POST-POLITICS AND THE HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013

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Colin Ross McLeay

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ABSTRACT

This thesis draws on concepts of post-politics in an analysis of the Housing Accords and Special Housing Areas Act 2013. A short-term means for improving housing affordability by facilitating an increase in land and housing supply, the Housing Accords and Special Housing Areas Act 2013 had implications for the planning and development of select cities and districts in New Zealand. Introduced by a National-led Government, the Housing Accords and Special Housing Areas Act 2013 was enacted in sympathy with existing neo-liberal political and planning norms. The application of a post-political lens facilitates identification of the democratic limitations of the Housing Accords and Special Housing Areas Act 2013. Analysis of submissions to the select committee addressing the Housing Accords and Special Housing Areas Act 2013 and debates in the House of Representatives provides evidence of both limitations of the debates that shaped the enactment of the legislation and challenges to the content of the legislation. The ways in which debates were narrowed align with post-political themes of the acceptance of the neoliberal consensus, the erosion of democracy, the status of knowledge, scope of possible outcomes, and empty signifiers. The consensus that characterises post-political conditions is open to challenge, with scholars reporting on the potential of agonistic pluralism to facilitate democratic participatory planning.

ACKNOWLEDGEMENTS

TABLE OF CONTENTS

LIST OF FIGURES AND TABLES

CHAPTER ONE

INTRODUCTION

It has long been held that planning is political; it is only relatively recently that planning has been identified as being post-political. Just as planning was integral to the politics of the twentieth century, so planning is integral to contemporary post-politics. The values and power carried by contemporary planning shape and are shaped by the current post-political condition. Expressive of the hegemony of neoliberal capitalism, the post-political condition is characterised by the loss of the antagonism and dissensus that defines democratic politics. Within post-politics, democratic debate and disagreement have been replaced by consensus built around the inevitability of neoliberal capitalism. Post-political consensus is evident as political contradictions are reduced to problems to be solved by 'experts' and participatory processes in which outcomes are defined in advance.

Planning is post-political because, in the contemporary era, planners cultivate agreement among stakeholders, with such consensus denying expressions of dissent and foreclosing on opportunities for debate. Mitchell, Attoh, and Staeheli (2015) explain that under the terms of contemporary planning models, "big issues - such as whether there should be development or redevelopment at all - are decided in advance and the role for the public and the participatory process is only to shape the design, not the fact, of that development" (p. 2635). In this sense, planning is a form of conscription (MacLeod, 2013) or consensual persuasion (Paddison, 2009). Thus, Allmendinger and Haughton (2012) argue that planning "gives the superficial appearance of engagement and legitimacy, whilst focusing on delivering growth expedited through some carefully choreographed processes for participation which minimise the potential for those with conflicting views to be given a meaningful hearing" (p. 90). Furthermore, analysis "using the lens of what we might term post-political planning" exposes planning as being "both hegemomic and problematic in that it mobilises and reproduces acquiescence for policies and strategies that favour certain groups or interests whilst marginalising more radical alternatives" (Allmendinger & Haughton, 2012, p. 93). Post-political planning practices may thus be understood to "paper over the inequalities which run through society, disavowing the rifts in society, and foreclosing potential

struggles for alternative political futures" (Van Puymbroeck & Oosterlynck, 2014, p. 87).

Such conceptual assertions as to the post-political dimensions of participatory planning models have been confirmed by recent empirical analysis. Authors have identified the complex consensual and antagonistic relations and structures that validate concerns about the post-politics of urban plans and planning (see, for example, Deas, 2014; MacLeod, 2011; McAuliffe & Rogers, 2018; Rosol, 2014). These studies have tended to focus on regional or metropolitan planning policies and programmes, with evidence being collected on community or neighbourhood planning decisions and dissensus (see, for example, Legacy, 2016; MacDonald, 2018). A number of these studies have focused on post-political planning and housing (see, for example, Bradley, 2015; O'Callaghan, Boyle, & Kitchin, 2014), an emphasis that reflects the longstanding links between urban housing and planning. Thus, as Gray (2018) explains, housing is a central feature of neoliberal urbanism and post-political planning.

Acknowledging interest in post-political planning and housing, this thesis draws on concepts of post-politics in an analysis of the Housing Accords and Special Housing Areas Act 2013 (HASHAA). Introduced by a National-led Government in New Zealand, the HASHAA aimed to provide a short-term means for improving housing affordability by facilitating an increase in land and housing supply in select cities and districts. Analysis of transcripts of select committee submissions and Hansard debates provides evidence of the ways in which the HASHAA narrowed democratic space and limited opportunities for contestation of central government's agenda. The empirical focus of this thesis is Hansard, the official transcripts of members' speeches in the New Zealand House of Representatives. Scrutiny of Hansard is complimented by analysis of submissions to the Social Services Select Committee, one of 13 subject-specific committees tasked with reviewing impending legislation.

The idea that state legislation can be expressive of 'democratic narrowing' is not without precedent. Bond, Diprose, and McGregor (2015), for example, provide examples of national-scale legislative processes and decisions being employed in New Zealand to "systematically close down dissent" (p. 1165). These examples draw on decisions made by the pro-development National-led Government that was elected in 2008, although post-political critiques are not confined to this government (see Driver, Parsons, & Fisher, 2018). The first example discussed by Bond et al. (2015) is the

sacking of democratically elected regional councilors in Canterbury and the enactment of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 (Brower, 2010a). This legislation, the 'ECan Act', was introduced because Ministers felt that local councillors "had been too slow in allocating freshwater for agricultural irrigation, potentially costing the whole country millions of dollars in lost earnings" (Thomas, 2014, p. 1). Brower (2010b) argues that the legislation introduced to sack the Canterbury Regional Council "plays democracy against efficiency, and egalitarianism against pragmatism" (p. 309). Similarly, Joseph (2010) reports that the "two lasting implications" of the ECan Act 2010 "will be the negative impact on local government democracy and the rule of law" (p. 196).

A second example refers to a 2013 amendment to the Crown Minerals Act 1991. This legislative change created an exclusion zone of 500 metres around drilling or seismic survey vessels operating in New Zealand's exclusive economic zone. Pender and McMillan (2013) suggest that the way in which the amendments to the Crown Minerals Act 1991 were introduced negated the opportunity for genuine participation in the democratic process. Senior figures of the New Zealand legal and academic communities also questioned the validity of the legislative amendments, stating that the changes were an 'attack on democratic freedoms' ("Joint statement", 2013).

Arguments presented by the New Zealand Law Society (2013a) suggest that the examples discussed by Bond et al. (2015) are among many changes to the law that frustrate democratic practices.

> The rule of law lies at the very foundation of a free and democratic society and is essential for the protection of human rights. The Law Society is concerned that a number of recent legislative measures are fundamentally in conflict with the rule of law. (New Zealand Law Society, 2013a, p. 2)

Salmond (2013) has also questioned the ways in which contemporary law-making processes "impinge on the rights and wellbeing of New Zealanders" and fail to claim a democratic mandate. The HASHAA, both in the processes through which the legislation was enacted and the content of the legislation, generates concerns as to the role of central government in supporting post-political conditions. The democratic deficits associated with the HASHAA are of significance because of the importance of home ownership within New Zealand society; the HASHAA has the potential to have a

significant impact on thousands of homeowners, as well as on the work undertaken by planners and developers.

The potential influence of the HASHAA was curtailed following the 2017 New Zealand general election, which produced a change to a Labour-led Government. The HASHAA was sidelined as the Labour-led Government promoted its KiwiBuild housing programme. KiwiBuild was a commitment from the government to work with the private sector to build 100,000 affordable homes over 10 years (Fletcher, 2018).[1] The HASHAA may have been marginalised by KiwiBuild, but it continues to be part of the legislative landscape. Thus, the government "will continue to receive and consider SHA proposals", while additional "changes to the Housing Accords and Special Housing Areas (HASHA) Act 2013 are being considered to increase the supply of affordable housing" (Woodhouse, 2018). Furthermore, the KiwiBuild programme will incorporate areas identified under the HASHAA as sites on which some of the 100,000 affordable homes will be located (Ministry of Housing and Urban Development, 2018).

1.1   Post-politics, neoliberalism and New Zealand

Scholarly examinations of urban post-politics have been dominated by Anglo-American authors and examples. Indeed, it is only relatively recently that scholars have begun to draw attention to the spatial post-politics of such countries as Singapore (Neo, 2010), Australia (Williams & Booth, 2013), and New Zealand (Driver et al., 2018). New Zealand is a particularly relevant space for post-political research because it was the site of some of the most rapidly enacted and deep neoliberal shifts of any democratic country (Bray & Walsh, 1998). Thus, Peet (2012) writes that New Zealand was a "social democratic, welfare state that went neoliberal with a vengeance in the mid-1980s" (p. 151).

Neoliberalism is the name given to the "political, economic and social arrangements within society that emphasize market relations, re-tasking the role of the state, and individual responsibility" (Springer, Birch, & MacLeavy, 2016, p. 2). Neoliberalism emerged as an antidote to the dissolution of the Keynesian social compact between capital and labour that grounded (Western) social democratic states in the 1950s and

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[1] Detailed information on KiwiBuild is available at http://www.kiwibuild.govt.nz. Copies of Ministerial briefs and Cabinet papers relating to KiwiBuild are available at the website of the Ministry of Housing and Urban Development (http://www.hud.govt.nz).

1960s (Harvey, 2006, p. 14). The collapse of the Keynesian compromise was evident as rates of capital accumulation slowed and (advanced) economies entered a phase of stagflation. By the turn of the new century, neoliberalism had 'triumphed' to become the dominant global economic paradigm (Murray, 2006, p. 101).

Between the election of the Fourth Labour Government in 1984 and the election of a National-led Government in 1993, New Zealand became

> a laboratory for an experiment: the transformation of the world's first welfare state into the world's first post-welfare state. Around the world, gurus of the market-driven economic theory watched in envy as a tiny nation in the South Pacific did an about-turn and marched in a different direction. (Russell, 1996, p. 9)

The Labour Party and the National Party represent both the left and the right of the political spectrum in New Zealand. Thus, in the 1980s reforms were initiated by Labour, a party traditionally defined by democratic socialist principles, while changes in the early 1990s were implemented by a conservative National government (Easton, 1997).

The neoliberal programme of change adopted by Labour and National Governments dramatically reshaped all aspects of New Zealand society: "dismantling the welfare state; introducing aggressive market-led approaches in the manufacturing sector that restructured the labour force and increased unemployment; introducing competitive models for government funding in the social services and environmental sectors; and introducing user-pays education" (Bond et al., 2015, p. 1164). Moreover, the key concepts of the neoliberal reform processes were assumed to be immutable: "The 'fundamentals' of the programme - market liberalisation and free trade, limited government, a narrow monetarist policy, a deregulated labour market, and fiscal restraint - were assumed to be 'given', based on common sense and consensus, and beyond challenge" (Kelsey, 1997, p. 2).

The 'fundamentals' of the programme identified by Kelsey (1997) are not unique to New Zealand. That is, continuities exist within the neoliberal polices implemented in recent decades by governments across a range of countries. Kelsey (2015), reports that what began as a series of experiments in the 1980s has "consolidated into a global regime" characterised by a "synthesis of ideology, policies, institutions, regulation and politics" (p. 124). The continuities evident in the 'global regime' of neoliberalism do

not, however, define a 'monolithic regime' unified by a hegemonic political philosophy (Larner, 2003). While countries may share general ideas and practices, analysis shows that neoliberal configurations are characterised by difference and dynamism. Thus, the very brief definition of neoliberalism included above fails to capture the multiple ways in which neoliberal configurations have been conceptualised and implemented in different ways in different countries. [2] For example, in their analysis of planning policy transfer between England, Australia and New Zealand, Gurran, Austin, and Whitehead (2014) consider how neoliberalism influences international interventions in urban development processes. In concluding their work, the authors report that while there are similarities in agendas following the transfer of policies, these three countries also exhibit "very different approaches to spatial planning and development control" (p. 188).

