from left field; out of the square. He was open-hearted, generous with his time and never judgemental. He was effective in mentoring and supporting staff in terms of their academic careers. He was always keen to collaborate with colleagues on ideas for conference papers and academic articles. He also continued his research interests in impact assessment, becoming involved in the proposed expansion of Marsden Point Oil Refinery near Whangarei as a commissioner.

As a teacher, Tom taught across a wide range of fields and he brought his experience as a practitioner readily into the classroom. Tom did not hesitate to enter into debates with colleagues within and outside New Zealand about the appropriate mix of theoretical and applied knowledge in the delivery of a quality planning education.

Tom was unafraid to draw on personal examples to highlight a point. When, aged 53, Tom spoke to a class about demographic projections and life expectancy, he asked the students what they thought their own life expectancy might be. He startled them with his projection for his life of just one more year. Based on his family history, Tom did not expect to live beyond his mid-fifties. This

anecdote reveals much about Tom. He was realistic and upfront. There was a strong intersection of his personal and professional life.

Tom had a great sense of fun and zest for life. There were some amusing incidents along the way of his teaching career – losing a student on a field trip in Germany who overslept, backing a rental car over his new laptop in the Netherlands, taking students on a field trip in Vancouver out to dinner in a purple limousine with its own drinks cabinet. The fact that he continued to lead international field trips until 2012 speaks volumes about his commitment to education and a wider world view.

An annual event was the end-of-year ‘studio’ party for final-year students. In the mid-1990s, one student – knowing of Tom’s fondness for all things Greek – brought along a bottle of ouzo. Tom got into the party spirit, happily dancing and enlightening all who would listen as the night wore on, with the broad Fookes grin writ large across his face. About mid-morning the next day, a Saturday, a colleague received a call from a very subdued Tom asking: ‘Did what I think I remember, actually happen?’ His reply to Tom was: ‘It sure did!’ There was a mournful ‘Ohhh!!’ from Tom as he hung up the phone.

As we know, Tom was an inveterate traveller and a great connector of people. His first major international conference, the United Nations Conference on Human Settlements, was in Vancouver in 1976. During this early period he was a consultant for the World Health Organization and worked for the United Nations Educational, Scientific and Cultural Organization (UNESCO). He travelled overseas virtually every year to conferences and meetings or when taking students on field trips. His last major conference was the World Urban Forum in Naples in 2012. He remained a very active member of the World Society for Ekistics and was Vice President. Tom never stopped coming up with ideas and testing them out. While in Greece on holiday with Sue in early 2013, despite

health setbacks, he wrote a paper for a conference to be held in Istanbul later that year.

Tom retired from the University of Auckland in 2006, but he continued to be active in national research and consultancy projects. One of these was the Planning Under Co-operative Mandates research programme that ran from 1995 to 2009. Funded by government agencies, the programme explored, in depth, various dimensions of the application of the Resource Management Act through the preparation of plans and their implementation by local authorities. Tom's involvement reflected his typical energies and enthusiasm for research on the Act that provided the first systematic assessment of plan quality and implementation undertaken in New Zealand. His acumen and insights on methodologies, data analysis and findings were invaluable for his colleagues in the several phases of the programme.

In his last few years, Tom worked closely as supervisor or co-supervisor of a considerable number of doctoral students, both domestic and international. His contribution was impressive in achieving the best from the students. His international students came from countries such as Kenya, Nigeria, the Philippines, Mauritius, India and Iran. In the spirit of his broad interests, he did not hesitate to embrace a wide range of topics, such as planning hermeneutics, pedestrian behaviour in Nairobi's central business district, the use of soft systems methodology for integrated risk management frameworks in natural hazards, sustainability assessment, plan quality and implementation, and applications respectively of Ekistics and strategic environmental assessment in the students' home countries.

Tom gave unstinting professional and personal support to these students and he was greatly respected by them in turn. He was a strong advocate when they encountered personal difficulties and did not hesitate to assist in whatever way he could. Tom encouraged his students to present their work at overseas conferences, sometimes travelling with them to such events, and publishing

jointly with them. He became a significant mentor for some, and was instrumental in both challenging the students in their thinking as well as building their confidence in developing their research concepts and methodologies. Tom's readiness to engage deeply with the students' work and give extensive feedback was a special feature of his supervision.

Tom's career and contributions also paralleled significant changes in the public and university sectors and the way in which planning is conceived and undertaken as a discipline and profession. His commitment to students, staff and the profession was generous and profound. It is salutary to reflect that it would be highly unlikely now for an individual to pursue and integrate twin careers in public policy and academia as Tom was able to achieve. Yet despite all these changes, Tom remained energetic and steadfast over several decades in his intellectual commitment to planning and all its endeavours.

## Social Cities, Tom and Me

JOHN BYRNE

We met by chance. That's how it often is at conferences, both the good and the not so good. And the unusual ones like ANZAAS 1975.

It's not surprising that the then important annual conferences of the Australian and New Zealand Association for the Advancement of Science, with their uniquely wide and diverse mixes of parallel professional and academic offerings, might attract the likes of Tom and me from different sides of 'The Ditch.'

Tom as geographer, academic, town and regional planner, a Kiwi already with fascinating international experience in the Colonels' Greece, and a passion particularly for the social and cultural dimensions of planning. Me with degrees in architecture and in history/politics, partway into a planning Master's and enjoying an exhilarating public-service job in hometown Adelaide. So we had the shared ground of how the evolving profession of 'town planning' could best contribute to making good new urban environments and maintaining or enhancing existing ones.

Of course, what is a 'good urban environment' is an evolving question, as are ideas about what inputs are useful or needed and from whom. In the Australia of early 1975, these were still the heady optimistic days of the Whitlam national government (within a year to be dramatically and controversially overthrown) and matched in South Australia by the equally progressive and characterful Dunstan era. As a young urban professional, the energetic engagement of both these two governments in cities, environment, social planning,

urban structure and their interaction, all to be better understood by multidisciplinary analysis and leading, one hoped, to integrated decision-making, was intoxicating. What was there not to be carried along by? Was this not what a half-decent government should be about?

I was involved with a radical town centre project at Noarlunga that challenged conventional wisdoms of the time. Others in government were tasked with reinventing best practice for a new town fifty miles away at Monarto (a project that was to quietly disappear some years later). The mindsets of the two parallel teams about what by design facilitated a socially, environmentally and economically good place were dramatically different in their groundings in practical pragmatism versus strong formalism, each side yet to understand the lessons for the late C20 and beyond that our C19 colonial cities would provide. But optimism was high.

So the chance meeting over morning tea at ANZAAS 1975, amidst the sprawling, incoherent and unworldly ANU campus in Canberra, began a gentle conversation that blossomed into almost four decades of energetic professional and academic dialogue, sharing and personal friendship.

Perhaps it helped that Tom's geographer/classics wife came from Adelaide and my doctor wife had a strong interest in environmental and cultural intersections. But a central point of meeting and journeying was the essential social dimension of communities and therefore the nature of the cities in which they prosper or struggle. Tom did not often charge overtly (even with his twinkling eye) into what he presumably saw as my world of built form design, whether of social housing or urban centres ... just as I trod cautiously in his substantial environmental, theoretical and analytical worlds. But there was lots of agreed common ground to explore.

And each of us was engaged in the interface between the social, environmental (and therefore economic) dimensions of society and therefore of cities. Necessarily that meant trying to engage in multi-disciplinary and, if possible, open-minded and rigorous enquiry.

A year and a half later we each made it to Vancouver for the ground-breaking first UN Habitat Conference and its parallel non-governmental Habitat Forum. I don't know how my CEO was persuaded to help me to get there but once there, Tom's usual range of practical initiatives was clear. He had, I learned, persuaded New Zealand's national broadcaster that he might bring back radio interviews with important people and so was an official 'media representative,' giving him access to information, places, people. I responded to his typical comradely 'Why don't you?' by surprisingly persuading UN authorities that I was an Australian media representative on behalf of *Housing Trust News* (which in reality was the slim social club newsletter).

In spite of the access this gave to the uptown official UN deliberations and the skip-loads of paper, I suspect Tom's time was principally at Habitat Forum where he was a central figure for the World Society for Ekistics, centred in Athens, of which Constantinos Doxiadis had been the founding figure. I was in Vancouver with my friend and colleague Wendy Sarkissian and, in the scattered conversation snatches with Tom, I learned only little snippets about his time in Athens in 1969 with Doxiadis' office.

For me, the Forum was mind-blowing. It was physically put together in a disused seaplane base, with old hangars breath-takingly turned into gutsy performance, meeting and display spaces using milled and rough-sawn timber harvested from potentially dangerous loose tree trunks floating down the big river. It symbolised ingenuity, creativity, sustainability, cooperation and more. The energy and good humour of the built environment and the multiplicity of international and local organisations it hosted was palpable, as many sought to ride the mood and, it was surely hoped, the new engagement with international issues of cities and their urban communities.

This is 1976, not long after the swinging sixties and Vietnam, the Beatles and the Stones, pink/orange colour schemes, beads, the musical *Hair*, apparently free love and pot for some. While quite

possibly the international heavies of WSE (without Doxiadis who had died a year earlier) were uptown in the official UN Conference which, it is argued, they had helped generate, there was Tom at the Forum listening, talking, workshopping, exploring and promoting Ekistics. And interviewing occasional world figures.

At that point Ekistics began to move for me from being in my housing authority's library just an interesting non-glossy journal that engaged internationally and sought to understand and express in accessible ways the potential or observable relationships between a wide range of city-relevant disciplines. Of course, the journal was just the type of knowledge source, like the radical *Architectural Design* of the 1960s, likely to feed my ongoing enquiry for integrated decision-making for a better globe.

Instead I began to see Ekistics just a little bit more through Tom's eyes as a practical professional and intellectual process. The Anthropocosmos framework seemed to ask about possible relationships between myriad city-relevant components, social, economic, environmental, and at different human scales, from individual to household to street to super-metropolitan region. For me, the power lay not so much in the answer as in the asking of the question. 'What if ...?' 'How might they ...?' 'What do we know and what don't we ...?' And there was Tom, with his mischievous grin, as he observed my response. Among many essential parts, Tom was the genuine academic, open to honest enquiry and with the enthusiasm to pass it on. It was not until many years later that Ekistics became for me also an organisation. So I missed that chance in Vancouver and in the decade that followed.

Although, by mid-1976, Whitlam had been deposed by political coup, for some the enthusiasm and optimism doggedly persisted, enhanced for me by inputs such as the Forum. A commitment to engaging with communities and making for them better cities still seemed possible.

So, equally influential to the Habitat Forum in Vancouver was the Social Impact Assessment Workshop that immediately preceded it.

Held at UBC, it was an energetic and highly characterful bunch of academics and professionals, principally from North America, seriously engaged in understanding social impact and, it seemed then, and now, in a much more sophisticated interdisciplinary way than conventional practice then and now.

I am reminded that, within recent years, my own Planning Institute of Australia has criticised the narrow practice of SIA and asserted it must be more than just a demographic statement and a process of community or stakeholder consultation. How few seem to have responded. How well the exhortation sits however with the Tom I sat alongside at UBC in 1976 and the Tom I knew for the succeeding years.

In the early 1970s, attempts to assess the likely environmental impacts of a project or policy change were taking off. Yet they seemed largely about impacts on the natural environment – like the turning point of the infamous Lake Pedder hydro-electric project in wild Tasmania. There seemed little public discussion yet of detailed assessments of economic impacts. And the impacts upon people? No one would presumably have dared say openly that social impacts were unimportant although there was the underlying ‘But you can’t, you know, umm, measure these things?’ So the workshop at UBC was eye-opening as people talked about serious attempts at doing precisely that: not only identifying but evaluating, even measuring, social impacts so that they might play an equal part in decision-making.

If cities are for people, if their physical existence and form are essentially human or social constructs, what sorts of things about people might need to be considered? Sure, we can recall the famous observation by Einstein that not everything that can be measured is important and not everything that is important can be measured. That clearly challenges the pre-eminence in political decision-making of easily measurable but perhaps less critical environmental impacts and the accompanying propensity to ignore important social impacts because we do not yet seem to have ways of ‘measuring’ them, except later at the ballot box.

So, in thinking about cities and the lives of the people, and especially how they interact, what might it help to understand? Sense of community, cultural attitudes, potential for dialogue and understanding, support for individual and group enhancement, aspirations and fears, spiritual and political tolerance, physical and symbolic accessibility, basic survival and inequality, safety and generational robustness, evolutionary connection to tribe and nature, connection to others and more. There seem so many issues about the interaction of people and places one might consider when looking at the social impact of projects, policies and administrations. I can't remember, so I'm not suggesting we talked of such things at UBC, but I never doubted from that time that Tom and I (perhaps a bit like Batman and Robin) were interested in social impacts.

I was inspired and optimistically took on an impossibly large topic for the formal thesis that was the second half of the Master of Town Planning degree. Nothing much, just the 'Social Impact of Urban Planning'. And this while working full-time in the state housing authority and entrusted since 1972 with helping the development of the radical new town centre at Noarlunga. I like to think Tom approved of the way the urban design and planning of that urban centre radically broke the conventional planning rules in its search for making a coherent, people-focused urban place, way ahead of its time. Looking back, I like to think it reflected the complexity and sophistication of thinking that Ekistics suggested, had I thought about it. It just seemed right. Indeed years later I discovered that its principal Adelaide-bred and based architect-planner Newell Platten had also spent time in Doxiadis' office but our centre's significant strengths and eventual weaknesses were of our making and it was nothing like a town centre I imagine Doxiadis would have proposed. I rather doubt that Newell and Tom ever exchanged reflections on their times there in Athens.

But my links with Tom in the late 1970s remained fragmented. And then, in 1983, he suddenly arrived in Adelaide to work in the

Assessment group within the South Australian Department of Environment and Planning and our dialogue and friendship took off. Indeed, chance circumstances led to my family moving in next to his in the foothills of suburban Adelaide and the families became close.

While he was finishing his doctorate, he was, I think, also making himself a difficult public servant: being Tom. Asked, for example, to evaluate and advise upon the environmental impact of a flashy project on the Glenelg seafront, he did just that and the powers higher up, apparently keen to see the development happen, didn't seem to like his clear, persistent, refreshingly comprehensive and unwavering analysis and conclusion that there were identified negative impacts not amenable to simple denial, let alone solution. This was not about the more radical dimensions of social impacts but instead about the intersection of physical environmental matters with governance arrangements. But Tom's academic and practical understanding and integrity were at play.

And then there was the World Planning and Housing Conference 1986 in Adelaide. Adelaide, the heart of a virtual city-state, was now in the Bannon decade and seemed to continue the previous Dunstan interest in design and planning. The housing authority seemed one of the small number at the heart of the urban design leadership. WPHC 1986, put together principally by locals of the Royal Australian Planning Institute, was 'hosted' also by three other partnering groups: the soon to be defunct Local Government Planners Association and two influential international bodies: the International Federation for Housing and Planning from Europe and the Eastern Regional Organisation for Planning and Housing from Asia. I think Tom, as the academic and obviously grounded in the comprehensive enquiry of Ekistics, brought an intellectual rigour and range of enquiries perhaps unusual in the professional groups. This wasn't to be just an event; it had to help towards a better world. Although frequently frustrated by what was happening with other parts of the organising, he was his usual unrelenting self and it was indeed a great, energetic, successful event.

Tom used me as a sounding board, off to one side, and indeed we were sustained by being able to refer to our shared ambitions and back to our experiences of Vancouver. Fortunately my own two stream papers about the Noarlunga Centre and about evolving neighbourhood design were presented before I had to walk out of a plenary session for the birth of my third child, to the amusement of those in the know. In a kind of way it was a reminder that we create cities for real people and especially generations to come.

And then Tom was gone, back to New Zealand; this time to the NZ Ministry for the Environment in Wellington. I could not begrudge his leaving the unsupportive bureaucracy in South Australia but our dialogue became once again irregular as we worked in very different public-service situations on opposite sides of The Ditch. I understand Tom played a key policy role in the drafting and supporting of the highly influential Resource Management Act while I found myself the Manager of the Housing Trust's urban planning and surveying group (and occasionally using my other background in architecture to harass the Trust's building designers).

It is possible to suggest that at this time the Trust was still the leading Australian public housing agency. It was exhilarating to be part of its high-class inner-urban infill projects, new greenfield designing, and initial small- and large-scale renewal efforts, mostly characterised, I like to think, by a quality of fresh investigation, social understanding and perhaps humility. I think Tom would have approved but we did not talk about it in our different worlds.

And then the tumultuous 1990s. By 1993, Tom had moved northwards to become Head of the Planning School at the University of Auckland, where it seemed to me his qualities and enthusiasms as teacher and researcher could well and truly play. Several years earlier I had taken up a unique senior role in the newly rethought state housing and planning agency in the newly centre-left Queensland government (after some thirty years of conservative rule, more than half of it led by a former Kiwi, observably uninterested in the

sustainable planning of good cities and the provision, let alone responsibly competent design, of good social housing). And suddenly northern state housing and planning became leading-edge and award-winning. With Brisbane so much closer to Auckland, making trips across the Tasman easier, our active dialogue about socially good city-making took off again.

And it is in the 1990s in Australia that major changes in urban design and planning thinking were taking shape or becoming more established. They were changes that Tom's interests, urban experiences and intellectual questions could support or explain or methodically interrogate. This is the time when we start to understand better what we now consider the powerful impacts for good of a wider range of housing typologies, of mixing many land uses, of the legible flexible network structures of our colonial cities, of the vitality of main streets and other walkable precincts, of the thoughtful interaction of design and reducing crime, of the necessity of supporting mass transit, and more. They are all grounded in planning cities for people in all their diversity and complexity. They are a moving away from, a rejection of, the assumed benefits of single-use zoning, or mono-owned box shopping centres, or evermore freeways, or car-fearful, illegible, low-density, detached-house neighbourhoods, and the like, that were, with the best of intentions, supported or outright required by the town planning regimes of previous decades.

But might I suggest that Tom's new physical home in the University was a challenge? The Architecture and Planning building, a product of its time, seemed to me to depower the visitor in its structure of circulation and territories. On the one hand, to the architect in me, it was delightful in its materials, its integrity of expression and its variety of spaces and levels and twists and precinct connections. Importantly, it also provided personal studio space for full-time students, such a fundamental strategy to a broad training, let alone education, that I had myself enjoyed in Adelaide, yet observably so much under challenge in cost-cutting institutions

in today's competitive environment. Yet, to the urban designer-planner in me, the building was a nightmare for way-finding and for clear place-making that might encourage casual interdisciplinary exchange. It came across like a deliberately defensible medieval city or hill town, without the clarity of our later robust colonial structures that now promise so much in the new millennium. It seemed to compound the challenges to C21 economic and social engagement that the very notion of campus planning increasingly makes difficult. It was a delight to be invited across The Ditch to visit and lecture – and great to be there with great people – if you could only find your way to the right 'there'.

But Tom seemed happy in this teaching and research environment so wedded to pursuing a better world, especially through our towns and cities.

Towards the end of the decade, he stepped down from the head of discipline position, at about the same time that I in Brisbane was deep in the creation of a radical renewal project unusually shared by both my housing authority and Queensland University of Technology that had become mid-decade also my university. It is a project that sought, in a wide agenda, both to help redefine the physical and therefore social, economic and environmental relationship of a university with its community and to ride that change to help affordable housing initiatives and reinstate more urbanist design. In some ways the ideas are observable in great European cities and their universities (and, for heaven's sake, in many of our city law, medical and business schools) but it apparently threatened some established views. Always polite, I cannot be sure that Tom was totally comfortable with, let alone a champion of, this, but he acknowledged its importance and I thought it sat with his strong commitment to research and teaching and engagement with real-world issues of cities. Perhaps, in some way, the introversion of the campus might have nurtured his global perspective, rather than an intense physical proximity to the local city, but that idea seems at odds with his engagement with real cities, especially his

beloved Athens. Naturally, I enjoyed showing this Kelvin Grove Urban Village to him as it evolved on the ground.

In the first decade of the new millennium, our dialogue expanded, spurred along by Skype and invitations from the University's Urban Design studio, the NZ Housing Corporation and others, and by shared visits with Tom and sometimes his wife Sue to Ekistics and other events in Greece and Canada.

Tom had always been proud of New Zealand's strong shared cultures and I seem to remember it was a central line in his doctoral thesis. Perhaps that also helped explain his strong support for the All Blacks (quite apart from their brilliance).

Of course, the World Society for Ekistics represented another context for international multiculturalism and Tom was at home within its traditions and surprising membership and keen to offer the opportunity to others. And so, in 2002, I received the invitation from the Society to become a member, an invitation Tom had quietly pursued behind my back. And in the Greek early autumn of that year, my wife and I joined Tom and Sue in Athens and then the island of Tinos for a WSE week-long meeting. For me, so many first times. Athens and the little Athos Hotel, buried in a narrow side street of the intense, 'ugly' but wonderfully lively Plaka, with an unexpected unique view from our small bedroom window of the Acropolis, and cafés with music and laughter and great food. Tom in his element: as friend, citizen and urbanist, as researcher and practitioner and teacher.

And then an eventful bus towards Piraeus through the dry countryside. Eventually the big ferry took us through that impossibly blue water to the photogenic Mykonos, like many others an absolute justification for esplanade relationships to the quayside, given the intimate and intricate maze of human spaces behind. And then on to Tinos with its many attractions, with Tom as delighted guide.

And the week was in some ways in what I understood were

the great traditions of Doxiadis' Delos Symposia. I think Tom as a young planner had assisted one or two of those gentle cruises among the Greek islands with mornings filled with energetic discussions among the invited and absolutely eminent world leaders in thinking about cities, environment, the globe, human society and more, and afternoons allocated to exploring the islands. The very idea of such a leadership happening was for me almost mythical and I could believe that the illustrious membership of WSE in the 1970s had significantly influenced the UN towards that first Habitat Conference in Vancouver.

And so our Tinos mornings were filled with fascinating presentations and dialogue among a diverse and international group of thinkers, and the afternoons filled with explorations of Tinos including once to a charming hilly inland village with intimate village plaza where we talked and dined and drank under the trees. Panayis Psomopoulos, the loyal and energetic lieutenant who had kept the WSE ideal and organisation going and thriving since Doxiadis' death, was energetically here. And so, on another day, we cruised to the 'dead' island of Delos, a massive archaeological site, with still a heavy energy thousands of years after the Romans destroyed it but lightened on the day by those of us visiting by a signing of a renewed Delos Declaration of commitment. Heady stuff.

In the sessions, Tom seemed as always to focus on building the network and the dialogue and therefore WSE and what it could be. I supported my new membership with a presentation about the Urban Village and, to Tom's delight and possibly the amazement of other older members, my wife gave at short notice a provocative presentation thoughtfully proposing a useful linking of the scales of Doxiadis' Anthropocosmos model with understandings of energy centres in the body embedded in Eastern thinking.

Two years later, she and I came again to Athens and stayed once more in the little Athos, along with Tom and WSE member Barry Rae and his wife Judy from Auckland. We were there for an Ekistics gathering and a celebration of Doxiadis and his work, with meetings

and exhibition at the stylish new Benaki Museum. Athens again was an experiential joy, and the exhibition was powerful for me because it introduced me more extensively to Doxiadis' propensity for exploring and explaining a broad continuum of urban ideas with simple diagrams. It is a practice I had in my own professional world increasingly adopted for teaching, negotiating and testing, and it is a technique, it seems to me, supported by evolving neuro-scientific research. For a while I toyed with the possibility of restaging the exhibition in Brisbane.

As was becoming more usual, Tom found the WSE organisational meeting frustrating in its personal, historic and international power plays, unrelated to the power and passion of Ekistics, and cool diplomatic strategies would occasionally be overwhelmed by direct observation. But he seemed pleased with my enthusiasm for the newly published Doxiadis biography by Professor Kyrtzis which devoted a chapter to Doxiadis' time with his family living in rural Rochedale, just south of Brisbane, for a couple of years in the early 1950s. I was curious to find what influence Doxiadis might therefore have had on Queensland or Australian professional thinking and pleased to speak with Professor Kyrtzis himself at the University of Athens. Days later I was delighted to be given access to Doxiadis' diary of that time by his youngest daughter Euphrosyne who recounted the happy times in Rochedale and private schooling in Brisbane. The diary even tantalisingly noted a meeting with 'Mr Whitlam' in Canberra. In the end it seemed likely this was with the future Prime Minister's father, then a senior Commonwealth bureaucrat, but I could not help but wonder if such a meeting with such a powerful city advocate might have been mentioned to the then 34-year-old future politician.

What is, however, clear is that, despite degrees from Athens and Berlin, and continuing invitations while in Australia to travel to the US to lecture at great universities, the Queensland professional bodies refused to recognise his qualifications and therefore authorise a professional role in Brisbane. Sadly, this Anglo-philic myopia

was not an unusual response for many highly qualified and talented post-war immigrants and surely lessened post-war Australia's evolution. Developing better ways at Rochedale of growing tomatoes while establishing a building company, only to have government budget cuts undermine it; this was not enough for Doxiadis. So this powerhouse of a planner returned to Greece and from there both played a significant city-making role in Greek administration and developed arguably the world's first high-profile and globally influential international planning consultancy. Some have called him the most important urban planner of the twentieth century. Oh Australia – what might have been!

My interactions with Tom increased in the years 2005 to 2008 with regular visits to Auckland and occasional sorties by Tom to Brisbane. These were opportunities for gently comparing the urbanist and social housing performances of our two cities, perhaps nations. We visited places around Auckland like Parnell, the waterfront, Devonport, Albany, Newmarket and Ponsonby. I delighted in the high streets and esplanades and staying with Sue and him in their part of a pleasant small-lot community at Onehunga. Encouraged by what was being achieved in Brisbane, I was saddened by lost opportunities at institutional community integration. We talked about the advice I was offering around the place and the great things I'd seen in visits to Wellington and Nelson. We drove to the west coast and walked and talked and looked.

He understood my frustration with things that I saw in New Zealand's practice of public housing, a concern based on all the obvious learnings in Australia about how to design and plan effectively what seemed to us to be good, sustainable social housing integrated into the broader community. That so many of the Queensland public housing projects in which I had been privileged to play a central role since early in the 1990s had been recognised with awards across various city-making disciplines just added to my frustration. Mindful that it wasn't the business of Aussies to

tell Kiwis how to do things, I retreated in front of Tom into the classic 'Perhaps I don't understand the issues here.' But the sense of frustrated sibling persisted.

So the discussions and shared urban values continued. We didn't seem to talk at length about detailed urban design or about the RMA, although I could feel his concern in later years that the opportunities and responsibilities the legislation provided were not as well understood or employed as should be.

And then again there were his anecdotes from decades in the business, which it seemed had almost to be prised out of him or would pop up at dinner among friends. Like being detained as a suspected spy in the Colonels' Greece for doing a land-use survey of a village. Like stories of driving students around Europe in a minibus. Like almost being on the end of a violent personal ambush in the Philippines. And so on. For more than a decade, I suggested, cajoled, urged him to write a new textbook combining his rich array of life experiences, observations and contacts in many parts of the urban world to explore and explain, in accessible human terms, fundamental ideas about the science and practice of urban settlements and how they continue to evolve. A book that might, by being friendly and real, engage many across the community and professional spectrum. But it was always 'maybe' or 'later' until it proved too late.

In recent years it seems to have become almost fashionable to dismiss, without knowing much about it, the usefulness of Ekistics and its exhortation to scientific analysis, in spite of the massive inexorable urbanisation of our world so challenged by climate, resource and population issues. Amidst this, Tom's recent years were dominated not only by his continuing contribution to the reputation of the Auckland School, his occasional Environment Court work (for which I thought his experience and intellect were wonderfully suited), his engagement with people in Turkey, India and elsewhere who sought his help in matters Ekistical. But also central was his buying an apartment in mainland Tiros, living

from time to time the seaside Greek village life, complicated by the crumbling Greek economy. And much of his life was with a sense of energy and engagement, pragmatically or defiantly contrary to medical advice. Rule-breaking again.

Yet two other WSE matters in Tom's last few years involved me.

The first was the formal agreement he finally secured that an official Meeting of WSE would be held in New Zealand in October 2011. Tom, still saddened by Barry Rae's untimely early death in 2009, of course sought my help. Yes, I would help, come to Auckland, and yes, I would offer supporting events in Brisbane. But, in keeping with decades of behaviour, no one said they'd come. Panayis was too sick to travel. But the others? For most, I suspect, finance was not an issue. After decades of Tom and others from Australasia travelling frequently to Europe or North America for WSE events or initiatives, the distances and hours we take for granted, they all seemed to decide that coming here was just too far, too arduous, too time-consuming.

The geographical isolation from Europe and America has both freed us to develop our own city responses and yet made the imported un-examined idea sometimes more exotic and alluring because too few of us have seen it in its context. The corollary is not subjecting what we have been doing to external scrutiny because our colleagues haven't come and seen it. Yet Australasian cities have urban qualities that surprise unsuspecting visitors into admiring comment. We here get frustrated, of course, with the lost opportunities for even better things along the way but dramatic relevant exemplars are there to be seen in each city of places done well. In spite of all that, the answer to Tom's invitation, as best I could tell, was silence. The event collapsed. After all he had done for WSE (and he was a former and now again Vice President of this international body), Tom was deeply hurt but, as usual, loath to let fly openly with his feelings. If he was not bitter, I certainly was on behalf of my friend. I think it must have reinforced his growing pessimism (in spite of his long-held commitment) about

the Society's future in our evolving world. Sure, it's a balancing act and the effort to deliver an international gathering in Auckland and nearby would have been personally highly stressful for him, but I do not conclude this was the motivation or justification for most. This rejection was, I think, an undeserved body blow.

Yet, so typical of Tom, in spite of that, he still made a central, actually essential and fundamental, contribution to the organising and leading of a WSE symposium as part of the World Urban Forum in Naples in October 2012. Was it a defiant or hopeful act? I contributed to part of the offerings but couldn't stay. But I treasure some wonderful informal time with Tom over pizza and prosecco, on the urbane waterfront of that dynamic city, reflecting on shared concerns and opportunities about the future of cities and the globe.

Less than a year later, he was dead.

By now it is probably obvious that I have been a long-term colleague, confidant, admirer and friend of Tom Fookes.

He represented the sort of quiet champion that we need in droves: engaged, committed, thoughtful, skilful, open-minded and selfless. Not doing what he did for personal gain and notoriety but genuinely committed to a better world. Not a high-powered international star or institution-builder or top-list author and performer, let alone a player who profited materially.

The Tom I knew sought to enhance the essential understanding of how human settlements work and can therefore be helped to work much better as the settings for humanity, as individuals and as groups and communities. As contemporary neuro-scientific research increasingly reinforces for us the importance of the critical evolutionary idea that man is a social animal, Tom's engagement from the 1970s with the social dimensions of cities becomes even more relevant.

Like many a long journey, there were the proverbial accelerations and pauses, ups and downs, advances and retreats. Tom had many fine qualities and abilities that helped him but he would be the first

to laugh loudly at any suggestion of a flawless, universally talented being. The diversity of individuals and communities and therefore cities interested him and he was part of that.

Better urban environments are contributed to by many. Tom represents the individual good citizen, committed to the well-being of the global population and biosphere, and prepared to work energetically and with good spirits and humour and ability over decades in the pursuit of better human habitat.

I'm very glad our paths crossed and interacted so often. I miss him and his impact upon me, and upon the world.

We need quiet champions like Tom. Many more of them.

# Ekistics

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*A look at Tom's impassioned relationship with Ekistics, a Greek approach to the problems of human settlements as conceived by Constantinos Doxiadis (1913–75) in the 1950–60s; and an examination of how the ideas it encompasses may be viewed as being at the same time both dangerously simplistic and dangerously ambitious.*

## Introduction

What idea could be more dangerous, perhaps subversive and certainly esoteric than one with an obscure Greek name, unknown at a guess to at least 99.9 per cent of the world's population but embraced passionately by a select few as a panacea for bringing order to that most disorderly of constructs on our planet – human settlement?

For esoteric, read Ekistics.

Ekistics is a holistic approach to understanding and helping resolve the malaises of human settlements across space and time. It was developed by Constantinos Doxiadis (1913–75), a Greek architect who was inspired among others by Christaller's central place theory and who became the Minister for co-ordinating the Greek Recovery Programme after the Second World War. Ekistics defines itself as the 'problems and science of human settlements'; and its focus is on order and hierarchy – 'the wise restraints which make men free.' It is uniquely multidisciplinary and multidimensional.

Tom first encountered Ekistics in the flesh in 1968 when he attended the Center of Ekistics in Athens and was also a student of the Graduate School of Ekistics (GSE). He had no doubt been encouraged by Gerhard Rosenberg, lecturer in the Department of Planning at the University of Auckland at that time and a dedicated champion of Ekistics. Tom was quickly seduced by the lofty ideas circulating in Athens and became involved in the ambitious Urban Detroit Area Research Project. He became an ardent crusader for the wider acceptance of Ekistics internationally; both by professionals who were grappling directly with urban development problems and, especially, by academics who were seeking new ways to inspire students of planning and architecture.

Nobody will be surprised to learn, therefore, that Tom spoke on behalf of the World Society for Ekistics at the first UN Habitat Conference on Human Settlements in Vancouver in 1976; that he served as Vice President of the World Society for Ekistics for over seven years; that he established an Ekistics Research Unit within the University of Auckland's Department of Planning where he was an Associate Professor; and that one of the PhD students he supervised there (Sharmila Jagadisan from India) submitted a thesis on Ekistics methodology.

I became intrigued by the discipline in the early 1970s when I read a glowing article on Ekistics by Tom in the New Zealand Planning Institute's quarterly journal. Supported by Tom, I applied for a scholarship to spend a year at the Center of Ekistics in Athens and was fortunate to be one of the dozen students to be accepted into the last intake to be funded by the Ford Foundation there. That was in 1971–2 and where I first met Tom as well as the New Zealand architect Barry Rae who was also studying at the Center at that time.

So what, exactly, makes this debatably dangerous Doric idea so appealing?