1.2   Housing affordability in New Zealand

Housing affordability has been the focus of much ongoing debate since the turn of the century, both in New Zealand and internationally.[3] In the context of conditions in New Zealand, in 2006 it was reported that there has "recently been widespread public debate and media attention around housing affordability" (Robinson, Scobie, & Hallinan, 2006, p. 1), and in 2013 it was noted that housing affordability issues have been "splashed over the front pages of the daily media in New Zealand at a blinding rate" (Olsen, 2013, p. 27). The significance of housing affordability may be traced to the long-standing cultural expectation of home ownership in New Zealand (Howden-Chapman, 2015). Ferguson (1994), for example, refers to 'the New Zealand dream' of owning a suburban home. This historic norm resonates with contemporary understandings of the importance of home. Thus, the New Zealand Productivity Commission (2012b) explains that home ownership is "a fundamental determinant of wellbeing, central to health, family stability, and social cohesion" (p. iii). Home ownership is also important in New Zealand because housing comprises a significant share of household wealth, is

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[2] It is not possible in this thesis to provide a coherent summary of the topics and themes addressed in the multiple books and articles that discuss neoliberalism. For those wishing to learn about neoliberalism, texts by Harvey (2005) and Saad-Filho and Johnston (2005) are useful starting points.

[3] For consideration of issues associated with housing affordability and land supply in countries other than New Zealand, see Agyemang & Morrison (2018); Bredenoord, van Lindert, & Smets (2014); Davison, Han, & Liu (2017); Hananel (2014); Howell (2016); Marom & Carmon (2015); Wyatt (2018).

positioned as an appreciating source of retirement income, and enjoys ongoing policy support from government (Law & Meehan, 2013).

Given the importance of housing ownership, it is not surprising concern has been expressed about the ongoing decline in home ownership; rates of home ownership in New Zealand have been falling since 1991 and are currently at the lowest level since the early 1950s (Eaqub, 2016; Statistics New Zealand, 2018a). This ownership decline has an inverse relationship with house prices; for example, between 2013 and 2018, home ownership rates across New Zealand fell from 63.7 percent to 63.1 percent and house prices increased by 38 percent (QV, 2018). After over a decade of increasingly pointed public and bureaucratic expressions of concern around housing affordability, the National-led Government introduced the Housing Accords and Special Housing Areas Act 2013.

The purpose of the Housing Accords and Special Housing Areas Act 2013 is: "to enhance housing affordability by facilitating an increase in land and housing supply" (Housing Accords and Special Housing Areas Act 2013, s.4). The HASHAA provides for the creation of agreements between territorial authorities and central government to achieve agreed targets for residential developments. The HASHAA also provides for the establishment of Special Housing Areas (SHAs) and associated qualifying developments. These developments operate under consent conditions that are more relaxed than those required under existing legislation; for example, the HASHAA provides for reduced decision-making timeframes, no public notification, and limited rights of appeal and objection. (See Chapter 3 for a detailed discussion of the HASHAA.)

Evidence collected from select committee submissions and parliamentary debates expose the ways in which the provisions of the HASHAA, as well as legislative confirmation processes, correspond to understandings of post-politics. A "core part of the Government's work to improve housing affordability" (Smith, 2013b, p. 10053), the HASHAA required staff at select territorial authorities to facilitate 'streamlined processes' for residential developments. Such engagement positioned planners as post-political practitioners, with their skills being employed to "shape the design, not the fact" of development (Mitchell et al., 2015, p. 2635). Thus, planners are implicated in a 'police order' (Rancière, 1999) that encourages post-political processes and practices (Taşan-Kok, 2012). In examining the legislative discourse through which planners

become implicated in the post-political, this thesis initiates understanding of policy interventions in planning for affordable housing.

1.3   Research Methods

A literature review enables a researcher to evaluate the current state of the chosen research area (Flowerdew, 2013; Hart, 2001; Healey & Healey, 2016; Matthews & Ross, 2010). This research relied upon two literature reviews, one of conceptual materials and one of empirical sources. The review of conceptual literature sought scholarly explorations of post-politics and planning. In developing relevant literature on these areas, contextual materials were collected on post-democracy, agonistic planning, and neoliberalism. The literature review focused on scholarly publications in books and journals. Through the identification of key authors, it was possible to source foundational texts in given areas of interest. The availability of such texts was greatly enhanced by the provision of online journals and books. The collection of materials was not limited to planning journals or texts; rather, sources and references were identified for their relevance to the research as opposed to being defined by their 'home' discipline. Thus, material was sourced from a range of texts and journals from across the fields of planning, geography and the wider social sciences.

The description and analysis of empirical sources focused on documents related to the HASHAA. These materials were sourced from the website of the New Zealand Parliament. Such materials included Hansard debates and submissions made to the select committee about the HASHAA. In addition to downloading copies of the select committee submissions and transcripts of debates in the House during the three readings of the Housing Accords and Special Housing Areas Bill (HASHAB), Hansard was searched using the phrases 'housing accords' and 'special housing areas.' These searches were conducted in April 2017 and all Hansard entries that included either of these phrases were copied for analysis. Much of this material stemmed from questions in the House about affordable housing in New Zealand and from debates emerging from the consideration of legislation related to housing issues.

Thematic analysis was employed to identify and interpret the meaning of information contained in empirical materials (Sarantakos, 2013). While often not named as a method of exploration, thematic analysis is widely used in the social sciences (Braun & Clarke, 2006). Thematic analysis relies on the researcher developing a system of coding data

and identifying broad themes within chosen texts (Hill, Curtin, & Gough, 2014). A flexible method, thematic analysis may be employed in relation to a range of different conceptual frameworks (Galvin, Suominen, Morgan, O'Connell, & Smith, 2015). Thematic analysis enables researchers to uncover rich meanings in data while denying the need for complex data organisation and preparation (Braun & Clarke, 2006). Thematic analysis is well-suited to this research as it may be applied to a range of topics and a mix of data sources. Thus, Braun and Clarke (2013) explain that thematic analysis may be used to analyse different types of data; it works with large or small data-sets and it can be applied to produce data-driven or theory-driven analyses.

The use of thematic analysis feeds into wider debates in the social sciences as to what constitutes 'good research'. Thematic analysis validates research findings through exploring themes which 'felt' important (Schinke, McGannon, Battochio, & Wells, 2013). Thematic analysis also allows researchers to take a reflexive and intuitive approach to data sets. Furthermore, the fluid nature of thematic analysis allows for the identification of sub-themes that add depth and richness to research findings (Hill et al., 2014). The themes sought in the empirical data were identified through reading appropriate conceptual materials.

By examining the debates that occurred during the progression to assent of the HASHAB, it is possible to identify points of contact between the legislation and post-political concepts. The post-political intent, and extent, of the HASHAA may be identified in the debates that took place around the content and progress of the legislation. These deliberations are available in written submissions to the select committee that was tasked with examining the Bill and Hansard transcripts of Members of Parliament debating the Bill in the New Zealand House of Representatives. Key tenets evident in literature on post-politics and planning were used in the analysis of select committee submissions and Hansard transcripts. Following the example of McGrath (2008), themes were noted in individual documents and these examples were 'coded' into parcels of evidence.

1.4   Thesis structure

This introduction chapter has outlined the research problem and provided context for the study that follows. This chapter also included a methodological discussion. This thesis places emphasis on conceptual and contextual materials, with the bulk of the chapters

addressing issues relating to post-politics, planning and the efforts of the Fifth National Government to legislate for affordable housing reform in New Zealand. The empirical data reported in Chapters Four and Five offer a tentative step towards understanding how post-politics was expressed through parliamentary processes and through legislative provisions.

Chapter Two explores literature relating to post-politics. Discussion identifies the origins and main tenets of post-politics, drawing on key authors to evaluate the relevance of post-politics in the twenty-first century Western societies. Emphasis is placed on expressions of post-politics and planning in New Zealand, with discussion identifying the opportunities associated with agonistic planning.

Chapter Three examines the history and content of the HASHAA. The first section of this chapter provides a brief overview of the role of the state in the New Zealand housing market. This contextual material is followed by discussion of the reasons why the HASHAA was introduced. The final section discusses the HASHAA, giving an explanation of key requirements of the Act.

Chapter Four is the first of two chapters that provide analysis of select committee submissions and transcripts of debates in the House of Representatives. This chapter examines this data for the themes of the acceptance of a neoliberal consensus and the erosion of democracy. These two themes are foundational to conceptualisations of the post-political and evidence highlights their role in the enactment and the content of the HASHAA.

Chapter Five provides analysis of three themes from understandings of the post-political. These themes relate to the status of knowledge, the scope of possible outcomes, and the use of empty signifiers. These themes are integral to post-politics and their influence is evident in the debates that occurred during Parliamentary progress of the HASHAA. Chapter Six concludes the thesis, demonstrating the key findings of the research and offering reflections on the status of post-political planning in New Zealand.

CHAPTER TWO

POST-POLITICS AND PLANNING

In recent decades, the notion of the post-political has been adopted by scholars and social commentators to describe contemporary conditions of 'democratic deficit'. The post-political refers to the consensual political landscape of post-democratic societies. A central characteristic of such societies is their association with the rise of neoliberalism. In extending competitive markets into all areas of life, neoliberalism has influenced government agendas and associated policy programmes. In relation to housing in New Zealand, for example, Murphy (2014) reports that the HASHAA drew on alignment between "premarket, pro-development logic" and the National-led Government's "preference for neoliberal 'market-based' solutions" to housing affordability (p. 14).

As is suggested by Murphy (2014, 2016), the HASHAA was introduced into a planning system that was embedded in New Zealand's neoliberal socio-economic structures. Given these conditions and contexts, it is appropriate to employ notions of post-politics in an analysis of the composition of the HASHAA. Recognition of the relevance of employing notions of the post-political to analyse the HASHAA aligns with recent statements as to the post-political nature of contemporary planning both overseas (Mitchell et al., 2015) and in New Zealand (Driver, 2017).

Drawing on the work of notable post-political scholars, the first section of this chapter explains the key tenets of post-politics and its relevance for contemporary society. Central to this description is consideration of the status of democracy in post-political societies. Following this discussion, attention shifts to the relevance of post-politics to New Zealand. This section delves into the role of neoliberalism in New Zealand, with discussion exploring links between neoliberalism and post-politics. The final section of this chapter identifies links between contemporary planning and post-politics.

2.1 Neoliberalism, democracy and post-politics

Acknowledging that the precise meaning of post-political is contested, Wilson and Swyngedouw (2014) provide a 'broad definition' in which the term post-political refers

> to a situation in which the political - understood as a space of contestation and
> agonistic engagement - is increasingly colonised by politics - understood as

technocratic mechanisms and consensual procedures that operate within an unquestioned framework of representative democracy, free market economics, and cosmopolitan liberalism. In post-politics, political contradictions are reduced to policy problems to be managed by experts and legitimated through participatory processes in which the scope of possible outcomes is narrowly defined in advance. 'The people' - as a potentially disruptive political collective - is replaced by the population - the aggregated object of opinion polls, surveillance, and bio-political optimisation. Citizens become consumers, and elections are framed as just another 'choice', in which individuals privately select their preferred managers of the conditions of economic necessity. (p. 6)

This definition draws on the work of the leading theorists of post-politics: Belgian political theorist Chantal Mouffe, French philosopher Jacques Rancière, and Slovenian philosopher Slavoj Žižek.

Mouffe (2000) argues that post-political societies are those that suppress the political to ensure broad consensus and stability. Those citizens whose ideas are suppressed are defined by forms of antagonism, aggressive sentiment which can be 'tamed' into 'agonism', a democratically productive recognition of legitimacy. Rancière (1995) asserts that within a post-political order, any apparatus of government constitutes a police order that ascribes who or what belongs where and with what rights and obligations. Democracy is established when citizens challenge the exclusions maintained by the police order. Žižek (1999) argues that the post-political is defined by societies in which the political is foreclosed. For Žižek (1999), the only solution to the post-political condition is to repoliticise the structure of the global economy through class struggle (p. 432). Summarising the respective positions of Mouffe, Rancière, and Žižek, Wilson and Swyngedouw (2014) write that "Mouffe is concerned with *the post-political as the repression of antagonism*, Rancière with *post-democracy as the disavowal of equality*, and Žižek with *post-politics as the foreclosure of class struggle*" (pp. 14-15, emphasis in original).

These different understandings of the nature of post-politics have implications as to responses to contemporary conditions. Metzger (2018) writes that Mouffe's project "is to find ways to *reconfigure* the institutional order, Rancière's to constantly *disrupt* the institutional order, and Žižek's to once and for all *overthrow* the institutional order" (p. 183, emphasis in original). While these authors differ in their understandings of democracy and the political, they share a concern with "the evacuation of the political, and a commitment to radical democratization and egalitarian emancipation" (Wilson &

Swyngedouw, 2014, p. 11). Mitchell (2013) explains that Mouffe, Rancière and Žižek share recognition that there has been "a shift in recent politics to approaches that attempt to minimise dissent, emphasise consensus, deliver 'rational solutions' (often through the use of technical experts), and limit potentially disruptive policy alternatives" (p. 2).

At the core of the concerns of Mouffe, Rancière and Žižek about 'post-political democracy' is that the active participation of citizens in politics and civil life is central to an effective democratic government.[4] Diamond (2004), for example, identifies citizen participation as one of four key elements of democracy.[5] Democracy thrives when there are "opportunities for the mass of ordinary people actively to participate, through discussion and autonomous organizations, in shaping the agenda of public life" (Crouch, 2004, p. 2). Thus, Hallward (2005) explains that democracy

> always works against the pacification of social disruption, against the management of consensus and 'stability'. . . . The concern of democracy is not with the formulation of agreement or the preservation of order but with the invention of new and hitherto unauthorized modes of disaggregation, disagreement and disorder. (pp. 34-35)

Public participation in a democracy incorporates citizens being informed about public issues and being able to (freely) express their own opinions and interests (Mouffe, 2014). Voting in elections is one way in which citizens can express their views, but they are also able to voice their opinions by campaigning for a political party or candidate, standing as a candidate for political office, debating public issues, attending community meetings, petitioning the government, and protesting (Qvortrup, 2007).[6] While forms of democracy remain in place (freedom of speech, free elections, multiple political parties), public participation in democratic government is being replaced by increasing

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[4] The term 'post-politics' originated with Slavoj Žižek. Jacques Rancière never employed the term 'post-politics' in his writing, preferring the term 'post-democracy' to refer to conditions of consensual politics and 'blighted democracy' (Metzger, 2018). Žižek's publications employ both 'post-political' and 'postpolitical' (see, for example, Žižek, 2005, 2006a). For reasons of consistency, in this thesis I use the spelling 'post-political'.

[5] "We can think of democracy as a system of government with four key elements:
   1. A political system for choosing and replacing the government through free and fair elections.
   2. The active participation of the people, as citizens, in politics and civic life.
   3. Protection of the human rights of all citizens.
   4. A rule of law, in which the laws and procedures apply equally to all citizens." (Diamond, 2004, p. 1)

[6] Haughton, Gilchrist, & Swyngedouw (2016) comment that the possibility of removing politicians through the ballot box exists in principle but not necessarily in practice. As an example, the authors refer to local-body elections in Manchester, England, where candidate choices are limited because of the "overwhelming domination of the Labour Party in the city" (p. 485).

control from privileged elites: "The forms of democracy survive, but its substance is becoming ever more attenuated" (Marquand, 2004, p. 4).

The origins of the current attenuation of democracy has been traced to the late 1990s, a time when "it was becoming clear in most of the industrialized world that, whatever the party identity of the government, there was steady, consistent pressure for state policy to favour the interests of the wealthy" (Crouch, 2004, p. vii). Thus, Crouch (2004) explains that central to any consideration of contemporary democracy is the "rising political importance of the global firm, the vacuum left by the decline of the working class, and the way in which a new political class of political advisors and business lobbyists [are] filling that vacuum" (p. x).

The shift to market-oriented democracy was accompanied, and created, by widespread agreement or consensus around the inevitability of neoliberal capitalism; "the common acceptance of Capital and market mechanisms as neutral tools/procedures to be exploited" (Žižek, 1999, p. 430). Within consensus, the "way the economy functions (the need to cut social welfare, etc.) is accepted as a simple insight into the objective state of things" (Žižek, 1999, p. 430), meaning "everybody silently accepts that *capitalism is here to stay*" (Žižek, 2006b, p.194, emphasis in original). Thus, Brown (2005) argues that the market has become "the organising and regulative principle of the state and society" (p. 41).

As the market was accepted as being central to social and political life, the possibility of the existence of democratic society declined. The minority control and power disparities that characterise corporate forces and market processes are incompatible with the principles of inclusion that define democracy (Biebricher, 2015). Furthermore, the disparities and inequalities of income and wealth generated through market competition limit the capacity of the majority to influence economic and social policies (Dean, 2009). In essence, neoliberalism is antithetical to democracy because "neoliberalism has captured the political process and placed it at the service of capital" (Ayers & Saad-Filho, 2015, p. 612).

The role of neoliberalism in contemporary democracy is evident in housing reforms that were introduced in New Zealand in the early 1990s. In 1991 the National-led Government announced that from mid-1993 state house rental rates would be raised to market levels and an Accommodation Supplement would be introduced to assist tenants

to meet new rental rates. The Accommodation Supplement was available to all renters who met means-tested eligibility criteria, regardless of who was the landlord. The National-led Government argued that the raising of state rents and the implementation of an Accommodation Supplement would introduce fairness, self-reliance, efficiency and personal choice into the housing market (Luxton, 1991). Thus, tenants were free to choose their accommodation according to personal decisions on the level of accommodation costs they were willing to sustain.[7] As Morrison and Murphy (1996) explain, housing subsidies were no longer linked to particular types of units in particular locations; rather, eligible state tenants could 'choose' to join their private rental counterparts in applying the Accommodation Supplement to any rental property (p. 227).[8]

This 'freedom of choice' was, however, constrained by state policies and unequal access to information (McLeay, 1992). Furthermore, this freedom was constrained by the norms of neoliberalism.

> Constantly bombarded by . . . imposed 'free choices,' forced to make decisions for which we are mostly not even properly qualified or informed, our 'freedom of choice' increasingly becomes a burden that deprives us of true freedom of choice - the choice (or rather, decision) to move beyond market-freedom into the freedom of collectively organizing and regulating the process of production and exchange. (Žižek, 2014)

According to post-political scholarship, the illusion of increased choice reinforces consensus and neutralises democracy (Hanlon, 2001; Nash, 1996). Thus, key theorists of post-politics share a concern with the consensus that exists around "the rise of neoliberal globalisation, and the fragmentation of traditional political divisions" (O'Callaghan et al., 2014, p. 122).[9] For Rancière (2004b), "consensus means erasing the contestatory, conflictual nature of the very givens of common life" (p. 7).

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[7] "The supplement was designed so that the government would pay 65% of additional accommodation costs above 25% of a claimant's income up to a maximum level set by an assessed market rent (later based on the maximum costs of accommodation). Tenants were required to meet the 35% differential plus any other rental costs in those cases where the actual rent exceeded the assessed rental" (Murphy & Kearns, 1994, p. 629).

[8] Scholars from a number of academic disciplines have challenged both the theory and practice of the Accommodation Supplement and associated impacts. Examples of such analysis may be found in the work of Campbell (1999); McLeay (1992); Morrison (1995); Murphy (1997); Murphy & Kearns (1994); Thorns (2000).

[9] Metzger (2018, pp. 186-187) notes that the post-political has been variously described as an era, a condition, formation, city, arrangement, imaginary, managerial framework, rhetoric, governance techniques, and forms and practices.

Mouffe (2005) and Rancière (1995) believe that the lack of true freedom of choice may be understood via the concepts of 'politics' and 'the political'. Politics identifies those practices and institutions that act to suppress the political (Rancière, 1995, p. 11) to create order in society (Mouffe, 2005, p. 9). Rancière (2001) explains that politics consists of transforming "the space of circulation . . . into a space for the appearance of a subject: i.e. the people, the workers, the citizens. It consists in refiguring the space, of what there is to do there, what is to be seen or named therein" (Thesis 8). The expression of politics is, therefore, not limited to particular places or locations; rather, any space has the potential to become a stage for politics.

Rancière (1995) advances the concept of politics to the point where it becomes 'policing'. Rancière (2004a) explains that the notion of 'police' refers to a social hierarchy whereby the police assign locations and relationships to ensure all individuals know 'their place' in society: "The essence of the police is the principle of saturation . . . As conceived by 'the police,' society is a totality comprised of groups performing specific functions and occupying determined spaces" (Rancière & Panagia, 2000, p. 124). Rancière (1999) characterises the police as being akin to a hegemonic process that assigns roles and positions, "acting as an implicit social law that configures what can be done, said and made possible" (Davidson & Iveson, 2015, p. 547). Thus, government oversight of such things as health, welfare, justice, education and planning are not indicators of citizen engagement but are expressions of politics as policing.

According to Rancière (2001), the police has particular spatial expression, with society consisting "of groups dedicated to specific modes of action, in places where these occupations are exercised, in modes of being corresponding to these occupations and these places" (Thesis 7). The police order is a system in which all groups are defined by a place and a function, with such ordering presented as natural and incontestable (Pirsoul, 2017). The groups recognised in the police order are those parts of the community that can be counted; the police order "only counts empirical parts - actual groups defined by differences in birth, by different functions, locations, and interests that constitute the social body" (Rancière, 2001, Thesis 6). Moreover, this way of counting "simultaneously defines the ways of being, doing, and saying appropriate to these places" (Rancière, 2004a, p. 6). Therefore, the police is "an externally imposed order on bodies which dictates who can be seen and who cannot be seen, who can be

heard (the ones capable of speech) and who cannot be heard (those only capable of noise)" (Pirsoul, 2017, p. 250).

It is impossible, however, for the police to 'saturate' a given space. Dikeç (2005) explains that any police order is "contested and full of tension, and, although the police *notion* of the society is based on a principle of saturation, there is never a total closure" (p. 175, emphasis in original). It is this lack of saturation that provides the possibility for the political. The political defines the dimension of antagonism which is "constitutive of human societies" (Mouffe, 2005, p. 9). Rancière (1995) states that 'the political' defines acts through which those who have 'no part' in society disrupt those who dominate (p. 11). MacDonald (2018), for example, employs evidence from planning practice in Sydney to challenge beliefs about the inevitable end of urban democratic engagement. Despite persistent efforts from the state government to de-democratise planning, MacDonald (2018) reports that "the fundamental potential to impose an uncontested consensus over development-enabling planning strategies is questionable" (p. 238). In terms of urban development in Sydney, McAuliffe and Rogers (2018) suggest that questions around consensus are generated, in part, by individuals and groups working outside formal processes of community engagement. Through media presence, direct action and networking with like-minded groups, residents are able to contribute to the politics of urban development (McAuliffe & Rogers, 2018).