## A dangerous idea?

When I sometimes feel overwhelmed by the problems of the modern city I go to the Acropolis. I begin to feel happy in my escape from the contemporary. I cross the Propylea and happiness turns into supreme satisfaction in the ancient grandeur. Then despair seizes me at the sight of the modern city: the city of noise, polluted air, lacking security and where at every moment I am in conflict with the machine [Doxiadis, 1964].

Ekistics was conceived and promoted by Doxiadis as a comprehensive, systematic approach to the study of human settlements with the aim of making them more satisfactory places in which to live. He first coined the term in 1942 as a derivation of the ancient Greek word *oikos* meaning house, home or habitat as well as the establishment of a colony, settlement or town.

In 1951 Doxiadis established an architecture and urban development consultancy, Doxiadis Associates, in Athens with himself as its president. This provided him with a vehicle for putting his Ekistics principles into practice, and by the 1970s the firm had a staff of about 700 with projects in over 30 countries on all five continents. The company continues to address the problems of human settlements today and has had amongst its clients agencies of the United Nations and numerous other intergovernmental bodies as well as governments at the national, regional and local level worldwide. The boldness of the Doxiadis approach is reflected in projects which have ranged in scale from individual buildings to metropolitan regions with many millions of inhabitants.

Doxiadis said as early as 1959 that planners must be brave enough to accept that two-dimensional techniques are obsolete and that human settlements must be studied scientifically by making their frame of study broader and more systematic. He wanted solutions to problems to be based on scientific knowledge – and that required a new breed of theoretician, researcher and practitioner which he called an Ekistician.

So, in 1963, Doxiadis set up the Athens Center of Ekistics to foster international co-operation and research in the field and in the same year he organized the first annual gathering of the Delos Symposion. In 1964 Martin Meyerson, one of the key participants in the Delos Symposia, suggested (at Delos Two) the establishment of an international organization about human settlements, to be called 'A World Association for Ekisticians', solely influenced and inspired by Doxiadis' ideas as there were many systems being suggested internationally at that time. In 1967 a group of the Delos participants created the World Society for Ekistics (WSE) and Doxiadis accepted to be a member of this committee but refused straight away to accept any administrative role in the Society, although he continued to be a member. The WSE to date has had 597 distinguished members since its establishment, from a wide range of disciplines and countries. Today it has 237 members. Tom was very active on the Executive Council of that organization for many years.

Doxiadis also established a regular research journal nourished by correspondents in over 30 countries, one of whom was our Tom. And in 1968 Doxiadis published his seminal work on the subject, *Ekistics: An Introduction to the Science of Human Settlements*.

The four key research projects undertaken at the Athens Center of Ekistics reflect the broad scope across time and space being addressed under the Ekistics rubric. Firstly, 'The Ancient Greek Cities' were examined from an Ekistics perspective in over 20 research monographs. Then, 'The City of the Future' project explored long-term, large-scale settlement patterns employing the challenging concepts of megalopolis and ecumenopolis. At the same time, 'The Capital of Greece' project compared the functioning and problems of Athens with 12 other cities of similar size around the world according to an ambitious series of physical, economic and socio-cultural indicators. Lastly, 'The Human Community' project divided Athens into 286 neighbourhoods before identifying a representative sample of 18 of them for in-depth analysis. A survey of over 5000 households then explored a wide range of variables across those communities.

More than anything else, Doxiadis was a highly charismatic communicator and visionary. He was able to attract the attention and support of a wide-ranging group of brilliant and influential thinkers from many disciplines. These included people at the peak of their professions such as Erik Erikson, Buckminster Fuller, Jean Gottmann, Charles Haar, Suzanne Keller, Marshall McLuhan, Margaret Mead, Jonas Salk, Arnold Toynbee, Jaqueline Tyrwhitt and many others. And by encouraging dialogue between experts with perspectives as diverse as futurology and behavioural science, Doxiadis was instrumental in encouraging events like the UN conferences on settlements and the environment. He was the consummate builder of bridges.

It is not difficult to understand therefore why someone like Tom, a geographer with a worldly perspective, not afraid of being provocative and ambitious to make human settlements happier places in which to live, was so readily drawn to this movement. But why then might Ekistics be a 'dangerous' idea?

Well if, as Oscar Wilde claimed, an idea that is not dangerous does not merit being called an idea at all, then Ekistics could be perceived as a doubly dangerous idea. That is because in addressing the complex problems of human settlements some of its ideas can appear to be dangerously simplistic; and in trying to be a science Ekistics runs the risk of being dangerously ambitious. Let me now explore each of those possibilities in turn.

### **Dangerously simplistic?**

Doxiadis was very fond of using medical analogies when discussing the problems facing modern settlements. He talked of their evolution as living organisms, the growing pains most cities were experiencing, and of their serious functional and structural diseases. He believed that the most crucial point in any therapy for a settlement is on deciding to what extent to respect the past and to what extent to change it. Such observations are erudite rather than simplistic and certainly far from dangerous.

Doxiadis also claimed that, unlike natural organisms, settlements can avoid death if they have the right treatment. He believed that the key weakness of the professionals treating settlements was their lack of rigorous diagnosis – hence the need for a grid of reference. He believed equally that good diagnosis must be supported by sound theory and followed up by professional therapy based on human needs. According to Doxiadis these are the tasks of the Ekistician, and Tom subscribed vigorously to such beliefs – and there was nothing simplistic about Tom.

In the past, Doxiadis believed, relatively small settlements managed to achieve an admirable balance; but as urbanization pressures increased, order disappeared and chaos became the norm. To address this, Doxiadis promoted the idea of a daily urban system with a radius of up to 150km governed by networks of transport and technology which connected settlements of different sizes separated by rural spaces. Barry Rae described an example of such an urban system linking Auckland, Hamilton, Tauranga, Rotorua and Whangarei in his work on 'Iwitiniopolis' while studying in Athens. This idea, neither simplistic nor dangerous, continues to take shape.

According to Doxiadis, however, the ideal layout for a city is essentially linear and monocentric. He envisaged unidirectional growth along a transport-focused axis which should be ever-widening to allow for unlimited expansion. In the case of an existing settlement this approach was seen to involve a minimum need for rezoning and to allow best for the preservation of historic central-city areas.

A number of settlements were designed along such lines by Doxiadis Associates. They all incorporated a hierarchy of communities, each level satisfying higher-order human needs (Doxiadis subscribed ardently to Maslow's hierarchy of human needs). His planned settlements were structured by a corresponding hierarchy of transport routes, usually on a grid pattern and with a preferred axis along which to concentrate linear growth. Examples are

Islamabad, the new capital city for Pakistan which was designed by Doxiadis Associates at the end of the 1950s; and Riyadh, the rapidly expanding capital of Saudi Arabia for which his consultancy prepared a master plan in the early 1970s.

So far so good; but enter reality. Such urban forms cannot be imposed on an existing urban tissue unless central authorities and planning powers are strong and sustained over long periods. In most countries that is not generally the case. Market forces and participatory planning processes favour less Haussmannesque redevelopment and tend to produce polycentric forms which are rarely aligned along a single key axis. But despite such idealism and a seemingly simplistic approach, Doxiadis impressed many lucrative clients and creative thinkers. That was largely thanks to the originality of his holistic and uniquely orderly concepts.

At the core of the Doxiadis method is the Ekistics grid (Fig. 1). It was born from two earlier matrices for urban analysis: the 'thinking machines' based on the place/work/folk trilogy of Patrick Geddes (1854–1932), 'the father of town planning'; and the CIAM grid invented a generation later by Le Corbusier (1887–1965) with its four ordinates of living/working/recreation/transportation. The genius of the idea of Doxiadis is that he introduced the notion of the *scale* of human settlement into the mix.

The Ekistics grid comprises five elements on its vertical axis: nature, man, society, shells and networks (except that Doxiadis preferred to use the gender-free Greek word *anthropos* instead of 'man'). On its horizontal axis the grid has 15 Ekistic units or community scales stretching from the individual person to the world city of Ecumenopolis. This matrix provides a useful checklist across a spatial hierarchy.

The grid is certainly a valuable tool for encouraging a comprehensive approach to complex settlements; for highlighting the myriad of interrelationships involved; and for a systematic analysis of problems and possible solutions. It can be used to structure an examination of development issues at any scale. That makes the grid

simple; but not simplistic. It underlines the apt comments made by Sigfried Giedion in 1963 at the inaugural Delos Symposium: ‘We are disturbed by the growing complexity of problems ... But even behind the most complicated book and the most involved philosophy there must be a leading thought which can be expressed in simple terms.’

### Dangerously ambitious?

Ekistics is defined as both the problems and the science of human settlements and it is in the second part of this formulation that the danger lies. The Ekistics grid addresses the *problematique* by facilitating change through planning, design and action. But

COMMUNITY SCALE	I	II	III	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	ANTHROPOS	ROOM	HOUSE	HOUSE GROUP	SMALL NEIGHBOURHOOD	NEIGHBOURHOOD	SMALL POLIS	POLIS	SMALL METROPOLIS	METROPOLIS	SMALL MEGALOPOLIS	MEGALOPOLIS	SMALL EPEROPOLIS	EPEROPOLIS	ECUMENOPOLIS
NATURE															
ANTHROPOS															
SOCIETY															
SHELLS															
NETWORKS															
SYNTHESIS: HUMAN SETTLEMENTS															

POPULATION	1	2	4	40	250	1.5T	9T	50T	300T	2M	14M	100M	700M	5,000M	50,000M
T (Thousands)															
M (Million)															

Figure 1: Ekistics grid

being very aware of the ever-increasing complexity of the world's settlements, Doxiadis wanted a more 'scientific' approach to grapple with the multiple dimensions of modern cities. In 1970 he said: 'I firmly believe that with science and courage we can lead to the city we need, the humane universal city.'

So in 1972 Doxiadis developed a more elaborate grid, a construct of man's 'total system of life,' and he called it the anthropocosmos model (Fig. 2). Despite its unfortunate title, this analytical aid offered a more operational tool for planners than the original grid with its four important new dimensions of time, income, quality and reality. Of greatest interest are the inclusion of reality (which makes the critical distinction between desirability and feasibility) and quality (which introduces economic, social, political, technological and cultural variables). This extension of the basic Ekistics grid has 258 components and results in 10 criteria of evaluation, 1500 units of time-space, and a total of about 66,600 relationships – some causal and some not.

The 'leading thought' of Ekistics might well be that settlements are constantly evolving interconnected systems which, despite their complexity, can be studied coherently using a structured multi-disciplinary approach based on a hierarchy of communities, needs and networks. From this it follows that the tools used to study such complexity must be sophisticated rather than simplistic; and articulate before ambitious. But there is a view that the anthropocosmos model represents a shift from an inadequately simple grid to a dangerously ambitious attempt to be scientific.

In fact, Doxiadis defined Ekistics as both a descriptive science (when treating existing settlements) and a prescriptive one (when creating new cities). He saw Ekistics as a science having its own theories, principles and laws – most of which were valid also in ancient Greek settlements. Individually some of his principles and laws may seem simplistic; collectively they could be considered ambitious if not excessive.

Doxiadis believed that if we are to understand human settlements

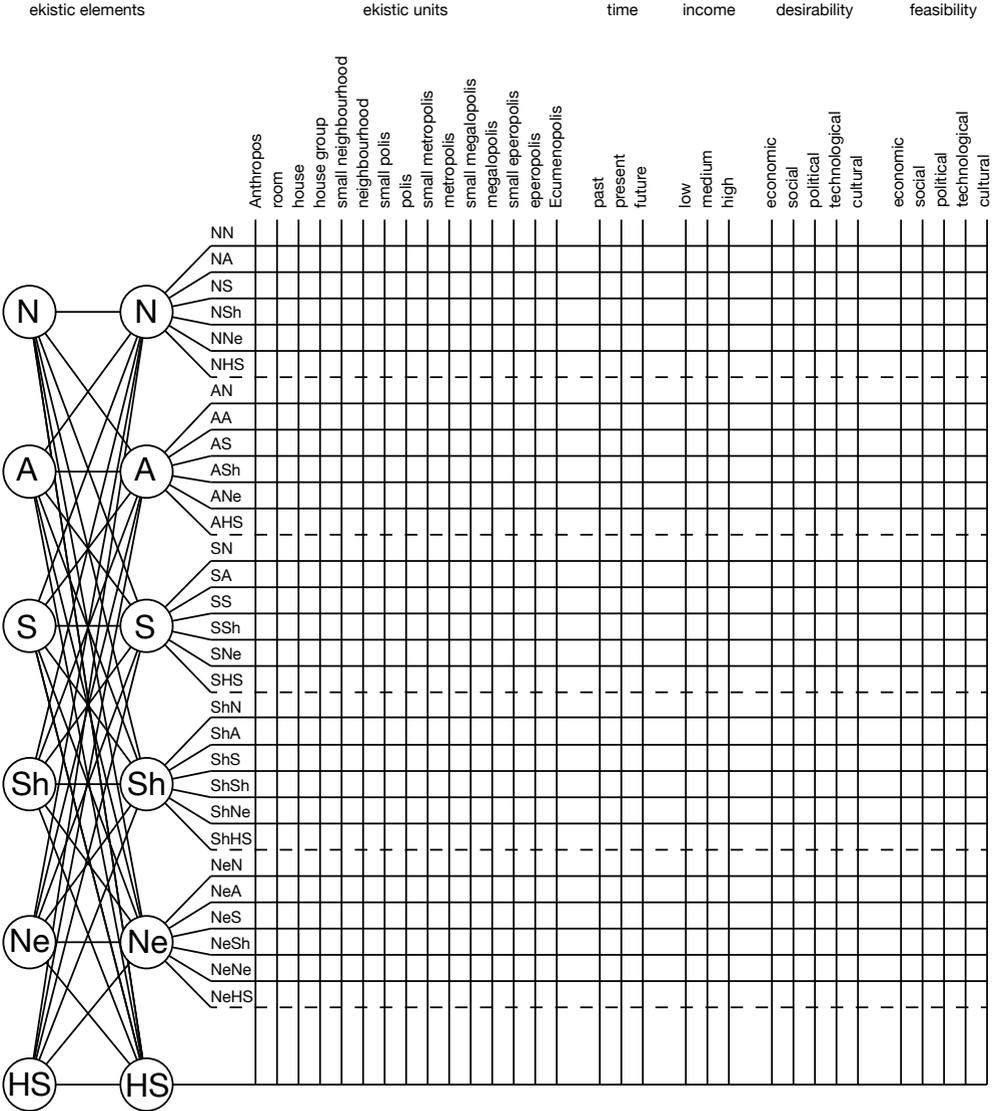


Figure 2: The anthropocosmos model

we must be aware of the four Ekistics principles which have always guided them. Those principles are to:

- 1 maximize potential contacts
- 2 minimize the effort required
- 3 optimize personal space
- 4 optimize the quality of the environment.

As balance was fundamental to Doxiadis, he later added a fifth principle which was to balance the first four. He believed that: 'our aim should be to provide the best continuous balance between man and his habitat', and that 'the more perfect this balance, the greater will be man's satisfaction.' That's fine.

Doxiadis also identified 54 'laws' of Ekistics. The third law, for example, draws on Aristotle's belief that man's main goal is happiness: 'The ultimate goal of human settlements is to satisfy the needs of its inhabitants and of the others it serves – particularly those needs leading to happiness and safety' (Doxiadis, 1968).

Such admirable ambitions have little utility beyond reminding us of the need to distinguish carefully between the desirable and the feasible. And that brings us to the most ambitious project ever undertaken by Doxiadis: the 1965–70 study of the Urban Detroit Area (UDA), in which Tom was partially involved.

It was deemed that the best approach to studying the complex urban system centred on Detroit was to analyse all the relevant components; to try to find the laws which determine their behaviour; and then to combine them so as to identify the laws of the system in which they operated. The tasks of measuring phenomena objectively, studying behaviour rigorously, and reaching valid conclusions which might lead to scientific laws are without doubt dangerously ambitious.

And the project was ambitious in many other respects. It was ambitious in its geographic scale (placing Detroit in the context of the Great Lakes megalopolis and its wider North American setting);

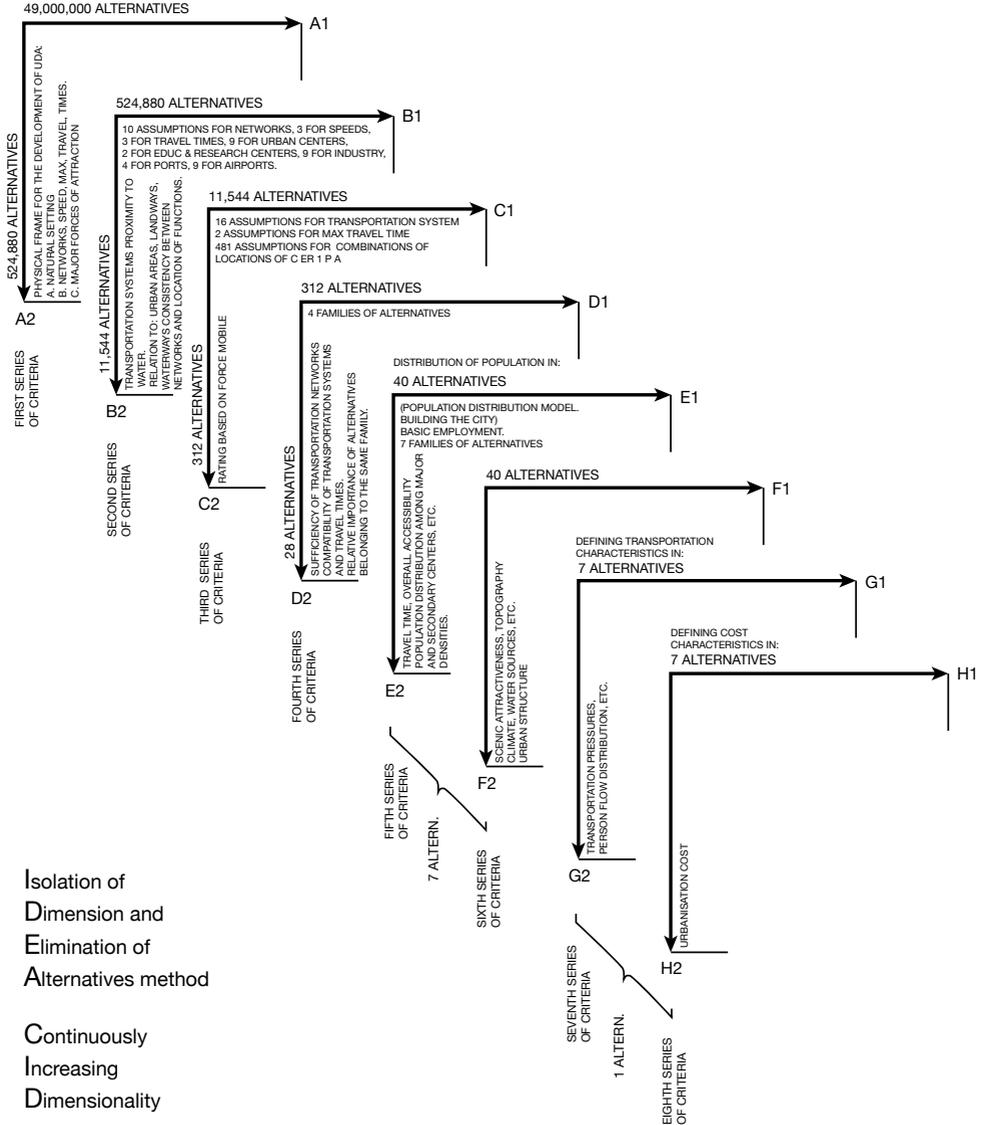
in its time-frame (an iterative procedure scanning ahead as far as 2050); and most of all in its methodology which used a technique known as the IDEA method: the 'Isolation of Dimensions and Elimination of Alternatives'.

This method is an elaborate way to move from analysis to synthesis and to select best alternatives. The initial input and assumptions produced 49,000,000 alternatives (Fig. 3). Successive eliminations end with an input of just seven alternatives and an output of one. This is an IDEA of excessive proportions which could be labelled as beyond ambitious.

Another problem was that the Detroit study called for a great number of assumptions to be made about the future. It required the ability to predict developments, noting that predictions are safer for larger Ekistics units and less so for smaller areas as smaller units are more dependent upon specific projects (such as urban renewal) being implemented.

The study identified 40 key problems and needs in the UDA and structured them on the Ekistics grid. It was observed, for example, that if trends at the time continued, much of the future urban growth in the UDA would take place on the periphery in the form of haphazard, low-density development and central areas would deteriorate further. Nearly 50 years later the sad state of much of central Detroit confirms this forecast, and while the prediction has been proved valid, some might ask if it required the elimination of millions of alternatives to be reached.

It was also found that many of the problems facing the study area would need to be tackled at a higher level of authority than there was to be found in existing institutions. Likewise, the most important general problem facing the UDA was seen to be that there were no plans for highways and utility networks covering the entire area which could provide an overall strategy for its future development. Such basic conclusions are valid and helpful but, although there is clearly no causal relationship, an outside observer could question the cost and effort involved in reaching them given the sobering fact



Isolation of Dimension and Elimination of Alternatives method

Continuously Increasing Dimensionality

Figure 3: The IDEA method

that Detroit, with a debt of \$US18 billion in 2013, became the largest civil bankruptcy in US history.

I would argue, therefore, that Ekistics is a collection of brave ideas, outstanding in its ability to address urban complexity coherently. Ambitious? Yes! Simplistic? Sometimes! But it seems to me that Ekistics has the exceptional merit of being able to grapple with the challenges of human settlements in a uniquely comprehensive way. And that is a contribution of inestimable worth.

### **An idea with a future?**

In the light of the rate and scale of change in the 'global village' since Doxiadis died 40 years ago, some of his detractors have claimed that Ekistics has become frozen in the past, failing to adapt to new knowledge as technology and societies have progressed. The scope and terminology of Ekistics is seen to need realignment with the current priorities of global settlement. If in its heyday Ekistics was perhaps too earnest, today it is in danger of losing its viability because of inertia.

It is encouraging to note, however, that urban development consultancies calling themselves Ekistics now exist in cities as far apart as Vancouver and Adelaide, so the crusade continues worldwide – and that would delight Doxiadis.

Urban design is perceived by some as the new Ekistics. It shares with Ekistics an interdisciplinary approach and the concern with ecological sustainability helps it enjoy a certain modishness; but Ekistics is substantially broader in scope than urban design, which although a very laudable endeavour, could never, in my view, be considered as a substitute for the Doxiadis method.

Rather, to deal with ever more complex patterns of settlements, Ekistics needs to unravel its subject matter into contemporary component parts, and then reconstruct the whole with deeper understanding. The grid and the anthropocosmos model are imperfect but valuable launching pads for doing that, bearing in

mind that there are no simple solutions for dealing with subjects as intricate as human settlements. And the need to accommodate uncertainty – be it the vagaries of politics or the unpredictability of natural disasters – is a challenge which the most sophisticated of models have yet to meet. The critics say that comprehensiveness cannot be reconciled with practicality without compromise and they are probably right.

A core of dedicated members of the World Society for Ekistics is very conscious of the need to bring Ekistics into the 21st century and to give it a new relevance. Meetings are held annually to discuss latest research and explore ways to incorporate new disciplines such as computer science and behavioural studies into the Ekistics grid; although concrete proposals have yet to be adopted. The exception is in the domain of teaching. Ekistics provides a priceless entrée into innovative planning education through its multidisciplinary and participatory approach which puts its emphasis squarely on research and synthesis. Progress has been made to introduce Ekistics into the curricula of numerous universities around the world, and in no small measure that is thanks to Tom's efforts.

I wish to give the last words to Margaret Mead speaking as the President of the World Society for Ekistics: 'Never doubt that a small group of thoughtful committed citizens can change the world; indeed it is the only thing that ever has.'

It is out of small groups of thoughtful committed citizens that dangerous ideas are born. One might even go so far as to say that a single thoughtful committed citizen unafraid of dangerous ideas can change the world; and indeed such a one could well be Tom Fookes.

# The Lasting Legacy of a Great Mentor

SHARMILA JAGADISAN

It has been my great privilege to have been a doctoral student at the University of Auckland under the tutelage of Dr Tom Fookes – an amazing personality, great educator, exemplary human being, a man of vision and an eminent guru<sup>1</sup> – and in this essay I would like to share a few memories from the nine years in which I knew him.

At a World Society for Ekistics (WSE) meeting at Tinos in 2002, Professor Amos Rapoport argued that the Ekistics grid developed by Constantinos Doxiadis in 1962 had not responded to ‘new knowledge, new research, new concepts, models and theories’. He wanted to dismantle the grid’s broad general terms (e.g. nature, anthropos, society, shells and networks) in order to make it more operational. His suggestion for a re-examination of the foundations of Ekistics ‘in light of new relevant empirical and theoretical research’ formed the central focus of my thesis. After reading my research proposal, Dr Stephen Knight-Lenihan introduced me to Tom and his Ekistics Research Unit and I was asked to write a review of Rapoport’s book *House Form and Culture* (Rapoport, 1969) to assess my critical thinking competency, clarity of thought, and development of argument. Tom monitored my progress at long-distance and I immediately appreciated the way he encouraged me to think critically rather than infusing his personal biases.

Hailing from a conservative middle-class family in Chennai, India, the decision to pursue a PhD degree overseas was a daunting prospect. When, after a long and exhausting flight, I arrived in

Auckland, to my utter amazement there was Tom holding my name up on a piece of paper. The smile on his face immediately banished all my anxieties. We drove straight to his home at Onehunga where he introduced me to his family members (including Delos, his favourite canine companion) before dropping me off at my host family. The next day, in spite of his hectic schedule, Tom took me around the campus and introduced me to the other members of the department and even helped me to open a bank account. Tom was a professor who truly went the extra mile to ensure all his students were taken care of.

However, within a week of commencing my research, I realized that I did not have an in-depth knowledge of Ekistics theory and practice. Confiding my fear and distress to Tom, to my surprise he replied with a grin, 'It's okay, Sharmila. You will definitely figure it out.' He took a marker, wrote the title 'Ekistics' and drew a continuum. At one end he wrote 'Completely Unfamiliar' and at the opposite end 'Very Familiar'. After an hour or so of brainstorming, I realized that although I was clumsy with the specific concepts of Ekistics, I still had enough intellectual creativity to raise questions and hypothesise. This approach really galvanized me because he showed his confidence in my ability, activated my mind, tuned me into how to think and genuinely guided me to understand my potential.

Numerous texts have been written about cities, towns, metropolises, villages and so on. The terms used in any one work (e.g. 'city') suggest that only one type of human settlement is the subject. The historian Lewis Mumford saw the *city* as a particular container – 'a theater of social action' in which everything else – art, politics, education, commerce – only serves to make the 'social drama' (LeGates and Stout, 1996, p92). In contrast, biologist Patrick Geddes contributed to sociology and town planning through studying *cities and towns* at the regional scale and perceiving them as complex systems of social and spatial organization of human life. Kevin Lynch, writing as an architect-planner, expressed the view that the

*city* was like architecture as a construction in space, but on a vast scale (Lynch, 1960, p1). But Doxiadis' conception of Ekistics has the objective of examining settlements from every possible point of view in order to develop skills for the solution of the problems involved.

Tom had a unique way of putting things into perspective and his high expectations pushed me to think beyond Ekistics and propelled me to read a broad array of other books and articles in planning. 'Don't skim the surface of the topic,' he told me. 'Start to dig out and explore the unknowns of Ekistics.' These words inspired me to collaborate with him on a paper titled 'Antecedents for the Ekistic grid and Anthropocosmos model: A critical view of Ekistic methodology' which was presented at a 2005 WSE meeting held in Hikone, Japan (Jagadisan and Fookes, 2006).

In 2006, Tom visited my hometown Mylapore in Chennai and stayed for 10 days. He was captivated by the customs, traditions and rich culture of the Tamil people and visited ancient Dravidian architectural achievements such as the Meenakshi temple in Madurai. Browsing in a Hindu objet d'art and book shop in Chennai, Tom chanced on *The Concept of Man: A Study in Comparative Philosophy* (Radhakrishnan and Raju, 1995) and presented it to me as a gift. Tom was the champion of my research and expected me to come to grips with esoteric philosophical concepts to make me think harder and deeper to determine appropriate solution methodologies. The first chapter of this book – 'The concept of man in Greek thought' by John Wild – immediately sounded an echo to Doxiadis' ideas on Ekistics and how traditional Greek philosophy has influenced the personality of Doxiadis as well as his work.

Protagoras of Abdera's famous doctrine 'Man is the measure of all things' is regarded as the key manifesto of Greek humanism, and Doxiadis included this notion in his Ekistic philosophy where he aimed to provide a base theory of the life of man as a guide. His emphasis was mostly laid on the term *anthropos* behind all his activities, scientific as well as spiritual (where he introduced

the concept of senses). He also adopted Alexander Pope's dogma of humanistic study that 'the proper study of mankind is man himself' (Pope, 1773, p3). A paper titled 'First Stage of a Critique of Ekistic Methodology: The Thinker who transformed our ideas about town planning' (Jagadisan, 2007) which I presented at the conference 'Constantinos Doxiadis and His Work' in Athens was quite well received and encouraged me to do more work in this area. Even after completing my doctorate, Tom and I collaborated and published many research memorandums for the Ekistics Research Unit (Jagadisan & Fookes, 2010), and I cannot thank him enough for actively involving me as a teaching assistant.

### **Tom Fookes – An Ekistics evangelist**

Tom Fookes was a person who dedicated his heart and soul to Ekistics research. He was a genius at synthesizing ideas and would immediately see the connection with Ekistics in whatever he read. A psychology book given to him by his daughter Emma, *Authentic Happiness: Using the New Positive Psychology to Realize Your Potential for Lasting Fulfillment* by Martin Seligman (Seligman, 2004), quickly inspired a draft research memorandum finding a crucial connection between the Ekistic element anthropos and the ideas in that book.<sup>2</sup>

Since Ekistics provides a holistic philosophy to the history and planning of human settlements, Tom always used the rich Ekistics framework as a base for his field assignments. During a reconnaissance trip he arranged from Auckland to Manukau, students were asked to make a series of observations and to identify the significant aspects (from the planning perspective) visible from the bus according to the five Ekistic elements, and think holistically to understand the complexity of human-influenced environmental systems at different scales (local, national and global). As a teaching assistant, I remember how his students took the Talbot Park Community Renewal Project and analysed it against the Ekistic

element 'society'. From Doxiadis' perspective the three most important goals established for that element are:

- *All members of society should have equal rights* – which means that no matter what ethnic or religious group you belong to, everyone has the same rights when entering public and private realms;
- *All members of society should have equal choice* – though it is not really an achievable goal, it would be more sensible to say that all people should be able to go anywhere but by different means and at different costs; and finally
- *All members of society should have guaranteed safety and security.*

In 2002, Housing New Zealand decided to work in partnership with the Talbot Park community in addressing key social concerns over safety, housing and the environment. The 205 units within the Talbot Park site underwent substantial redevelopment to bring the residences up to modern standards so that the residents would have equal rights and choice when it comes to housing. The streetscape around the Talbot Park site was also redeveloped according to the principles of a system known as 'Crime Prevention Through Environmental Design'. From this assignment, the students learned that it makes sense at the planning level to engage stakeholders in addressing the specific needs (here social and security problems) of the community which helps to achieve positive outcomes and improves community wellbeing. Tom used Ekistics as a valuable springboard for critical thinking. By doing this assignment his aim was to make the students understand the theoretical foundations for settlement planning with reference to one body of interdisciplinary thought. In addition they would also recognize the factors that influence change in human settlements and approaches to integrate these factors into settlement planning. Tom was not only a conscientious advisor but a great listener. A renowned expert with a wealth of real-world experience Tom was always open to new ideas and insights from students in his class.

Due to his lifelong association with Ekistics, Tom was passionate about Greece, but he also had an insatiable appetite to learn new things and to explore the whole world. He had an enormous impact on so many people associated with him in various capacities over the years, and I hope the legacy of Tom's great contribution will continue to inspire and influence the next generation.

## Notes

- 1 *Guru* (Devanagari गुरु) is a Sanskrit term for 'teacher' or 'master'.
- 2 Fookes, T. W. (undated) 'Towards an increased appreciation of *Anthropos* as an ekistic element', draft ERU research memorandum.

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# Thinking Collectively about Complex Problems

NEIL J. ERICKSEN

## Introduction

I got to know Tom Fookes when he joined the Department of Geography at The University of Waikato in 1970. His first task was teaching Settlement Geography. He proposed driving it through the organizing principles of Ekistics. I awaited his return from the opening lecture and asked how it went. With a perplexed smile he said the students stood and clapped at its conclusion. I would over the next several decades come to know Tom as not only a great communicator and passionate advocate of interdisciplinary studies, but also a great ideas man, as this essay sets out to show.

Universities traditionally organize around faculties and their constituent disciplines. This essay explores alternative ways of organizing learning in universities through multidisciplinary and interdisciplinary studies and then identifies impediments to their implementation. To a large degree it highlights experiences Tom had at The University of Waikato and beyond – as well as mine; at times in tandem with him. The essay falls into two main parts. Part I is about alternative approaches to learning and is organized in three sections. First, different approaches to learning are defined. Second, international efforts to establish interdisciplinary studies in universities and the barriers they encountered are traced. Third, efforts to establish interdisciplinary environmental programmes in New Zealand universities in the 20 years to 1990 are encapsulated.

Part II provides an in-depth review of efforts to introduce inter-

disciplinary environmental teaching and research in one of then seven New Zealand universities – The University of Waikato. This includes: establishing a cross-disciplinary Environmental Studies Unit (ESU) in 1972; implementing a multidisciplinary Resources and Environmental Planning (REP) programme in 1988; and establishing a Centre for Environmental and Resource Studies (CEARS), which in effect replaced ESU in 1990.

The essay concludes by summarizing a 1993 review by Tom Fookes, on secondment at The University of Waikato from the Ministry for the Environment (MfE), of the piecemeal development of its purportedly ‘interdisciplinary’ environmental programmes and his recommendation for a truly interdisciplinary approach based on a three-year undergraduate degree focusing on higher-level concepts about the environment leading to specialist post-graduate programmes within faculties. This was rejected as a dangerous idea. Recent efforts at that University to introduce so-called ‘interdisciplinary’ environmental programmes in three schools of study suggest nothing has been learnt from the pre-1993 experience.

## **Part I: Alternative approaches to learning**

Although ‘university’ implies a wholeness or unity of knowledge, it is structured around many disciplines that have grown in number as interests in various subject areas diversify and specialize in teaching and research. The resulting organizational structure promotes a *mono-disciplinary* approach to learning. Sometimes disciplinary interests come together around a theme, like environment, each discipline providing its own perspective on it. This is a *multi-disciplinary* approach to learning. Less common is an *inter-disciplinary* approach where staff from various disciplines work together to address complex problems and their resolution. These approaches are located in a hierarchy of increasing complexity in Figure 1 (Jantsch, 1971, cited in Fookes, 1988, p6).

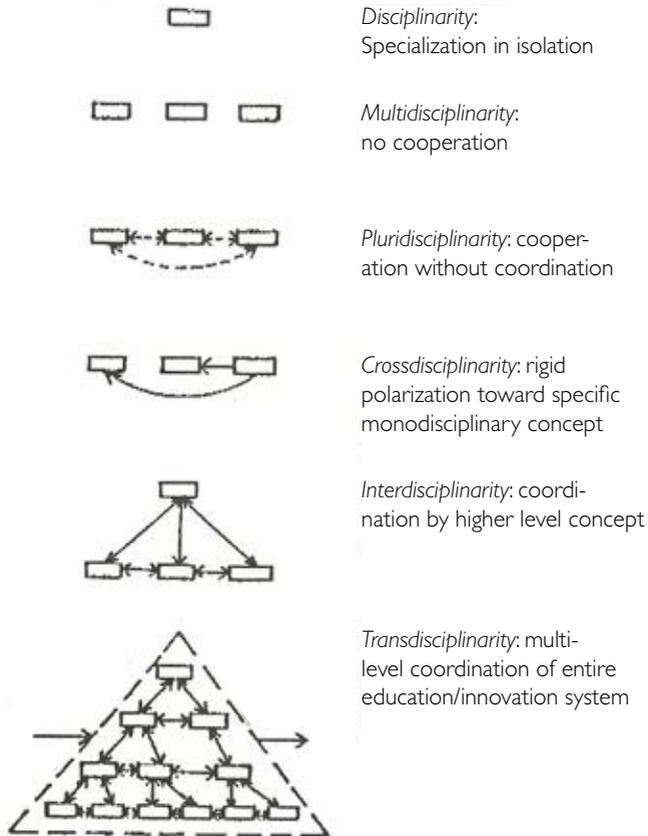


Figure 1: From disciplinary to transdisciplinary approaches

Source: Jantsch, 1971, cited in Fookes, 1988, p6.

## 1. Multidisciplinary and interdisciplinary approaches

Complex problems facing humankind in the second half of the 20th century required new ways of thinking unlikely to happen through isolated disciplinary specialization. For environmental concerns, this need was eloquently highlighted by the environmentalist Aldo Leopold when advocating his idea of a 'land ethic' – a responsible relationship between people and lands they occupy.

There are men charged with the duty of examining the construction of the plants, animals, and soils which are the instruments of the great orchestra. These men are called professors, each selects one instrument and spends his life taking it apart and describing its strings and sounding boards. The process of dismembering is called research. The place for dismemberment is called a university. A professor may pluck the strings of the instrument, but never that of another, and if he listens for music he must never admit it to his fellows or to his students. For all are restrained by an inbound taboo which decrees that the construction of instruments is the domain of science, while the detection of harmony is the domain of poets [Leopold, 1949, p153].

Over 60 years after Leopold's call, many universities are still reluctant to seriously engage with interdisciplinary studies, and where they do, many programmes are at best multidisciplinary. It is important to make clear the distinction, because of important pedagogical differences.

### Multidisciplinary approach

The multidisciplinary approach developed after WWII. In *teaching*, a cluster of cognate courses are pulled together into a programme focused on a particular theme, e.g. environmental issues. Typically, staff deliver lectures in sequence and the programme stops when the last staff member completes their offering. It is usually left to students to draw the connections between component parts. Ideally, a multidisciplinary programme should have a convener who not only organizes and participates in courses, but also helps students to make connections between component parts and synthesize elements as they unfold. In practice, this ideal is rarely reached.

In multidisciplinary *research* a problematic theme, say river pollution, is researched separately by each contributor from their own disciplinary perspective, such as chemistry, biology, geography, economics and sociology. Results are pulled together by the 'team'

leader in a report or book, each chapter presenting a different disciplinary perspective on the problem. A synthesis of component results is usually made in the conclusions.

### Interdisciplinary approach

Less common, but of growing interest in the 1970s, is an *interdisciplinary* approach where staff from various disciplines get together to think collectively about a complex issue or problem. The ‘integrated’ thinking and methods of several disciplines provide insights about issues and solutions to problems in a manner not possible by disciplinary or multidisciplinary approaches. It requires contributors to modify disciplinary approaches so that they are better suited to the issues and problems under study.

#### *Interdisciplinary teaching*

Many authors provide guidance as to how interdisciplinary teaching programmes can be developed and implemented (Augsburg, 1996; Davies and Devlin, 2007; Nikita, 2006; Öberg, 2011). Augsburg (2005) in *Becoming Interdisciplinary* provides a useful introduction, while Klein (2006) provides a useful review of resources in support. Others highlight how best to organize interdisciplinary programmes, and all emphasize the ‘centrality of integration’ to this mode of learning (e.g. Jacobs, 1989; Newell, 2008).

#### *Interdisciplinary research*

In their illuminating book *Case Studies in Interdisciplinary Research*, Repko, Newell and Szostak (2012) highlight its main characteristics as being:

A *mode* of research by teams or individuals that *integrates* information, data, techniques, tools, perspectives, concepts, and/or theories from two or more disciplines or bodies of specialized knowledge to advance fundamental understanding or to solve

problems whose solutions are beyond the scope of a single discipline or area of research practice [Repko et al, 2012, pxviii, authors' italics].

They then identify 'shared core features' of interdisciplinary research as having: a particular substantive focus beyond a single discipline; a problem or question that is complex; an identifiable process or mode of enquiry that draws explicitly on the disciplines, which provide insights into the specific substantive focus of study; and the objective of pragmatic integration to produce cognitive advancement in the form of new understanding, product, or meaning.

These core features are then reflected in a collection of case studies ranging across different topics from local to global scales. However, each of the contributors was required to follow a 10-step interdisciplinary method when researching their chosen problem: 1) state the problem; 2) justify use of an interdisciplinary approach to it; 3) identify relevant disciplines; 4) do a literature review; 5) develop adequacy in each discipline towards the problem; 6) analyse the problem and evaluate each insight into it; 7) identify conflicts between insights and their sources; 8) create or discover common ground; 9) integrate insights; and 10) produce an interdisciplinary understanding and test it (Repko et al, 2012, pxv).

## 2. The challenge of interdisciplinary studies

The interdisciplinary approach in universities is becoming more common as solutions to problems require disciplinary boundaries to be broken in areas such as technology, medicine, and environment.

Although beginnings were made in the early 20th century, it took till the 1960s to overcome the inertia of traditional disciplines. Their value has grown to where multi- and interdisciplinary bachelor degrees awarded in the USA, for example, increased from 7000 in 1973 to 30,000 in 2005 (Edwards, 1996; Wikipedia, 2014).

### Impediments to implementation

Barriers to the implementation of interdisciplinary teaching programmes are many. All-important is competition for funding in a system where central funds are disbursed through faculties to disciplinary departments based on student numbers. Where student numbers and thereby limited funds are at threat, departmental heads and deans of faculties become very resistant to establishing new or maintaining existing interdisciplinary, cross-faculty programmes. As well, too many traditionalists regard interdisciplinary staff as lacking rigour or being 'soft' in their approaches.

Where interdisciplinary programmes are established, staff too often are forced into working jointly for their home department and the interdisciplinary programme with issues arising over accounting for time and salary. The work overload of joint appointments can also hinder research outputs and thereby promotion.

Research funding can be affected by negative attitudes where traditionalists sit in judgment of interdisciplinary proposals for grants, especially if they see so-called 'soft' methods. Fortunately, by the late 20th century, social and environmental problems were more inclined to be seen as better solved by interdisciplinary teams 'thinking collectively about complex problems' (Cardiff University, 2010). Thus, government funding agencies in many countries like the USA, Canada, the UK, the European Union, Australia and New Zealand sought interdisciplinary collaborative research proposals focused on socio-environmental themes.

In New Zealand, the Government's Foundation for Research, Science, and Technology (FRST) rewarded a collaborative, even interdisciplinary, approach in its funding of research projects, especially those with end-user objectives. Paradoxically, the Government's Performance-Based Research Fund (PBRF) system of ranking quality of university staff research rewarded more highly: individual achievements rather than joint authorships on articles; peer-reviewed journal articles rather than books; and journal articles and books ahead of the community-oriented publications called for by FRST.

### Staying alive

The establishment of interdisciplinary programmes does not guarantee their longevity. In spite of expansion in recent years, many programmes, in for example the USA, have been scaled back or closed in hard economic times. Several scholars have written about the life-cycle of interdisciplinary studies (Augsburg and Henry, 2009; Henry, 2005; Newell, 2009; Trow, 1984/85). In the opening chapter of *Politics of Interdisciplinary Studies*, Newell unfolds the political and organizational story about a nationally prominent interdisciplinary programme at Miami University that he was associated with for 34 years, but which closed in 2008 (Augsburg and Henry, 2009).

Newell sees danger in 'promoting an interdisciplinary program in isolation' because other faculties will want to offer competing programmes. Instead, proponents should set up a task force to design a major in, for example, interdisciplinary environmental studies 'drawing on the strengths of two or more faculties which then contribute courses to the program.'

Even though interdisciplinary studies may be 'embraced and supported by institutional leaders,' budget crises affecting the hierarchical discipline-based university structure will almost always see the 'odd one out' as 'low-hanging fruit'. Unless the interdisciplinary programme is thoroughly integrated into the overall institution and managed by politically astute administrators, it can be easily 'plucked from the vine' with no ill effect to the parent plant (Newell, 2009, pp47–50).

### 3. Interdisciplinary environmental studies in New Zealand

Near the end of the 1980s, Alastair Gunn (1987) reviewed the growth and development of interdisciplinary environmental education in New Zealand. On staff in the Department of Philosophy at The University of Waikato, he was at the time Convener of its ad hoc ESU (Environmental Studies Unit).

Of the seven universities in New Zealand in the late 1980s, all except Victoria University of Wellington had developed a degree or diploma in the general area of environmental planning, resource management, or environmental science, as encapsulated in Table 1. In completing his review, Gunn highlights some problems establishing and maintaining ‘interdisciplinary’ environmental programmes, including: entry restrictions both in terms of prerequisite knowledge and student numbers; and institutional limitations like environmental studies being viewed by many academics as a threat because they might undermine narrow disciplinary perspectives and take away funds from traditional departments.

## **Part II: Case study: The University of Waikato**

This case starts in 1970 when a young Tom Fookes was appointed to teach Settlement and Urban Geography courses in the Department of Geography at The University of Waikato. Through his Greek experience with Dr Constantinos Doxiadis and his integrated approach to the ‘science of human settlements’, called Ekistics, Tom had begun honing his interests in interdisciplinary teaching and research.<sup>1</sup> Being both geographer (Canterbury) and planner (Auckland) likely helped his absorption of the interdisciplinary approach of Doxiadis, which he may have seen as compatible with the ‘contextual approach’ adopted by the new University of Waikato.

### **1. Contextual approach to university studies**

The University of Waikato adopted the ‘contextual approach’ implemented by new universities in England in the 1960s. Their major founding principle was the encouragement of interdisciplinary teaching and research (e.g. [www.sussex.ac.uk](http://www.sussex.ac.uk), 2014).

The founding documents of The University of Waikato questioned the ‘nature of university education’ and showed ‘readiness to consider alternative possibilities’. In the sexist language of the day,

**Table 1: Environmental programmes in NZ universities 1958–1989**

University	Date	Programme	Comments
Auckland	1958	1yr Dip Town Planning	Focused mostly on urban planning theory and practice.
Canterbury/ Lincoln	1974	MSc Resource Management; M Applied Science; Dip Natural Resources; PhD	Joint Centre for Resource Management established to run programmes emphasizing an interdisciplinary approach to resource allocation, use, and management.
Auckland	1975	BTP & MTP in Town Planning	Dept of Town Planning established to run Bachelor and Masters programmes, which reach beyond urban planning to include environmental planning in general with contributions from other disciplines, such as geography, politics, and sociology and others at Masters level, like engineering and law.
Massey	1978	4yr B Regional Planning	Of 28 courses, 12 compulsory in Geography Dept. Others chosen from a large range in agriculture, management, and social sciences. Less professionally prescriptive than Auckland.
Auckland	1988	2yr MSc in Environmental Science	Interdisciplinary approach for learning to recognize cross-disciplinary knowledge and skills for improving sustainable environmental quality.
Waikato	1988	Resources in Environmental Planning (REP) 3yr BSocSc (REP) 3yr BSc (REP)	REP taken as supporting major to majors in Schools of Science and Social Sciences. Three compulsory courses at each level from four disciplines: Biological Sciences, Earth Sciences; Geography, and Economics, plus one in Env Ethics (Philosophy) and one in Env Planning and Law (Law) being 14 courses in 22 courses for the degree.
Waikato	1989	2yr MSocSc & MSc in REP	Centre for Environmental and Resource Studies (CEARS) established to run REP programmes. In 1993 a Postgraduate Diploma (PGDipREP) was added to the <i>Calendar</i> .

Source: Table constructed from information in Gunn, 1987.

a student 'must be given a context into which to fit his expertise; he must see it in its historical perspective and in relation to contemporary problems and issues'. The first *University of Waikato Handbook* (1965, pp16–17) went on to say:

The natural scientist should gain appreciation of what his own branch of science [is] doing to the lives, means of livelihood and expectation of ... the rest of mankind. He should therefore acquire some familiarity with the techniques of the social scientist. Conversely, students in the humanities and social sciences should be given an introduction to the values, skills, and achievements of the natural scientist.

In support of this contextual approach, the University's founders provided for greater flexibility than in the traditional discipline-bound departmental structures. Courses were organized within schools of study – Humanities and Social Sciences (1966), Education (1968), Science (1969), and Management Studies (1972).

There were no departments, only subjects, many clustered in more than one school, but organized around important themes. It introduced in effect a 'mastery' system' whereby each student had to 'pass as a whole,' in order to progress to the next level.

By the early 1970s, this innovative structure changed under pressure from several sources. In the conservative 1960s, Waikato was seen by parents who had come through the traditional discipline-based system as too radical and encouraged their sons and daughters to enrol elsewhere. Perhaps as pertinent was having some influential founding professors leave the University to be replaced by incoming professors in science who may have felt more inclined to remedy emerging problems in implementing the contextual approach by adopting something that was more traditional.

Thus, the founding organization was replaced with a more conventional three-term system and the traditional departmental structure implemented (Alcorn, 2014, pp36–37).

## 2. Establishing an Environmental Studies Unit

By the time Tom Fookes arrived at the University in 1970, environmental issues were becoming increasingly divisive and political in New Zealand, much of it raging around either plans for hydro, coal, and nuclear energy developments seen as adversely affecting lakes and rivers, or state-subsidized timber companies clear-felling native forests on public lands.

Complex environmental issues demand an interdisciplinary approach to solving problems. With his interdisciplinary training in Ekistics and interest in environmental issues, Tom Fookes approached the Vice-Chancellor to initiate an ad hoc Environmental Studies Unit (ESU), in order to provide a platform for interdisciplinary environmental teaching and research.

Empathetic staff from disciplines in several schools of study formed an Executive Committee of around eight members – more than most departments. Members took turns at being Convener and Secretary of ESU. Executive meetings for the first three years were chaired by the Vice-Chancellor. Over 13 years from 1977 to 1989, when ESU was in effect replaced by the Centre for Environmental and Resource Studies (CEARS), 27 staff from 11 departments, two non-university research centres, three visiting Fulbright Fellows, and one co-opted barrister served on the Executive Committee (CEARS Proposal, 1989, p17). Although established in 1972, it was not until 1978 that ESU had a *Calendar* entry. In effect it summarized achievements to date:

ESU was established ... to bring together members of the university and of other organisations with inter-disciplinary research interests in environmental issues. The unit has been assisted in its work by the New Zealand-United States Educational Foundation which in 1977 appointed Dr P. A. Vesilind as Visiting Fellow for part of the academic year. From time to time the unit offers an interdisciplinary course, publishes a newsletter, and

arranges public lectures on special topics ... [*Calendar*, 1978, p342].

These aspects of ESU activities are elaborated upon in turn below.

### ESU sponsored teaching

It was of no surprise given its 'contextual approach' to university studies that an 'Interdisciplinary Studies' section was in the *Calendar*, although offerings never amounted to much. In 1973, ESU offered a Part I course ('The Environment and Man'). Unable to sustain teaching on a voluntary basis, the course lapsed for three years. In 1977, it was replaced by 'Contemporary Environmental Issues' aimed at:

examining perspectives of natural and social scientists, and professions of engineering, architecture and planning, and law on environment; natural processes and the role of people in modifying the biosphere; technical versus behavioural solutions to environmental issues; environmental law; and impact assessment and monitoring.

The lecturers involved in the course attended all sessions in order to help integrate knowledge around specific environmental issues exemplified in field trips. Nevertheless, the ESU offering was derided as a 'lollipop course' by a dean of science, while the head of a science department opined that environmentalism was 'a fad bandwagon soon to pass.'

For the period 1978–1983, the Vice-Chancellor asked senior staff to be directors of ESU to help foster aspirations in teaching, research, and community outreach. Three each served two years: one a Professor in Earth Sciences, another a Professor in Psychology, and the third formerly a director of the Ruakura Agricultural Research Centre.

In 1981 and again in 1984 the ESU Executive proposed an undergraduate interdisciplinary environmental programme (Fookes,

1993). For several more years, all the while competing with others, the ESU proposal went through several revisions before cutting through the parochial interests of the deans and departmental heads. At one point it was named Resources and Environmental Management, but people who mattered in the School of Management demanded a change in title, as they had proprietary rights to the word 'Management'. So the title changed to Resources and Environmental Planning (REP); a move later used to justify competing programmes.

Eventually, the Deputy Vice-Chancellor (Professor Selby, Earth Sciences) won over political opponents to the fourth draft of the proposed REP programme by altering its structure to become a multidisciplinary programme across three schools of study. And so after five years of trying, REP was accepted as a supporting undergraduate major in 1988.

REP was open to students from its four contributing disciplines: Biological Sciences, Earth Sciences, Geography, and Economics from three schools of study – Science, Social Sciences, and Management Studies, respectively. Three existing courses at each level in the four disciplines were taken, their offerings labelled as: Ecology, Earth Resources, Planning, and Resource Economics, respectively. As well, courses in Environmental Ethics (Philosophy) and Environmental Planning and Law (Geography) were required. This provided 14 REP courses in a 22-course degree.

The programme aspired to 'balance between professional and general studies' and to 'integrate studies of relevant policy, planning, management, and administration with understanding of basic physical and social processes' (Gunn, 1987).

The political compromises in getting REP adopted meant that overall it was not an integrated interdisciplinary programme. Nor was it fully multidisciplinary because no one was 'employed' to make connections between component parts. A very few courses within the programme were, however, interdisciplinary, but the rest were simply regular disciplinary offerings.

### ESU sponsored research

From the outset, the ESU Executive had wanted to sponsor and have members involved in interdisciplinary environmental research. It came in two main ways: a research project to monitor the social and economic impacts of building a power station at Huntly; and a project on options for improving quality of the Rotorua Lakes District.

#### *Huntly Monitoring Project (HMP)*

In the mid-1970s, Government announced plans for large-scale energy projects in the Waikato Region, including a 1200 MW coal/gas-fired power station near Huntly only a few hundred metres from Waahi Marae – the home marae of the Māori Queen. Her adopted son, Robert Mahuta, was Director of the Centre for Māori Studies and Research at the University. He approached the ESU Executive for help in having recognized and ameliorated by Government a number of cultural and environmental issues that would be caused by building and running the power station.

In response, Tom Fookes conceived a plan for a programme of interdisciplinary research titled ‘Monitoring the Social and Economic Impacts of the Huntly Power Station’. The proposal, which included funding for him as its director and his deputy, Bob Drury, plus running costs, was put to staff in the Ministry of Works and Development (MWD) and New Zealand Electricity Department (NZED) by Tom and Vice-Chancellor Don Llewellyn. The proposal accepted, the School of Social Sciences formed a research unit financed by the Government agencies.

Monitoring the change in socio-economic systems was new internationally so Tom had to develop methodology in order to trace different effects through various stages of power plant development. The aim was to: ‘1) identify problems early enough to take remedial action; 2) gather information to assist planning for future development projects; and 3) devise methods for future monitoring of major projects’ (*Calendar*, 1979).

The Huntly Monitoring Project (HMP) research of Tom Fookes was helped by voluntary efforts of a number of ESU members and others and it resulted in numerous working papers, internal technical reports, and progress reports. In the final year of HMP, Tom produced a Final Report series (Fookes, 1981). His research was at the leading edge of social impact assessment internationally and visiting academics from overseas applauded it.

*Future Options for Rotorua Lakes District (FORLD)*

Although working on HMP for six years, Tom continued his involvement with ESU, contributing ideas on how best to get under way another research endeavour. In 1980, Guardians of the Rotorua Lakes approached the ESU Executive for help in carrying out research on which to base long-term planning of the Rotorua Lakes District. In my capacity of ESU Executive member I prepared a proposal titled 'Exploring Future Options: A Study of Long-Term Planning of Environmental Resources of the Rotorua Lakes District'. The part-time Director of ESU, Dr Gordon Edgar (former Director of the Ruakura Agricultural Research Centre), worked hard negotiating with agencies to have the proposal adopted and funded by relevant central and local government partners. In consequence, a Research Fellow (Dr Ian Manners, University of Texas) was employed to direct FORLD in 1981. From Phase 1, 14 multidisciplinary research reports were published through ESU on various physical and human aspects (CEARS Proposal, 1989, Appendix 3, p19). Dr Edgar wrote a report on activities urging the success of Phase 1 be rewarded by support funding from the University for Phases 2 and 3. It failed to oblige and the other agencies withdrew their support.

In addition to the HMP and FORLD projects, ESU members and Visiting Fellows published nine research papers and monographs between 1977 and 1984 (CEARS Proposal, 1989, Appendix 3, p19).

### ESU sponsored community outreach

From its early years, ESU aspired to community outreach. This too was propelled forward by an idea of Tom Fookes: that ESU apply for a sequence of three Fulbright Fellowships to bring in external funds and facilitate conferences on important environmental topics, while at the same time leading the teaching programme. Impressed, the ESU Executive had Tom write a proposal, which was accepted by the NZ-US Educational Foundation. In consecutive years starting in 1977, three Fulbright Fellows were engaged in ESU affairs (Professor P. A. Vesilind, waste water engineer, Duke University; Professor L. Hamilton, wetlands biologist, Cornell University; Professor J. L. Wilhm, water quality biologist, Oklahoma State University).

### *Public conferences*

The ESU Executive members organized 11 conferences in 13 years from 1977 to 1989, comprising: environmental ethics (Vesilind, 1977); peatlands (Hamilton and Hodder, 1978); interagency planning for energy resources (Fookes and Hutchinson, 1978); critique of report on Pureora forest plans (Fookes, 1978); environmental perception and planning (Ericksen, 1978); biological assessment of water quality (Hamilton, 1979); the aluminium debate (Ericksen, 1980); NZ lowland forests (Thompson, 1980); managing hazardous wastes (Penny, 1985); new environmental administration (Dixon and Gunn, 1986); and Ecopolitics III (Dixon, Gunn and Ericksen, 1988). ESU published the conference proceedings.

### *Environmental news*

Foundation ESU Executive member Keith Thompson (Biological Sciences) proposed in 1978 to establish a periodical titled *Environmental News*, which he would edit and publish. Between 1978 and 1984 there were 10 issues averaging seven items per issue all germane to environmental issues of the day (CEARS Proposal, 1989, Appendix 3, *Environmental News*, p2).

### Resourcing ESU activities

Clearly, Tom had helped spawn not only a very productive ESU, but also ideas for its continued development and success. Activities of ESU Executive members were, however, carried out over and above their required duties within respective departments and schools of study. There was no concession in workloads from departmental heads and every expectation that ESU members would research and publish in support of their departments.

Fortunately, departments from which the ESU Executive Secretary was drawn supported secretarial functions and materials. Biological Sciences supported production of *Environmental News* edited by one of its staff, while Geography and Earth Sciences helped produce the wide range of documentation.

Having conceded there was a resource need, the Vice-Chancellor provided a very small running grant (\$350) in 1977. In trying to overcome the wider resource problem, ESU Executive members proposed in 1978 establishing an Environmental Studies Centre (ESC) (Fookes et al, 1978), hoping a stand-alone centre might attract internal and external funding. It failed to gain University support.

In 1981, the unpaid part-time Director of ESU (Dr Gordon Edgar) made a formal approach to the Committee of Vice-Chancellor and Deans for funding of ESU activities and the running grant was increased to \$1,200.

To this point, the only external funds for ESU-supported activities had come for the Huntly Monitoring Project from 1975 to 1981, three Fulbright Fellows involved in teaching and community outreach (1977–1979), and some central and local government support for the Research Fellow directing FORLD in 1980. Thereon, ESU public outreach was carried voluntarily by ESU members. This piecemeal approach to resourcing its activities needed to change.

By 1979, Council had formally recognized ESU, and as the Executive Officer, Tom Fookes had written its First Report to Council. He outlined the past history of ESU and its impressive achievements in the three years to 1979, much of it through

voluntary staff contributions outside their disciplines. His report included the concern of ESU Executive members that 'no decision had been made on staffing and resourcing requirements to enable the Unit to continue to function' and concerns about 'a decision on who will teach Contemporary Environmental Issues in 1980'. This was followed by another report titled *Request for Urgent Review of the Future of the Environmental Studies Unit*. It highlighted the dimensions of the problem facing ESU and put forward several options, including: either implementing the Quinquennial Submission (Fookes et al, 1978); or inviting applications from senior staff to be Acting Director of the Unit's affairs. As it happened, ESU was rescued for the time being by the mostly externally funded FORLD research project in 1980. Thereon, the voluntary work of ESU Executive members continued, including developing the REP teaching programme.

Nevertheless, to help relieve the pressure of voluntary contributions and to advance the cause of interdisciplinary environmental research, the ESU Executive in 1989 once again proposed establishing of a stand-alone centre with capacity to compete for external funds.

Meanwhile, Tom Fookes had left The University of Waikato in 1983 to be an environmental assessment officer in the South Australian Department of Environment and Planning. In 1987, he became a senior policy analyst in the new Ministry for the Environment (MfE) in Wellington. The latter enabled him to reconnect with his former colleagues at The University of Waikato, especially where their projects drew on MfE information and support.

### 3. Centre for Environmental and Resource Studies

Some 10 years after ESU's proposal for an Environmental Studies Centre (ESC), members put forward a new proposal. The Centre for Environmental and Resource Studies (CEARS) differed markedly from its predecessor, reflecting the evolving nature of the broad field of study from emphasis on resource development in the 1960s to

emphasis on environmental quality in the 1970s, to emphasis on a balanced approach to resource development and environmental quality from an interdisciplinary perspective (CEARS Proposal, 1989, Appendix 4, Previous ESU Proposals for a Centre, pp21–22).

With support of the departments contributing to the REP teaching programme, a proposal for CEARS was prepared by me as ESU Secretary.<sup>2</sup> The CEARS business plan was adopted by the University Council on 23 August 1989, but the Vice-Chancellor held firm to his view that CEARS be administratively located within a school. He invited me, a geographer, to be founding director of CEARS. As Geography was within the School of Social Sciences, administrative responsibility for CEARS came under the Dean of Social Sciences, with physical location in the Department of Geography. This would soon cause problems for the REP multidisciplinary programme, as explained later in section 4.

In many respects, CEARS took over the functions and aims of ESU, but with the added aim to 'Develop research proposals for contracts with outside agencies so that CEARS moved towards being a financially self-sustaining venture within the university' (CEARS Proposal, 1989, p7; *Calendar*, 1991, p385).

For the first year in 1990, both CEARS Director and Secretary were half-time. A large CEARS Management Committee involved senior staff from all interested departments, in effect cutting out former ESU members. Even though the CEARS Plan had its Director as co-ordinator of the REP programme and teaching in it, the three schools supporting REP were unwilling to provide a modest grant of \$15,000 each to support this activity.

Indeed, not only was the CEARS Director soon instructed not to be the overall co-ordinator of REP, but also that CEARS was not to enrol postgraduate New Zealand students to engage in its research projects. To overcome this loss of a potential income stream, CEARS, at the suggestion of the Dean of Social Sciences, established a higher degrees programme for full-fee-paying international students, which proved successful.

When new school-based environmental programmes were proposed in 1991 without reference to other interested parties, I requested the Dean of Social Sciences to draw together all parties to discuss emerging problems for REP and CEARS and other cross-school research centres, noting:

... a problem reflecting the administration and funding arrangements that ties subjects (disciplines) and centres to specific Schools of Study. While these arrangements suit school-specific subjects, and interdisciplinary work clearly within one school, they do not serve well inter-school programmes, such as CEARS, SMER, and CMSR ...

In part as a response to attempts at curtailing CEARS activities, I submitted a detailed Strategic Plan to the CEARS Management Committee, including provision for a Deputy Director. Its main thrust was for externally funded research (and a smaller and more relevant management committee). Filling the role, Dr Richard Warrick brought with him an internationally funded three-year contract on policy options for Bangladesh under a changing climate. So commenced a fruitful stream of international and national contracts for environmental research and training, including two long-running FRST-funded proposals on climate change (CLIMPACTS) and planning under co-operative mandates (PUCM).

In 1996, a new dean sought to not only claw back the Director's salary (which stemmed from my having been in Geography), but also dramatically increase overheads on CEARS contracts. This was a monumental impediment to successful pursuit of our higher degrees programme and interdisciplinary research and training. In response, a proposal was put to the new Vice-Chancellor (Bryan Gould) for CEARS to become independent of any school in return for which the centre would become fully self-funded and trade under a new name. By the year 2001, the International Global Change Institute (IGCI) had grown to 13 effective full-time staff funded

externally – including for the Director and Deputy. In the meantime, what happened to the environmental teaching programme?

#### 4. Proliferation of environmental programmes

By the early 1990s, a number of departments in The University of Waikato had interest in the ‘environment’, the word now featuring in course titles of at least eight departments across four schools. On one hand, this was seen as an increasing number of staff recognizing ‘environment’ as an important disciplinary concern. On the other hand, it was seen as jumping on the ‘environmental bandwagon’ in order to grow school and departmental enrolments and thereby funding. It was likely some of each.

Because the REP programme was embedded in three schools of study, it seemed not so isolated as to be open to attack by traditional interests. However, the ink was hardly dry on the CEARS Plan when only two months after it was approved by the University Council, lobbying started for competitive environmental programmes. This is not to say there was no room for ‘alternative’ environmental programmes.

One of the founding members of ESU from Biological Sciences had always argued strongly for increasing science principles in ESU courses, including the newly created REP programme. Everyone agreed this was necessary for students aspiring to identify and solve environmental problems. Nevertheless, seemingly unhappy with the outcome for REP, the scientist wrote to the Vice-Chancellor (30 October 1989) in the following way:

About three years ago [1986] I came to see you to express my concerns that, although Waikato University was belatedly responding to clear market demand for environmentally oriented courses and degree packages (REP), it was not acting responsibly by maintaining an adequate balance between Science and Social Science components.

After several paragraphs highlighting the need for more science principles and better balance, he concluded:

I propose, therefore, to resubmit my Environmental Science proposal (1986) to the School of Science Board ... I shall of course, feed my proposal to the CEARS Committee, through our Science representatives.

This was hard to fathom because two of the four contributing departments to the REP supporting major were from the School of Science. In my view, the lobbyist would have better served the aspirations for ESU had he been making a case for a truly *inter-disciplinary* REP programme rather than the *multidisciplinary* one it had been forced to become through political compromises.

As it happened, a proposal did not come to the CEARS Management Committee and it was learnt informally that the School of Science approved putting its case to the University for a new environmental programme. Soon after that, the School of Management Studies was lobbying for their own environmental programme.

As CEARS was administratively housed in the School of Social Sciences, proponents of the new environmental science programme argued, incorrectly, that REP was a Social Sciences programme serving the needs of student planners; this in spite of the REP programme involving three schools of study. And so it was that in 1992 the School of Science offered its Environmental Science programme, morphing a year later into an Environment and Water Sciences programme (*Calendar*, 1992; 1993).

The next year, 1993, the School of Management Studies offered an Environment and Management programme. Ironically, given the political machinations confining its development, the REP programme was now seen as too inflexible to serve management students. The new management programme sought to provide students with 'understanding of environmental issues' and 'management of natural resources and the environment'.

Inevitably, many elements of the new Environment and Man-

agement programme seemingly covered what already existed elsewhere, especially in the REP programme, as well as other courses offered in the Department of Geography.<sup>3</sup> Pointing this out to the Dean of Management Studies by various parties on the Academic Board made not an iota of difference. Worse, the *Calendar* (1993) entry was under the new heading 'School of Management Studies: Interdisciplinary Programmes'. The new Environment and Management programme was to be one of five of the school's new *interdisciplinary* offerings. What is more, the 'Interdisciplinary Studies' or 'Interdisciplinary Groupings' section that had featured in the *Calendar* for the previous 25 years no longer existed. Eyeballing the course offerings in the new Environment and Management programme suggests it fell well short of being interdisciplinary.