The political is not, therefore, sought through governmental procedures and officially sanctioned avenues for discussion (Žižek, 1998). Rather, the political is "the refusal to be restricted to the places distributed . . . in the police order (the factory/the home)" (Swyngedouw, 2011, p. 375). For Rancière (1999), politics, or politics proper, arises when "the natural order of domination is interrupted by the institution of a part of those who have no part" (p. 11). Thus, politics proper occurs when "the given order of things is questioned; when those whose voice is only recognized as noise by the police order claim the right to speak" (Swyngedouw, 2009a, p. 607). Politics proper is about contesting the world as it exists and producing spaces of speech which hitherto were only heard as noise (Rancière, 2001).[10] Rancière (2003) believes that politics proper is

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[10] Mitchell et al., (2015) argue that defining 'proper politics' "as only that which seeks to upend the dominant order" ignores "at least half the game: *upholding* or *maintaining* the dominant order is politics too" (p. 2644, emphasis in original). Drawing on evidence from Stapleton, a neighbourhood in the Denver-Boulder metropolitan area in Colorado, Mitchell et al., (2015) explain that the implementation of

not bound by particular spaces and places, such as parliament; rather, as a disruption of police order, the political can happen anywhere - from the workplace to the classroom to the theatre to the street (see Springer, 2011). While for elites these 'thirdspaces' appear as locations of chaos and moral decay that are to be avoided, it is in such spaces that new visions and expectations are disclosed, discussed and demonstrated (Chambers, 2011).

The political emerges from within the spaces and fissures ignored or unknown by the police (Rancière, 2004b). These fissures may stem from, and reflect, different and unequal citizenship rights, including the right to vote or the right to hold public office. The political is "the accident that interrupts the logic by which those who have a title to govern dominate" (Rancière, 2004a, p. 6). Such 'interrupting accidents' are shaped by "power of those without title" (Rancière, 2004a, p. 6). For Rancière (1995), people without title are those who, in a particular social arrangement, are thought to be less than equal to others, are designated 'the count of the uncounted'. May (2010) identifies the 'uncounted' as including "blacks, women, the indigenous, workers, those who have no part to play in deciding the shape of the police order, because they are inferior" (p. 10).

Society 'becomes' political when its order is disrupted; politics proper appears at those moments, and in those spaces, where the fundamental equality of human beings is invoked (Rancière, 1999). This enactment, where equality is accepted by all parties, is defined by the 'collective becoming of a different subject', with 'those who have no part' defining a previously unseen or unheard part that exists to disrupt the social order (Rancière, 1999). Rancière (2001) also explains that those who have no part are not a structurally-predefined group of people, such as workers or immigrants; rather, collectives are formed through politics: "Parties do not exist prior to the conflict they name and in which they are counted as parties" (Rancière, 1999, pp. 26-27). Haughton, Gilchrist, and Swyngedouw (2016), however, warn against assumptions as to the constitution of 'parties' to antagonism, noting that those who make claims to providing a voice for the voiceless may not be addressing the views of all those without a voice (p. 485). For example, those active in challenging the proposed use of Alexandra Park in Manchester, England, "were predominantly white and well-educated, even though the

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a police order "is a political project, which the term 'politics proper' obscures" (p. 2645). Haughton et al., (2016) also point to the role of both community members and council stakeholders in facilitating protest.

park serves an ethnically diverse population in a deprived inner city area" (Haughton et al., 2016, p. 485). While politics is opposed to the police order, it is also indebted to it because "politics has no objects or issues of its own" (Rancière, 1999, p. 31). Thus, the police and politics are intimately entangled: "Politics acts on the police. It acts in the places and with the words that are common to both, even if it means reshaping those places and changing the status of those words" (Rancière 1999, p. 33). For example, the residents who challenged the use of Alexandra Park only came together as a recognisable group because of uses proposed by the police.

Expressions of dissent, which fall outside the consensus, are dismissed as coming from either traditionalists, who are unable to accept the inevitability of neoliberal democracy, or fundamentalists (Žižek, 2005). For example, in consensus society immigrants are divided between being objects in need of humanitarian support, with experts applying technical knowledge to facilitate integration into the post-democracy, and being objects of fear and hatred, with individuals and groups excluded as external adversaries (Simons & Masschelein, 2010). Those who position themselves outside the consensus are placed outside the law and treated as externalised and fetishised foes who must be 'dealt with'. Thus, problems are

> not the result of the 'system', of unevenly distributed power relations, of implicit or explicit silences and marginalizations, of the networks of control and influence, of rampant injustices, or of a fatal flow inscribed in the system, but are blamed on an outsider, a 'pathological' syndrome that can be cut out without affecting the functioning of the system. (Swyngedouw, 2009b, p. 57)

For Žižek (2006a), problems are positioned as intruders, or activists, that have corrupted an efficient and effective system. Mouffe (2005) explains that opponents to consensus are considered to express of some kind of "moral disease" that must be eradicated (p. 76). For Haughton et al. (2016), "those who question the fundamental assumptions of a particular project tend to be dismissed as 'trouble-makers', serial dissidents, or malcontents with an underlying political agenda to undermine the ruling authorities" (pp. 477-478). For example, in his investigation of the redevelopment of London's South Bank, Baeten (2009) showed how adversarial groups were dismissed as being irresponsible and unreasonable. Because of their 'extremism' and their inability to 'understand how regeneration works', the views of these oppositional groups were ignored.

Stavrakakis (2006) explains that as the post-political consensus refuses to "legitimize the centrality of antagonism in democratic politics", dissent is limited to "violent expressions of hatred" (p. 264). Žižek (2008) supports this understanding of violence, arguing that the rise of violent urban eruptions and ethnic rivalries are key socio-spatial markers of post-politicisation. Thus, urban occupations and (violent) protests are examples of the rejection of consensual politics and the denial of the inevitability of post-political neoliberalism (Gill, Johnstone, & Williams, 2012; Kaika & Karaliotas, 2015; Stavrakakis, 2007; Swyngedouw, 2015).

Post-political violence largely takes place in urban areas because cities are characterised by "tensions, inconsistencies and exclusions" in which "all manner of frictions, cracks, fissures, gaps, and 'vacant' spaces arise" (Swyngedouw, 2009b, p. 59). For example, Coutts and Fitness (2013), in their discussion of protests in New Zealand during the twentieth century, highlight the importance of the streets and halls of towns and cities to public activism; the issues being contested differed widely, but each issue found public expression via urban action. Furthermore, O'Brien (2016) reports that between 1997 and 2013, most protest actions in New Zealand took place in urban areas, with government buildings and workplaces being key sites of antagonistic expression. Of these protests, approximately 30 percent were reported by the media as being confrontational (obstruct, chant, occupy, enter, disrupt) or violent (damage) (O'Brien, 2012).

By not partaking in ruling or being ruled, 'the part who have no part' provide for the possibility of democratic politics: "Democracy is the paradoxical power of those who do not count: the count of 'the unaccounted for'" (Rancière & Panagia, 2000, p. 124). Democracy is expressed by those who deny the police.

> Democracy, then, is the specific power of those who have no common title to exercise power, except that of not being entitled to its exercise. Democracy is the disrupting of all logics that purport to found domination on some entitlement to dominate. (Rancière, 2004a, p. 5)

Democratic disruption is undermined, however, because the limits of acceptable debate are defined with reference to an exclusively economic rationale (Brown, 2015). Any problems or difficulties that are accepted as 'genuine' problems are "dealt with through compromise, managerial and technical arrangement and the production of consensus" (Swyngedouw, 2009a, p. 609). Such action is led by elites who draw on 'neutral'

scientific technocracy to implement a mutually agreed-upon solution. Thus, Žižek (2002) writes that the "ultimate sign of postpolitics . . . is the growth of a managerial approach to government: government is reconceived as a managerial function, deprived of its proper political dimension" (p. 303).

The solutions offered by techno-managerial experts are promoted, in part, on the idea that available options are too complex for citizens to understand. Given this complexity, expert managers, scientists and consultants are required to outline and validate options and decisions. This point is confirmed by Žižek (2006b), in that politics "legitimizes itself by means of a direct reference to the scientific status of its knowledge" (p. 188). The status of knowledge is, however, determined by those in positions of authority. This means that governments can pick and choose the 'expert' knowledge they wish to promote. For example, in relation to the HASHAA, the National-led Government relied on information from two agencies because their recommendations aligned with the political ideology of the government (Murphy, 2016).

In addition to being positioned as the domain of experts, problems are identified in non-specific ways. Thus, 'empty' signifiers replace the proper names of politics, a situation Swyngedouw (2010) discusses in relation to climate change.

> Climate change has no positively embodied name or signifier; it does not call a political subject into being that stands in for the universality of egalitarian democratic demands. In other words, the future of a globally warmer world has no proper name. (p. 224)

The absence of proper names within the consensus of the post-political signals the loss of genuine democracy because it is only through naming problems that people, places or problems can 'have a voice' (Rancière, 2001). For example, in previous decades immigrants could make claims on equality via their status as 'worker' or 'poor'; in a post-political consensus, the "term immigrant designates nothing" (Säfström, 2010, p. 613).

> The immigrant is first and foremost a worker who has lost his name, a worker who is no longer perceptible as such. Instead of the worker or proletarian who is the object of an acknowledged wrong and the subject who vents his grievance in struggle and disputation, the immigrant appears as at once the perpetrator of an inexpiable wrong and the cause of a problem calling for the round-table treatment. (Rancière, 1995, p. 105)

Rancière (1992) summarises this position by explaining that "objectively, we have no more immigrant people than we had twenty years ago. Subjectively, we have many more. The difference is this: twenty years ago the 'immigrant' had another name; they were workers or proletarians" (p. 63). In addition to the loss of proper names, identity categories in post-democracy have become increasingly fluid. For example, the stable identity categories of modernity, such as traditional left and right political positions, have been replaced with fragmented individualism. As communities of identity have crumbled, so has the ability of groups to raise political demands to a level where they obtain widespread purchase.

Fluidity among communities is not particular to the condition of contemporary neoliberalism. Indeed, continuities between past decades and current circumstances are sufficient for some authors to question the 'new-ness' of post-politics (Thomas, 2017). Bond et al. (2015), for example, report that democracy has a long history of defining 'the people' and 'citizens' in ways that ensured the exclusion of different groups in society at different times. Conceptualisations of post-politics have also been challenged for being "analytically flat, totalizing, and inadequate" (McCarthy, 2013, p. 19). While McCarthy (2013) accepts and agrees with much of what has been written about post-politics, he expresses concern that "accepting, using, and perpetuating sweeping categories such as the 'post-political condition' runs the risk of glossing over, under appreciating, and indeed potentially undercutting such work" (p. 20). Recent critiques have also suggested hegemonic theorising of post-politics may act to create the very conditions of repressed democracy it is describing (Cretney, 2017).

While the contemporary post-political condition may share characteristics with previous periods of history, the particular conditions of the present point to the existence of a 'new' post-political period. Thus, the global extent of late capitalism, an ever-expanding gap between those who have access to wealth and power and those who do not, and the rapid flow of information and expertise within and between sites and people of influence, contribute to new arenas and effects of depoliticisation (Carrigan, 2013). Within such scholarship there is recognition that the post-political is not a singular, coherent urban process; rather, the post-political comprises fluid processes which involve a range of actors (stakeholders) seeking to secure a future that aligns with their interests. Davidson and Iveson (2015) explain that the post-political is best understood as a "tendency that has taken hold" rather than a "condition that has been realized" (p.

546). Taken this way, post-politics is understood as a historically contingent, emergent process that is open to be challenged and frustrated by individuals and groups.

2.2   Post-politics and planning

In New Zealand, evidence of post-politics is very much associated with the transformation of the country from a 'welfare state' the 1970s into a neoliberal 'competition state' in the late 1990s. This transformation required the "active reorganisation of space and new geographies of state, economy, and society" (Lewis & Moran, 1998, p. 129). For planners, a core outcome of these 'new geographies' was the Resource Management Act 1991 (RMA), legislation which provided a framework for an integrated approach to environmental planning. The RMA had important implications for planners because it replaced a large number of Acts, regulations and orders that had previously been the stock-in-trade of planning professionals (Austin, 2000). For example, among the Acts that were repealed was the Town and Country Planning Act 1977, the primary urban planning legislation in New Zealand during the 1980s (New Zealand Productivity Commission, 2015a).