#### Review of fragmented developments

One function of the CEARS Director was to co-ordinate development of environmental teaching in the University. As Director, I was concerned not only at the proliferation of overlapping environmental programmes, but also claims to being interdisciplinary when they were at best multidisciplinary. I discussed this problem with my former colleague, Tom Fookes, when visiting him in the Ministry for the Environment. This led to the suggestion he be seconded to The University of Waikato for two months in 1992 on various tasks, including discussions on the overlapping environmental teaching programmes.

As CEARS Director, I invited the Pro Vice-Chancellor, Professor Ian McLaren (Academic), who had oversight of interdisciplinary courses and programmes, to chair a meeting of staff, including Tom Fookes, interested in environmental studies to discuss perceived problems. This ended with Tom being invited to review current and proposed environmental teaching programmes in the University, report on the state of play, and make recommendations. The review is best told in Tom's words in the Executive Summary of his report which was submitted in March 1993:

- After years of limited commitment to environmental courses and programmes, the University is now faced with several overlapping undergraduate programmes situated within competing schools of study.
- Piecemeal environmental programme developments within schools of study are unlikely to serve well the interests of the University nor students and their prospective employers.
- An alternative to the existing multidisciplinary approach to environmental teaching is to develop an *integrated* approach based on recognition of an *interdisciplinary core structure*.
- An interdisciplinary, cross-schools, core structure for teaching environment would provide the basis for more specialised graduate programmes of study within schools of study.
- Unless change occurs, a cross-schools, interdisciplinary environmental programme is unlikely to emerge from within the University due to vested interest of the various schools (Fookes, 1993).

In essence, Tom argued that disciplinary specializations in environmental studies should come in graduate programmes that were firmly based on a new undergraduate degree focusing on the environment and ensuring a fully interdisciplinary approach. This was not unlike what the ESU Executive had proposed over a decade previous.

Tom took the liberty of recommending to the Pro Vice-Chancellor that his report be 'presented by the Vice-Chancellor to Council' and that 'Council appoint an independent panel of experts to review ... and to make recommendations.' A great idea, but a bridge too far.

While the report sank without trace, it did encourage our continued development of CEARS and IGCI as stand-alone and largely externally funded entities within the University. And, when acknowledging Tom's report, members on the School of Social Sciences Board of Studies expressed "The School's disappointment at the way environmental teaching had developed across the

University' (School of Social Sciences, Minutes of Meeting, 26 October 1993).

Where to next?

Political manoeuvring had resulted in CEARS focussing on international full-fee-paying higher-degree students and externally funded environmental research and training projects with partners in the Asia-Pacific region of which New Zealand was a part. The view of its new competitors that REP served only aspiring planners led Jennifer Dixon in the Department of Geography and myself to take advantage of that perception. We surveyed staff in relevant agencies throughout much of the North Island about the need for a Postgraduate Diploma in Resources and Environmental Planning (PGDipREP). With strong support, the diploma was offered through the School of Social Sciences in 1993 and was endorsed by the New Zealand Planning Institute (NZPI).

In that year, Tom moved from MfE to become Head of the Department of Planning at The University of Auckland, where he continued to pursue interdisciplinary interests. At The University of Waikato: CEARS morphed into the International Global Change Institute (IGCI) in 1996; oversight of the undergraduate REP programme fell to others, eventually coming under threat; and other school-based environmental programmes underwent change or closed.

Although at The University of Auckland, Tom Fookes continued his involvement with The University of Waikato through participation in Phase 3 (2003–2008) of the FRST-funded Planning Under Co-operative Mandates (PUCM) research programme, with his interdisciplinary perspective and ideas always welcome. It was not long afterward Tom retired from Auckland University, although he continued supervising thesis students and attending conferences to the end.

When PUCM ended in 2008, I fully retired from The University of Waikato. A few years later, IGCI was closed. Many of its former

staff, led by Richard Warrick, set up CLIMsystems Ltd and successfully carried out interdisciplinary environmental research and training internationally.

On reflection, my hunch is that rather more interdisciplinary environmental research was being achieved as a consequence of FRST-funding policies than through so-called interdisciplinary environmental programmes within universities. I also think that many academics (including many ESU members) who subscribed to interdisciplinary studies, environmental or not, did not understand the *integrative* nature of interdisciplinary teaching and research explained earlier in the essay. Too readily they saw more than one discipline in a programme of courses as being interdisciplinary.

Nevertheless, in retrospect, the Tom Fookes initiative leading to the formation of ESU and his creative ideas in pursuit of its activities resulted in a very impressive set of achievements by him and his colleagues (First ESU Report to Council, 1979; CEARS Proposal, 1989). His willingness to continue pressing for an 'interdisciplinary' environmental degree at The University of Waikato even after moving elsewhere reflects his long-term commitment to not only his ESU initiatives, but also the principles of Ekistics. Although the 'interdisciplinary' aspirations were compromised by the 'establishment', Tom's efforts laid a platform from which others generated a range of 'multidisciplinary' environmental teaching programmes within most schools of study at The University of Waikato of benefit to generations of students.

Tom would not, however, have been surprised at recent steps taken at The University of Waikato regarding so-called 'interdisciplinary' environmental teaching programmes. By 2014, the 'interdisciplinary programmes' section in the *Calendar* had been dropped, but four new purportedly 'interdisciplinary' environmental programmes were being proposed, all lacking the key principle of 'integration'. For example, the graduate programme in the School of Science offered in 2015 includes 43 short courses in two buckets from which students variously select eight. While providing a very

flexible structure for pursuing environmental interests of one kind or another it is hard to find the environmental CBD.<sup>4</sup> More to the point, this offering is not interdisciplinary. Tom, when will they ever learn? One somehow feels it unlikely any of the participants in these new programmes would have books like Augsburg's *Becoming Interdisciplinary* or Repko et al's *Case Studies in Interdisciplinary Research* on their shelves.

As the four so-called 'interdisciplinary environmental' proposals were taking shape, The University of Waikato launched a book celebrating its 50th anniversary (Alcorn, 2014). It was just six months after Tom Fookes had died in August 2013. Sadly, the book makes no reference to ESU. A few lines sketchily refer to CEARS, but the story of how environmental studies evolved in the University following Tom's initiative in 1972 was left untold. I am honoured and privileged to have gone some way towards filling the void.

## Notes

- 1 In the late 1940s at a time when university knowledge was stored in disciplinary silos, Doxiadis took an interdisciplinary approach to problems believing it would better achieve harmony between the people in settlements and their physical and social environments. By the early 1950s, Doxiadis had founded the World Society for Ekistics, which attracted the world's foremost thinkers and experts, such as Buckminster Fuller, Margaret Meade, and Patrick Geddes, to seminars.
- 2 The CEARS Plan included a budget and preceded by one year a central University requirement that departments and schools provide annual business plans and budgets.
- 3 For example, a staff member involved in the School of Management Studies' new Environment and Management programme asked a member of the Geography staff for her lecture notes.
- 4 CBD is abbreviation for central business district.

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Above: Central Park, New York, 1968.



*Above left:* Tom with his daughter Emma, 1974.

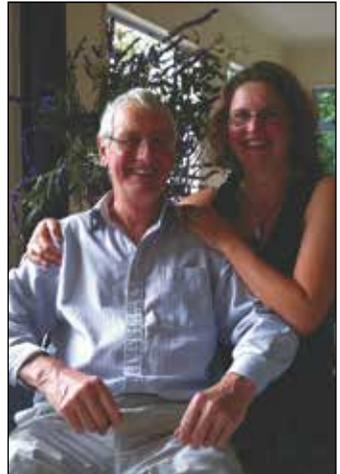


*Above right:* Delos, Tom's much-loved Vizsla.



*Left:* Tom with Ian, Catherine and Sue Fookes with Sarah Mosely (on knee), December 2008.

*Below:* Tom and Emma Mosely (nee Fookes), December 2011.

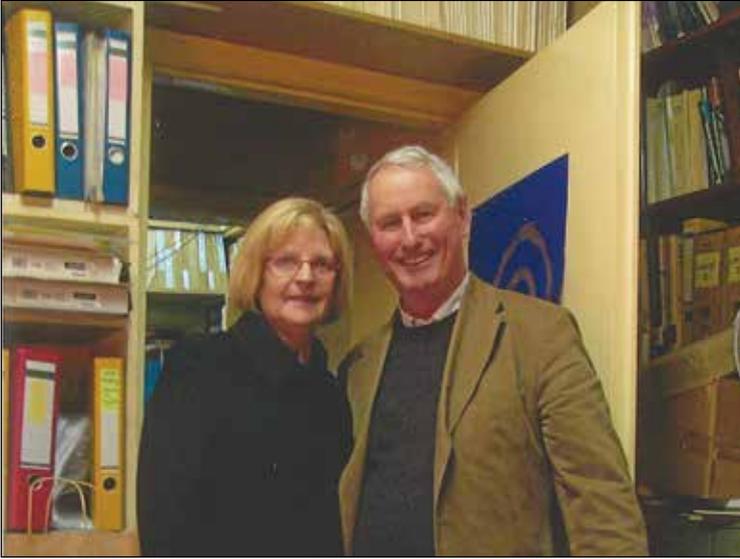




Tom and Sue Fookes at their apartment in Tyros, Peloponnese, 2010.



Together with students in Istanbul, Turkey, 2012.



Tom and Sue in the office of Panayis Psomopoulos, Athens, 2010.



Gardening with his grandchildren (Sarah and Thomas Moseley), 2013.

# THE AUCKLAND DIARY

BY MICHAEL BRETT

## TWO BRIGHT BOYS ARE GETTING OUT

**TWO** more of the city's special Downtown development planning group — **TOM FOKES** and **OWEN McSHANE** — have quit to go overseas. And one at least of them won't be sorry to leave.

They follow **NICK STANISH**, who left recently for London, cutting from eight to five the original members of the elite team established to plan for city development.

Tom Fokes (25), MA with honours geography graduate, was leaving for Athens today to study and work at the prestige centre of ekistics (science of human settlement), school established by international planner **CONSTANTINOS DOXIADIS** to which the Ford Foundation recently made a \$US1 million grant.

Owen McShane (27), bachelor of architecture, left the council today, goes in a few days to Berkeley University, California, on a Harkness Fellowship, probably the world's most generous scholastic grant.

### Frustrated

Mr Fokes applied for admission and was accepted at the Athens school because he is "frustrated at the limitations placed on the planning group."

"Given the opportunities we could have really done something here," he says.

"The Downtown scheme is a classic example of how planners can be quietly ignored. All the points currently made by the objectors were made by the planners.

"I know what we have to offer will be welcomed overseas. We will be encouraged and extended, not limited like we are here.

### International

He regards the Athens job as "one of the biggest opportunities one could get to study



**TOM FOKES** . . . **OWEN McSHANE**  
to Greece . . . . . to America

and work with a firm and a man with contracts in Rio, Libya, Greece, Ghana, Pennsylvania, Detroit, Miami, Pakistan.

The Harkness Fellowship which Owen McShane has won (**WILSON WHINERAY** is at present at Harvard University on a similar grant), includes return air fare for the McShanes and their infant, free rental car for the two years they are there, basic allowance of \$7200 a year, free books, medical and hospital insurance.

Born in Thames, educated at Rotorua High School, Owen McShane, has been once before to the United States. . . He was the New Zealand representative (chosen from all secondary schools) on the New York Mirror world youth forum some years ago.

*Auckland Star*, 30 August 1968, 'Two bright boys are getting out'

## Yes, That's All Very Well, But is it Fair?

P. AARNE VESILIND

Tom Fookes and I never came to actual fisticuffs, but this is due almost totally to his gentle and kind nature. I certainly wanted to bop him a few times during our discussions at the University of Waikato where I was spending a year as a Fulbright Fellow. Our heated discussion almost always ended up in animated challenges and personal insults, hurled back down the hall as we retreated to the safety of our own offices.

These disagreements were not really serious. Both of us wanted to use planning tools to better the lives of all people, but I came to this topic by way of engineering while his approach was (what we engineers derisively call) the softer side.

Since those days at Waikato I have come to understand and appreciate that our goals were the same – both of us were searching for ways to be fair to people who are negatively impacted by large-scale projects. My work with Tom encouraged me to re-evaluate my own positions and to seek help in what I increasingly believed was a philosophical problem.

At that time (1977) I knew very little about philosophy (it took our mutual friend Alastair Gunn to educate me) but this did not keep me from expounding my theories of how people ought to get along. My most dearly beloved principle at that time was that we ought to live our lives so that we are fair to everyone.

As I said, I did not have a background in philosophy so I did not really understand what that meant, but somehow I believed that

fairness ought to be the basis for all of our planning and engineering work. Since then, I have had some time to think about this concept, and I believe I can now articulate a reasonably coherent argument about fairness in the planning and execution of public facilities and projects.

### **Fairness in public building**

I want to begin with the assertion that all professionals work at the behest of someone who needs something done and who is willing to pay for this professional knowledge or skill. I will be talking about people who plan/design/build public facilities – people from many professions – and I will just call them ‘builders’ for they are the ones who make projects happen. My own professional background is, however, engineering and thus this discussion will focus mostly on the engineering profession. Tom would have expanded this definition to include all the public and private entities that made, for example, the Huntly power project possible, and would have included the planners, politicians, power companies, lawyers, private investors, and others that had a stake in the construction of this facility.

Most builders end up helping better our standard of living, but sometimes projects can cause collateral damage. For example, consider the work of the planners who wrote the environmental impact statement on the long-term effects of the Huntly coal-fired power plant in New Zealand. They recognized that this project would result in less expensive electricity and be an economic boon to everyone. But the study also showed that there would be severe collateral damage to the people living in close proximity to the proposed power plant. If the government nevertheless approved the project and the design of it went out to bid, should engineers have participated in the project even though they should have known that the project would result in severe harm to the people who lived in and around Huntly? Did the engineers have any responsibility to

the people who lived in the little town where people were going to die premature deaths because of the air pollution produced by the plant?

The engineering profession was born when engineers began to be concerned about being fair to all – when engineers began to realize that their skills ought to be used in the service of society and that they had a responsibility to the public in the application of their technological skills. The recognition that engineers owe a responsibility to society led to the adoption of the engineering codes of ethics which state unequivocally that:

The engineer shall hold paramount the health, safety, and welfare of the public.

The use of the word 'public' in this statement implies that the engineer must, in the performance of his or her duties, treat all people with respect. That is, the engineer has to be a *fair* engineer if he or she is to properly conduct himself or herself as a professional (Vallero and Vesilind, 2007).

Although most planners/architects/engineers would probably have never thought about being fair to everyone in their professional work, I would like to argue that the idea of fairness is the underlying moral principle that defines professional practice for all builders, including and most importantly, the practice of engineering.

## **Fairness**

Fairness is a moral concept, but it is quite different from other moral rules such as telling the truth, causing pain, and so on. Fairness is thought to be a higher-level value; a more sophisticated concept that underlies many of the normative ethical theories. It is also more complicated than the common moral rules and is difficult to characterize objectively (Rescher, 2002).

The idea of fairness as a moral vehicle for individual and professional ethics was not well exploited until John Rawls wrote his

hugely influential book *A Theory of Justice* (1958), in which he proposed that fairness is justice. For Rawls, justice emerges when there is a fair compromise among members of a true community. If individuals are fairly situated and have the liberty to move and better their position by their own industry, justice results when they agree on a mutually beneficial arrangement.

There are many definitions of 'fairness' but not all of them are useful to understanding how builders ought to behave in their professional roles. For example, there is the problem of the 'free rider,' a person who uses the contributions of others in society in order to better his or her position but does not participate in the cost of the society. A person who does not pay tax for religious reasons still uses the roads and public services for which others pay. Many would deem such actions as 'unfair' since that person would be taking social goods without contributing to social welfare.

Another meaning of 'fair' is the receipt of good or bad events beyond the control of society. For example, a person whose trailer is destroyed by a tornado while other trailers in the vicinity are spared would call their misfortune 'unfair' although there is nothing unfair (in moral terms) about a random event of nature. However, if the random occurrence is followed by a wilful act, such as increasing the costs of needed supplies following a natural disaster, i.e. 'gouging,' such an act *would* be considered unfair by many.

A popular use of the word 'fair' relates to how events beyond the control of society treat the person. For example, a person might get a debilitating disease such as multiple sclerosis, a neurological illness that strikes only young people. Contracting multiple sclerosis, while a tragedy for that individual and his or her family and friends, is not a case of unfairness. It is a sad event, but it is not unfair. On the other hand, if human suffering is caused by premeditated human actions, such as a decision to release toxic pollutants into the environment and thereby increasing the risk of human illness, then such decisions *would* constitute unfairness.

Thus, we are looking for a connotation of fairness that separates

such unfortunate confluences of events such as the onset of a disease or destruction of property by natural forces from those where human decisions have caused unfairness or have not properly accounted for certain groups and which have led to adverse consequences.

Fairness may be defined as a lack of envy, or when no participant envies the lot of any other. This is not necessarily fair, since the claims of some people might be exaggerated. For example, suppose a farmer is retiring and wants to distribute his farm of 300 acres among his three children. If the children are equal in all significant ways, the farmer would divide the farm into three 100-acre plots. But suppose one child claims to be a better farmer than the other two, and insists that this ought to result in receiving a larger share of the 300 acres. A second child might need 120 acres in order to sell the land for a new airport, and thus stakes a claim for the larger lot. A third, who has more children than the first two, claims to need a larger share because this plot will eventually have to be subdivided.

Are any of these claims sufficiently legitimate to change the initial distribution of 100 acres each? It would be unlikely that a disinterested arbitration board would respect any of these claims, and thus the different claims should not result in a division different from the 100/100/100 distribution. Each of the three progeny might go away unhappy, but the process has nevertheless resulted in a 'fair' division of the goods. Further, the quality of the acreage, not simply the amount, is also a component of a fair distribution.

Another problem with the 'envy-free' approach to fairness is that it depends on each person having a similar personality. Suppose, of the three children in the above example, one is a very generous person, and would not object if the other siblings took much more than their share. At the conclusion of the division, one child getting 60 acres and the other two sharing the remaining 240 acres might result in an envy-free division of the goods, but this would be eminently unfair to the generous one. Defining fairness as a lack of envy thus does not seem to be useful. And, at its worst, it can be a tool for unfair distributions.

Another way of describing fairness is to define what we mean by its opposite, or unfairness. Rescher (2002) identifies three types of claims of unfairness that might be valid:

- 1 *Inequity*. Giving people goods not in proportion to their claim. The opposite would be *equity*, or a condition where people's shares are proportional to their just and appropriate claims.

For example, suppose three consulting engineers perform engineering work for a municipal engineer and all of them submit their bills for the work performed. The municipal engineer recognizes there are insufficient funds to pay all the engineers, and decides not to pay one of the consultants. This is inequity, the unfair distribution of goods (money in this case). It would be unfair for the municipal engineer to pay everyone except one engineer.

- 2 *Favouritism*. Some conditions that have nothing to do with the issue at hand – for example, one's relations or one's religion – ought to have nothing to do with the situation or claim. The opposite would be *impartiality*, the even-handed distribution of goods without favouritism.

Continuing the same example, suppose one of the consulting engineers submitting the bill for work done is a member of the same social club as the municipal engineer, and because of this, the municipal engineer decides to increase the pay rate for his friend. Showing such favouritism is blatantly unfair. Membership in the social club is not a sufficient difference to allow the municipal engineer to overpay his friend.

- 3 *Non-uniformity*. 'Equal treatment under the law' means that the law is to be applied to all people regardless of their status or wealth. The opposite is *uniformity*, or the uniform application of the rules.

Again continuing the example, suppose the municipal engineer requests proposals from consultants for the design of a new sewer. He asks all of the consulting firms save one to have the proposals to him by a certain date, but intentionally tells one firm that the proposals are due a week later than the actual due date. This firm will then more than likely not be able to submit a proposal on time and will not be eligible for the job. This is non-uniform treatment, and unfair.

Another way of thinking about fairness is to define it as treating equals equally, and unequals unequally. That is, people should be treated the same unless there are substantive reasons for treating them unequally. For example, if an engineer designs a sewer to run along the road along the front of several houses, each homeowner deserves the same care in how their lawns are treated and the grass replaced. If the engineer decides to not re-seed the lawn of one homeowner because the engineer does not like the colour of the house, then this is not a substantive reason for such unfair treatment.

A problem with this definition is that it is sometimes difficult to judge when all participants in a project are equals. Perhaps there are substantive reasons, such as the presence of swampy soil, why one homeowner's lawn would not be seeded after construction. Engineers in the field often have to make such decisions.

Society, in order to function, occasionally has to impose unequal treatment of some. For example, a private firm might be seeking a consultant to advise them on a design for a wastewater treatment process. The project might be quite expensive, and thus they might decide to hire the best consultant they can, one who will charge them a high per diem. Paying this money to the expert consultant is not unfair to the other consultants, even though it might be unequal treatment. The expert consultant is not equal to all the other consultants, and thus deserves to be paid at a higher rate. This is not inequity or unfairness even though it is inequality.

Equality is an objective of the legal system, but this does not mean unqualified equality. Some identifiable groups of people such as

professionals are treated differently under the law. All professional pharmacists, for example, are allowed to dispense drugs, while this activity would be illegal for the non-professional. All people in the category 'pharmacists' then are being treated differently from other people. Unfairness occurs when a pharmacist, because of some irrelevant differences such as gender, religion, or shoe size, is not allowed to dispense drugs. Similarly, while we want to treat all people the same when they have committed a crime, this is seldom done. A first offender might receive a different sentence than a repeat offender for the same crime.

Equality before the state is also important, in that that goods distributed by the state (and the goods taken by the state) are not equal, but are equitable. The progressive income tax requires that people with higher salaries pay more on a per person basis than low wage earners, and welfare recipients need to show that they are destitute before they can receive assistance. The important objective of fairness is that each person be treated equitably (but not necessarily equally) within the process. So a high wage-earning woman ought not to have to pay more taxes than a high wage-earning man, all other things being equal.

Perhaps a useful definition of fairness in the development of public facilities might be:

A fair builder treats all people according to democratically accepted and morally defensible societal rules, and whenever these rules result in unequal treatment, there has to be a good and acceptable reason for this inequality.

Fair builders, therefore, are those who, in the use of their skills, treat all people according to democratically accepted and morally defensible rules.

The more direct contact a builder has with the public the more likely it is that he or she will be confronted by an opportunity for fair or unfair behaviour. Perhaps the best way to describe this is to use a real-world example – the Orange County Landfill episode.

## **Fairness and the Orange County Landfill**

As described by Azar (1998), the story begins in Chapel Hill, now a booming community, and once a quaint village hosting the University of North Carolina, the flagship university in the North Carolina higher education system. During the 1960s progressive era Chapel Hill organized the first truly integrated school system in North Carolina, carving out the central section of town in a way that essentially integrated all schools. This forward-looking liberal attitude carried through in the election of municipal officers, and it was no wonder that Chapel Hill was the first town in North Carolina to elect an African-American as mayor, Howard Lee.

At that time the town was using a small landfill owned by the university for the disposal of its solid waste, but this landfill was rapidly running out of space and the university wanted to close it, so in 1972 a search commenced for a new landfill site. Searches then were not nearly as intense as they are today, and the entire process was quite informal. The town council decided that it wanted to buy a piece of land to the north of the town and make this the new landfill. This land seemed like a good choice since it was between Chapel Hill and Hillsborough, the county seat of Orange County, and within a short distance of Chapel Hill. It was also a convenient location for Carrboro, a small community next to Chapel Hill. There were no new housing developments near the proposed landfill site and it was off a paved road, Eubanks Road, and this would facilitate the transport of refuse to the landfill.

There was, however, a vibrant African-American community, the Rogers Road neighbourhood, that abutted the intended landfill area, and these people expressed their dissatisfaction with the choice of a landfill site and went to Mayor Lee for help. The mayor talked them into accepting the decision, and promised them that this would be the one and only landfill that would be located near their neighbourhood, and if they could endure this affront for ten years the finished landfill would be made into a neighbourhood

park. Most importantly, they were told that the next landfill for Chapel Hill would be somewhere else and that their area would not become a permanent dumping site. The citizens of the Rogers Road neighbourhood grudgingly accepted this deal and promise and then watched as the Orange County Regional Landfill was built near their community.

The site for the landfill was 202 acres, cut into two sections by Eubanks Road, and abutting Duke Forest, a research and recreational facility owned by Duke University. On one side of the site was the Rogers Road neighbourhood.

The landfill, which had no liner or any other pollution control measures, was opened in 1972. The three communities contributing to the landfill, Chapel Hill, Carrboro, and Hillsborough, along with Orange County, formed a quasi-governmental body called the Landfill Owners Group (LOG) to operate the landfill. The LOG was comprised of elected officials from the four governmental bodies. One of the early actions by this group was to establish a sinking fund that would eventually pay for the expansion of this landfill or a new site when this became necessary.

As the population of Orange County exploded in the 1970s it became quite clear that this landfill would not last very long and that a new landfill would be needed fairly soon. LOG, using money from tipping fees, purchased a 168-acre tract of land next to the existing landfill, called the Green Tract, with the apparent intent of using it when the original landfill became full, but without actually publicly declaring that this was the intended use for this land.

In the early 1980s it became apparent that a new landfill would be necessary, but by that time the Green Tract was considered to be too small for the next landfill. This would not be a long-term solution, and a larger tract of land was needed. The four governmental agencies asked LOG to initiate proceedings to develop a new landfill, which could be opened in the mid-1990s.

The LOG set up a landfill selection committee (LSC) to oversee the selection of the new landfill and asked Eddie Mann, a local

respected banker and civic-minded citizen, to chair the LSC. The LOG directed the LSC to seek technical help with the selection process, and as a result, Joyce Engineering, a Virginia firm that had assisted other communities in the selection of landfills, was hired to conduct the search.

After a study of Orange County, Joyce Engineering selected 16 locations as potential landfill sites, using criteria established by the LSC such as proximity to cities, airports, and environmentally sensitive areas. One of the 16 sites chosen by Joyce was the Green Tract, which became known as OC-3. At this point the engineers ignored the promise made to the Rogers Road neighbourhood and did not even include this information in their presentation.

The next step was to hold public hearings and then to cull the list of 16 down to a smaller list for final discussion. As the 16 sites were being considered, each was named to one of three categories: 1) to be considered further; 2) to be placed in reserve for possible consideration later; or 3) not to be considered further.

The public hearings were classical 'Not in My Back Yard' (so-called 'NIMBY') exercises. Neighbours who lived around their proposed sites hired lawyers and environmental scientists or were fortunate enough to have lawyers, physicians, and engineers as neighbours, and these representatives tried to persuade the LSC that their site simply was inappropriate. In other cases the members of the LSC themselves had a reason to eliminate a specific site from consideration.

Following these hearings, the LSC pared down the original 16 sites to five, one of which still was the Green Tract. Because the argument that the former mayor of Chapel Hill had promised the residents in that neighbourhood that future landfills would be located elsewhere was not included in the engineering report, it never even came up at the public hearing.

When the members of the LSC were asked later about the promise, they argued that since Howard Lee did not represent Carrboro, Hillsborough, or Orange County the well-intentioned

promise was not considered binding by the other governmental entities. In addition, although Lee acknowledged making this promise, this was never found on any written document. Further, the people who were least able to resist the back-door expansion of the existing landfill, the Rogers Road neighbourhood, were told that the promises made by elected officials were null and void because the new politicians could not be held to promises made by former office-holders.

One of the problems with the Green Tract was that it was too small to afford a long-term solution, a source of encouragement to the Rogers Road neighbourhood. But this was all changed when, late in the process and well after the public hearings, a new possible area for the landfill was introduced. Named OC-17, this site abutted the existing landfill and the Rogers Road neighbourhood, and included a large tract of land in Duke Forest, the research and recreational forest owned by Duke University.

The opponents of these two tracts, OC-3 (the original Green Tract) and OC-17 (the new Duke Forest area), began to fight the selection process, aided by many Chapel Hillians who saw the inequity in this process. The resisters packed the LSC committee meetings, printed T-shirts ('WE HAVE DONE OUR SHARE'), wrote letters to the newspaper, and did everything they could to keep the inevitable from happening.

In 1995 the LSC approved the selection of OC-3 and OC-17 as the new landfill, but suggested that some form of compensation be made to the citizens in the Rogers Road neighbourhood. The decision next went to the LOG for their consideration.

The vote in the LOG was 6-3 in favour of the selected site. Two of the negative votes were by the representatives from Carrboro. The town of Carrboro would not be directly affected by the location of the landfill in the Eubanks Road area, and thus Carrboro ought to have had a clear selfish motive for choosing this site. But the two Carrboro representatives on the LOG, Mayor Mike Nelson and Alderwoman Jacquelyn Gist, based their negative vote on the

promise made by Howard Lee to the Rogers Road neighbourhood, and announced that they would fight the selection of this site.

Nevertheless, having been approved by the LOG, the decision next went to the four governmental bodies for approval. Chapel Hill, Hillsborough, and Orange County approved the site with little debate. In the meeting of the Chapel Hill Town Council the previous promise by Mayor Howard Lee was not even brought up. But Mayor Nelson and Alderwoman Gist convinced the Carrboro council to delay the approval until compensation could be worked out in advance of the decision, citing the previous broken promises as loss of trust in politicians.

This delay by Carrboro allowed Duke University to marshal its forces and to hire appropriate lawyers and scientists to come to the defence of Duke Forest. The university trustees voted unanimously to fight the siting, and the president of Duke, Nan Keohane, wrote a strong letter to the LOG and the four governmental bodies threatening legal action if the land in Duke Forest was to be taken. Using his knowledge of the area, the manager of the Duke Forest quickly located areas with endangered species and several wetland locations, thus reducing the available acreage for the landfill. A historic African-American cemetery was discovered in the forest and placed on the National Register of Historic Places, further reducing the availability of land. But Joyce Engineering, still working only for their client, found ways to redesign the landfill so as to accommodate these restrictions and to still use the major part of the tract for burial of solid waste. Demands for public hearings and more tests did not change the decision, and a year after the vote, OC-17 remained the first choice of the LOG and the three governments. The government of Carrboro was under increasing pressure to cave in.

Then, in 1997, Duke University announced that it had deeded a section of Duke Forest to the federal government for conducting experiments. The federal government now controlled this land and with this new ownership came many new restrictions and

impediments to land use. Most importantly, the local governments no longer could invoke eminent domain over the land. The fight was over. It took clever legal work, the effective battle fought by the citizens of the Rogers Road neighbourhood, and the courage of Carrboro's Mayor Nelson and Alderwoman Gist to stop the landfill from being sited at a location where the people had already done their share.

The central characters for us, however, are the engineers who worked for Joyce Engineering, the consulting firm hired to find the site for the new landfill. They knew very well that a promise had been made to the people who lived on Rogers Road, and they had an opportunity to do the right thing by not including the Green Tract on the list of potential sites. They could have, simply by not listing this site, kept the promise to these people, but instead they listed the site and proceeded as if they were ignorant of the controversy. They could even have been a champion for the under-represented people of the Rogers Road neighbourhood and argued against their client's wishes, but they forgot who they were really working for. The whole incident was not a very proud moment for the engineers or for the firm of Joyce Engineering (who, by the way, have refused to comment on this story).

## **Fairness reconsidered**

The two great questions in philosophy are 'What should I do now?' and 'How should I live my life?' The latter is of course the more difficult to answer, but even the former can be troublesome. As a dilettante in philosophy, I have often been asked for a quick and easy test for evaluating the morality of a choice. I can suggest the 'golden rule' or I can drop back to normative ethics and suggest moral theories such as utilitarianism. One rule I like is to pretend that all the facts of the issue to be decided are to be printed on the front page of the *New York Times* the next morning. Would I feel good about what I had done?

Alastair Gunn, the late associate professor of philosophy at Waikato, used to suggest that the best test is to pretend you are explaining the options to your teenage daughter. Teenage girls seem to have their morality well-polished and right on the surface of their consciousness and would be, according to Alastair, able to give you a firm and often right response.

This test assumes, of course, that you would care what your teenage daughter thinks about the case. If it does not matter to you what she thinks, then this is not a very useful test of the ethical rightness or wrongness of a solution to an ethical problem.

And this is how the test of fairness can also fail. If it truly is not important to you that people are being treated fairly then fairness is just not very important in decision-making. Fairness, therefore, is a tool that matters only to those who care about its proper application to the making of decisions relating to the public good.

Tom Fookes devoted his professional life to understanding and promoting fairness. He packaged his skills in many ways but in the end the question always was one of fairness. Were the people of Huntly treated fairly? Were the people who proposed, designed, and built the Huntly power station treated fairly? Were the people of New Zealand, the ultimate beneficiaries of the power plant, treated fairly? If Tom's work indicated that they were not treated fairly, then it was time to do something about it, and often Tom himself was the one to propose the actions.

I had the privilege of working with this good man for a year, and to get to know him and his values. He greatly contributed to my own understanding of how builders (and others) ought to conduct themselves in fairness to the society that employs them. I will always honour and respect my memory of him.

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# **Tom Fookes' Way: Planning a Course through Extraordinary Times**

PEGGY LAUER

This is both a professional and personal remembrance of Thomas Winston Fookes, a colleague, mentor and friend for many years. It was during my brief experiences in New Zealand that I was able to observe Tom as a teacher, father, husband, friend, leader and survivor during one of the most challenging periods of his life. Through my education about the historical events of a nation whose politics regularly oscillate between the poles of liberal and conservative, I was able to see the stage from which Tom Fookes acted for the sake of his country and all humanity.

## **The People's Agenda for the 21st century**

At the 1992 Earth Summit, the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil, my colleague Huey Johnson and I met with Dr Roger Blakeley, New Zealand's then-Secretary for the Environment. Huey and I had press credentials from the San Francisco *Examiner*. Our badges were our passports into the temporary city of nations convened to finalize and sign agreements for sustainable development in the 21st century, including the protection of the world's forests and cultures and integrating issues of hunger and poverty.

Blakeley confirmed what we had heard from our colleagues in the Netherlands, Norway and Canada – that the 1991 Resource

Management Act (RMA) consisted of a sweeping reform of overlapping government agencies and laws relating to natural resources, and that local jurisdictions were to be redrawn along natural watershed boundaries rather than political squares and cubes (Johnson, 1995, p77). This was a dream some of us had in California. Blakeley told us about Dr Thomas Fookes and his role in devising key elements of the RMA. With others in the Ministry for the Environment, Fookes was an architect of the Act in the mid-1980s, working with the Environment Minister Geoffrey Palmer, who was also the Labour Party Prime Minister (1989–90) at that time. Much was accomplished under New Zealand's unicameral structure leading up to the Earth Summit and, along with the Netherlands, Canada and a few other nations, New Zealand became a model of integrated sustainability practices. Our own nation did not sign the Agenda 21 documents in Rio, which made us more determined to follow the progress of those that did.

By 1993, Tom Fookes was an associate professor and head of the Department of Planning at the University of Auckland. Because of his experience and wisdom from his time as a strategist on the RMA, his international reach, his curiosity about the rest of the world, and his keen sense of humour, we turned to him as a trusted advisor to our Green Plan programme. He was a frequent speaker at Resource Renewal Institute (RRI) conferences and meetings throughout North America, and met with practitioners of Mexico City's Plan Verde and Singapore's Green Plan. When we launched RRI's 'Seeing is Believing' policy tours to bring US practitioners to New Zealand, Tom's office was the first stop for state-level government officials, business leaders and non-profit advocates, who then went on to meet with their counterparts in national, district and city governments; the Business Roundtable; Federated Farmers; and organizations interested in biodiversity, forestry, fisheries, zero waste, heritage, health and so on. Not all members of those groups in New Zealand were in favour of implementing the RMA, and some opposed major parts of the plan deemed

unfriendly to New Zealand's place in the global economic order.

At RRI, we coordinated policy tours to the Netherlands as well to learn about the National Environmental Policy Plan (NEPP), which focused on reduction of toxic emissions to the air, land and sea by 70 per cent to 90 per cent of then-current levels. The Netherlands government also made a social contract not to export their pollution to other places. They were serious about implementing their Agenda 21 principles of sustainable development, their Green Plan, within 25 years (Johnson, 1995). Although the Dutch relied on *vergadering* – continual meetings to find consensus – and the New Zealanders relied on public review and legislation, both the NEPP and RMA were structured to integrate diverse policies and the people who managed them. Both nations worked hard to have a transparent process with multi-year citizen participation. In their nation of eight million people, the Netherlands Environment Ministry used multimedia campaigns with engaging TV ads, music videos, billboards and mailings to keep their increasingly diverse citizenry informed about the national plan and everyone's part in its success (Johnson, 1995, p61).

In New Zealand, the Ministry for the Environment orchestrated the most extensive public participation process in the country's history over a period of three years, with meetings in every town. Toward the end of this process, Tom Fookes had a phone bank set up for people to call in toll-free to talk with Prime Minister Palmer directly about environmental concerns and other local issues (Johnson, 2008, p136). The Ministry gathered opinions from the Coromandel in the north to the islands off the southernmost coast of the nation.

New Zealand is comparable to California in size and beauty, yet has 10 per cent of its population (Gow, 1992). At RRI, we saw New Zealand as a particularly appealing model of green planning focused on the effects of activities and development on the environment (Ericksen et al, 2003, p12). We learned from Tom that the RMA was spurred on to counter public dissatisfaction with the 'Think

Big' energy projects promoted by the nation's Ministry of Energy in the late 1970s, and a major dam on one of New Zealand's wild and scenic rivers (Johnson, 2008, p130). The economic downturn of the 1970s energy crisis moved the nation toward protection of its true wealth – land, rivers, fisheries, forests, farms, mountainous regions, national parks, and the diverse cultures of mostly Māori and Pākehā. Tom, a native New Zealander, became the archetype of what was good about the New Zealand RMA – a Green Plan that excited and encouraged government officials in California, Oregon, New Jersey and other US states.

The RMA followed the sustainable development principles of UNCED's Agenda 21, as it was about 'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.'<sup>1</sup> The language of the RMA was important and it went further than Agenda 21 to legislate management and development of resources to provide for its people's wellbeing *while*:

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating *any* adverse effects of activities on the environment.<sup>2</sup>

The Act did not address development and its regulation, but its merits on the effects on the environment. This allowed the government to require by law the concept of private landowners having to meet certain standards (Johnson, 2008, p143). As a green planner, Fookes saw the importance of placing people within a healthy environment, and keeping the environment healthy as a priority. He inspired generations of new planners at the University of Auckland and other institutions to live in this cosmology, not just to under-

stand green planning as one school of thought among others. This was in keeping with his interest in the science of human settlements embodied in Ekistics, the integrated science of human settlements.

In 1996, prior to the UN Habitat II Plenary Assembly on Human Settlements in Istanbul, Fookes appealed to RRI to help send University of Auckland town planning students to the summit in Turkey. Dr Tony Watkins, the students' mentor and a planning and architecture professor at the University of Auckland, and Mayor Bob Harvey of Auckland's then-Waitakere City, which had positioned itself as an international eco-city, would accompany them. The students, Megan Howell, Heidi Mardon and Mark Tollemache, had introduced the Cities for Peace Programme at the Habitat II preparatory meeting in Nairobi in 1995 as part of a youth delegation, then defended the global concept at the next PrepCom in New York. They hoped to prod the New Zealand ambassador to advocate for the programme at the UN summit in Istanbul (Watkins, 2014, paras 1–3).<sup>3</sup> Fookes and Watkins worked fast and with RRI's assistance were able to raise the needed funds from supporters in time for Howell and Tollemache to attend Habitat II and report back to the university and the nation about New Zealand's leadership. Mardon decided to stay in Auckland. It was a remarkable feat, and indicative of the way Fookes and Watkins worked tirelessly for the students behind the scenes as much as standing on the front lines.

## **Going with great expectations**

In 1997, Dr Fookes submitted an application for me to be a visiting lecturer on international green planning at the University of Auckland's Planning Department. The process of moving the paperwork through the system went slowly. Not long after he recommended me, and while we waited to hear the outcome, Tom was diagnosed with cancer. Despite starting his treatment, he stayed on top of the request with school administration, and sent news to me when there was any news at all.

One morning in January 1998, I opened my inbox to see an email from Tom. I was startled when I saw the subject line, which read 'Congratulations!' I was surprised, even dazed for a moment, wondering aloud, 'How does he know?' Only hours before I read Tom's note, I had heard the same word from my doctor who confirmed that I was pregnant. My next thought was, 'Don't anyone tell me I can't go to New Zealand now!'

At the beginning of the second trimester of my pregnancy in early April, I set off on my own for a semester at the University of Auckland. Significant changes were occurring in the nation, and at the university in 1998, including the Fine Arts Department being folded into the School of Architecture, Property and Planning, which added an interesting layer of integration and creativity. This addition heaped more on the plates of Dr Fookes and Dr Michael Pritchard who (at that time) alternated with Tom on the administrative duties as head of the Planning Department. Pritchard took me under his wing and was gracious with his time and ideas, particularly during the time that Tom was recovering from cancer treatments.

When Tom was his energetic self, we would often meet at the Wynyard Café on the university campus with Pritchard, Dr Bruce Hucker, or other colleagues. We would discuss Tom's idea of a global network for green planning, which would include the University of Auckland and other universities in New Zealand and increasingly elsewhere, who would connect and share data on progress. RRI would initially serve as the data research hub. Tom could see the big picture. Yet he could discuss all the pieces, how they fitted with each other, and had ideas of who needed to be on hand to keep the pieces fastened together, starting with an informed electorate.

Although I lived on campus, Tom and Susan Fookes welcomed me to spend time with them and two of their young adult children. Catherine was studying art in college and Ian was in his first year in philosophy. Their older daughter, Emma, whom I had met as a university student years earlier, was a law clerk for the central government in Wellington. As a teacher, Susan opened my eyes to

the challenging education system in the nation's largest city, and provided insights into the changing relationships between the Māori and other Polynesians and the dominant (white) culture of the Pākehā. I could see the multifaceted effect on one family of the increasingly globalized nation, which was instructive for my work as a Green Plan researcher and advocate.

Tom Fookes was a mentor to me, as Huey Johnson had been for nearly a decade prior, teaching me institutional chess, always with the environment and ecological integrity as the most important pieces, and taking a stand against efforts to dismantle the RMA. Although I had a desk in an office shared with part-time and other visiting lecturers, I often planted myself in Tom's office. This way I had the opportunity of meeting and learning from Tom's colleagues and friends, who would stop in, expecting to talk with him about scheduling, coursework, department and university politics, or to check on his progress in regaining his healthy vigour.

On the first day I settled in at Tom's desk, I recognized his framed news clipping on the wall (see p118). Tom had told me the story on my previous trip to Auckland a couple of years before, but in 1998 this story had more significance. The article included pictures of two exceptional students from New Zealand universities who had been awarded graduate fellowships to study abroad. Young Thomas Winston Fookes had majored in geography and was going to the University of Athens, where he was to earn a Certificate of Higher Studies in Ekistics from the Athens Technological Organization. Owen McShane was going to America, to the University of California, Berkeley's College of Environmental Design. When I arrived in Auckland 30 years later, Fookes had been in Greece, taught in Australia, got married and raised a family, and for an intense period in the late 1980s, worked for the Labour Party administration to help design the RMA and its socially liberal aspects. He was teaching those green planning ideals in his town planning courses, and working with PhD students from around the world. McShane had returned from Berkeley, married and raised

a family. Although he was a town planner and teacher, in the 1970s he focused on finance and became one of the nation's first venture capitalists.

Shortly before I arrived in New Zealand, McShane had completed an analysis of the RMA, commissioned by the National Party administration's then-Minister for the Environment Simon Upton (Ericksen et al, 2003, p68). Everyone in my sphere was talking about the McShane Report.<sup>4</sup> Its author, a strong voice of reason for the New Right, was a believer in private enterprise as the way forward for the nation's prosperity and environmental sustainability. McShane was critical of the Act's strictures in town planning at a crucial time of implementation.<sup>5</sup> Looking at the clipping on Tom's wall, I was amused to see that the more socially liberal student, Fookes, had gone to Athens to study during a time of conservatism in Greece in the 1960s. McShane had gone to Berkeley, which became ground zero on the US west coast of anti-war politics, anti-capitalist sentiments and free love.

The two returned to New Zealand and crossed paths in the pursuit of their divergent goals. McShane's concern for the environment led him to be a proponent of and commentator on property rights and laissez-faire town planning regulations. Fookes had studied with Constantinos Doxiadis, a multidisciplined scholar who brought his talents and professional experience together in his theory of Ekistics, a term Doxiadis coined relating anthropology, archaeology, architecture and planning toward 'achieving harmony between the inhabitants of a settlement and their physical and socio-cultural environments.'<sup>6</sup> Tom introduced Ekistics into his integrative teaching and his practice in town planning, making the link to sustainable development, which at its core is about the interrelatedness of everything, while implementing policies at the appropriate scale (Fookes, 2010, para 6).

## A force for change amid the chaos

In my lectures at the University of Auckland, and in other venues, I began with a bit of history on New Zealand's firsts, which the rest of the Western world followed. For instance, this former British colony was the first nation in which white New Zealand women voted, in 1893; and in the late 20th century, the Labour Party under Prime Minister David Lange took an anti-nuclear stand by banning US nuclear-armed and nuclear-powered ships from New Zealand's ports. With the majority of the population opposed to nuclear testing and nuclear power, New Zealand passed the Nuclear Free Zone, Disarmament, and Arms Control Act of 1987 (Lange, 1991).

As a strategic island nation, New Zealand paid an economic price for snubbing American nuclear policy. There is a classic exchange between Lange and US President Reagan's Secretary of Defense, George Shultz, at a news conference in Manila.<sup>7</sup> Secretary Shultz stated that 'as a result of [the New Zealand and United States] Governments' rift over nuclear policy,' the United States no longer felt bound to come to New Zealand's defence under the 35-year-old Anzus treaty. 'I'd hate to see the New Zealand policy spread,' he said, 'because it would basically cripple the ability of the United States and our allies to defend the values that we and New Zealand and others share.'<sup>8</sup> Prime Minister Lange pointed out to Defense Secretary Shultz that, since 1984, the deployment of American nuclear missiles had not been banned elsewhere. 'We have not seen the fragmentation of civilization as we know it,' he said, adding: 'We have been a responsible member of the Western community. ... It is not as if we slipped somewhere between Albania and Nicaragua.'<sup>9</sup> Many anti-nuclear-minded Americans took notice of this diplomatic rift and revelled in Lange's response to bullying tactics by the United States.

When I would mention this leadership by New Zealand as I spoke to different audiences – to my hosts, other educators, students, members of the Auckland Civic Trust and interested citizens – I

received looks of scepticism or incredulous surprise. I found New Zealanders to be modest, even critical, of their contributions. I was often told how little New Zealand had done since any of those occasions. Unlike Americans, and Australians, who stereotypically create stories about themselves as big as the landmass they inhabit, New Zealanders tap down that sort of pride in themselves, as do the Dutch, perhaps before others do it for them.

This perception was strengthened when I went with Susan and Tom Fookes to see University of Auckland students perform the play *Rage*, a dramatized retelling of a real series of events during the 1981 Springbok rugby tour of New Zealand.<sup>10</sup> The anti-apartheid movement had grown strong in New Zealand and worldwide in the previous decade, including a boycott by 20 African nations of the Montreal Olympics in 1976 to protest South Africa's participation (MacLean, 2013, p75). Co-written by anti-apartheid protester and playwright Tom Scott and his brother-in-law, Grant O'Fee, a police detective sergeant in Wellington during the tour, *Rage* told the story of two star-crossed lovers set amid the larger story of violent clashes among New Zealand's All Blacks rugby fans, the players' union, the police and anti-apartheid campaigners over three months on the field and in the streets that split the country and families in two, causing siblings to fight each other, and furthered racial rifts between Māori and Pākehā. Tom Fookes was among the thousands demonstrating against the matches and was close to the front lines in Hamilton before that fixture, when several hundred people invaded the pitch and stopped the match from taking place. Police in riot gear intervened between fans and protesters. Ian Fookes, Tom's son, shared with me comments Tom had made to him about his parents' participation in the anti-apartheid movement. This came up during a time when Ian was protesting the increase in student fees at the University of Auckland. Tom had told Ian to 'get involved, but be careful!'<sup>11</sup>

The Springbok tour protests of 1981 were waves that had built up over many years of anti-apartheid issues related to events in

South Africa and in New Zealand. As *Rage*, and the documentary *Try Revolution*, on the anti-apartheid movement in New Zealand (Specific Films Ltd, 2006), imparted powerfully, if the Springbok rugby tour had been cancelled at the outset, the impact on South Africans who witnessed the violent protests on television would not have been as profound, and the regime there would not have been as publicly shamed at a crucial moment. South African Archbishop Desmond Tutu is quoted as saying of the impact of the protests: ‘You really can’t even compute its value, it said the world has not forgotten us, we are not alone.’<sup>12</sup>

Within three years, politics had swung in New Zealand from the conservative National Party under Robert Muldoon to the Labour Party under David Lange, predicated on widespread unrest and dissatisfaction over Muldoon’s political decision to allow the invitation of the South African team to New Zealand. But it was Muldoon’s economic decisions, including the development of major energy projects – changes demanded by globalization in an agrarian country – that brought about a change of heart in the public will. It was therefore both quite remarkable and predictable that the Resource Management Act would be enacted as the tumultuous 1980s drew to a close and that Tom Fookes would become one of its designers.

## Riding the wave

While I was at the university in 1998, former US Secretary of Labor Robert Reich came to speak in a public forum. He filled the auditorium and spoke for over an hour without a break, walking back and forth across the stage before an audience that was held in rapt attention. He had been invited by the Labour Party to offer his advice, as its leaders were in search of a platform for the 1999 parliamentary elections. Reich carried with him lessons learned as a cabinet secretary in the first administration of President Bill Clinton and lamented how the ‘Third Way’ had not been fully realized. At

that time, the Third Way was imagined as a positive global social policy that puts a face on globalization, not as an illusive political platform (Barrientos and Powell, 2004, p10). It occurred to me that Tom Fookes and other drafters of the Resource Management Act had imagined the RMA as a Third Way social policy for the future of their country, holding on to the qualities of a locally governed and resourced society while meeting its needs as a global economic power.

In a 2012 interview with Tom for RRI's Forces of Nature video project, an edited library of conversations between Huey Johnson and environmental elders, Fookes said that although he had had a rewarding career, he had become 'a little disillusioned and disheartened' (Fookes, 2012) in the previous ten years, as the government had set about challenging many of the basic principles he had worked so hard to get written into the Resource Management Act. With reference to world economic problems since 2008, he spoke of legislators' motivations to unravel the RMA, which he likened to the consensus process as played out in Washington, DC. The effect is to move government to the side, 'which means that they legislate as little as possible and leave it to the market', Tom stated, which was counter to the intent of the Resource Management Act. Later in the interview, Tom said, 'I suppose it's naive of me to think something that was put in place in '91 [would] be able to ride on forever into the future without any challenges to its basic principles and policies as times change' (Fookes, 2012).

One ray of hope Fookes had in 2012 was the change of voting system to mixed-member proportional representation from 1996, which meant 'other parties are able to emerge and establish themselves, and the most successful has been the Green Party. So this is our environmental political wing', he said. 'It doesn't sound like many, but given that the controlling government only has 49 seats, you can see that a body with 13 seats has quite a bit of influence, and that's been a very heartening and positive point to start a new era' (Fookes, 2012).<sup>13</sup>

## Epilogue

My time in New Zealand as an expectant mother, seeing a midwife and meeting Māori and Pasifika mothers-to-be, led me to a deeper place spiritually – enhanced by the nation’s stunning physical presence. New Zealanders understand that Mother Earth is very much alive and always creating. Some of the majestic mountains are still active volcanoes, as well as sacred sites, revered by Māori and acknowledged by Pākehā. The sweeping seascapes and fiords sometimes shift during earthquakes. The rivers are pulsating with fish. Whatever their background, New Zealanders live closely with nature. Many give back to this land. Tom did, with passion, savvy, and deep love. I came home with a fresh perspective on the merits and challenges of green planning. Tom Fookes’ idea to have a Green Plan Network became the inspiration and basis of RRI’s Green Plans in Action website, which provides profiles of Green Plan nations and states, and for which Tom was a field researcher and advisor. I continue to draw on Tom’s wisdom in my community work.

On a trip to the Bay Area in late 1998, Susan and Tom met my son, Jackson Lee Lauer Meuse. My son spent nearly three months of his inner water life in Aotearoa New Zealand, a place that nurtured both of us, and I believe he will return some day to meet the Fookes family. He and all of us will see that so much of what Tom Fookes did for his beautiful and resourceful country is still there to behold.

## Notes

- 1 Resource Management Act 1991, section 5(2).
- 2 Ibid., emphasis added.
- 3 <http://www.peace.net.nz/community-programmes/peace-cities-programme>
- 4 <http://www.beehive.govt.nz/release/owen-mcshane039s-report-resource-management-act-released>
- 5 <http://www.nbr.co.nz/article/owen-mcshane-champion-free-enterprise-ng-111992>

- 6 <https://en.wikipedia.org/wiki/Ekistics>
- 7 Gwertzman, Bernard (1986) 'Schultz ends US vow to defend New Zealand', *The New York Times*, 28 June, p1, <http://www.nytimes.com/1986/06/28/world/shultz-ends-us-vow-to-defend-new-zealand.html>
- 8 Ibid.
- 9 Ibid.
- 10 *Rage* was produced as a tele-movie in 2011.
- 11 Private communication, 7 March 2015.
- 12 [www.spacific.co.nz/documentaries/try-revolution/](http://www.spacific.co.nz/documentaries/try-revolution/)
- 13 <http://theforcesofnature.com/movies/tom-fookes/>

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# A New Logic: Net Ecological Benefit and an End to Do No Harm

STEPHEN KNIGHT-LENIHAN

## First, do no harm

In the 1990s the term ‘environmental bottom lines’ took hold. This conceit was created to sell the idea of protecting the environment using economic terminology. Environmental bottom lines give the impression there is a measurable line below which things should not go. But they are an ecological nonsense.

They fail on two counts. First, by implying there are agreed limits to ecological decline. There aren’t. How far do you want to make this stream or lake un-swimmable? How many species should go locally extinct before you become uncomfortable? How much climate change are you content to bequeath to your offspring? The conceit is that we can answer the question: what is the minimal amount of ecological functioning or life-support capacity that we are happy with?

Second, they reinforce the notion that ecological decline is okay. In the prosaic world of planning and resource consents, they fit comfortably with the idea of allowing things to happen as long as the effects are no more than minor. They are part of the commonly accepted process of allowing things to happen as long as the harm is not too great. Go this far but no further.

The concept of bottom lines can play a particular, prescribed role. For example, resilience analysis tries to alert us to tipping points, where ecological systems, and societies associated with them, are about to shift (or have shifted) to a new state. Reduced ecological

functioning (the term ‘bottom lines’ is not used) may be identified (see, for example, Walker et al, 2011). The objective is to identify the risks associated with running things down, often with the intention of reversing this trend.

This is quite different from the idea of going this far but no further. In a world beset by ecological deficits (biodiversity loss, water quality decline, soil degradation, fisheries collapse, overshoot climate change goals) we have already gone too far. In effect we need ecological betterment goals to which all development must demonstrably contribute. In other words, if you build something, make something, or change something, you must demonstrate how this action makes ecosystems better off. It’s a dangerous idea because it elevates ecological assets to the same level as economic ones: development must make money and make better ecosystems.

Ridiculous? Not really. A commonly held principle is you can do things as long as you don’t make things worse, or at least not much worse. So why don’t we put in place a system requiring that we make things even a bit better? You’re having a negative effect? Then you need to balance that by showing how you can contribute to an ecological benefit.

Most people like the idea of leaving things better than we found them: our farms, our neighbourhoods, our houses. That the world is a little better off for our being born is a commonly shared value. The accepted metric tends to be economic or social but can equally be environmental, with ‘minimizing harm’ replaced by ‘optimizing good’.

Equally, the steps leading up to your activity may – probably will – have negative impacts as well. Building a house requires milling, mining, refining and fabricating, and energy use. What is the impact of each of those contributing activities? Each new house built should account for these costs, requiring certification of not just how they are offset, but how they contribute to net ecological benefit. This idea can be extended to all forms of development.

Ultimately, property rights must include ecological credits to

go alongside the economic ones. To understand how we get to this conclusion it is necessary to work out where we are, and why.

### **The ratchets of desensitization**

The New Zealand landscape has been heavily modified over 200 years, and significantly modified during the millennia before that. To the current generation it looks normal, but previous generations would notice substantial change. A formal way of thinking about such habituation takes a lead from marine science. Tony Pitcher (2001) posits three ratchet-like processes contributing to progressive marine biodiversity depletion. Fishing, in Pitcher's example, generally selects for long-lived, slow-growing fish. This leaves species with higher turnover rates, and the effect operates both within and between species. When species become locally or globally extinct, the previous ecological conditions that they were a part of become harder to restore, like a ratchet. Pitcher refers to this as 'Odum's ratchet', in deference to Eugene P. Odum the noted ecologist.

The idea of serial depletion can apply to the gradual loss of any species through the disappearance of populations from individual areas. Locally, the losses are not always recognized, and the accumulative effect of local extinction is not always recognized either. The popularized term 'trophic cascade' relates to this: natural systems over time create complexity (and hence resilience), and removing parts of such systems (i.e. particular species or local varieties) alters these relationships (e.g. Christensen and Pauly, 1997). A result can be a cascade of non-target species changes and even disappearances.

The kina barrens in the Hauraki Gulf are an example. Heavy fishing of snapper and crayfish reduces predation of kina, kina feed on seaweed, including kelp, and kelp density plummets as kina numbers explode (Hauraki Gulf Forum, 2010). The result is coastal ecosystems bereft of kelp forests and associated animal life.

Pitcher's second ratchet is known as 'Pauly's ratchet'. This is how we tend to judge change against what things were like when we first started being aware of them. We have a tendency to discount historical descriptions of, for example, species abundance as anecdote or methodologically naive; or we simply forget what things were like (Pauly, 1995 cited in Pitcher, 2001). It's part of the human tendency to assume that what is normal is what we were born into, or have become used to.

This helps explain a problem associated with sustainability – that is, defining baselines. These are contingent upon what is seen as acceptable and politically marketable as well as what is ecologically defensible. As an example, freshwater quality guidelines often refer to goals such as swimmability or aesthetic quality, or nutrient or sediment loads, as much as they may refer to whether what lives in a river or lake is what we would expect to be there. The former indicators relate more to human sensibilities rather than ecosystem functionality. If it is apparent that what lives in a stream is significantly different to what used to live there, is there a responsibility to return to the original condition? If not, then what degree of recovery is acceptable? Or is it simply acceptable to minimize further pollution so that the stream can be swum in, and looks okay? Pauly's ratchet suggests the latter.

Finally, there is 'Ludwig's ratchet' (after Ludwig et al, 1993 cited in Pitcher, 2001), which is economic and refers to the positive feedback between increased catching power (i.e. the investment in the ability to catch fish) and serial depletion of fish stocks, driven by the need to repay borrowed money. This leads to overcapacity and the tragedy of the commons. While efforts are made to reduce this problem by creating property rights through fisheries quota (as is done in New Zealand, with some success), the truth of the observation still applies.

Again, extending this specific observation to ecosystems in general, global economic systems are overall predicated upon the production of goods generated by ecologically unsustainable

practices. Businesses have evolved based on prices and supply chains that have not usually incorporated the full ecological costs of production. In order to maintain cash flow, pay back the bank, and keep staff and investors happy, not only is full ecological accounting financially problematic, but there is an incentive to increase production and decrease sustainability as this increases profitability and competitiveness.

In summary, economic systems can and do evolve to become reliant on heavily modified and disrupted ecosystems. Those working within these economic systems equally become reliant on practices contributing to ecosystem degradation. Desensitization normalizes degraded ecological conditions over time and space. Finally, the more entrenched the degradation becomes, the more biologically difficult it is to halt or reverse ecological decline.

Applied to all ecosystem processes, Pitcher's three ratchets of desensitization summarize key influences on decision-making. Ratchets operate in a step-wise manner, with each advance seen as relatively harmless. This leads to significant cumulative effects and the problem of agreeing on baselines against which to measure acceptable levels of ecological impact.

As an example, monitoring by the Palmerston North City Council throughout the 1980s and early 1990s found that streams draining industrial, residential, light commercial and rural areas were significantly degraded and some were essentially biologically dead (Knight and Dunlop, 1994). There were high levels of contaminants that had accumulated over time, and equally a slow but steady loss of aquatic life. These streams contributed to the degraded condition of the Manawatu River, which runs along the edge of the city. No active planning process had been entered into to decide whether this was a price worth paying for development, and doubtless each individual resource consent was seen as being justifiable in its own terms. This illustrates the effects of Odum's and Pauly's ratchets.

Reinforcing this situation was the response to a 2006 application by New Zealand's dominant dairy processor Fonterra, to discharge

into the Manawatu River from its Longburn works. Longburn is just out of Palmerston North. As noted at the time, residents were aware of discharges into the river, but this had been forgotten or was 'well to the rear of our collective minds' (*Manawatu Standard*, 2006). There was also criticism of the justification of allowing significant discharges to the river on the grounds that the river was already degraded and further discharges would do no further harm (*Dominion Post*, 2006). Exemplifying Ludwig's ratchet was the knowledge that Fonterra contributes to the local economy and in order for the company to remain internationally competitive it must avoid what might be viewed as unnecessary environmental mitigation costs.

Coupled with the point source discharges there are non-point source discharges into the Manawatu River, from steadily intensifying farming. Farming profitability is based on the assumption that limited controls are required to protect waterways. The Manawatu River is now one of the world's most polluted due to these cumulative effects. Each link in the economic chain is dependent upon this system being degraded.

The tension over our waterways is exemplified by the differing views of two New Zealand lobby groups: the Environmental Defence Society (EDS) and Federated Farmers (Feds). The former is a non-governmental organization specializing in legal analysis and court action, the latter represents a large proportion of the country's farmers. In the run-up to the 2014 New Zealand General Election, EDS decried the Feds' apparent shift away from what EDS termed the Feds' previously progressive attitude of supporting ways to improve freshwater quality including hard limits on nutrient run-off. EDS noted that the Feds wanted to see full market compensation for landowners if land use was unduly restricted for the purpose of ecological improvement. They also favoured industry leadership instead of regulation.

The root cause of the Feds' attitude (and EDS' grumpiness) is the embedding of Pitcher's suite of ratchets into our understanding of

property rights. In 2000, John Kneebone, Chair of the Ministerial Advisory Committee on Biodiversity and Private Land and an ex-Feds president, noted:

Property 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. This is in total contradiction to most people's concept of the spirit and intent of the freehold title. Private property is so named to reinforce the practice as well as the concept of privacy, security and – above all – surety [Ministerial Advisory Committee, 2000, p6].

The context was debate over the extent to which society, in the shape of the Crown, can require landowners to address biodiversity issues. The phrase 'most people's concept of the spirit and intent of the freehold title' alludes to how our understanding of property rights evolves including decisions on what is (or is not) an erosion of rights. Leaving aside observations about regulatory takings and the chilling effect on authorities of threats of being sued, the problem is obvious: at what point in time do you decide which attributes associated with private property are considered private, and should this be absolute when we recognize Pitcher's suite of ratchets?

Shifting societal attitudes might be ecologically sensible, but nonetheless they do change the assumptions incorporated into property rights. Sometimes there are costs for individuals that need to be accounted for. Development interests may not be obliged to meet environmental limits and internalize costs because expectations are based on the assumptions embedded in property rights, and these assumptions reflect what society sees as acceptable. And of course there is no guarantee we actually understand what the limits are. The Feds' position is part of a continuum, as no human activity fully accounts for cumulative effects over time and space. Society's changing expectations are contingent and hence debatable.

In our current economic system, all consumption relies on varying degrees of degradation. Targeting producers is unsophisticated, as they have invested on a set of assumptions with society's blessing. Of course some, possibly many, will over-egg the arguments against taking action, particularly when arguments are over property rights. But there is a degree of self-righteousness among ecologically-minded consumers demanding change from those providing goods and services.

What is needed is greater clarity over how ecological responsibilities should be bundled up in property rights. One of the triggers for Kneebone's concerns was the prospect of a National Policy Statement (NPS) on Indigenous Biodiversity. And indeed property rights fears have proven too much to date for any government to allow a NPS to be finalized. This is why biodiversity offsets, a particular form of biodiversity management, are a good example of the difficulty in addressing the three ratchets of desensitization. Consideration of biodiversity offsets also introduces us to the concept of positive development.

## **Now do better**

Biodiversity offsetting is a particular type of ecological compensation. The aim of ecological compensation is to counterbalance impacts that cannot be avoided, minimized, reduced or repaired (Morrison-Saunders and Pope, 2013). In these circumstances there is a residual need for positive conservation actions to make up for losses in habitat and ecosystem functioning caused by development or resource use (Brown et al, 2014). Then there is the tool itself. Biodiversity offsets focus on compensating for significant residual impacts, and the goal is to achieve no net loss and preferably a net gain.<sup>1</sup> As explored below, this default of not making things worse – first, do no harm – is inadequate.

The definition of biodiversity offsets establishes three key points: significance needs to be established; offsets should occur after

avoidance, mitigation or remediation; and net gains are preferred but not required. An immediately apparent problem is the issue of measuring success. Unlike other offsetting systems such as nutrient or emissions cap-and-trade, biodiversity offsets involve complex phenomena that defy simple definable currencies. This has led to doubts over deliverability, as offsetting is 'strictly not commodity trading, but barter' (Walker et al, 2009, p151) and 'viable biodiversity barter and meaningful biodiversity protection seem mutually exclusive' (p155).

In fact, some ecologists see an inverse relationship between the most straightforward (that is, easily understood, interpreted and administered) form of biodiversity offsetting, and scientific robustness. In essence, biodiversity offsets create a market in biodiversity units, and while this might help reduce the rate of biodiversity decline, it is unlikely to reverse it. A missing element is the demonstration of net ecological benefit across all development initiatives.

### **The ratchets of improvement**

Biodiversity offsetting could be coupled with the idea of positive development which requires a net increase in life support systems (Birkeland, 2008, 2014). This incorporates the concept of ecological life-cycle assessment and would require developments to establish the full impact of resource mining, power generation, transport emissions, construction, operation and (where applicable) decommissioning effects. At first blush this would seem an impossible task, except that it is already being done to some degree. Resource consents and monitoring of impacts is undertaken for many parts of the supply and operation chain. Many companies audit their own and their suppliers' social and ecological footprints – from small enterprises such as New Zealand's All Good through to giants such as Walmart. What is missing is a formalized assessment of all cumulative effects based on agreed metrics and the association of these impacts with a particular development.

Subdivision is an example. Good practice currently involves aiming for such things as energy and water-use efficiency, minimizing waste and the impacts of run-off and sewage, and enhancing green space and biodiversity. But what if we include full construction and running costs? The additional requirement would be to assess the proportional impact of each house and property in terms of its generating demand for quarried aggregate, energy and building materials. Construction and utility companies or agencies supplying the house would generate an ecological effects assessment associated with construction. There would be a requirement on the developer, as part of the resource consent, to demonstrate how each part of the supply chain has offset its impacts. This would in turn leverage behavioural changes in those providing the raw materials for the built environment.

A separate assessment of the operational costs would be made and sheeted home to the property owner. A levy would be charged proportional to the impacts associated with such things as water and energy supply. Credits would be earned for materials, energy and water efficient design. Further credits would come for demonstrating net benefit. Power and water companies would have ratings associated with their own offsetting record, and this would influence the consumer's liability.<sup>2</sup>

Property rights would include cumulative ecological effects assessments, with asset valuations influenced by ongoing ecological liabilities or improvements. This would provide an incentive for property owners to invest in both low-impact design as well as ongoing ecological compensation activities, as this would increase the value of property by reducing exposure to liabilities.