Urban planning schemes were introduced into New Zealand with the Town-planning Act 1926, legislation that was repealed with the enactment of the Town and Country Planning Act 1953. One significant change introduced in the 1953 Act was a requirement that councils zone compatible land uses through district schemes (Memon, 1991). The requirements of the 1953 Act were accorded priority in the Town and Country Planning Act 1977. This legislation increased the autonomy councils had over the preparation and management of planning schemes and increased opportunities for the public to take part in the planning process. Public engagement was facilitated by provisions in the 1977 Act that allowed submissions to be made on draft schemes and that expanded objection rights, enabling people other than those directly affected to object to a scheme or planning application (Gleeson & Grundy, 1997).

Mechanisms for community engagement were carried-over into the RMA, with councils being given the option of employing a collaborative planning process when developing policy statements and plans. The Ministry for the Environment (2017) reports that such collaboration has "community at its core", with a range of stakeholders being involved in "developing planning solutions rather than being consulted on established proposals" (p. 6). According to the Ministry for the Environment (2017), collaborative processes

describe a move "away from the traditional model of *decide-consult-defend* on council-generated planning solutions" to a model of "*engage-deliberate-decide* on community-generated planning solutions" (p. 6, italics in original). The collaborative process made available through the RMA appears to share commonalities with the model of communicative planning, an approach which fosters consensus-building practices and takes as "a normative position an ethical commitment to enabling all stakeholders to have a voice" (Healey, 2006, p. 5). Suggestions that collaboration under the RMA equates with the tenets of the communicative model are, however, disrupted by the ongoing reliance in New Zealand on land-use rules and associated regulations (McDermott Consultants, 2016, p. 26). Gunder (2003), for example, asserts that an expectation of institutional performativity and efficiency precludes a "communicative turn in New Zealand planning practice" (p. 246).

Rather than attempting to position planning practice in relation to a theory of planning, commentators have tended to position contemporary New Zealand planning in the context of neoliberalism. Gleeson (1994), for example, points to the "libertarian ideology" that underpinned the RMA. Similarly, Memon and Gleeson (1995) argue that government thinking about the RMA was guided by an ideology of "market-based resource allocation" (p. 119). Coombes (2003) identifies the "application of neoliberal ideology" as underpinning the integrated tenets of the RMA (p. 201). The influence of neoliberal ideology was such that Memon and Gleeson (1995) recognised the RMA as establishing the market as a principle for planning, where "collective decisions are taken only to cope with the impact of private decisions" (p. 118). McDermott (1998) reinforced this view, asserting that the dominant influence of the neoliberal paradigm has "led to a narrowing of the domain of public action, threatening to confine planning to a potentially technocratic and sterile role" (p. 644). The result of the reduction in democratic public engagement, and an increase in planning litigation, conferred on planners "little more than a mandate to bring the market to bear on the environment" (McDermott, 1998, p. 644).

It may seem counter-intuitive to argue that the RMA both enabled collaborative engagement and reigned-in the extent of public intervention in decision-making. This conflict is, however, characteristic of post-political democracy, with individuals and communities being presented with 'free choices' that are restricted to options that align with neoliberal norms. Thus, individuals are free to collaborate in the planning process,

but the outcomes of such engagement are limited to issues or practices that fit within predetermined solutions. The limitations of contemporary collaborations are such that some commentators argue that communicative planning has helped implement neoliberal policies and served neoliberal gains (Elwood, 2002). Sager (2005), for example, argues that "communicative planning theory is part of the set of rules, norms, and bureaucratic procedures (i.e. institutions) supporting the neo-liberal state" (p. 4). Similarly, Purcell (2009) believes that communicative planning provides "an extremely attractive way for neoliberals to maintain hegemony while ensuring political stability" (p. 140). In the context of the RMA, neoliberalism has encouraged collaboration but only in a form that maintains existing socio-economic and political norms; collaborative engagement is enabled as long as it does not fall outside pre-determined frames and forms that align with market norms and expectations.

A number of authors have sought to understand why communicative planning aligns so closely with neoliberalism (Lovering, 2009, p. 3). One approach to understanding this alignment explains that planning "will be fundamentally influenced by prevailing political power structures" (Thompson, 2000, p. 129). Bengs (2005a, 2005b) takes a different approach, arguing that planners are part of the rules, norms, procedures and institutions that support neoliberalism and, as such, planners are 'naïve mandarins' of the neoliberal state. Purcell (2009) comes to a similar conclusion, reporting that

> the neoliberal project requires decision-making practices that are widely accepted as 'democratic' but that do not (or cannot) fundamentally challenge existing relations of power. Communicative planning . . . offers an extremely attractive way for neoliberals to secure the democratic legitimacy they require, because it tends to reinforce the political-economic status quo while producing democratically legitimate decisions. (p.141)

McGuirk (2005) reports that the neoliberal era of planning could be "narrated as a tale of state-led, metro-scaled spatial planning being overshadowed by a market-led, locally focused, spatial approach; as a transformation from a social-democratic to a neoliberal form" (p. 59). This neoliberal form reoriented planning from being a tool to correct market failure to a mechanism to foster reliable market conditions (Gleeson & Low, 2000). Rather than drawing on the rationality of a plan or planning process, planners were encouraged to make decisions on the basis of economic rationality. Purcell (2008) explains that in contemporary (Western) cities it is the case that

citizens and their representatives are increasingly replaced in decision-making by panels of business leaders and economic experts who are perceived to know how best to respond to the competitive global market . . . In short, the decisions that shape the city are increasingly being transferred out of the control of the state and its citizens. (p. 27)

The convergence of planning and the private sector, and the associated shift of control away from the state, characterises the way in which "the urban frame has been thoroughly, and perhaps fatally, infested by an ordering that is thoroughly post-political and post-democratic" (Swyngedouw, 2007, p. 59). Thus, the 'post-political city' is characterised by the decay of "practices that would nurture political diversity and meaningful debate" (Legacy, Cook, Rogers, & Ruming, 2018, p. 176).

Politics has been a topic of debate among Anglo-American urban planners since the late nineteenth century (Hall, 1992). The centrality of politics to planning was such that Wildavsky (1973) stated that "planning is politics" (p. 132). More recently, Healey (2006) explained that planning is not "an innocent, value-neutral activity. It is deeply political. It carries value and expresses power" (p. 84). In the context of contemporary considerations, Mitchell et al. (2015) argue that "planning is essentially post-political" (p. 2635). This position is supported by Tesfahuney and Ek (2015), who connect planning with post-politics.

> Planning contributes to the securitization of the order that the post-political State needs to striate space and to filter the circulation of goods, capital, information and labor, to enfold and regulate flows. The implication being that planning, like politics, is enlisted to service the principles of economism, moralism and managerialism that define post-politics. (pp. 181-182)

Such post-political planning has been criticised for its role in maintaining and advancing conditions of consensus and the disavowel of politics. Thus, post-political planning achieved

> a reworking of the institutional discursive framework of planning in such a way that diverse groups such as planners, developers, land owners and community groups all could feel they became important parts of the system, that they were listened to, even though many of the issues in their hearts were only paid lip-service to and subsumed under an unassailable broader economic growth imperative. (Metzger, 2018, p. 185)

Allmendinger and Haughton (2012) offer an equally harsh summary, reporting that post-political planning amounted to a

sophisticated obfuscation of the political . . . At best, planners were compliant and naive and persuaded themselves that the 'public interest' (and their own professional standing) was best served through circumventing the political. At worst, planners were complicit in this deceit, helping alienate the profession from the communities they formerly represented. (Allmendinger & Haughton, 2012, p. 98)

An example of post-politics in New Zealand planning is provided by Fougère and Bond (2018) in their analysis of the consents process for a proposed coal mine on the West Coast of New Zealand. Fougère and Bond (2018) argue that post-politics was manifest in arguments in favour of neoliberal economic growth, a position expressed via ongoing support for extractive industries on the West Coast. Furthermore, the authors assert that the hegemonic status of neoliberal practices placed constraints on what could be considered under the consenting process (Fougère & Bond, 2018, p. 152). While noting that both "practices within planning systems" and "wider hegemonic discourses" contribute to the perpetuation of post-politicising processes within planning, the authors argue that there are options available to planners to support democratic dissent (Fougère & Bond, 2018, p. 163). These options include the making of decisions on who is invited to community meetings, where meetings are held, when meetings are held, how meeting agendas are set, the discussion format of meetings, and what might be done outside of meetings to increase community engagement. The authors conclude that while these options are not new to planners, they help fulfill "a need to push back against the techno-managerial tendencies of contemporary planning practice" (Fougère & Bond, 2018, p. 164).

2.3   Planning and agonism

Opposition to the HASHAA may be included as part of the 'push-back' against the managerial aspects of post-political planning practice. The HASHAA was open to public scrutiny during the 14-day window provided by the select committee, and it remained open to challenge when its policies were implemented. Thus, democratic contestation of the HASHAA is viable when the Act is employed; that is, when territorial authorities use housing accord provisions to create SHAs and qualifying developments. For example, it was only after the SHA at 111-117 St Lukes Rd, Auckland, was announced that local residents had the opportunity to contest development plans (Priestley, 2014). Similar post-announcement protests took place in response to SHAs in Mangere, Auckland (Loren, 2016), Lake Hawea in the

Queenstown-Lakes District (Price, 2018), and the Shelly Bay development in Wellington (Hunt, 2018). These challenges may be understood to be responses to the democratic limitations of the HASHAA and are an indication of the antagonistic contestations possible under post-political conditions.

In recent years, a number of scholars have sought to conceptualise ways in which individuals and communities have challenged the post-political planning consensus. The majority of conceptualisations have adopted the agonistic planning theory proposed by Mouffe (1999). Scholars have focused on Mouffe's model because, in offering an alternative to communicative planning, agonistic planning rejects alignment with neoliberal capitalism and post-political democracy (Elwood, 2002). Thus, Hillier (2002) argues that the idea of agonistic debate can offer a way out of the hegemony of consensus in planning. Mouffe's (1999) model of 'agonistic pluralism' has been adopted by planners as a way in which to resolve problems associated with achieving an ideal of communicative action. Roskamm (2015) reports that antagonism and agonism are 'very well suited' to explanations of politics and planning: "Politics and planning pursue the very task of domesticating, or taming, antagonism into agonism . . . planning practice will always be agonistic" (p. 396). Within planning, post-political consensus may be understood as having damaged debate relating to alternative views of the world: "Citizens might have formal decision-making power, but their range of decisions can become so narrow as to not really be decisions at all" (Purcell, 2009, pp. 145-146).

To avoid a deflated democratic sphere, Mouffe (2005) argues that democratic societies need to find ways in which political differences can be explored and articulated. For Mouffe (2005), the most effective way to achieve this goal is through agonism. Agonism may be understood as a contest or struggle without destruction (Mouffe, 2000), while antagonism refers to "conflicts between irreconcilable views and interests" (Pløger, 2004, p. 72). Mouffe (2005) argues that the task of democracy is to transform 'antagonism between enemies' into 'agonism between adversaries' (p. 755). The shift from antagonism to agonism requires opponents to be able to express their views without being construed as enemies.