This approach will be seen as creating massive costs on development, and opening up significant opportunities for cheating. But companies are required to demonstrate their ecological footprint to some degree through resource consents and compliance with regulations, codes and best practice. Just as net economic viability is one test (and currently the most significant one) in development,

so should be net ecological viability, given the current net ecological deficit in New Zealand. The obvious problem is that while economic viability is its own reward, ecological viability is a shared benefit over time, space, society and ecosystems. Inevitably it requires imposing rules and regulations set against robust legislation.

The Trojan horse here is biodiversity offsets. By introducing the concept of no net loss and preferably net gain the whole premise of minimizing ecological harm is thrown into question. Using New Zealand's Resource Management Act 1991 as the starting point, arguably what was once a ground-breaking concept of avoid, remedy and mitigate is now outdated and should be replaced by net ecological benefit. In other words, once you entertain the notion that net gain is not just the preferred outcome but the required one, minimizing harm immediately becomes not just the least preferred option but an illogical one.

## **Implementation and reality checks**

Biodiversity offsetting is currently in use (e.g. Norton, 2009) as part of a mitigation hierarchy (Morrison-Saunders and Pope, 2013) and there is an acceptance that, while dealing with (at times extremely) complex processes, the tool has potential efficacy (e.g. Gardner et al, 2013; Pilgrim et al, 2013). Currently, a consent hierarchy would look something like:

- first, identify ways to avoid harm (e.g. rerouting a road), or remediate damage (e.g. creating a wildlife corridor or improving degraded ecosystems);
- second, mitigate or minimize to the extent possible; and
- third, offset significant impacts on valued species and/or habitats by identifying and protecting equivalent values elsewhere.

There is a bunch of ways in which we currently compensate: planting; habitat creation; restoration or enhancement; pest control;

handover of tenure to an agency ('vesting'); and financial payments (Brown et al, 2013). To illustrate, a 2002 landfill application near Christchurch, New Zealand included the removal of nearly a hectare of black beech. The landfill owners were required to offset this by contributing to the long-term restoration, protection and management of 410 hectares of bushland nearby by covenanting, fencing, removing grazing animals, propagating and transplanting black beech seedlings, and initiating and continuing pest control (Norton, 2009).

We have tried to formalize the use of biodiversity offsets through the moribund NPS on Indigenous Biodiversity. The Government has also released best-practice guidelines on offsetting (Ministry for the Environment et al, 2014). Both instruments are non-statutory and have not been met with universal joy by practitioners. Despite this, offsets are now appearing in statutory planning documents (Box 1).

### Box 1: Example of an offsetting policy

In 2013 the New Zealand Manawatu-Wanganui Regional Council regulatory authority released its Proposed One Plan, or POP.<sup>3</sup> The POP proposes protecting and maintaining indigenous biodiversity and enhancing it where appropriate, and identifies anticipated environmental results (Sections 7.3, 7.4, 7.5 and 7.6). It states that consents must generally not be granted for resource use activities in rare, threatened or at-risk habitats assessed to be areas of significant indigenous vegetation or significant habitat of indigenous fauna (Section 12.2.2, Policy 12-5) unless:

- any more than minor adverse effects on that habitat's representativeness, rarity and distinctiveness, or ecological context, are avoided;

- where such effects cannot reasonably be avoided, they are remedied or mitigated at the point where the adverse effect occurs;
- where neither of these conditions can be met, more than minor effects are offset to result in a *net indigenous biological diversity gain* [emphasis added].

The POP also says consents may be granted for at-risk habitat not assessed as significant, following a similar hierarchy. The POP adds (Section 13.2.2, Policy 13-4) that an offset must:

- provide for a net indigenous biological diversity gain within the same habitat type, or where that habitat is not an area of significant indigenous vegetation or a significant habitat of indigenous fauna, provide for that gain in a rare habitat or threatened habitat type; and
- reasonably demonstrate that a net indigenous biological diversity gain has been achieved using methodology that is appropriate and commensurate to the scale and intensity of the residual adverse effect; and
- generally be in the same ecologically relevant locality as the affected habitat; and
- not be allowed where inappropriate for the ecosystem or habitat type by reason of its rarity, vulnerability or irreplaceability; and
- have a significant likelihood of being achieved and maintained in the long term and preferably in perpetuity; and
- achieve conservation outcomes above and beyond that which would have been achieved if the offset had not taken place.

The Manawatu-Wanganui Regional Council recognizes that policies designed to increase valued habitat can still result in net

biodiversity decline due to losses on private land. Refinements might include sacrificing degraded or degrading ecosystems on private land, even if threatened or at risk, in return for rehabilitating systems elsewhere on the property or within a prioritized habitat. So an unmanaged wetland that is losing its biological value, and without intervention will continue to do so, might be incorporated into productive farmland if a rehabilitation programme is initiated elsewhere after a whole-of-farm analysis. However, there must be a net gain in total ecological carrying capacity.

In contrast with the Manawatu-Wanganui efforts, resource development commonly comes at a cost to biodiversity. For example, a Board of Inquiry into a major road project near New Zealand's capital Wellington, known as Transmission Gully, observed that 'while we recognise the desirability of achieving a situation of no net loss of biodiversity from a project, we do not believe that it is a requirement of [the] RMA that no net loss be achieved in any given case' (Board of Inquiry into the TGP, 2012, para [462], p113). The Board says consent authorities can consider accepting losses in environmental values when weighed against other (often economic) benefits.

This reasoning allows for trade-offs and an overall erosion in biodiversity and consequently ecosystem functioning. Loss in functionality does not necessarily involve a loss of threatened species or valued habitat; it can, instead, involve the chipping away of ecosystem components.

This is not to say offsetting is a simple solution. As noted, it is a form of barter: what is the common currency for trade? There is the broad problem of protecting local values, since the (short- to medium-term) economic or social values are seen as greater than the relatively minor (medium- to long-term) loss in ecosystem functioning. Hence ecosystem functioning, as a cumulative effect over space and time, is often poorly accounted for. Other limitations are technical. The most scientifically reliable approach to offsetting is data-intensive, highly site-specific, and requires long-term

monitoring before proof of effectiveness is known. Is what is being lost equivalent, less, or greater in biological value than what is being invested in elsewhere (e.g. Brown et al, 2013; Pilgrim et al, 2013)? Estimating all this adds cost and uncertainty for all parties, not to mention elements of impracticality.

However, the concept of offsetting raises the question: if net benefit is preferred, how can the alternative remain acceptable? Biodiversity offsets may or may not protect or enhance local biodiversity in certain circumstances; that is a technical issue. The problem is that using such a tool, even if used well, within New Zealand's current decision-making framework and in the absence of clear policy and good compliance systems, will most likely result in continued erosion of biodiversity values. This is because we favour remediation and mitigation over net ecological benefit. Case-by-case consent considerations will continue to lead to net district or regional ecological quality decline.

To avoid this outcome, we need clear local, regional and national biodiversity goals guiding how individual developments can contribute or otherwise to net ecological value. There is movement in this direction: the POP talks of maintaining indigenous biodiversity and enhancing it where appropriate, and identifies anticipated environmental results (Sections 7.3, 7.4, 7.5 and 7.6). Within such a framework, it would be possible to incorporate a requirement for all development to contribute proportionately to improving rare, threatened or at-risk habitats through, for example, a development contribution.

One idea would be to combine on-site mitigation and off-site compensation requiring net biodiversity benefits. It would be necessary to distinguish between off-site compensation that may be positive at the point of application but still allow losses at the point of development, as opposed to those that truly generate net benefit outcomes. The probability of producing better outcomes would improve with integrated district, regional and national goals, which may be evolving (as with the POP).

We would also need to accept a more entrepreneurial approach to land use and catchment management options that provide opportunities for landowners and resource applicants to come up with innovative solutions. This raises the risk of gaming the system: that is, what is truly being added by offsetting? When does the process cease being remedial and become compensatory, allowing the loss of habitat for something of potential but difficult-to-prove future value? What is the level of legal protection and financial security for an offset?

None of these caveats are inconsequential. But the basic premise seems sound: requiring a demonstrable likelihood of an improvement in net biodiversity as part of remediation or mitigation,<sup>4</sup> and relegating no net loss to the end of the queue.

## Conclusion

This essay argues that introducing the concept of net ecological gain through biodiversity offsetting challenges the accepted hierarchy of avoiding, remedying and mitigating. It highlights the need to address cumulative losses over time and space, creating a ratchet of improvement that increases net ecological value, and is applied to all parts of construction, operation and decommissioning of activities. Ecological credits need to be embedded into property rights, providing an incentive to increase asset values by creating net ecological benefits.

The administrative challenges are significant, not least those associated with the reliability of assessing ecological harm and then working out what is fair, reasonable, and likely to work in terms of compensation. Measuring additionality and agreeing on baselines are significant challenges on their own. Creating a system that incorporates such measures in a way that actually results in ecological benefits (as opposed to creating potential benefits on the books) is a further problem.

However, the dangerous idea is to embed the principle that,

similar to the need to demonstrate economic viability, there is a need to demonstrate ecological viability in all development. Not doing so will lead to continuing ecological decline.

## Acknowledgements

Much of the biodiversity offsets component of the above draws on publications and advice from experts working in the field, including Dr Theo Stephens, Dr Marie Brown, Dr Graham Ussher and Dr Gary Bramley.

## Notes

- 1 For a full definition of biodiversity offsets, and how they came to be, see [bbop.forest-trends.org/pages/guidelines](http://bbop.forest-trends.org/pages/guidelines), accessed 6 October 2014.
- 2 Some of the better greenhouse gas emissions reduction schemes incorporate similar thinking: see, for example, the British Columbia approach described in Burch et al (2014).
- 3 The Proposed One Plan became operative December 2014.
- 4 No mention has been made in this essay of functional biodiversity. This allows for both native and non-native species to contribute to ecological operations, and so credits could be earned using either. Offsetting tends to focus on indigenous biodiversity values.

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# Proposing an Indigenous Power of Veto in Aotearoa New Zealand

LINDA TE AHO

Tom Fookes was an architect of New Zealand's Resource Management Act passed in 1991 (RMA). When interviewed about his life's work, Tom responded that he had sought to create a 'fair, integrated consideration of the decisions and policy to do with the social, economic and environmental conditions of our people'. I am told that he worked hard to provide a fair opportunity for all people to have a voice in decisions that affect them and places they care about. Processes were included in the RMA to allow this to occur, with particular provisions for a distinctive Māori voice. Because of these provisions, and the Act's lodestar of sustainable resource management, the RMA was promoted as one of the 'world's finest national environmental policies'.

In some ways the RMA has not delivered on its promise. Māori environmentalists claim that this can be attributed in part to the sidelining of laws and values that define ethical responsibilities of users to natural resources. Instead, decision-makers have leaned in favour of economic growth, sometimes generated by users who have acted irresponsibly. Climate change experts warn that New Zealand is on a development pathway that is unsustainable, that a new approach to resource management is required.

This essay explores the 'dangerous idea' of a power for Māori to veto development projects and processes that do not accord with traditional wisdom and laws designed to protect the integrity of

natural resources and to provide for future generations. The idea of a veto is not a new idea in some minds. It was envisaged by the Waitangi Tribunal in a landmark report on the Whanganui River and is embodied in a joint management agreement operating in Auckland. The idea of an indigenous veto was debated during the drafting of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and some would argue is implicit in the notion of free, prior and informed consent (FPIC). Though the idea of a veto is not new, it will be a real challenge for some to come to grips with. It would give credence to Māori proprietary rights and, in effect, give Māori the strongest voice in decisions that have potential to significantly impact upon them and their environment, and encourage the search for less harmful alternatives. It is argued here that a veto power would provide a more robust check on decision-makers that could in turn lead to the enhanced social, cultural, environmental and economic wellbeing of New Zealand as a whole. Simply debating the merits of an indigenous right of veto would promote better understandings of the value of indigenous conceptions of the environment, and the nature of Māori proprietary rights.

## **Māori environmental laws and values**

Māori are tangata whenua: people of the land who descend from Papatūānuku, the Earth Mother and Ranginui, the Sky Father. Māori genealogy is intimately linked to the environment. Traditional laws and values, developed over time, are sourced in the environment. According to these laws, all living things have a life-force, or mauri, and authority, or mana. Leaders or chiefs of hapū, or tribal groups, had authority to control the rights of members to use certain resources in certain ways, ensuring that the mauri and mana of those resources was maintained, and that future generations would be provided for. They were not always successful. Incantations were recited and permission sought from spiritual guardians of the forests

before felling trees to build canoes. Similar practices occurred when taking food from rivers and from the sea. When catching eels, little ones were thrown back. Food was not eaten right by the river, but taken home to eat. Elderly tribal members recall being taught not to be greedy, to take only enough food for a meal, and not to mistreat the river. Rāhui, or temporary prohibitions on fishing or other activities, were often imposed in defined areas to prevent fishing for a time to allow for food species to rejuvenate. This customary system of caring for and protecting the environment for its own sake, and for future generations, is now commonly known as kaitiakitanga. The right for hapū to continue exercising kaitiakitanga was guaranteed by the promise of tino rangatiratanga in Te Tiriti o Waitangi, the Treaty of Waitangi. The essence of tino rangatiratanga is captured in the following statement by Taiaho Hori Ngatai in 1885 in regard to fishing rights:

I have always held authority over these fishing places and preserved them; and no tribe is allowed to come here and fish without my consent being given. But now, in consequence of the word of the European that all the land below high-water mark belongs to the Queen, people have trampled upon our ancient Maori customs and are constantly coming here whenever they like to fish. I ask that Maori custom shall not be set aside in this manner, and that our authority over these fishing-grounds may be upheld.<sup>1</sup>

This passage shows that Māori once enjoyed a right of veto, the authority to prohibit and control certain actions. The Waitangi Tribunal has confirmed that Māori have continuing rights under Te Tiriti o Waitangi to exercise rangatiratanga in the management of their natural resources, whether they still own them or not.<sup>2</sup> The quote also highlights the tensions that arose when Māori laws collided with the laws introduced 'in consequence of the word of the European'. The inclusion of legislative provisions in the RMA promises considerable protection for Māori rights and

responsibilities.<sup>3</sup> Māori, in the context of the RMA, see themselves as kaitiaki: protectors and advocates for lands, waters and sacred sites as affirmed in Te Tiriti o Waitangi, and have long sought to participate fully at all levels of resource management decision-making.

The examples of kaitiakitanga above demonstrate a world view that is holistic and balanced, that looks beyond short-term gain and actively promotes the interests of present and future generations. It is not an aim of this essay to promote the worship of 'traditional wisdom', which in fact is far from the present practice for some Māori. Instead it promotes efforts to realize the principles of kinship among different living things, including society. It seeks possibilities within Western traditions for a more ethical engagement with Māori and indigenous thought and world views, in order to find ways to work constructively on shared goals and to set a course of being more aligned with the planet. The bases of Māori and indigenous world views differ from those of Western civilization. Of key importance in a Western world view is the human-centred view that nature is to serve humans.<sup>4</sup> It is often claimed that the prioritization of short-term human needs and wants has contributed to the extinction of indigenous fish and bird life and the degradation of lands and waterways. A current environmental challenge that we all face, for example, is how to mitigate the impacts of certain contaminants in freshwater streams and rivers. Councils, delegated to manage catchments, have not been able to keep up with the pace of wholesale deforestation and land intensification. For over a decade, Western scientists trained in the context of an anthropocentric world view have advised farmers to use nitrogen-based fertilizers on pasture to increase productivity for economic growth.<sup>5</sup> Climate change expert Dr Adrian Macey has recently warned of the risks of New Zealand continuing to deforest and farm in these ways.<sup>6</sup> Contaminants such as nitrogen and phosphorus have, over time, leached into freshwater streams and rivers which are no longer drinkable or swimmable. Accordingly, law and policy is being developed to set targets and

limits for contaminants. This has economic implications for farmers (many of whom are Māori) and other stakeholders who have become dangerously dependent upon the income from agricultural exports. So, apart from environmental impacts, these issues have significant consequences for future prosperity, not just for farmers, but for the country as a whole.

Other current challenges where a more robust check on decision-making could apply include a local council debating whether to add chemicals to a badly polluted freshwater lake in order to change its colour (rather than attempting to restore and rehabilitate the lake) to make it more aesthetically pleasing to tourists. This could well be damaging in the long term. There is an increase in the activity of extractive industries seeking to explore the economic potential of drilling the seabed in our deep waters. This poses a threat to the marine environment and in turn threatens the subsistence lifestyle and culture of the peoples who have lived in rural coastal areas for centuries should something go wrong.

### **Te Tiriti o Waitangi and the RMA**

And things do go wrong. New Zealand's worst maritime environmental disaster occurred when the container ship *MV Rena* ran aground on Astrolabe Reef near the city of Tauranga in October 2011. An estimated 350 tonnes of heavy fuel oil leaked from its ruptured hull into the bay. Three years on, the authorities are still struggling with the rehabilitation of the reef, both ecologically and spiritually. The struggle to respond to this relatively small oil spill raised serious concerns about our ability to respond to a larger oil spill either from bigger container ships or from rigs in deep waters. Ironically, at the time of the grounding, indigenous peoples of the Tauranga area were involved in court proceedings opposing the Tauranga Port Company's application for consent to dredge the harbour to allow for larger container ships to enter.<sup>7</sup> The dredging would result in deepening and widening the harbour and removing

part of the base of a mountain based in the harbour. Extensive evidence of environmental and cultural effects was put before the Environment Court, particularly in relation to the special status of the harbour and the mountain Mauao. For the tribes of the area the mountain has a deep cultural and spiritual significance and is the sacred mountain to which they are linked by genealogy. The Court faced the challenge of addressing the competing interests of the Port of Tauranga seeking to accommodate larger ships, while recognizing and providing for the legitimate cultural concerns and special relationship of local Māori groups with their ancestral mountain and the large seafood beds in and around the entrance. The Court recognized that the proposal would have adverse impacts upon these relationships: a matter of national importance required to be recognized and provided for under section 6(e) of the RMA; on kaitiakitanga, a matter for particular regard under section 7(a); and on the principles of the Treaty, a matter to be taken into account under section 8. The Court also noted its concern about the evidence of resource loss and environmental degradation, particularly in relation to the harbour and waterways. Nevertheless, the Court recommended that the consent be allowed, subject to conditions. The dredging could be justified on the basis that imports and exports were seen as vital for New Zealand's economy and standard of living, and this proposal related to New Zealand's largest export port.

This example and the two that follow illustrate why Māori seek stronger tools than those that exist in the current RMA regime to protect the environment, to protect Māori proprietary rights and interests, and to enable Māori to exercise kaitiakitanga.

In the case concerning a decision to grant a resource consent allowing a council to take water from springs for a term of 25 years, the Environment Court found that the desecration of the springs by the Council's abstraction were acts of 'considerable cultural insensitivity'. So strong was the connection between the Ngāti Rangiwewehi people and the springs that the Court warned,

in terms of cost, that there comes a time when those who are adversely affecting Māori by their activities need to 'bite the bullet' if there are viable alternatives.<sup>8</sup> With no jurisdiction to direct the Council to adopt an alternative supply, the Court reduced the term of the consent to 10 years to 'signal the cultural sensitivity of the environment, the statutory prerogatives relating to Māori, and the failure of the Council to investigate adequately the viable alternative.'<sup>9</sup>

A final example here concerns the use of a ministerial power of veto. Surfers, environmentalists and Māori all opposed a marina on a shallow estuary in Whangamatā due to the effects upon a major wetland area and the risk to a world-class surf break. An Environment Court hearing allowed the marina to go ahead subject to conditions. The exercise of a ministerial veto was overturned by the courts.<sup>10</sup> As a result of the development, several rare species were displaced or exterminated, and scientists have concluded that the surf break has been degraded.

### **Strengthening Māori voice in resource management**

Despite acknowledgements regarding the significance of cultural and environmental effects, and admonition for the lack of Māori participation in determining strategy for these projects, the consents were still granted, albeit subject to conditions or for a reduced term. In light of decisions like these (and there are many more), the Waitangi Tribunal has recommended a number of reforms for a Treaty-compliant environmental management regime.<sup>11</sup> Because these recommendations are not binding on the government, more traction has been gained by Māori looking to Treaty of Waitangi settlements to strengthen their voice in decision-making processes. The Crown's process for settling Treaty claims runs parallel to the Waitangi Tribunal process. I have written elsewhere about the Waikato River settlement which compels co-management and has led to changes in regulatory frameworks regarding land use and

freshwater, as well as changes in community expectations.<sup>12</sup> Such models are becoming increasingly common, and strengthen Māori advocacy in the governance and management of the landscapes and ecosystems they live in and near. A recent innovative model is found in the settlement between the Crown and the iwi, tribal groupings, of the Whanganui River on the west coast of the North Island. Earlier freshwater settlements have recognized to varying degrees Māori conceptions of the environment. For example, the Waikato River settlement recognizes that to Waikato-Tainui the river is a tupuna, an ancestor, which has mana and a life-force of its own.<sup>13</sup> The earlier settlements have also vested lakebeds, riverbeds (or parts of the beds) and surrounding lands in claimant groups. They have created co-management regimes that either compel or encourage relationship agreements between claimant groups and central and/or local government. These regimes provide more freedom for Māori to carry out customary activities, and will lead to more collaborative planning processes. The settlements provide funding for restoration projects and have highlighted the need for Māori models and indicators for assessing the mauri (health and wellbeing) of waterways. The Whanganui River settlement does all of these things. It also involves an interesting legal development – it accords the Whanganui River full legal personality. The river has legal standing in its own right. An official guardian will be appointed to protect the health and wellbeing of the river and to participate in relevant statutory processes. This legal status of the river, combined with the recognition that the post-settlement governance entity has an interest in the river that is ‘greater than the public generally’ when applying the RMA, provides the strongest opportunity for more effective participation by Māori in planning processes of all the freshwater settlements to date. The emphasis in this settlement on stronger legal voice for Māori in RMA processes is not surprising given the feedback from Whanganui iwi in the 1995 consultation process for the Sustainable Water Programme of Action, at which hui, a tribal member had this to say:

The Resource Management Act has always provided the opportunity for Māori to participate at the planning level, but it never happens because there is *no willingness*, we have no political weight. So we are shut out, and we become one voice amongst many other constituencies. [emphasis added]

By expressly including indigenous conceptions of nature in legislation, these settlements are said to reprioritize nature within Western law and culture and have stirred interest amongst non-indigenous commentators.<sup>14</sup> Despite these promising advances, indigenous aspirations in respect of both their rights and their resources continue to be compromised, highlighting the need for even stronger tools.<sup>15</sup>

### **Shades of veto and the requirement of free, prior and informed consent**

An earlier joint management arrangement between the people of Ngāti Whātua o Orākei (the hapū) and the Auckland Council effectively provides for an indigenous right of veto. Under this statutory arrangement the fee simple title to certain lands in Auckland is registered in favour of the hapū and set aside 'for the common use and benefit of the hapū and the citizens of Auckland'. The lands are jointly administered through a Reserves Board which comprises three representatives of the hapū and three representatives from the Council. The position of chairperson and the casting vote is reserved for a hapū representative in recognition of hapū title and mana whenua, territorial authority. Although born of conflict and collision, the arrangement has worked successfully and without untoward incident since its inception in 1992. It has been described as a benign but efficient regime which recognizes the mana of the hapū and which has developed a spirit of mutual respect.<sup>16</sup> Despite the hapū having a casting vote, it seems that it has never been used. Public access to the reserve (including a popular

beach area) has been unrestricted from the day title was returned to the hapū. Another form of veto exists in the 'permission right' designed to apply in those areas of the foreshore and seabed where customary title is shown to exist in the tribal territories of Ngāti Porou and Te Whānau a Apanui on the east coast of New Zealand's North Island. As an outcome of direct negotiations with the Crown, in these areas hapū will have the right to either approve or withhold approval for any resource consent application that will have a significant adverse effect. Ngāti Porou is advocating for a similar type of mechanism to apply either generally in relation to freshwater management or in those areas where it is agreed that Ngāti Porou have strong interests.

Interestingly, the Waitangi Tribunal proposed what might be considered an indigenous right of veto in its 1999 report on the Whanganui River claims. The Tribunal had found that the Whanganui River was a single and indivisible entity, inclusive of the water in flow. As at 1840, Whanganui iwi possessed and held rangatiratanga over the river and never sold those interests. Acts of removing possession and control from the Whanganui peoples were contrary to Treaty principles. Based on these findings, the Tribunal recommended that the Crown negotiate with Whanganui iwi having regard to two key proposals. Firstly, it recommended that the river *in its entirety* be vested in an ancestor or ancestors of the iwi. Secondly, any resource consent application in respect of the river would *require the approval* of the iwi governance entity (emphasis added). Neither of these recommendations has been followed. In terms of the first proposal, the Tribunal has recently reinforced the idea of the potential of owning entire rivers, including water. In its interim report on the National Freshwater and Geothermal Resources Claim (Wai 2358, 2012) the Tribunal addressed the question of what rights and interests (if any) in water and geothermal resources were guaranteed and protected by the Treaty of Waitangi. The Tribunal found that Māori had rights and interests in their water bodies for which the closest English equivalent in 1840 was ownership. Those

rights were then confirmed, guaranteed and protected by the Treaty of Waitangi, save to the extent that the Treaty bargain provided for some sharing of the waters with incoming settlers. The nature and extent of the proprietary right was the exclusive right of hapū and iwi to control access to and use of the water while it was in their tribal domain.<sup>17</sup> Despite the Whanganui River settlement being the first to have been signed off after these significant Tribunal findings in relation to the nature of Māori rights and interests in water, the settlement explicitly avoids issues relating to ownership of water.<sup>18</sup>

The other key proposal in the 1999 Whanganui River report is that any resource consent application in respect of the Whanganui River would require the approval of the iwi governance entity, either solely or jointly with the current consenting authority. The example of the Ngāti Whātua joint management arrangements, and the fact that the Tribunal made this recommendation, illustrates that, in some minds, the idea of an indigenous power of veto is not new.

Nor is the idea confined to New Zealand's shores. The requirement of approval recommended in Whanganui resonates strongly with the requirement in the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) for free, prior and informed consent.

Once prosperous and flourishing, indigenous communities around the world have suffered similar effects of colonialism. Their lands, territories and resources have been expropriated for national economic and development interests. Large-scale economic and industrial development has taken place without recognition of and respect for indigenous peoples' rights and responsibilities. They have been excluded from participating in the control, implementation and benefits of development. Involvement in inquiries, litigation and negotiations with the Crown shows that Māori, like other indigenous peoples, continue to fight to protect the lands, waters and air that play a specific role in their identity, wellbeing and fundamental rights and responsibilities. As has been shown, this has resulted in increasing levels of Māori participation in decision-

making and a growing willingness by decision-makers to recognize indigenous conceptions of nature.

Māori have been active in asserting their rights on an international level too. For decades, Māori such as Moana Jackson, Aroha Mead and Dame Ngāneko Minhinnick have contributed to the drafting of the Declaration. In a sudden change to its former position, New Zealand endorsed the Declaration in 2010. While the heart of the Declaration is the self-determination framework, and in particular Article 3, there are other powerful articles such as Article 25, relevant here, which provides that:

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied or used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

The Declaration also contains a number of articles that require free, prior and informed consent.<sup>19</sup> According to Article 32:

States shall consult and cooperate in good faith with the indigenous peoples concerned ... in order to obtain their *free and informed consent* prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. [emphasis added]

A right of veto is a unilateral right to prohibit a course of action chosen by another. The Declaration is deliberately silent on whether the right of consent includes a right of veto. Whilst FPIC only explicitly refers to the notion of an indigenous right to *consent* (which has been defined as the right of a competent person to voluntarily agree to another person's proposition), it has been argued that FPIC implicitly includes a right to say 'no' to activities that have potential to significantly impact upon them and their traditional lands and territories.<sup>20</sup>

## Concluding comments

When crafting the RMA, Tom Fookes and others had aimed to provide, among other things, a fair opportunity for Māori, as Treaty partner, to have a strong voice in decisions that affect them and the places they care about. In seeking to exercise those voices, Māori have turned to Treaty settlement processes to achieve what they could not achieve through the application (or non-application) of legislative provisions in the RMA. Gaps remain. Accordingly, this essay explores the idea of providing Māori with a general power of veto – the right to approve or reject development projects assessed against Māori laws and values designed to protect the integrity of natural resources with future generations in mind. It is suggested here that such a power exists in the Ngāti Whātua joint management arrangements where tangata whenua have the casting vote on the relevant governance board over certain lands, including foreshore. Through the development of mutual regard there has been no need to use that power. A requirement to seek consent of tangata whenua in resource consent processes was recommended by the Waitangi Tribunal in its 1999 report on the Whanganui River claims. A form of veto is arguably implicit in the requirement for states to obtain the free, prior and informed consent of indigenous peoples on decisions affecting their territory under the United Nations Declaration on the Rights of Indigenous Peoples.

Some will struggle with the idea of an indigenous right to veto. But if indigenous laws and values which are more earth-centred become a priority in decision-making, this could transform our approach to resource management. An indigenous veto has the potential to benefit all peoples in Aotearoa New Zealand in terms of better ecological outcomes, better governance, and long-term economic stability. Debating the idea of a veto provides a window of opportunity for New Zealanders to better understand the nature of Māori proprietary rights and the world view that individual property ownership operates within a collective context of user rights and responsibilities.

## Notes

- 1 Waitangi Tribunal (2010) *Tauranga Moana Report 1886–2006* (Wai 215), Chapter 7, p498.
- 2 Waitangi Tribunal (2008) *He Maunga Rongo: Report on the Central North Island Claims*, Stage One, Volume 1 (Wai 1200).
- 3 Resource Management Act 1991, sections 6(e), 7(a) and 8.
- 4 Irons Magallenes, C. (2014) ‘Moving Towards Global Eco-integrity: Implementing Indigenous Conceptions of Nature in a Western Legal System’, Chapter 15 in L. Westra and M. Vilela (eds) *The Earth Charter, Ecological Integrity and Social Movements*, Routledge, Oxon, p182.
- 5 Wedderburn, L. (2014) ‘Farm and Catchment Solutions to nutrient loss entering New Zealand waterways’, Keynote Presentation at 21st Century Watershed Technology Conference, University of Waikato, 2–6 November.
- 6 Law, Ethics & Responsibility Symposium, Hopuhopu, New Zealand, 23–25 November 2014.
- 7 *Te Runanga o Ngati Te Rangi Iwi Trust & Ors v Bay of Plenty Regional Council* [2011] NZEnvC 402.
- 8 *Te Maru o Ngati Rangiwewehi v Bay of Plenty Regional Council* [2008] 14 ELRNZ 331 at para [140].
- 9 At para [140].
- 10 *Whangamata Marina Society Inc v Attorney-General* [2007] 1 NZLR 252.
- 11 Waitangi Tribunal (2011) *Ko Aotearoa Tenei* (Wai 262), Chapter 3, pp235–292.
- 12 Te Aho, L. (2009) ‘Indigenous Challenges to Enhance Freshwater Governance and Management in Aotearoa New Zealand – The Waikato River Settlement’, *Journal of Water Law*, vol 20, nos 5/6, pp285–292.
- 13 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Preamble.
- 14 Irons Magallenes, C., ‘Moving Towards Global Eco-integrity’, above note 4.
- 15 Te Aho, L. (2012) ‘Ngā Whakataunga Waimāori: Freshwater Settlements’, Chapter 7 in N. R. Wheen and J. Hayward (eds) *Treaty of Waitangi Settlements*, Bridget Williams Books Ltd, Wellington, New Zealand, p102.
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- 19 Articles 10, 11, 19, 29, 30 and 32 of the UNDRIP all require FPIC.
- 20 MacKay, F. (2004) 'Indigenous Peoples' Right to Free, Prior and Informed Consent and the World Bank's Extractive Industries Review,' *Sustainable Development and Policy*, vol 4, no 2, pp43–65; Seier, F. (June 2011) "Free, Prior and Informed Consent" under UNDRIP: What Does it Really Mean?, <http://www.right2respect.com/2011/06/>, accessed 14 December 2014; and Erueti, A. and Pietras, J. (2013) 'Extractive Industry, Human Rights and Indigenous Rights in New Zealand's Exclusive Economic Zone,' *New Zealand Yearbook of International Law*, vol 11, p1 at pp3–7.

## Race Relations and Planning: An Auckland Perspective

NATHAN KENNEDY

Auckland Council has taken a bold step to require consent applicants to provide an opportunity for Māori, who are likely to be affected by proposed activities, to undertake an assessment of those effects. The Proposed Auckland Unitary Plan includes a range of rules that require some consent applicants to engage with iwi (tribes), and commission cultural impact assessments where these are warranted.

The Proposed Auckland Unitary Plan rules generated a public backlash, and a wave of anti-Māori rhetoric, reminiscent of the headlines following *Attorney-General v Ngati Apa* – sometimes referred to as the ‘Marlborough Sounds case,’<sup>1</sup> and the resulting Foreshore and Seabed Act. The Plan provisions, according to these folk, are a dangerous idea – they must be diluted or removed. Opposition falls mainly into two categories, bigotry and patch protection, both thinly veiled under the guise of better planning and ‘one law for all’.

Tāmaki Makaurau Māori (the First Nations people of the Auckland region) also view them as a dangerous idea, in that they break through deep-seated political and institutional barriers to Māori participation. But for tangata whenua the rules are also warranted, a rational response to a widespread disregard for Māori values and interests in numerous resource consent processes, which impact upon them greatly.

In this essay I consider the opposition to the Proposed Auckland Unitary Plan Māori provisions, locate this in terms of Māori legal rights and recognition under the Resource Management Act 1991 (RMA), and consider the backlash against them, and the combined effort of iwi and the Auckland Council to defend and retain them.

### **Proposed Auckland Unitary Plan cultural impact assessment provisions**

At the time of preparing this book submissions to the Proposed Auckland Unitary Plan (PAUP) were being heard by an independent hearings panel (the Panel), which was constituted under Auckland-specific legislation, and makes non-binding recommendations to Auckland Council.

The PAUP represents a credible effort at incorporating strong provisions recognizing and protecting Māori interests and values. These include objectives, policies and methods for ensuring that effects on Māori are considered as part of resource consent applications, by requiring consent applicants to provide local iwi the opportunity to prepare a cultural impact assessment (CIA), where Māori are potentially affected by a proposed development. This requirement is triggered by four rules (PAUP 2.7.4 Cultural impact assessment):

- for applications for resource consent under the Sites and Places of Significance to Mana Whenua overlay or the Sites and Places of Value to Mana Whenua overlay;
- for applications for resource consent within 5 categories of areas with lands, waters or resources in which Māori have legal interests;
- for the preparation of structure plans; and
- for applications for 17 categories of resource consent where a proposal may have adverse effects on resources or environments with particular Mana Whenua values.

The CIA provisions are a response to RMA section 88(2)(b), which requires that an applicant assess potential effects arising from a proposed activity. The PAUP Māori provisions give effect to the key Māori provisions in RMA Part 2, sections 6, 7 and 8. Section 6 requires All RMA decision-makers to ‘recognise and provide for’ the following, as being ‘matters of national importance’: ‘the relationship of Maori and their culture and traditions with their ancestral lands, water, waahi tapu, and other taonga’ (6(e)); ‘the protection of historic heritage from inappropriate subdivision, use, and development’ (6(f)); and ‘the protection of customary rights’ (6(g)). Section 7(a) requires ‘particular regard’ to ‘kaitiakitanga’ and section 8 that the principles of the Treaty of Waitangi be taken ‘into account’.

The PAUP Māori provisions were sought by mana whenua (iwi with ancestral authority in Tāmaki Makaurau) mindful that, despite the directives in the RMA and by our highest courts, Māori historic heritage continues to be destroyed at an alarming rate, and that assessment of effects on Māori in consent processes is rare. In an effort to be proactive, Auckland iwi sought the inclusion of Plan provisions that would reflect their values and interests in the region, identify effects from proposed activities, and provide recommendations for addressing these. The resulting cultural impact assessment rules offer a path to ensure an assessment of effects on Māori, in circumstances where these are likely to occur.

## **Tāmaki Makaurau Māori and resource consents**

Before describing the responses to the PAUP Māori rules, I provide an overview of Tāmaki Makaurau Māori, and an explanation of the legal basis for providing for their participation, as provided for by the new Plan provisions.

Tāmaki Makaurau, the Auckland area, is an area that has been occupied and contested by iwi Māori for millennia. The development there of New Zealand’s largest city has resulted in the dislocation

of tangata whenua (people of the land) from their ancestral places, and the destruction of a significant Māori cultural landscape. Like elsewhere, Tāmaki Makaurau mana whenua iwi (tribes with traditional authority over the area) have been largely powerless to prevent this wholesale cultural destruction.

Yet the Court of Appeal has found that the previously mentioned RMA provisions are 'strong directions, to be borne in mind at every stage of the planning process,'<sup>2</sup> and acknowledged 'the evolving international recognition that indigenous issues must now be viewed through a wider lens than that of western culture.'<sup>3</sup> But there is clear evidence that consents planners do not turn their minds to Māori issues, and the wider lens is too hot to handle and seldom donned. There is ample reporting of this negligence.<sup>4</sup>

Councils have played a gatekeeper role in this regard, excluding Māori (and other communities of interest) from the vast majority of resource consents. It has long been the case that 95 per cent of consent applications are granted on a non-notified basis, and councils unquestioningly accepting applicants' unsupported assertions that only immediate neighbours are affected by their proposals. This is contrary to the RMA section 88(2)(b) requirement that effects on Māori (and other potentially affected parties) be assessed.

This widely entrenched council mentality regarding Māori and public participation has been bolstered by ongoing, politically motivated, amendments to the RMA. These are argued as streamlining and seeking administrative efficiency. In reality, they have placed additional barriers to Māori and public participation.

The claimed unreasonable burden placed on applicants by participation by Māori is a myth. Even of the 5 per cent of applications that are notified, few involve participation by, or are subject to, any form of review or appeal by the public or Māori. In reality, the greater number of administrative delays and challenges are from immediate neighbours or are trade motivated, despite the RMA prohibition of consideration of trade competition effects.

It is in this context that the PAUP rules offer some credible

means by which effects on Māori of proposed activities within their ancestral lands will be identified and considered.

## Responses to the PAUP CIA provisions

The rules and related regional policy statement (RPS) provisions received massive opposition, attracting 2858 submission points and 8479 further submission points, almost all in opposition. The provisions prompted a vocal public backlash, with claims of racial privilege, an attack on democracy, and an erosion of private property rights. Community groups and corporates made submissions in opposition, and engaged historians, archaeologists, lawyers and planners in their efforts to have the Māori provisions diluted or removed.

Similar in nature to numerous other groups, the Howick Ratepayers and Residents Association wrote of ‘considerable disillusionment and concern in the Ratepayers over the influence Maori, “Manu whenua” [*sic*] (MW) are being granted in the Unitary Plan’, and ‘note instances of the resource consent process becoming exceedingly cumbersome and costly already, where a developer has had to consult numerous Iwi before proceeding and have Iwi representatives on site’. The group asks the hearings panel to ‘reject the need for Ratepayers to approach Maori groups to merely to [*sic*] ascertain if the group has any interest in the proposal’, and concludes that ‘Clearly Ratepayers will potentially be held to ransom over any application for any alteration to their property’.

A group that stands out for its vocal opposition, and has run a campaign to motivate others to write similar submissions, is Democracy Action. According to its webpage, Democracy Action was formed to give voice to equality and democracy, and stands for a representative democracy, where every vote has equal weight, where only elected and accountable members on our governing bodies should have voting rights, and resisting the notion that birth or background should entitle anyone to a greater voice in the

process of governing. They criticize the PAUP Māori provisions, claiming they will result in ‘one class of citizens, loosely defined as “Mana Whenua”, with new and substantial powers over Auckland’s resources and the private property of its citizens’. They further identify that an ‘erosion of our democratic values brings with it higher development costs and time delays, opaque decision making, inevitable conflicts of interest, and an unacceptable risk of corruption’ (Democracy Action Group, 2014).

Democracy Action’s lawyers (Franks Ogilvie, 2015, p2) challenged the two Māori values overlays on legal grounds, saying that these represented a Plan change for which affected parties’ responses had not been allowed, disputing that there is sufficient evidence base for the individual and collective sites for them to stand (a matter I address later). The lawyers cited various cases for the illegality of admitting the sites through the PAUP process (including *Te Rohe Potae o Matingirau Trust v Northland RC EnvC A107/96*), and sought that the Panel seek a declaratory judgment from the Environment Court on the matter. None was sought.

There are plenty of similarly minded groups – the Taxpayers’ Union, Auckland Property Investors’ Association and Auckland Ratepayers’ Alliance, to name a few. The Taxpayers’ Union opined in a paper circulated by the *National Business Review* that the rules are a tax on private property, insultingly labelled a ‘taniwha tax’:

Make no mistake, the Mana Whenua provisions in the Auckland Unitary Plan have enacted a cultural or ‘Taniwha Tax’, enforceable immediately. The provisions may affect the value of perhaps 18,000 properties, and many more in time. It is a variable and unpredictable capital tax, collected when someone wants to change their property use.

The paper is full of all manner of inaccuracy presented as fact. For example, the paper asserts that there is no evidence of metaphysical or spiritual value associated with the sites, that this is nonsense. It states that CIAs are costing up to \$4,000 for householders and far

more for commercial enterprises, whereas the scrutiny applied to the process by the combined Auckland Council and iwi working group has established that this is untrue. It further claims that security of ownership is affected by the explicit and implicit assertion of mana whenua preferences. These claims are alarmist, and without foundation. Apparently all the other matters that require addressing as part of an application for resource consent do not constitute such a tax, but the assessment of effects on Māori does.

The PAUP CIA issue was elevated in the media by businessman and *New Zealand Herald* columnist Bob Jones, after resource consent was required for alterations to one of his central Auckland properties, triggering the cultural impact assessment rules. Jones regularly criticizes Māori, and the RMA, in his *Herald* column and in his personal blog. His columns abound with racist rhetoric, with headlines like 'Blatant try-on shows it's time to derail Treaty gravy train' (Jones, 2012), and ongoing ridiculing of iwi Māori, their institutions, and, childishly, even individuals' names. On the CIA rules, Jones labelled Māori 'extortionists', and likened iwi writing CIAs to mafia protection rackets, resenting that he was required to pay for an iwi representative to visit his property. Setting fantasy aside, the representative in that instance actually indicated that a cultural impact assessment wasn't needed, and made recommendations as to how the proposed renovation might take into account the location's Māori history. As demonstrated so many times in the past, claims of Māori being given a veto, and that they would hold the system to ransom, have proven baseless. Yet Jones finds a sympathetic audience, as reflected in the screeds of newspaper feedback and radio talkback associated with the CIA provisions. Such sensationalism is grist to the mill for the mainstream media. Floods of like-minded responses were reported in the print media and on the airwaves, reflecting nothing more than the entrenched bigotry that persists within Aotearoa.

The media must take responsibility for fuelling such attitudes. It is quick to exploit any opportunity to demonize Māori, knowing

that Māori bad news sells. Research into media treatment of Māori has found relentlessly negative portrayals of Māori, and that this encourages the public to see Māori as threatening the social order and burdening society. The mainstream media seldom features positive stories relating to Māori, and has been described as committed to promoting a hegemonic, racist narrative, that excludes and denigrates Māori (Nairn et al, 2012). I share this view.

The *National Business Review* has run a range of stories on this issue, including headlines like ‘Auckland iwi turn city culture vultures’, which refers to a hostile reaction to the racial extremism of ‘Māori first’ policies embedded in the Proposed Auckland Unitary Plan. *NBR* writer Michael Coote has repeatedly criticized the Māori provisions in his ‘On the Money’ segment, with headlines like ‘RMA sweeps away property rights’, ‘Resistance builds to tribal privilege’, ‘Values triumph over land rights’ and ‘Hopes rise to repel racist moves.’

Even less answerable, but increasingly influential, are personal blogs like those of Michael Coote and Cameron Slater, who are both quick to denigrate Māori. Promoting the above-mentioned Taxpayers’ Union paper, Slater (2015) added his own interpretation, relabelling the ‘corrupt’ CIA provisions as a ‘Maori mafiaoso [*sic*] tax’. He ends his racist rant with further accusations of Māori corruption, writing: ‘We all know that the only known antidote to a taniwha is cold hard cash and lots of it.’ Coote, in his own blog, wrote of the ‘Maori racial supremacy bias that Auckland Council is attempting to embed permanently into its public policy.’

Every social and economic statistic in New Zealand places Māori firmly at the bottom of the heap, yet these people cling to claims of racial privilege. As an iwi environment officer, I have witnessed the ugliness of Joe Public when Māori dare to challenge development aspirations. This is commonplace in the experience of Maori under the RMA, although you would never know, as it simply doesn’t rate as newsworthy.

## The business world and utilities companies

The cultural impact assessment provisions, like the Māori provisions generally, elicited a large number of opposing submissions from businesses. Admittedly, these were more measured than the alarmist assertions noted above. These businesses included utilities companies, Ports of Auckland, Auckland Airport, the oil companies, Federated Farmers, Watercare, and the New Zealand Transport Authority, to name a few. All sought to dilute or remove various Māori provisions, clearly motivated by perceived impacts on their businesses.

Auckland Airport argued against recognition of cultural landscapes in the Plan, and sought to remove Māori spiritual or intangible values references, and to replace the requirement to avoid the destruction of sites of significance to mana whenua with an ability to remedy or mitigate their destruction (Arthur-Young, 2015). Others sought a similar weakening regarding protections for the CIA provisions or mana whenua values associated with outstanding natural landscapes – for example, Westpac Mussels, Westfield Shopping, Stevenson’s Group, Kiwi Rail Holdings (Degroot, 2015; Smitheram, 2015). This despite substantial case law confirming that cultural or spiritual values are legally defensible, and subject to the same evidential tests as any other effects.<sup>5</sup>

The combined utilities companies sought to restrict the matters over which Auckland Council should have discretion or control in relation to the Māori sites of value and sites of significance overlays (Horn, 2015), while others asked that these statutory overlays be reclassified as non-statutory alert layer (Matheson and Minhinnick, 2014). Ports of Auckland Ltd sought that the CIA rules be amended to make it optional for applicants to approach iwi to determine whether a CIA is required (Carruthers, 2015).

It should be noted that many submitters, including those businesses mentioned here, participated in mediation with Auckland Council and iwi, and that some effort was made toward

finding common ground. But the positions outlined above are those post mediation, illustrating that iwi and the business community remained a long way apart.

### Political responses

That the Māori provisions survived into the draft Plan is testimony that the current Auckland Council is prepared to back sound Māori planning provisions, even where these are likely to be unpopular. This, despite vocal opposition to some of the Plan's Māori provisions from Auckland councillors such as Mike Lee and Wayne Walker. There has also been opposition declared to the Plan provisions from central government politicians (Orsman, 2014). Accordingly, the PAUP rules are by no means secure, with Auckland Council yet to receive the recommendations of the Independent Hearings Panel, and decide whether to retain the controversial provisions.

Tāmaki Makaurau Māori remain acutely aware of the potential for political change, and that support today may dry up tomorrow. Like the racist rhetoric reported here, former National Party and ACT Party leader Don Brash stirred up 'middle New Zealand' with his 'Nationhood' and 'We Are All New Zealanders' speeches at Orewa (2004) and Whangarei (2005). The ACT Party seeks to make capital from ongoing use of such slogans. National Party MP Nick Smith (2002) wrote of the 'nonsense' of wahi tapu, advocating for the removal of all Māori values-related statutory provisions. Smith has been Minister for the Environment (2008–2012, and again in 2014) and Minister of Conservation (1996–1999, and 2013–2014), responsible for upholding legal recognitions and protections for Māori that he publicly called nonsense.

Clearly, for many, Māori participation in planning and environmental management remains a dangerous idea. Referring to the 2004 Foreshore and Seabed Act, Auckland University professor of law Jane Kelsey observed: 'This assertion of sovereignty allows political parties to turn the clock back on advances of the past 20

years overnight, as they compete with each other for the redneck vote' (Kelsey, 2006).

As evidence of the political risk of standing up for Māori rights, in 2014 the New Plymouth mayor received what he described as 'countless emails filled with vitriol and hate speech', and lost lifelong friends, when his council voted to adopt Māori seats (Utiger, 2014).

We should not underestimate the clout of the very real racist undercurrent that persists in New Zealand society, and of corporate self-interest.

### Auckland Council and mana whenua iwi responses

Auckland Council and iwi of Tāmaki Makaurau have responded to opposition to the Māori provisions in a range of ways, in an attempt to ensure that the rules work and to confirm the fact-bases deemed required for them to stay. Auckland Council established a facilitation service, free to applicants, to undertake engagement with iwi on applicants' behalf. Within the statutory hearings process the Independent Māori Statutory Board and iwi were particularly active in encouraging pre-hearing meetings, participated widely in these and mediation, and contributed toward efforts to draft mutually acceptable revisions to Plan text. Some iwi engaged at length, despite suffering from a lack of capacity to participate, at a time when they were focused on late-stages Treaty negotiations.

Iwi initiated a Council planning department–iwi working group looking at the CIA provisions; participated in a Council-initiated consultation process to refine iwi areas of interest and map rohe boundaries; and jointly developed methodologies with Council's Heritage unit for confirming values associated with the sites of value to mana whenua and sites of significance to mana whenua layers. Large amounts of Council and iwi time and expertise went into these initiatives.

The CIA joint working group examined the working of the CIA process to date, and sought feedback from iwi regarding the

number of applications they had received, how many were via the facilitation service, what their responses were, and for how many correspondence was exchanged with applicants, site visits undertaken, or CIAs required. A CIAs *Issues and Recommendations Report* was produced, containing a comprehensive analysis of the process, identification of issues and proposed solutions for these, proposals to ensure the efficiency and effectiveness of the process, and protocols and methods for evaluating these over time (Cultural Impact Assessment Project Working Group, 2015). As a result, Council has a substantial understanding of the operation of the CIA provisions, and has determined that these are being used judiciously by iwi.

One of the points of ongoing discussion in the iwi–Council forum was the range of indicators or triggers the planning department might utilize to determine those consents for which the CIA rules kick in. Iwi indicated conditional support for such an approach, but insisted that this would work only if the planners assessing applications had access to knowledge of Māori issues in order to make the judgement calls. We argued that we don't allow planners to make ecological or geotechnical assessments, so why would they make Māori cultural values assessments?

Most of the iwi of the region have participated in the information collection exercise for the sites of value and significance, and the values and perspectives of multiple iwi have been confirmed for most if not all of the 3600 sites. I was one of two Ngāti Whanaunga representatives that undertook this exercise and know the amount of iwi time, research and knowledge that has been invested.

Contrary to the assertions of community groups like those mentioned above, iwi have demonstrated caution in their requirement for CIAs. Of the thousands that have been forwarded to iwi, only a small portion end up with a CIA being commissioned. For the vast majority of notifications, iwi make an initial assessment of the likelihood of affects arising, and in a small number of cases they seek a site visit, or indicate to the applicant that no CIA is required.

Rather than applicants being forced to commission numerous iwi CIAs, in reality iwi routinely confer, and those with a lesser interest defer to others. In some instances, joint CIAs are produced, so as to ensure consistency and avoid unnecessary costs to the developer. Furthermore, where CIAs are not required, iwi do not charge for this advice, thereby bearing the cost of assisting applicants in their mandatory assessment of effects.

### **In summary – another way of looking at things**

Mana whenua have consistently demonstrated that they are driven by a desire to protect their ancestral lands, waters and cultural heritage, and not by money, as they have been accused. It is Māori values and rights that are routinely set aside under the RMA, not those of private property owners.

Māori rights and interests, and their worldview and tikanga, remain valid. These are not matters determined by public debate. Despite the rantings of the ‘one law for all’ brigade, this is not a popularity contest. These are rights long enshrined in common law, confirmed in Treaty jurisprudence, and protected in statute. The Crown is additionally bound by the various international conventions to which it is signatory. These protect Māori heritage,<sup>6</sup> recognize the validity and important role of indigenous worldviews, knowledge and traditional practices, and require that governments provide space for these in environmental management.<sup>7</sup>

These cultural impact assessment provisions represent the most tangible mechanism to date by which any council has sought to ensure that assessment of Māori effects takes place in relation to consent applications, where the potential for such effects exists. The benefits of early engagement with developers, both environmentally and in terms of preserving Māori values and interests, have been well reported.

Yet strenuous opposition to timely Māori participation remains. Māori are having to defend the CIA provisions and sites of value and

significance schedules, and it is not certain if they will survive the current hearings process, whether the Crown-appointed hearings panel will recommend their inclusion, or Auckland Council adopt them.

To me, the looming cost of council 'business as usual' is clear, and untenable. Having spent years both as an environmental practitioner and researcher into Māori participation, I am convinced that the status quo is a path to disunity, Māori property alienation, cumulative environmental degradation, racial conflict, and perpetual and draining legal action. Meanwhile, the current National-led government plans substantive reform of the RMA, renewing uncertainty over protections for Māori, and public participation.

Rather than leading to ever-growing resentment and entrenching opposition, I am hopeful that the experience gained from the operation of the PAUP CIA rules and associated provisions will lead to increased early participation by Māori, and that this in turn will result in reduced opposition, and positive outcomes and experiences for consent applicants. Only this kind of familiarity will bring us past resentment and lead to greater understanding and acceptance of a contribution of Māori values, worldviews, and approaches to environmental management in Aotearoa. As per the poignant line of Beryl Reid: 'I may be a loveable old cockney racist, but I do like my reggae music' (Spiers, 1988).

## Notes

- \* I am an environment officer for Ngāti Whanaunga and also an iwi Treaty negotiator. In the former role I was a member of the Auckland Council-iwi working group charged with evaluating the CIA process and developing methods ensuring the workability of the rules. I also participated in the development of methods for assessing the sites of value and sites of significance to mana whenua. In a private capacity, I was engaged by Auckland Council to undertake the mapping of Tamaki Mākaaurau iwi rohe, as part of Council's efforts to ensure that only

- affected iwi would be notified of consent applications. This essay was written in my personal capacity, and the opinions expressed are my own.
- 1 *Attorney-General v Ngati Apa* [2003] 3 NZLR 643.
  - 2 *McGuire v Hastings District Council* [2002] 2 NZLR 577 at 594, para [21].
  - 3 *Ngati Maru Iwi Authority Inc v Auckland City Council* AP18-SW01, 24 October 2002.
  - 4 See, for example, Peart, 2007; Ministry for the Environment, 2011; Waitangi Tribunal, 2011; Kennedy, 2013; Ministry for the Environment, 2014.
  - 5 See, for example, *Te Runanga o Taumarere & Others v Northland Regional Council & Far North District Council* [1996] NZRMA 77; *Bleakley v Environmental Risk Management Authority* AP177/00, 2 May 2001.
  - 6 International Charter for the Conservation and Restoration of Monuments and Sites (2nd International Congress of Architects and Technicians of Historic Monuments, 1964).
  - 7 Including: United Nations Conference on Environment and Development (1992a), Agenda 21, Rio de Janeiro, Brazil; United Nations Conference on Environment and Development (1992b), Rio Declaration on Environment and Development, Rio de Janeiro, Brazil; UN General Assembly (2007), Declaration on the Rights of Indigenous Peoples.

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# **If the Resource Management Act's Use-by Date Arrived, What Might Replace It?**

CAROLINE MILLER

## **Introduction**

In the life of the Resource Management Act 1991 (RMA), there have been many low points and just as many questionable comments on its implementation. These reached an all-time and almost bizarre low when, on 8 October 2014, the Minister of Finance Bill English declared that RMA-derived council planning rules were the cause of poverty and housing hardship. While this claim met almost universal condemnation, the fact that a senior government minister made such a statement was indicative of the politicization and demonizing of the RMA. This is not an isolated example of negative constructions of the RMA and those who implement it. These are well documented in Ericksen et al (2003) and Miller (2011).

The RMA was promoted by Dr (now Sir) Geoffrey Palmer as cutting-edge environmental legislation, safeguarding New Zealand's resources for present and future generations while demonstrating how sustainability could be implemented. The RMA remains New Zealand's only planning legislation and has universal application throughout the country. It imposes plan-making requirements on the different levels of government. Central government is the only level which can choose to produce RMA planning documents – in this case National Policy Statements (NPSs) and National Environmental Standards (NESs). These address issues experienced throughout the country or establish common approaches to significant environmental issues. At the regional level, regional and

unitary councils must develop Regional Policy Statements and may and do produce regional plans; while city and district councils must produce district plans. Auckland now has additional legislation that requires it to produce a strategic spatial plan (the Auckland Plan) but must also produce an RMA plan which combines the regional and city/district planning requirements.

Using an integrated approach to resource management, the new planning system was to be simultaneously environmentally directed and developer friendly. It was a utopian view of the RMA and in retrospect it is difficult to believe that anyone believed these two conflicting aims could be achieved within a faster system. In using a *tabula rasa* approach to the new legislation, its proponents ignored the knowledge that had developed since 1926 on the planning approaches which worked in a New Zealand context. This explicit rejection of the lessons of the past, the irreconcilable conflict at its heart, and the lack of practical planning experience among its authors ensured the new legislation faced wide-ranging issues when the gloss faded and planners, politicians, communities and developers struggled to implement it.

I have a unique interest in the RMA. As a former planning practitioner under the Town and Country Planning Act 1977, I struggled to implement the new RMA and to write a district plan before moving to academia. There I faced the challenge of teaching it to students and researching the realities of its implementation. Like Tom Fookes, I am one of a dying breed of academics who started life as practitioners in the system which they now teach and research. The journey to academia included completing a PhD on the history of the development of planning and the planning profession in New Zealand from 1900 to 1930. As such, I have perspectives of the RMA derived from knowledge of the past, the experience of implementation, and the joys of imparting it to the next generation of planners. Those perspectives lead me to suggest that the RMA's use-by date has come. We need to accept this fact and reflect on what should shape its replacement. The alternative is to make the

RMA a statutory patchwork quilt via further amendments, internally inconsistent and delivering outcomes that rarely please anyone.

History would suggest replacement is not an unreasonable proposition. New Zealand's first legislation, the Town-planning Act 1926, lasted some 27 years traversing the Depression and World War II, while the Town and Country Planning Acts (TCPAs) of 1953 and 1977 lasted 24 and 18 years respectively. This gives planning legislation in New Zealand an average life span of 21 years, suggesting that the RMA, at 23 years, is definitely due for replacement. If we take this momentous step, what should we replace it with? Can we learn from our planning history, creating new legislation and a new system that does better than its predecessor? However, I am not suggesting that we again take a tabula rasa approach to any replacement. Rather, we should do what worked in the past and use an evolutionary approach in formulating the new legislation. As with previous legislation, parts of the RMA work well enough and are now central to well-established and workable processes. Instead a replacement would focus on taking the best of the RMA but developing new approaches in key areas such as consultation, appeals and subdivision which could be significantly improved. The new legislation would be an evolved version of the RMA which would also assist in the process of transitioning with the minimum of disruption and cost. Thus this essay will focus on some of the core issues that must be addressed in writing the RMA's replacement and makes some suggestions on the shape of that replacement.

## **The founding concept**

One of the reasons that the RMA was regarded as cutting edge in 1991 was that it was the first legislation at a national level that attempted to implement sustainability. Clearly the writers of the new legislation had never read Rittel and Webber's (1973) compelling discourse on planning as an inherently wicked (i.e. a complex) problem. In New Zealand we compounded that inherent

wickedness with the concept of sustainable management, a sort of halfway house on the road to sustainable development. To avoid conflict with the neo-liberalist ideology of the time, including a reluctance to involve central government in the planning, the social and economic aspects of the world were sidelined in the planning system. What was created was a compromised concept that failed to provide a philosophic foundation for the RMA or to reflect the interconnected reality of the world. It was planning through a narrow lens trained solely on the environment and blind to the influence of social and economic concerns which affected that very environment. It was this narrowness that led the RMA to largely ignore the urban world where 86 per cent of our population live and work. Inadvertently it suggested to the community that planners and planning were more worried about the natural world and its denizens than they were about people. This was particularly confronting when, in the early days of the Act, planners in their consultation had to explain this preference for the environment.

My solution would be to include some aspects of sustainable development in the new legislation primarily because the narrow 'sustainable management' focus of the RMA has failed to adequately address the economic and social causes of unsustainable human activity (PCE, 2002). From 2002 to 2012 the purpose of the Local Government Act 2002 (LGA) was sustainable development, which has now been replaced in the Act by a 'core services' approach. That seems to reflect current political preferences rather than any significant difficulties attributable to using sustainable development as the LGA's purpose. Section 3(d) of the LGA still refers to local authorities playing 'a broad role in meeting the future and current needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions'. Further, section 10 requires these to be provided for efficiently and effectively. If the RMA, particularly in land use planning, included economic and social concerns then it would be more easily linked to the LGA's effective and efficient provision of these core services.

Linking these LGA and RMA plans and planning processes would surely make achieving sustainability and a more integrated spatial planning approach possible.

In terms of Part 2 of the RMA, which details what all plans and processes under the Act are intended to achieve, section 6 Matters of National Importance, should be retained. They have been a useful part of our planning legislation since 1960 and serve to highlight issues with universal importance. In the 1977 TCPA the Matters of National Importance provided a picture of what was important in the New Zealand we were trying to plan for. They should not however be set in concrete and should be regularly reviewed on the same 10-year cycle as plans are, to ensure they are still relevant. The fact that about half of our present Matters of National Importance are derived from previous legislation suggests there would be a high degree of continuity. Central government would be able to formulate National Policy Statements only on these matters or any matters derived from an international treaty to which we are a party. Each planning authority at the metropolitan, regional or city/district level would derive their own Issues of Importance to acknowledge that there will always be issues of importance to a particular area which has no planning currency outside that area. These Issues of Importance with the Matters of National Importance would be the starting point in a simplified plan-making system.

## **One size does not fit all**

One of the central planks of the RMA was replacing 21 other pieces of legislation with a single Act and a unified consent system. A consent for an intrusion into a side yard, a consent for an irrigation system, and a consent to subdivide land were all subject to the same process including the requirement to produce an Assessment of Environmental Effects (AEE). The Act provided little guidance as to what these AEEs should cover, though the definition of sustainable management meant there was an emphasis on environmental

rather than social and economic effects. Generally they vary from declarations that there are no adverse effects to weighty multiple tomes. The same process also applied throughout the country from Auckland to Gore. This clearly worked for large projects from where environmental impact assessment processes emerged. However, in practice the one-size-fits-all AEE approaches have not worked. In particular this has subjected minor applications either to inadequate tick box systems or system overkill. With larger projects the AEEs are so comprehensive and complex that the average person, the most likely submitter, will be challenged to complete reading them let alone understand them. Thus the AEE process is often characterized as an unnecessary and expensive barrier rather than an integral aspect of good-quality environmental assessment. This may not be an unfair assessment given the increased use of specialist input that has significantly expanded the consultancies that offer such services.

This is not the only one-size-fits-all issue. Spurred by complaints about the consent system being unresponsive, slow and expensive, that system has been endlessly amended to make it work 'better'. Better is never defined but seems to mean faster and more developer friendly. Given these amendments have continued almost annually for 23 years without the problem being resolved suggests that either the problem is unsolvable or the problem is wrongly constructed. A review of the Ministry for the Environment's *Annual Survey of Local Authorities* (MfE, 2014) raises the question of why these changes were necessary. The 2012/13 Survey shows that 95 per cent of all consent applications were non-notified, 0.27 per cent were declined, and 0.7 per cent were appealed to the Environment Court, with these figures being consistent over a decade and more. Those figures raise questions about what in the RMA needs to be 'fixed' (MfE, 2014). It suggests there is a need to stand back from the RMA to neutrally assess where change is needed, rather than making ad hoc changes.

One issue emerges from the unbalanced urban growth in New

Zealand, with Auckland being our fastest-growing city for over a century. Recognition of the issues of uneven growth after World War II produced policies to promote growth in other centres via regional development policies and programmes. Their relative failure and the neo-liberalist market-focused processes saw the abandonment of these programmes. Auckland continued its unabated growth, producing a new 'housing crisis'. Despite the complex nature of housing affordability it has been presented as a supply-side issue produced by RMA restrictions. While housing affordability is an issue elsewhere in New Zealand, particularly in Christchurch, it is not as the Productivity Commission's report (NZPC, 2012) reveals, solely a supply-side or planning problem. Nevertheless, the government has constructed housing affordability as a planning problem which will only be cured by accelerating the release of more land for urban development and by reforming the planning system. This rush to release land to create low-cost outer suburbs lacking the social infrastructure needed to create communities and requiring long, car-based commutes positively undermines the sustainable management foci of the RMA.

Housing affordability issues highlight the fact that subdivision has always been an uneasy fit in the RMA. Subdivision, while facilitating development and the creation of guaranteed land titles, primarily creates short-term environmental effects. It also generates a need for expensive infrastructural services that have to be financed and built to an approved standard given the local authority will become responsible for their long-term maintenance. Generally, part or all of the infrastructural costs are imposed on the developer through financial contribution conditions on subdivision consents. Often characterized as local authority extortion and contributing to housing unaffordability, financial contributions are an essential aspect of urban development. They came into existence because as late as the 1940s subdividers created and sold sections with little or no infrastructure, transferring the costs of its provision to local authorities. While we are always sure that present problems are

unique and new, in reality they rarely are. In 1950 the New Zealand Federated Builders and Contractors Industrial Association of Employers lobbied the Minister of Works to develop a new system 'whereby the development costs of the sub-division of land could be spread by charging on the land over a very long period' (NZ Fed. to Min. of Works, 1950). The fact that 65 years later we still have not changed the way we charge for development contributions suggests an entrenched problem and the need for new solutions. If developers do not contribute to infrastructural costs they must come from somewhere, probably through higher rates.

Development contributions have become contentious because of the difficulties of fashioning development contribution provisions to meet LGA requirements together with the endless appeals associated with what was put in district plans. These costly appeals and drafting difficulties saw development contributions policies transferred to Long-Term Plans (LTPs). LTP provisions, in contrast with RMA district plan provisions, are not appealable. As a result, developers not unexpectedly assume local government is price gouging, while local government pleads poverty or at least financial challenges. The latter is also not an imaginary problem. Local government has a very narrow financial base with rates being its major income source. While the new sections being developed will create new ratepayers, they are not created speedily enough to meet the immediate costs to local government of that development. The obvious answer is for local government to have greater taxing/charging power, but successive governments have been reluctant to devolve such powers to local government.

Looking beyond the urban setting, fundamental and complex problems also exist in water management. The rapid expansion of dairying in new regions, increased drought, over-allocation and a dysfunctional regional council in Canterbury severely tested the water management system. The dairy boom was viewed as an economic stalwart by a government which is also promoting the growth of large-scale irrigation schemes to support further

dairying expansion. Again the RMA was seen as adversarial and particularly inadequate in addressing water allocation. The Land and Water Forum was established in 2009 to develop faster but more collaborative approaches to water management. Its own collaborative approach involved all stakeholders but excluded the local bodies who would administer any new system. The Forum recommended a new water management system based on collaborative processes. While this is yet to be achieved, it would in effect set up a parallel consenting system and further undermines the RMA's universal consent process. The creation of the Environmental Protection Authority to essentially process large infrastructural projects as speedily is anathema to the original RMA approaches and an acknowledgement that the only way to speed consent processes was to limit consultation, submissions and appeals.

### **The role of consultation**

In comparison to other countries, New Zealand has historically provided for a high level of consultation in planning processes, probably because we have small urban areas in a correspondingly small country. Plan making has always involved the public first as relatively passive recipients of planners' expert advice and latterly as active participants in the evaluation of planning proposals. The right to appeal was wide, but being based on the degree to which the party was directly affected excluded public interest parties such as the Environmental Defence Society (EDS). It was this history and the valuing of public responses that moved planners like Tom Fookes to advocate for a widening of the consultation and appeal rights in the new RMA.