> Agonism means a willingness to generate in a constructive fashion democratic decisions which may be partly consensual, but which, furthermore, respectfully acknowledge differences that remain unresolved. In agonistic democracy one's counterpart is seen as a legitimate adversary, whose views a given party may not

find agreeable, but whose right to present and defend those views it does not question either. (Bäcklund & Mäntysalo, 2010, p. 343)

For Hillier (2002), agnostic planning is characterised by stakeholders agreeing on some issues and agreeing to disagree on others. Thus, rather than seeking solutions via legal or political decisions, planners treat seemingly irreconcilable interests through 'agonistic pluralism'. While agonism may require time-consuming consultation, it does allow for democratic expression of difference and consensus-building among mutual adversaries. If conflicts are irresolvable, stakeholders will be encouraged to come to a mutual agreement on the procedure as to how they will deal with these differences of opinion (Mouat, Legacy, & March, 2013).

Examples of the relevance of agonism to planning may be found in the May 2018 issue of the journal *Geographical Research* (see Butt & Taylor, 2018; Legacy, 2018; Legacy et al., 2018; MacDonald, 2018; McAuliffe & Rogers, 2018; Ruming, 2018). This Special Issue focused on 'planning the post-political city', with contributions identifying the possibility for contestation over urban decisions in the context of post-political urban futures. For example, in examining recent urban regeneration plans for the Australia city of Newcastle, Ruming (2018) identifies alternative politics that destabilise "post-political efforts at corralling consensus" (p. 193). Legacy (2018) draws on examples from transport planning in the Australia state of Victoria to show how Infrastructure Victoria, an independent 'umpire' created by the state government, provides a platform through which it is possible for citizens to raise questions and illuminate transport politics.

Outside Australia, McClymont (2011) draws on observations of a public inquiry into proposed greenbelt housing in Manchester, England, to report that agonistic debate can provide "an alternative version of public engagement in planning matters to the dominant discourse of consensus" (p. 247). In his analysis of Danish urban regeneration, Pløger (2004) confirms the possibility of agonism being employed to solve conflict between 'enemies'. Refstie and Brun (2016) analyse urban planning in Malawi and conclude that the application of an agonistic planning approach enables negotiation. McGrouther (2016) examines agonistic planning approaches in New Zealand through a case study of public participation processes associated with a proposal to increase the size of a milk processing plant in Waimate.

Publications providing evidence-based verifications of the validity of agonistic planning are best considered in relation to accounts of the issues that require clarification if agonism is to be identified as a proactive and pragmatic planning theory. Bäcklund and Mäntysalo (2010), for example, report that any resolution of issues around citizen participation and democracy in planning would require dealing with fundamental questions around conceptions of knowledge and decision-making. Such questions would usefully include consideration of the skills of practitioners, with Murtagh and Ellis (2011) identifying a need for enhanced proficiency amongst planners in engaging with power imbalances and spatial unevenness. This theme is developed by Fox-Rogers and Murphy (2014), who express concern over the ways in which agonism tends "to tinker around the edges of discussions about the political economy of power and class relations" (p. 250). Yamamoto (2017) also identifies problems with the way in which agonism negotiates relations of power (see also Ramsey, 2008). Thus, it would be necessary to examine the institutional structures and codes of local planning environments so as to identify 'truly alternative' approaches to planning paths (Bäcklund & Mäntysalo, 2010, p. 343; see also Beaumont & Loopmans, 2008). Such an examination would enable the ethos of agonism to influence all stages of the planning and policy-making process, rather than being limited to selective components of consultation processes (Murtagh, 2004).

2.4   Conclusion

Conceptualisations of the post-political provide for understandings of contemporary politics and planning in New Zealand. Theoretical arguments as to the challenges facing democratic expression in countries that have adopted neoliberalism, and explorations of the insinuation of consensus into societal expectations, underpin arguments as to the relevance of viewing policy through the 'lens' of the post-political. Analysis of planning policies highlights the ways in which legislative processes and content reinforce and reflect post-political approaches and applications. Policies included in the HASHAA emerged from the neoliberal agenda of the National-led Government of New Zealand, while the processes that preceded the enactment of the HASHAA denied democratic engagement. The HASHAA supports Stavrakakis' (2011) assertion that neoliberal planning ideologies are part of the post-political consensus because they are central to attempts to marginalise democratic antagonism and de-politicise democratic processes. The following chapter discusses the conditions under which the HASHAA was enacted.

This discussion provides understanding of the rationale for enacting the HASHAA and, as such, offers insight into themes relevant for subsequent analysis.

CHAPTER THREE

HOME OWNERSHIP AND THE HASHAA

The HASHAA was enacted by the National-led Government as a way to improve the provision of housing, with availability being framed as a problem of supply. The National-led Government promoted the belief that the HASHAA would provide conditions within which private sector developers would be encouraged to build affordable homes. The National-led Government also believed that an increase in land supply would encourage the construction of new homes; these new homes would be bought by current home owners, with the 'second-hand homes' of current owners being 'recycled' to first-home buyers. The political ideology that shaped the HASHAA is best understood as part of ongoing interventions from central government into the New Zealand housing market.

This chapter begins with an overview of key housing policy trends during the twentieth century, with commentary reviewing the ways in which governments acted to manage state properties, mortgage opportunities and rates of home ownership. As will be noted, home ownership has long been a 'dream' for New Zealanders. This historic review is followed by consideration of circumstances that provided a catalyst for the introduction of the HASHAA. This section focuses on the origins of the HASHAA, with discussion detailing the rationale that was employed to justify the introduction of this legislation. The final section of the chapter provides an overview of the HASHAA. This section describes the meaning and intent of the legislation before examining the ways in which the HASHAA has been applied in practice.

3.1 The role of the state in home ownership

For over a century, New Zealand governments have legislated to encourage home ownership and house construction. Davidson (1994) reports that the state first involved itself in facilitating the erection of dwellings in the 1890s; under the Government Advances to Settlers Act 1894, people who wanted to build a house could borrow necessary finance from the state at favourable rates of interest. Subsequent changes in the early decades of the twentieth century reinforced the commitment of the state to owner-occupied housing. For example, the Workers' Dwellings Act 1905 gave "central

government the power to set aside land and build houses for urban workers" (Ferguson, 1994, p. 59). During the 1930s, the state introduced legislation that placed a moratorium on mortgage debt repayment and introduced building subsidy schemes (Gatley, 2000). Subsidies provided for the construction of homes were available to those tradespeople who were building for either private home-owners or state rentals.

State rentals were houses built by the state to accommodate individuals and families who could not afford to buy a house or pay market rental rates for a house. The state secured land, designed the houses, and supervised the construction of houses that were made available for long-term tenancy at rental rates below market levels. While state housing stocks were predominantly of detached houses in low-density suburban schemes, the state also funded construction of blocks of flats. These multi-unit blocks of one- to three-bedroom flats tended to be built in central-city areas, being designed to accommodate "single people, families composed only of adults, and families with only one child" (Tyndall, 1939, p. 7).

In addition to providing new suburban homes for people living in often dilapidated inner-city districts, the construction of state houses helped stimulate local industry and boost employment (McKay, Stevens, & Devitt, 2014). Thus, while the state provided opportunity and finance, site development and house construction were completed by private housing contractors. The connection between state finance and the construction of new housing acted as a tool of economic management, with support for domestic building being an economic regulator to maintain employment levels and internal demand. Ferguson (1994) notes that for 30 years after 1935 New Zealand governments "managed the building industry and manipulated housing as part of a wider managed economy" (p. 295). Such management included "the syphoning of state-supplied mortgages towards building new dwellings" (McLeay, 1992, p. 170).

The demand for houses increased significantly in the post-World War Two period, with high living standards and rural-to-urban migration underpinning the expansion of suburbs on the edge of major cities (Schrader, 2005). During this time, the state moved away from the provision of rental housing and began to promote home ownership. For example, in 1950 the recently-elected National Government introduced measures to enable state rental tenants to purchase their home (Schrader, 2005). The reason for this shift in emphasis in housing policy stemmed from a belief that housing had both social and economic value. In 1950, for example, the Prime Minister told the House of

Representatives that "home ownership develops initiative, self-reliance, thrift, and other good qualities which go to make up the moral strength of the nation . . . Above all, home ownership promotes responsible citizenship" (Holland, 1950, p. 3). For Ferguson (1994), state-sponsored home ownership schemes provided the foundation for over half-a-century of advocacy for 'the New Zealand dream' of owning a suburban home.

By the 1970s, the focus on home ownership was accompanied by the withdrawal of state support for state rental housing and encouragement for private lending institutions to assume a greater role in housing finance than was previously the case. A relaxation of controls on interest rate relativities and the lowering of security ratios facilitated the growth of permanent building societies as mortgage lending institutions (Burtt, 1979). The steady withdrawal of the state from housing construction and finance was accompanied by the growth of private-sector financing for home owners. These changes, in conjunction with an increase in both the cost of land and the interest rates imposed by private sector lending agencies, combined to increase the cost of entering homeownership.

The trends that emerged in the 1970s were exacerbated by the neoliberal regulation changes that New Zealand governments adopted in the 1980s and 1990s, with housing policy being reshaped in concert with the wider restructuring of economic strategies and social policies (Thorns, 2006). While social services were not part of the initial 'roll back', policies relating to health, education and housing were subject to much debate during this time. In terms of housing policy, debates were 'open and bitter' as bureaucrats, private sector agents, and politicians argued over the role of the state in housing provision (Ferguson, 1994). Despite opposition from Treasury officials, business leaders, and parliamentary colleagues, Ministers of Housing in the Labour Government maintained a commitment to direct intervention in the housing sector (Thorns, 1986).

The Housing Corporation avoided privatisation in the 1980s, but it was not immune from the housing policy changes initiated by National Governments in the 1990s.[11]

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[11] In 1974 the activities of the state in the housing market were consolidated into one agency, the Housing Corporation of New Zealand. As the main agency for the formulation and delivery of housing policy, the Housing Corporation of New Zealand managed the public rental sector, implemented mortgage schemes, administered residential tenancies legislation and supplied the government with housing advice. In 1991, Housing Corporation of New Zealand responsibilities were shared with the newly-formed Housing New Zealand agency and the Ministry of Housing (Morrison & Murphy, 1996).

The advent of a National Party government in 1990, with its desire to extend the economic 'reform' process to the welfare sector, ushered in a new era for housing policy. The Housing Corporation, with over 69,000 rental units, revenues in excess of NZ$700 million and assets of over NZ$8,500 million, was targeted for reform. (Murphy, 2009, p. 199)

From the 1990s, "the state withdrew from its traditional role as a key agent in the housing system and adopted a policy stance that emphasized market provision" (Murphy, 2009, p. 195). Housing reforms were framed within a policy discourse which stressed fairness, personal choice, self-reliance and fiscal responsibility (Murphy, 1997). The majority of the housing policy changes implemented in the 1990s were targeted at tenants of state house rentals. For example, a new organisation, Housing New Zealand, was formed to manage state rental properties on a commercial basis, with the introduction of market rents in the state sector securing an agreed rate of return to the Crown. As part of efforts to maintain returns, Housing New Zealand reduced its housing portfolio; between 1992 and 1999, Housing New Zealand sold 18 percent of its houses. The bulk of the houses sold by Housing New Zealand were bought by private investors; only 25 percent of sales in the 1990s were to state tenants (Murphy, 2009).

Commercialisation in the state rental sector was accompanied by the privatisation of state mortgages. Between 1991 and 1999, the Crown sold the majority of mortgages held by Housing New Zealand to private sector agencies. The Crown retained a small number of Papakainga and rural mortgages that it found difficult to sell. In addition to divesting itself of mortgage commitments, Crown support of mortgage schemes also diminished. For example, between 1990 and 1996, the number of new loans advanced by Housing New Zealand declined from NZ$746 million to NZ$36 million (Murphy, 1999). This reduced role in the mortgage market coincided with "a period of increasing marginalisation of Māori, Pacific people, and low-income households in the housing market" (Murphy, 2000, p. 398). Such marginalisation was evidence of an increase in the proportion of income households spent on housing, either through rent or mortgage payments (Thorns, 2009).