The RMA made consultation the starting point and the focus of almost every process. Gradually, consultation took on a new complexion, moving from an expression of views to be considered with others, to a statement of what was desired/demanded to be

rejected by the planner and council at their peril. It became dominated by concepts of winning and losing and brash demands underpinned by a suspicion of planners and planning. The community consensus of the politicians' dreams was largely unattainable as the public's views became ever more entrenched, perhaps a result of the degree of social and economic change that dominated the 1990s and beyond. Opinions 'ignored' in consultation quickly turned into appeals. Consultation and appeals have become resource-hungry processes, with the power to delay and disrupt being abused by a range of parties. It has positively facilitated nimbyism. This widening of rights of participation has facilitated the involvement of some groups but many are merely coalitions of affected parties, still the commonest submitters.

While consultation appeals to our desire to be inclusive, communities are often inherently conservative, particularly given our houses are as much investments as they are homes. The constant reference to people getting a foot on the property ladder supports that contention. In such scenarios change is only accepted if it comes with some sort of positive trade-off for them, as Searle and Fillion (2011) discuss in Vancouver and Sydney. This makes consultation less consultation and more negotiation, and maybe the time has come to move to this approach. It certainly seems the only realistic hope of getting higher-density development in Auckland and similar significant changes into planning documents.

The issues revealed by consultation fed into the appeals system. Those who felt that they had 'lost' in the consultation made submissions in opposition, thereby creating appeals rights. This was compounded by the RMA's widening of third-party submission rights. These had existed since the TCPA 1977 but were limited to those who could prove they were affected to a degree greater than the public at large, i.e. the directly affected. This excluded groups, particularly environmental groups representing some wider interest, though such groups were not excluded from the consultation stage. The RMA significantly widened those rights and now anyone can

submit on any application or plan and achieve the same rights of appeal formerly offered to those directly affected. While there are anecdotal stories about vexatious submissions and appeals there is no reliable evidence to confirm this occurrence. Certainly, more people have been drawn into the submissions process and that alone must extend the numbers of, and time it takes to hear, people's and groups' views. With resource consents there is evidence that trade competitors are still able to manipulate the system and delay processes despite the labyrinthine processes put in place to stop this.

### **An alternative planning system**

Historically, our planning laws have been replaced when they were no longer fit for purpose. Change was triggered not by a single issue but by the need to make the planning legislation fit for the present and future planning needs of the whole country. The discussion above suggests a range of intractable problems with the RMA. If we have, through our efforts, revealed that sustainability has largely not been achieved by the RMA, then it would be more productive and honest to accept that and to replace it with new legislation. Legislation that retains the successful aspects of the RMA and develops new approaches where it has failed.

Some 24 years of ad hoc changes suggests replacement is justified, but what should it be based on? If we base a significant review of the RMA on the issue of housing affordability alone then we need to be sure it is both a national problem and not one confined to Auckland and a few fast-growing centres and creates issues important enough to shape the RMA's replacement. If it is not there is the danger that the RMA will be reformed to meet the needs of Auckland and those fast-growing areas and will not be fit for purpose for the rest of the country.

Clearly, the RMA's core approach of having a universal consent process has been tried and has failed. New legislation would start by acknowledging that single-purpose legislation does not work

given New Zealand's unbalanced urban hierarchy. Auckland has now effectively been given its own metropolitan administrative system that might usefully be extended to Wellington and Christchurch. It should be complemented by metropolitan planning based on an integrated spatial planning model, reflecting the fact that historically planning legislation works best when it mirrors local body legislation. The balance of New Zealand's urban, rural and regional councils would work under a refined and reduced version of the RMA. The refined version would give more explicit recognition to urban issues and would offer a simplified consent system of permitted, discretionary and prohibited activities with AEE and processing requirements tailored to the size and scale of the proposed activity. These would be contained in streamlined district and regional plans with shorter simplified objectives and policies and more focus on implementation mechanisms and monitoring. Central government could facilitate the production of streamlined plans by convening a working party to develop some standardized controls, called National Plan Standards, and some standardized definitions. Incorporated in all plans, they could create consistency for common aspects while allowing for local variations. Any disputes about plans' compliance with these National Plan Standards and any appeals would be referred to a Planning Ombudsperson whose decision would be binding.

Subdivision would be removed from the RMA and all applications would be processed by a separate expert Land Development Tribunal which would apply nationally developed standards including charges for infrastructure. There would be no right of appeal from these decisions. The Land Development Tribunal would be an expert panel much in the manner of the Town Planning Board under the 1926 Town-planning Act. This should, if the critics are to be believed, speed the system up by depoliticizing it and ensuring financial contributions are fair to all parties.

Controversially, I would suggest the time has come to reassess who gets third-party appeal rights. While anyone would be free to

make a submission on a consent application, appeal rights would be limited to those who were directly affected and will live forever with those effects. Conversely, submissions and appeals on plans would be open to everyone in the expectation that this is where the bigger-picture perspective of different groups would be useful. There also needs to be changes to the decision-making processes. The usual argument is that when a district or regional plan is formulated it is the local authority members who determine what will be put into those plans. This leads to the suggestion that they should not make decisions on submissions seeking to change those plan provisions as they arguably are likely to be opposed to such changes. While this argument can be sustained in the plan-making process, it cannot be similarly sustained in the case of resource consents. We elect local body politicians to make decisions on the community's behalf. To withdraw them from all planning decision-making roles seems to remove the community from those processes. This gradual crowding out of the voice of the elected local body politicians in favour of an increasingly professionalized cadre of self-selected commissioners must inevitably undermine local democracy. All decision-making panels should have a 50:50 split between commissioners and politicians. This should address the concerns of undue influence of local body politicians on decision-making. Equally, if we are concerned with the quality of decision-making, the performance of all decision-makers including commissioners needs to be monitored and subject to a complaints process – a role for the Planning Ombudsperson perhaps. This oversight is important given that commissioners need have no qualification beyond successful completion of the Making Good Decisions Programme and given there is evidence that commissioner roles are being filled by an increasingly small number of individuals.

## **Put planners back into planning**

In the more than thirty years that I have been a planner, one of the most notable developments has been the growth of the involvement of lawyers in the planning system. Retired Chief Planning Tribunal Judge Arnold Turner commented that under the 1953 Act there was a paucity of lawyers with any competence or interest in planning law. In 2014 few law practices of any size do not boast a resource management law department. The elevation of lawyers to centre stage in the planning system I would suggest has done little to enhance planning. The planning system is now highly litigious and good planning solutions are crowded out by legal concerns and obeisance to case law. Similarly, appeals to the Environment Court, the very name of which proclaims the triumph of the law over planning, are often reduced to legal battles, with the planners' input reduced to one of many technical expert submissions. I would suggest that planning and planners need to be put back into the heart of the system by making the Environment Court not a court but an expert tribunal where planners and parties negotiate outcomes that an expert panel moderates to ensure they produce good planning-focused outcomes. This would confine the lawyers to a coordination role though appeals on points of law may still be provided for.

## **Co-management in practice**

While the RMA was significant in recognizing some aspects of the Māori world view and ensuring they are given a place in the RMA plans and processes, this largely pre-dates the negotiation of the major Treaty of Waitangi settlements. Treaty settlements now include, almost as a standard element, particularly where the rohe includes a major awa or maunga (river or mountain), a co-management agreement. These agreements usually provide for some shared process for decision-making on the use of a resource

and the most significant of these relate to the five iwi involved in the Waikato River agreement and the recent Whanganui River agreements. The latter is of special interest as it is the first which makes the awa, the Whanganui River, a legal and physical entity which will create a wide range of new and interesting planning and management issues. While it is too early to see how this will work, it is clear that one issue will be where two separate co-management agreements with different processes apply to a single issue, as is the case with the central North Island power schemes. At a lower level, where these provisions will be administered and implemented there has been little attempt to determine how co-management decision-making will work on a day-to-day basis.

It seems almost inevitable that what will emerge is another patchwork quilt system of variable quality. As an alternative, I would suggest that co-management processes need to be mainlined and made part of the Act's consent processes. Clearly, co-management should ideally be made an integral part of the planning system rather than a sort of 'consideration clip-on' as it is at present – something a replacement of the RMA could allow for.

## **Conclusion**

If history tells us anything, it is that any Act has a use-by-date, and it is increasingly clear that that time has come for the RMA. As with our earlier planning legislation, its replacement should reflect what we have learnt from trying to implement sustainability and dealing with an Act that has been so effectively demonized. Our experience with the RMA serves to emphasize that, to succeed, planning legislation must be the product of an evolutionary rather than a revolutionary process of change. Regardless of how daunting new legislation might seem, without it we will be condemned to never-ending unsuccessful amendments in which the role of the planner will become ever more marginal. If we were bold in 1989 when we began to write the RMA then surely the time has come

to be similarly bold in formulating its successor. In keeping with the need to reassert the role of planning and planners, I would also strongly suggest that any new Act should be called the Planning Act. A new name would emphasize both a new beginning and a new focus; the first steps in reversing the demonization that has so blighted the RMA. In the many years that I knew Tom, we often had spirited discussions about a number of the themes traversed in this essay. I know he would have disagreed at one level with much of what I am proposing. However, as a deeply thoughtful and reflective thinker, Tom would have also understood and accepted that change was needed. What he and I would have agreed on is that any change should not be the product of the latest political whim but the result of informed, considered and passionate debate. Tom would have enjoyed that.

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## Tom Fookes: A Force of Nature

HUEY D. JOHNSON

I've been at my work as an environmental generalist for fifty years and have never met anyone as gifted as Dr Tom Fookes. A rare person who was intellectually strong as well as practical, Tom could get things done – even within the strictures of governmental policy-making. Little did I know that Tom's qualities would endear him to me as one of the few good friends I have had over a long life.

At the time I met him, Tom was in academia, in the then Planning Department of the University of Auckland, New Zealand. Tom was different from other scholars I knew. He had been in government when the idea of a comprehensive 'Green Plan' was born and later became one of the architects of the Resource Management Act (RMA). Particularly remarkable to me was his leadership of the vast public participation phase of the RMA's development. It was an intense effort to get New Zealanders from every corner of the island nation to suggest solutions that could become part of a comprehensive, integrated national natural resource policy. At the time, nothing like this Green Plan had ever been done.

The Netherlands and New Zealand went on to develop successful comprehensive, integrated Green Plan policies. We in California badly needed examples of practical leadership.

When Tom and I met, I had recently left a cabinet position as California's Secretary of Resources. While in the State Capitol, I was able to establish the start of what we later would recognize as a comprehensive Green Plan, something we called 'Investing

for Prosperity'. It was on the heels of that policy development that I founded Resource Renewal Institute (RRI), a small non-profit organization aimed at collecting resource management and environmental policy ideas from around the world for use in California – and beyond.

In particular, RRI's Peggy Lauer and I were looking to escape the specialized silo pattern of managing resources. Singular issue management usually ignores the relationships and effects of one resource's impact on others and yet remains the norm in much of the world. In California, for instance, the largest use of electrical energy each day is for running water pumps that move huge quantities of water in an otherwise desert environment. There was little recognition or appreciation of the importance of having an integrated set of policies. The operations costs of one resource management area affected all the others and yet the competition for funding from the government treasury had managers at each other's throats in competition. I observed this close up when I served as Resources Secretary overseeing a billion-dollar annual budget.

So it was during this early RRI era that Peggy and I met Tom at a Green Plan conference in Holland. What a brilliant and merry character we had found! Subsequently we visited New Zealand several times and found numerous connections to Tom's work. Tom was generous with his time and we enjoyed a number of reciprocal visits when he stopped for a day to give us a hand.

In 1990, Canada announced its Green Plan as the government was getting ready for the 1992 UN Conference on Environment and Development, commonly called the Earth Summit. RRI's ongoing effort had been noticed and soon we were invited to Ottawa where we worked with the government and specialists from other nations. While advising the Canadian team on their Green Plan, we learned about other interesting approaches to national environmental planning in Scandinavia and elsewhere. RRI became a part of the International Network of Green Planners, comprised of specialist representatives of a number of nations and agencies. Conferences

and workshops were held in a number of nations. We hosted the first in San Francisco.

Tom and I had many wonderful discussions about his effort to help get the RMA signed into law and under way. He described getting broad public support by asking citizens to telephone the Minister, Geoffrey Palmer, with suggestions for what items might be included in a national environmental policy plan. The team decided to use a central location, with appeals going out all over the country. Tom once recounted how he was in the midst of turning off the phones at the end of the third 12-hour day when the phone rang one last time. The caller, a Catholic priest, lived on the Chatham Islands, about 770km off New Zealand's South Island. His parishioners had thought long and hard about the plan and had asked the priest to call the Minister with their suggestions. Tom remembered that caller from the remote corner of New Zealand who might never have participated in a standard process. I have always considered it the most complete public grass roots effort undertaken by any country in the world up to that date.

Defining Tom professionally requires looking at his experience and comfort in dealing with the comprehensive nature of Green Plans, which included his practical work experience as an international planner. I remember his describing his first job while working for the Greek architect and planner Constantinos Doxiadis, with whom he had studied as a graduate student. The task was to measure public opinion regarding a proposed 500-mile-long highway system following Michigan's remote and wild Upper Peninsula to Chicago along Lake Michigan's western shore. Tom dutifully polled the public when he could find anyone to ask. The only people who were in favour of the highway were the beer-loving sports fans he met in bars that wanted an easier drive to football games, several hundred miles south. That report led to cancelling the highway proposal.

Many of Tom's stories were memorable. There was one about the passenger ship cruise around the Greek islands with Doxiadis and

many of the world's leading intellectuals in the late 1960s. At the time he was a graduate studying Doxiadis' Ekistics, the integrative science of human settlements. Tom was assigned to be historian Arnold Toynbee's personal aide. I'm awed at the scope of wisdom gathered on that outing.

Over the years, I invited Tom to speak at US conferences and often phoned him just to get trusted insight on what was happening in New Zealand and the world's environmental planning and policy. RRI has interviewed him several times, the results of which are available at RRI.org and <https://www.youtube.com/watch?v=4DGBBAAeu3bY>. When we launched a new programme interviewing environmental elders, *The Forces of Nature*, we thought of Tom first. I will never forget the twinkle in his eye when he described New Zealand's natural beauty and his own family as enduring inspirations for his life and work.

The last chat I had with Tom was while he was in Greece. He was in a bar and was obviously enjoying himself. Tom's laugh was infectious – just one of the qualities that made up a superb human being. I miss him.

## Dr T. W. Fookes: Curriculum Vitae

**Name:** Thomas Winston Fookes

**Date of Birth:** 3 May 1943

**Citizenship:** New Zealander

**Family Details:**

Married to Susan Fookes; children: Emma Mosely (née Fookes), Catherine Fookes and Ian Fookes

**Academic Qualifications:**

MA (2nd Class Hons) in Geography, University of Canterbury, 1966

Certificate of Higher Studies in Ekistics (Cert Ekistics), Athens Technological Organization, Athens, Greece, 1969

DipTP, The University of Auckland, 1972

DPhil in Geography, The University of Waikato, 1985

**Professional Membership:**

New Zealand Planning Institute (Retired Member)

Vice President, World Society for Ekistics, 2000–2004

**Teaching Experience:**

Various teaching experience during the past 24 years with guest teaching at universities in Australia and North America, and formal positions at The University of Waikato, Department of Geography, 1970–83, and The University of Auckland, Department of Planning (School of Architecture and Planning from 2006 onwards), 1993–2013

**Languages:** English

**Areas of Expertise:**

Environmental Impact Assessment and Monitoring

Planning Education

NZ Resource Management Act 1991

Policy Development

Integrated Resource Management

Sustainable Management/Development

**Work History**

- 1967–68 Geographer-Planner, Planning Dept, Auckland City Council
- 1969 Geographer-Planner, Doxiadis Associates International Ltd, Athens, Greece
- 1970–83 Lecturer/Snr Lecturer in Geography, The University of Waikato
- 1983–87 Senior Environmental Officer, Assessments Branch, South Australian Dept of Environment and Planning, Adelaide
- 1987–93 Snr/Principal Policy Analyst, NZ Ministry for the Environment
- 1993–2006 Associate Professor, Dept of Planning, The University of Auckland (Head of Department, December 1993–98), Associate Dean (Postgraduate) of Faculty of Architecture, Property, Planning and Fine Arts (2003–2006)
- 2004–2009 Deputy Commissioner, NZ Environment Court (by appointment)
- 2007–2013 Professional Associate, School of Architecture and Planning, The University of Auckland (under contract for PhD supervision)

**Consultancy**

- 1970–82 New Zealand – private town planning consultancy
- 1971 Greece – Doxiadis Associates Int Ltd Habitability Study of Iran, prepared for the Kingdom of Iran
- 1975–81 New Zealand – Project Co-ordinator, Huntly, Social and Economic Impact Monitoring Study for the NZ Ministry of Works and Development
- 2005–2013 Planning Under Co-operative Mandates (PUCM), IGCI, The University of Waikato  
Ministry of Justice, Environment Court  
Resource Renewal Institute (RRI), San Francisco, California, USA  
Ekistics Research Unit-Auckland (Co-Director)

## Research and Publications

Dr Fookes published numerous papers in professional journals, in addition to a major report: *Huntly Social and Economic Impact Monitoring Study*. He wrote a number of publications for the Ministry for the Environment as part of its work for the implementation of the Resource Management Act 1991. From the time of his appointment to The University of Auckland in 1993, he published articles and reports on the Resource Management Act 1991, research for the FoRST research project Planning Under a Co-operative Mandate (PUCM) (The University of Waikato), and Ekistics research through the Ekistics Research Unit-Auckland. In 2010 and 2012 he participated in the GreenAge Symposia at the Mimar Sinan Fine Arts University, Istanbul, Turkey, including supervising a student workshop in 2012. In September 2012 he convened Ekistics Networking and Training sessions at the United Nations World Urban Forum in Naples.

## Editor's Notes

This document comprises an edited combined version of a short CV and longer CV, prepared by Tom Fookes (February 2013 and 2003 respectively). The publication entries have been ordered according to topics and accessibility rather than following academic priorities. Items removed include working papers, reviews and comments, unpublished conference papers and other works such as papers in non-refereed conference proceedings, articles in practitioner magazines, non-refereed presentations, conferences and workshops attended. Where possible, references were added and verified but in some cases we had to rely solely on the accuracy of Tom's own referencing. Additional references are included in the essay by Neil Ericksen. Unedited versions of the two CVs are held on file by Ian Fookes. Thanks to the New Zealand Planning Institute, Sharmila Jagadisan and Elizabeth Aitken Rose for assistance.

## Work History

1967–68

Geographer-Planner,  
Planning Dept,  
Auckland City  
Council

1969

Geographer-Planner,  
Doxiadis  
Associates  
Ltd, Athens,  
Greece

1970–83

Lecturer/  
Snr Lecturer  
in Geography,  
The University  
of Waikato

1983–87

Senior Environ-  
mental Officer,  
Assessments  
Branch, South  
Australian  
Dept of  
Environment  
and Planning,  
Adelaide

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## Consultancy

1970–82

New Zealand –  
private town  
planning  
consultancy

1971

Greece – Doxiadis  
Associates Int Ltd  
Habitability Study  
of Iran, prepared  
for the Kingdom  
of Iran

1975–81

New Zealand –  
Project  
Co-ordinator,  
Huntly, Social  
and Economic  
Impact  
Monitoring  
Study for the  
NZ Ministry of  
Works and  
Development

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1987–93

Snr/Principal  
Policy Analyst,  
NZ Ministry  
for the  
Environment

1993–2006

Associate  
Professor,  
Dept of  
Planning,  
The University  
of Auckland  
(Head of  
Department,  
December  
1993–98),  
Associate  
Dean (Post-  
graduate) of  
Faculty of  
Architecture,  
Property,  
Planning and  
Fine Arts  
(2003–2006)

2004–2009

Deputy-  
Commissioner,  
NZ Environ-  
ment Court  
(by appoint-  
ment)

2007–2013

Professional  
Associate,  
School of  
Architecture  
and Planning,  
The University  
of Auckland  
(under contract  
for PhD super-  
vision)

2005–2013

Planning  
Under Co-  
operative  
Mandates  
(PUCM), IGCI,  
The University  
of Waikato;  
Ministry of  
Justice,  
Environment  
Court;  
Resource Renewal  
Institute (RRI),  
San Francisco,  
California, USA;  
Ekistics Research  
Unit-Auckland  
(Co-Director)

## Ekistics

### **Book contributions:**

- Fookes, T. W. (2001) 'WSE Project Proposal: Ekistic Education Models for Contributing Disciplines and Professions', Appendix in Wu Liangyong, *Introduction to Sciences of Human Settlement*, Beijing, Tsinghua University, pp397–405, published in Mandarin
- Fookes, T. W. (2002) 'Ekistics and Arnold Toynbee's Historical Analysis of Cities: Their Applicability to the 21st century City', *Southern Crossings, Proceedings of the 6th Australasian Urban History/Planning History Conference*, Auckland University, 13–16 February, pp231–248

### **Journal articles:**

- Fookes, T. W. (1970) 'Changes in the Occurrence and Location of Facilities in Communities', *Ekistics*, no 177 (August), pp93–103
- Fookes, T. W. (1975) 'Another Pair of Eyes: Domiciliary Care in Adelaide', *Ekistics*, vol 40, no 240 (November), pp348–352
- Fookes, T. W. (1975) 'Habitat Forum: An Ekistic Analysis', *Ekistics*, vol 42, no 252 (November), pp348–352
- Fookes, T. W. (1975) 'Introducing Ekistics to the School Curriculum', *NZ Journal of Geography*, vol 58, pp10–17
- Fookes, T. W. (1978) 'Social and Economic Impact of the Huntly Power Station, New Zealand', *Ekistics*, no 269 (May), pp204–206
- Fookes, T. W. (1980) 'Children's Needs and Child–Space Relationships', *Ekistics*, vol 47, no 281 (March/April), pp164–167
- Fookes, T. W. (1987) 'Ekistics: An Example of Innovation in Human Settlements Planning', *Ekistics*, vol 54 (July–August/Sept–Oct), pp218–227
- Fookes, T. W. (1987) 'The Impact of Major Development Projects on Small Communities', *Ekistics*, vol 54 (July–August/Sept–Oct), pp279–282
- Fookes, T. W. (1988) 'Ekistics and its Application in Professional Education', *Ekistics*, vol 55 (Jan–Feb/March–April/May–June), pp4–11 (based on a paper presented at the World Planning and Housing Congress 1987)
- Fookes, T. W. (2006) 'The Ekistic Grid and scoping criteria for defining local identity variables', *Ekistics*, vol 73, nos 436–441, pp235–240

- Fookes, T. W., Hall, Alison and Whitelaw, Logan (2004) 'The "Greening the Ivory Towers" Project: The University of Auckland case study', *Ekistics*, vol 71, nos 427–429, pp213–222
- Jagadisan, S. and Fookes, T. W. (2006) 'Antecedents for the Ekistic grid and Anthropocosmos model: A critical view of Ekistic Methodology', *Ekistics*, vol 73, nos 436–441, pp265–276

***Published conference proceedings:***

- Fookes, T. W. (2002) 'The need for a contribution of Ekistics to planning education and research', *Ekistics*, vol 69, nos 412–414 (Jan/March), pp279–284 (proceedings of World Society for Ekistics Symposium on 'Defining Success of the City in the 21st Century', Berlin, 24–28 October 2001)
- Fookes, T. W. (2002) 'Success in the city in the 21st century: some thoughts arising from presentations', *Ekistics*, vol 69, nos 412–414 (Jan/March), pp285–287 (proceedings of World Society for Ekistics Symposium on 'Defining Success of the City in the 21st Century', Berlin, 24–28 October 2001)

**Resource Management Act 1991**

***Book contributions:***

- Fookes, T. W. (2000) 'Environmental assessment under the Resource Management Act 1991', in P. Ali Memon and Harvey Perkins (eds) *Environmental Planning & Management in New Zealand*, Dunmore Press Ltd, Palmerston North, pp80–93

***Monographs:***

**Resource Management Act Guidelines Series, 1991–93**

Peer-reviewed and published by the Ministry for the Environment through GP Print Ltd

Sustainable Management: A Series of Information Sheets (Fookes et al)

Hinengaro Bay: A Fictional Case Study (Fookes et al)

People, Policies and Plans: Planning Resource Management in New Zealand (with accompanying Teacher's Manual with Answers to Tasks)

**Resource Management Law Reform Working Paper Series,  
1988–89**

Published by the Ministry for the Environment

No 12 Public Participation (written by T. W. Fookes, convenor  
of the RMLR Public Participation Task Group)

No 17 Public Participation: Options for Legislation

No 19 Decision Making Processes and Structures (with Jane  
von Dadelszen)

No 20 Impact Assessment in Resource Management (with  
Christina Wells)

***Journal articles:***

Dixon, J. and Fookes, T. W. (1995) 'Environmental Assessment  
in New Zealand: Prospects and Practical Realities', *Australian  
Journal of Environmental Management*, vol 2, no 2 (June),  
pp104–111

Fookes, T. W. (1991) 'New Zealand's New Approach to Environmental  
Effects: Implications for Geographers', *South Australian  
Geographical Journal*, vol 91 (Special Issue in Honour of Prof  
Murray McCaskill), pp82–90

Fookes, T. W. (1992) 'New Zealand Goes for Broke (Recent  
Legislation Means One Act Controls all Resource Management)',  
*Social Impact*, vol 1, no 3, CSIRO Social Science Unit and West  
Australian Social Impact Unit

Fookes, T. W. (1992) 'Residential Subdivision and Assessment of  
Effects: Part I. Policy Assessment', *Social Impact Newsletter*  
(July), Association of Social Assessment, Wellington

Fookes, T. W. (1992) 'RMA Section 32 & Environmental Assessment',  
*Planning Quarterly* (December), pp14–16

Fookes, T. W. (1993) 'RMA Section 32 & Environmental Assessment',  
*Planning Quarterly* (March), pp16–17

***Refereed conference proceedings:***

Fookes, T. W. and Schijf, Bobbi (1997) 'Reflections on EIA within  
the New Zealand Resource Management Act', *Environmental  
Impact Assessment for the 21st Century Conference Proceedings*,  
University of Adelaide, 9–11 April, pp57–73

Fookes, T. W. (1997) 'Integration of assessment and approvals:  
NZ experience', *EIA Forum*, Sydney, 14 April, pp29–36 (NSW  
Government)

- Fookes, T. W. (1998) 'Experience with the Implementation of the NZ Resource Management Act 1991', *The magazine of the Institute of Environmental Assessment and the Environmental Auditors Registration Association*, vol 6, no 1 (March)
- Memon, Ali, Dixon, Jenny and Fookes, Tom (1998) 'The Origins and Merits of "Effects-based Approach" to Urban Planning: A New Zealand Perspective', *21st Century Urban Planning Experience Conference Proceedings*, 8th International Planning History Conference, 15–18 July, University of New South Wales, Australia, pp616–621

## **Sustainability**

### ***Book contributions:***

- Fookes, T. W. (2000) 'Auckland's urban growth management', in P. Ali Memon and Harvey Perkins (eds) *Environmental Planning & Management in New Zealand*, Dunmore Press Ltd, Palmerston North, pp263–273
- Fookes, T. W. (2001) 'A Generic Policy Framework for Urban Sustainability', *Proceedings of Shaping the Sustainability Millennium: Collaborative Approaches*, Queensland University of Technology, Brisbane, Australia, 5–7 July 2000, pp319–334

### ***Refereed conference proceedings:***

- Fookes, T. W. (2001) 'A Generic Policy Framework for Urban Sustainability', *Proceedings of Shaping the Sustainable Millennium: Collaborative Approaches*, Queensland University of Technology, Brisbane, Australia, 5–7 July 2000, on CD-Rom spp, edited version (2001), pp319–334

## **Impact Assessment including Huntly Monitoring Project**

### ***Monographs:***

#### **Huntly Monitoring Project Final Report Series, 1981**

- Monograph series published by The University of Waikato (T. W. Fookes editor and author for the complete series of 16 papers)
- No 1 Answers to People's Questions (78pp)
  - No 2 Huntly Power Project: A Description (57pp)
  - No 3 The Social, Economic, Political and Planning Context 1971–81 (57pp)
  - No 4 Expectations and Related Findings 1973–81 (40pp)

- No 5 Public Participation Initiatives (66pp)
- No 6 Generalisations Drawn from the Huntly Monitoring Project (32pp)
- No 7 Monitoring Social and Economic Impacts (21pp)
- No 11 Socio-Economic Monitoring Information (49pp)
- No 12 Conclusions (25pp)
- No 13 Alternative Approaches to Social and Economic Impact Monitoring (with R. G. Drury, D. J. Porter and F. J. Tester) (67pp)

**Huntly Monitoring Project Working Paper Series 1976–80**

Published by The University of Waikato (T. W. Fookes editor for the complete series of 10 papers)

- No 2 Social and Economic Impact of the Huntly Power Station: First Year Progress Report, 1977 (114pp)
- No 5 Social and Economic Impact of the Huntly Power Station: Second Year Progress Report, 1978 (160pp)
- No 10 Social and Economic Impact of the Huntly Power Station: 1978–79 Progress Report, 1980 (228pp)

***Journal articles:***

- Fookes, T. W. (1979) 'The Huntly Social and Economic Impact Monitoring Project', *Environmental Impact Assessment Review*, vol 1, no 1 (Plenum: NY)
- Fookes, T. W. (1980) 'Monitoring Social and Economic Effects ... Huntly', *NZ Coal*, vol 23, no 4
- Fookes, T. W. (1987) 'A Comparison of Environmental Impact Assessment in South Australia and Proposed United Nations Environmental Programme Goals and Principles', *Environmental Planning and Law Journal*, vol 4, no 1 (March), pp204–15
- Fookes, T. W. (1987) 'Public Accountability in Environmental Impact Assessment: South Australia and New Zealand Compared', *South Australian Geographical Journal*, vol 87, pp1–13
- Fookes, T. W. (1987) 'Social Impact Assessment: Feedback from the Huntly Monitoring Project', *Planning Quarterly*, vol 87 (September), pp18–20

***Refereed conference proceedings:***

- Fookes, T. W. (1997) 'Lessons from SEA practice in New Zealand', *Strategic Environmental Assessment Workshop Proceedings*, Sydney, 15 April, pp231–239 (NSW Government)

## **Planning Education**

### ***Journal articles:***

- Gunder, M. and Fookes, T. (1996) 'The Education of Planners – Planning Education in Australia and New Zealand: Vocational versus Critical Content', *Planning Quarterly*, vol 122, pp18–25
- Gunder, M. and Fookes, T. (1997) 'In defence of planning praxis, knowledge and the profession: planning education and institutions for the new century', *Planning Practice and Research*, vol 12, no 2, pp133–146
- Gunder, M. and Fookes, T. (1997) 'Planning School Programs in Australia and New Zealand – A comparison of accredited programs: vocational vs critical content', *Australian Planner*, vol 34, no 1, pp52–59

### ***Refereed conference proceedings:***

- Gunder, M. and Fookes, T. (1996) 'A Comparison of Accredited Planning School Programs in Australia and New Zealand: Vocational Versus Critical Content', *Proceedings of Australian New Zealand Planning Schools Association Conference*, Adelaide, Australia, 26–28 April

## **Other**

### ***Monographs:***

- Fookes, T. W. (1978) 'Waikato River Basin Preliminary Study', *Research Abstracts Series*, no 1
- Fookes, T. W. (with G. S. Harris and others) (1979) 'The Potential of Energy Farming for Transport Fuels in New Zealand', *Report No 46*, NZ Energy Research and Development Committee, vols 1–3
- Fookes, T. W. and Hucker, B. (1995) Country Report on 'Managing across levels of government' commissioned by the Public Management Service, OECD, Paris, France, published subsequently as 'New Zealand' in *Managing Across Levels of Government*, Paris, Organization for Economic Co-operation and Development, pp295–305

### ***Journal articles:***

- Fookes, T. W. (1972) 'Small Towns and Rural Settlements in the Waikato', in D. H. Goodall (ed) *The Waikato: Man and His Environment*, NZ Geographical Society, Waikato Branch, pp66–75

- Fookes, T. W. (1973/1974) 'Overspill Alternative for South Auckland', *Town Planning Quarterly* (NZ), vol 34 (1973), pp44–49 and vol 35 (1974), pp24–27
- Fookes, T. W. (1974) 'Adult Attitudes on Children's Recreation', *NZ Journal of Health, Physical Education and Recreation*, vol 7, no 3, pp10–13
- Fookes, T. W. (1974) 'Bracey Revived: A Study of Settlement Service Areas', *NZ Journal of Geography*, vol 57 (1974), pp14–19
- Fookes, T. W. (1974) 'Shoreline Development: Policy Issues in New Zealand', *Royal Australian Planning Institute Journal*, vol 12, nos 3–4, pp90–92
- Fookes, T. W. (1981) 'Managing Urban Space in the Interest of Children' (a report on a UNESCO Man and the Biosphere Programme Conference, Toronto, June 1979), *Town Planning Quarterly* (NZ) (June)
- Fookes, T. W. (1986) 'And on the Sixth Day ... A Comment on the Concluding Plenary Session of the World Planning and Housing Congress, Adelaide', *Australian Planner*, vol 24, no 4 (December), pp5–12 (jointly with Raymond Bunker)
- Fookes, T. W. (1987) 'New Environmental Administration: New Zealand', *Environmental Policy and Law*, vol 17, nos 3–4 (July), pp129–134
- Fookes, T. W. (1994) 'A Challenge to be Answered' (Speaker's Corner), *Planning Quarterly* (September), p2
- Fookes, T. W. (1995) 'Auckland's Regional Growth Policy: Developments during the Last Two Decades', *Urban Policy Research* (December)
- Memon, Ali, Davies, Tom Graham and Fookes, Tom (2007) 'Institutional arrangements for metropolitan government and strategic planning in Auckland', *New Zealand Geographer*, vol 63, no 1 (April), pp43–54

***Conference proceedings:***

- Fookes, T. W. with Hutchison, A. (eds) (1979) *Inter Agency Workshop on the Comprehensive Planning and Management of Energy Resources*, Environmental Studies Unit, The University of Waikato, for the NZ Commission for the Environment