Financial deregulation and the abolition of lending controls were accompanied by the rise of interest rate "to heights once thought unimaginable" (Lowes, 1990, p. 34). Interest rates on finance borrowed for the purchase of a home increased from 7 percent in 1970 to 20 percent in 1990 (Ferguson, 1994). As interest rates rose, rates of home ownership declined; during the 1990s, rates of home ownership in New Zealand fell

from 74 percent to 68 percent (Thorns, 2006). Indeed, homeownership rates peaked in 1991, the year in which the state's homeownership support programmes ended and the sale of state mortgage portfolios commenced (Johnson, Howden-Chapman, & Eaqub, 2018). The decline in ownership was particularly evident among younger-age buyers and low-income households, groups that were unable to meet deposit thresholds or mortgage servicing requirements (Murphy, 1999). Summarising the housing policy changes of the 1990s, Murphy (2009) notes that the "neoliberal vision of an effective market, functioning to provide for consumer needs" became a "reality of declining homeownership rates and rising housing costs" (p. 211).

Home ownership rates continued to decline in the new century, with house prices rising more rapidly than incomes. Bourassa and Shi (2017) report that between 1993 and 2013 real house prices increased by 115 percent while real average weekly income per full-time equivalent worker increased by 20 percent (p. 694). The 115 percent average increase in house prices across New Zealand included marked territorial differences. For example, between 1993 and 2013, house prices increased by 133 percent in Auckland, 98 percent in Wellington and Christchurch, and 126 percent in the rest of the country (Bourassa & Shi, 2017, p. 703).[12] Increases in average weekly income between 1993 and 2013 in these areas also differed, with Auckland showing growth of 36 percent, Wellington experiencing 40 percent growth, Christchurch rising by 47 percent, and the rest of the country increasing by 39 percent (Ministry of Social Development, 2016). Since 2013, house prices and weekly income rates have continued to fluctuate; for example, between 2015 and 2018 Auckland house price values rose by 13 percent, prices in Wellington rose by 43 percent, the figure for Christchurch was 3 percent, and the rest of the country experienced a 36 percent rise in house prices (QV, 2018). In terms of average weekly income, between 2015 and 2018 there was a 12 percent rise in Auckland, an 11 percent rise in Wellington, a 14 percent rise in Christchurch, and a 10 percent rise across the rest of the country (Statistics New Zealand, 2019).

Eaqub and Eaqub (2015) report that there are no "neat and tidy" reasons why house and land prices in New Zealand have risen so much relative to incomes (p. 64). Reasons for housing price changes are commonly defined in terms of supply- or demand-side

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[12] Auckland, Wellington and Christchurch are the three largest cities in New Zealand by population. As of June 2018, the estimated population of Auckland was 1,628,900 people, the estimated population of Wellington was 418,500 people, and the estimated population of Christchurch was 404,500 people (Statistics New Zealand, 2018b).

interventions. Supply-side interventions, such as the provision of land for development, attempt to either decrease the cost of housing or increase the supply of housing. Demand-side measures, such as capital grants and housing allowances, act to increase the ability of people to rent or purchase housing (Johnson, 2007). On the supply side, Eaqub and Eaqub (2015) refer to restrictions on land supply associated with land use and related policies, problems for developers seeking financing, and a construction sector slow to respond to changes in demand (p. 65). On the demand side of rising prices, Eaqub and Eaqub (2015) identify the importance of natural population growth, reduction in family size, the response of investors to favourable tax and finance settings, and population growth associated with migration patterns (p. 64). Bourassa and Shi (2017) refine these reasons, explaining that the primary factors contributing to declining home ownership in New Zealand between 1993 and 2007 were levels of household income, with house price growth outpacing income growth, and constraints on borrowing, with ownership related to minimum deposit-to-value and maximum mortgage payment-to-income ratios.

By the late 1990s, the consequences of the housing policies of the National Government were being highlighted by welfare advocacy groups, academics and such state agencies as the Department of Social Welfare (1999). Public concern over rising poverty and inequality prompted opposition political parties to propose new housing policies. These policies formed part of the package of reform proposals that contributed to the success of a Labour-Progressive Government in the November 1999 general election. The new government was quick to introduce new housing policies, removing market-based rents from the state sector and encouraging homeownership through mortgage assistance (Boyce, 2010).

Murphy (2009) reports that the housing policy reforms of the Labour-Progressive Government were implemented in a housing context that had been "profoundly shaped by the neoliberal reforms of the 1990s" (p. 206). The withdrawal of the state as a mortgage provider for low-income households, in concert with financial reform, created conditions in which banks dominated the mortgage market. Market-based mortgage criteria worked in favour of people with existing assets, be it a home or a regular income. Thus, the housing market was dominated by existing owners 'trading up' and small investors purchasing properties for the private rental market (Murphy, 2009). This

shift in purchasing patterns was evident in a decline in homeownership and an increase in the private rental sector in the late 1990s and early 2000s (Morrison, 2008).

Government concern about housing affordability was sufficient for the Labour-Progressive Government to provide local government with legal backing for the provision of affordable housing. This support came in the form of the Affordable Housing: Enabling Territorial Authorities Act 2008. The purposes of the Act were to enable territorial authorities "to require persons doing developments to facilitate the provision of affordable housing" and "void covenants that have, as one of their purposes, stopping the provision of affordable housing or social housing" (Affordable Housing: Enabling Territorial Authorities Act 2008, s. 5). Warnock (2010) reports that, in essence, the Act could require developers to "provide for affordable housing directly within a development or indirectly via land or a monetary contribution to the authority" (p. 165). The Act provided explicit direction for territorial authorities to use planning regulations in the provision of affordable housing (Austin, 2009). The use of such regulations was limited to those supply-side measures that were within a territorial authority's influence, being land use regulation and financial incentives (Cooney, 2009).

During the months it was marshalling the Affordable Housing: Enabling Territorial Authorities Act 2008, the Labour-Progressive Government was also formulating responses to a Department of the Prime Minister and Cabinet report on housing and the recommendations of a select committee inquiry into housing affordability. The report of the Department of the Prime Minister and Cabinet was released in March 2008 after eight months of study. The report highlighted the centrality of "increasing the supply of housing through identifying new land for residential development" as a way in which to "achieve a reduction in house prices in the long run" (Department of the Prime Minister and Cabinet, 2008, p. 86). Thus, rather than proposing policy responses that "just add to the demand for housing", the report argued that "the focus should be on increasing the supply of housing" (Department of the Prime Minister and Cabinet, 2008, p. 86).

The report of the select committee inquiry into housing affordability was made public in August 2008. This report originated from a request from the National spokesperson for housing, Phil Heatley; in February 2007, Heatley wrote to the Commerce Select Committee requesting the committee "conduct an inquiry into the affordability of housing in New Zealand, in the light of growing public concern over inflated property prices" (Commerce Committee, 2008, p. 5). The Commerce Select Committee was also

tasked with investigating the impact of local authority planning and approval processes on the cost of housing for first home buyers in New Zealand (Commerce Committee, 2008, p. 5). Before the Labour-Progressive Government could follow Standing Orders of the House of Representatives and respond to the report of the Commerce Committee, it was removed from government in the general election held in November 2008.

3.2 The origins of the HASHAA

Following the result of the 2008 general election, it was a National-led Government that responded to the Commerce Select Committee's housing affordability inquiry. This response, released on 16 January 2009, was one of the first public expressions of the interest of the National-led Government in housing affordability. Beginning its 400-word response by endorsing the recommendations of the Commerce Committee, the Government stated that it "will be introducing initiatives that address the recommendations given by the Commerce Committee" (Government of New Zealand, 2009, p. 2). These initiatives included plans to ensure "local councils plan for a forward supply of suitable land zoned for new housing", and to make it "easier to redevelop existing and unused land within city and town limits" (Government of New Zealand, 2009, p. 2).

Within four months of being elected, the National-led Government indicated it would review the Affordable Housing: Enabling Territorial Authorities Act 2008. In announcing his intention to 'take a close look' at the Act, Housing Minister Phil Heatley noted that "this legislation never addressed the real cost drivers of housing supply and I am of the view that it will, in fact, provide disincentives for the provision of affordable housing" (Heatley, 2009). This 'close look' took the form of a Housing New Zealand Corporation (HNZC) review of the Affordable Housing: Enabling Territorial Authorities Act 2008. The HNZC review report was released in October 2009 and it recommended the repeal of the Act (Housing New Zealand Corporation, 2009).[13]

In March 2010, the National-led Government explained that it had decided to repeal the Affordable Housing: Enabling Territorial Authorities Act 2008. This decision was based

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[13] While recommending the repeal of the Affordable Housing: Enabling Territorial Authorities Act 2008, the HNZC report suggested Section 30 of the Act be kept. Section 30 dealt with the voiding of covenants, noting that "a covenant over land is void if one of its purposes is to stop the provision of affordable housing or social housing on the land" (Affordable Housing: Enabling Territorial Authorities Act 2008, s 30). A modified version of Section 30 was included in the Property Law Act 2007 (s 277).

on the belief that "rather than improving housing affordability", the Act would "increase the cost of housing in the current market" and would exacerbate complexities and delays associated with house construction (Joyce, 2010, p. 9798). The Affordable Housing: Enabling Territorial Authorities Act Repeal Act 2010 came into force on 6 August 2010.

In January 2010, the Minister for the Environment, Nick Smith, initiated direct action on the issue of housing affordability, announcing the formation of an Urban Technical Advisory Group (Urban Technical Advisory Group, 2010). The Urban Technical Advisory Group (UTAG) was chaired by an environmental lawyer and planning commissioner, with the other members comprising an urban designer, a resource management consultant, a research economist, an urban planner, and the Chief Executive of the Property Council of New Zealand. Tasked with providing advice on the reform of urban planning and design mechanisms, the UTAG terms of reference included examination of the effect metropolitan urban limits (MULs) have on land supply and section prices (Urban Technical Advisory Group, 2010). The UTAG report, which was released in July 2010, concluded that MULs are a 'blunt instrument' for urban development; if not applied carefully, MULs lead to increases in the cost of land and housing (Urban Technical Advisory Group, 2010).

The Government sought input on the recommendations of the UTAG via the *Building Competitive Cities* discussion document. Published by the Ministry for the Environment in October 2010, this document sought submissions on how best to reform the urban and infrastructure planning system (Ministry for the Environment, 2010). The final report of the *Building Competitive Cities* initiative was released in January 2011. Rather than providing recommendations for action, this report comprised a summary of submissions (Hill Young Cooper, 2011). In June 2011, submitters to *Building Competitive Cities* received an email from the Ministry for the Environment advising them that their submission would be included as part of the ongoing reform of resource management policy (Ministry for the Environment, 2011).

At the same time as the *Building Competitive Cities* discussion document was being made available, the Department of Building and Housing (2010) published a report providing a broad overview of housing market conditions in New Zealand. This report included discussion of the impact of complex consenting processes on land supply and housing costs. One of the key findings of the report focused on the ways in which

existing regulatory practices constrain the release of residential land supply and thus contribute to increases in the cost of housing (Department of Building and Housing, 2010).

In March 2011, the New Zealand Productivity Commission (2012b) initiated an inquiry into housing affordability. The inquiry was established to "undertake an inquiry to evaluate the factors influencing the affordability of housing" and to "examine potential opportunities to increase housing affordability" (New Zealand Productivity Commission, 2012b, p. iv). The New Zealand Productivity Commission (NZPC) is an independent Crown entity whose purpose is "to provide advice to the Government on improving productivity in a way that is directed to supporting the overall wellbeing of New Zealanders" (New Zealand Productivity Commission Act 2010, s 7). To fulfil this purpose, the NZPC has two principal output areas: inquiries on topics referred from the Government, and productivity-related research and promotion (New Zealand Productivity Commission, 2018). Established in 2010, by early 2019 the Commission had completed twelve inquiries, including those on housing affordability, using land for housing, and urban planning.

The NZPC released the findings of its housing affordability inquiry in April 2012. The report identified supply-side issues as being 'key determinants' of housing affordability, with such concerns being included in recommendations around urban planning and housing affordability. For example, in addition to recommending that councils "review regulatory processes with the aim of providing simplified, speedier and less costly consenting processes and formalities" (New Zealand Productivity Commission, 2012b, p. 121), the NZPC recommended that territorial authorities:

- Take a less constrained approach to the identification, consenting, release, and development of land for housing in the inner city, suburbs, and city edge.
- Adopt a strategy that allows for both intensification within existing urban boundaries and orderly expansion beyond them.
- Develop strategies that promote adequate competition between developers for the right to develop land. (New Zealand Productivity Commission, 2012b, p. 124)

These themes were reinforced in the resource management reform report released by the Minister for the Environment in August 2013 (Ministry for the Environment, 2013b). This reform report, which had its origins in a discussion document introduced in February 2013, was part of an ongoing resource management reform process that

included the *Building Better Cities* initiative (Ministry for the Environment, 2013a). The August report identified a range of resource issues, with the Minister for the Environment questioning the efficiency of planning processes and limitations of land supply.

> House prices continue to rise at alarming levels due largely to the lack of land supply. The message to investors all too often seems to be not how can we help you to create opportunities in our community, but if you want to come here expect a long process, plenty of hurdles, and no notion of whether you will get there in the end . . . The cost of consenting puts upward pressure on the cost of almost all the commodities we buy . . . Much of that cost and uncertainty comes from the complexity of the planning framework. (A. Adams, 2013, p. 3)

The Government's interest in developing affordable housing via partnerships with private sector organisations was deemed a success when, in July 2012, the Government and the Auckland Council formed an urban redevelopment company. This company, the Tâmaki Redevelopment Company, would operate within a commercial framework attractive to private sector investors, with the Crown and the Auckland Council approving the over-arching plan for redevelopment (Heatley, 2012a). By late 2018, 300 new homes had been built by the Tâmaki Redevelopment Company, "with 600 to 700 in the pipeline and an overall target of 7500 over 20 years [on land] where about 2800 social (state) houses have stood for around half a century" (Murphy, 2018).

A second significant affordable housing initiative was introduced in November 2012, with the Minister of Housing announcing that "innovative commercial market-based solutions" were to be applied to the Hobsonville Land Company (Heatley, 2012b). The Hobsonville Land Company (HLC) was established in 2006 by the Labour-Progressive Coalition Government as a wholly-owned subsidiary of Housing New Zealand Corporation. At its formation, the HLC was tasked with building 3000 houses on former Defence Force land in Auckland. Five hundred of these houses were to be used as social housing, 500 were designated affordable housing, and the remaining houses were for private sale (Johnson, 2012). John Key, the then Minister of Parliament for the electorate in which Hobsonville is located, responded to the Hobsonville development by framing it as 'economic vandalism' (Key, as cited in List 2006). Key argued that "there's a tremendous risk that what could be a spectacular sort of development ends up becoming a ghetto because a few people decide they want to play guinea pig with a big piece of land at Hobsonville" (as cited in List 2006).

After becoming Prime Minister in the National-led Government, John Key encouraged the implementation of changes to the conditions of operation of the HLC. The 2012 announcement stated that people buying from the HLC would not be eligible for Gateway, a scheme that allowed low-income first home buyers to defer payment for Crown land during the first ten years of ownership (Tarrant, 2012). The National-led Government also announced that houses built by the HLC at Hobsonville Point would be provided by the commercial market, with there being no government subsidy to assist home buyers or builders to meet their price points. Reporting on the opinion of Cabinet, the Minister of Housing stated that "we feel Hobsonville Point is the vehicle to focus on the commercial dimension to the affordable housing issue . . . We see this as the Government's best investment on this site both socially and commercially" (Heatley, 2012b). The residential market in Auckland was a core focus for the National-led Government's housing programme, an emphasis that stemmed, in part, from recognition expressed by the New Zealand Productivity Commission (2012b: "Household formation is concentrated in and near Auckland and is likely to remain so for the next few decades. For that reason, the challenge of providing adequate housing is largely an Auckland one" (p. 7).

Murphy (2014, 2016) reports that the findings of the NZPC, and the subsequent adoption of a housing accord in Auckland, were directed at the Auckland Plan. A 30-year spatial plan for the city, the Auckland Plan included an explicit commitment to a metropolitan urban limit consistent with a quality compact city. This position contrasted with the NZPC's commitment to reducing housing costs by increasing land supply: "Urban containment policies have an adverse impact on housing affordability. There is an urgent need to increase land availability, to ease supply constraints and price pressure, particularly in Auckland" (New Zealand Productivity Commission, 2012a, p. 1).

During late 2012 and early 2013, the Minister of Housing progressed with legislation that would facilitate the development of commercially-viable affordable housing. Presenting the case for targeted legislation, the Minister of Housing expressed the need for central government to act quickly to mitigate concerns about the availability of affordable housing in New Zealand.

> Housing affordability is a key concern for central government. Home ownership contributes to social and economic outcomes, and provides New Zealanders with

a tangible stake in the communities in which they live. Unaffordable homes translate into pressures on families, on the social housing system and on government support . . . However, the land supply responses will not be implemented for several years at the earliest . . . There is clearly a gap before the full policy programme can be brought into play. There is a need for additional tools in the short to medium term, particularly over the next three years. (Smith, 2013a, pp. 1-2)

Following consideration by Cabinet, the Minister's affordable housing proposal - the Housing Accords and Special Housing Areas Bill - was approved for introduction on Budget night, 16 May 2013 (Cabinet Legislation Committee, 2013). In his Budget speech, the Minister of Finance announced plans for the National-led Government to introduce legislation to "speed up the provision of new housing in areas where the pressure is greatest and housing is least affordable" (English, 2013a). In a post-Budget statement, the Minister explained that the Government "is determined to address the factors that make New Zealand houses so expensive to build and buy . . . by increasing land supply and streamlining planning and consent processes" (English & Smith, 2013).

Introducing the Housing Accords and Special Housing Areas Bill on 16 May 2013, the Leader of the House requested that "urgency be accorded the introduction and first reading of the Housing Accords and Special Housing Areas Bill and its referral to a select committee" (Brownlee, 2013, p. 10052). The need for urgency was linked to the role the Bill was to have in delivering the Government's Budget and to the need to "get some speed" into Auckland housing issues (Brownlee, 2013, p. 10052). Immediately following agreement to urgency, and after an initial round of debate, the Bill was accepted as having been read for the first time and was referred to the Social Services Select Committee. It was agreed that the Social Services Committee would report back to the House by 26 July 2013, two months after the date of the first reading.

The Social Services Committee set 30 May 2013 as the closing date for submissions, giving interested parties 14 days in which to respond.[14] The Social Services Committee received 64 written submissions and heard 40 submissions at hearings in Auckland and Wellington. The Social Services Committee reported to the House on 30 July 2013, recommending by majority that the Bill be passed with amendments it had identified (Social Services Committee, 2013). By 5 September 2013 the Bill had progressed

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[14] The Housing Accords and Special Housing Areas Bill was referred to the Social Services Committee on 16 May 2013. The closing date for submissions was 30 May 2013. This gave submitters 14 days - ten week-days and four weekend days - to make a submission.

through approval stages and was given royal assent on 13 September 2013, approximately four months after it was introduced to the House.

3.3   Housing Accords and Special Housing Areas Act 2013: An Overview

The purpose of the Housing Accords and Special Housing Areas Act 2013 is "to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues" (Housing Accords and Special Housing Areas Act 2013, s.4). Schedule 1 is a list of all those regions and districts that the Government considers have significant housing supply and affordability issues. The most recent iteration of Schedule 1 of the HASHAA, dated 25 August 2017, lists sixteen regions and districts that meet this criteria (see Table 3.1).

In determining if a region or district has 'housing supply and affordability issues', and thus defining if a region or district may be added to Schedule 1, the Minister responsible for the administration of the Act must consider if the median multiple is 5.1 or over (Housing Accords and Special Housing Areas Act 2013, s 9). The 'median multiple' is the ratio between median house price and median annual household income. A median multiple of 3.0 or less is widely accepted as a marker for housing affordability, with this figure suggesting that households use 30 percent or less of their annual income to pay for housing (mortgage, rent) (Jowett, 2015). In October 2018, the median multiple for New Zealand was 6.33 (interest.co.nz, 2018).

The HASHAA provides for the creation of housing accords between the government and the territorial authorities listed in Schedule 1. The HASHAA states that "either the Minister or a territorial authority whose district is within a scheduled region or district may initiate the negotiation of a housing accord" (Housing Accords and Special Housing Areas Act 2013, s 10.3). These agreements specify how local and central government will work together to address housing supply and affordability issues within the identified area. While the specific content of each accord differs in relation to the needs and norms of a given territory, the majority of the accords identify the rationale for the accord, the purpose of the accord, principles to guide how the government and councils will work together, priority actions, monitoring and review, dispute resolution, termination of the accord, and dwelling and consent targets.

45

Table 3.1

Territorial authorities and housing accord status

Territorial authority (included in Schedule 1)	Year Housing Accord agreed	Status of Housing Accord (@ February 2019)
Auckland Council	October 2013	terminated, May 2017
Christchurch City Council	September 2014	terminated, December 2018
Hamilton City Council	December 2016	active
Hutt City Council	no accord	
Kapiti Coast District Council	no accord	
Nelson City Council	June 2015	terminated, December 2017
Porirua City Council	no accord	
Queenstown-Lakes District Council	August 2014	active
Rotorua Lakes Council	August 2017	terminates June 2020
Selwyn District Council	December 2015	expired September 2018
Tasman District Council	May 2015	terminates June 2019
Tauranga City Council	August 2014	terminated, December 2016
Upper Hutt City Council	no accord	
Waimakariri District Council	no accord	
Wellington City Council	June 2014	no termination date
Western Bay of Plenty District Council	August 2014	no termination date

Note. Adapted from Housing Accords and Special Housing Areas Act, No. 72, 2013, retrieved from http://www.legislation.govt.nz/; "Housing affordability - Housing Accord and Special Housing Areas", Ministry of Housing and Urban Development, 2019, retrieved from https://www.hud.govt.nz/

Targets are included to assist in delivering land supply and dwellings, and encouraging private sector investment. The wording of the Nelson Housing Accord is indicative of the emphasis evident in housing accord targets:

15. The Council and Government agree on the importance of targets to give effect to the purpose of this Accord. Both parties to the Accord accept that the targets are, necessarily, ambitious to meet Nelson's housing needs.

16. These targets will be achieved through a combination of private sector development, direct Council and Government action, and through collaborative action with other agencies. The targets will need to be achieved mainly by private housing developers, notwithstanding Council has an active role in making serviced land available for housing. This Accord is about enabling private investment in housing and will require

both Council and Government to work closely with the development and housing sector. (Nelson City Council, 2015)

For Nelson City Council, targets were established for the yield of serviced residential lots and the number of dwellings associated with these lots. The target was for 100 lots, and 240 dwellings, to be approved in each of the first three years of the accord (Nelson City Council, 2015). These targets were open for amendment via agreement between the Government and the Nelson City Council. The housing accord provided Nelson City Council with "a tool to facilitate development aligned with the Council's policy and regulatory framework" (Nelson City Council, 2018). The accord included initiatives to enable a mix of housing types, to encourage developers to build houses quickly, to increase developer confidence in the Council, to encourage collaboration between the Council and developers, and to improve alignment between public infrastructure investment and private sector housing development (Nelson City Council, 2018).

A core provision of the HASHAA defines the establishment of Special Housing Areas. A Special Housing Area (SHA) is a specific geographical area within a region or district listed in Schedule 1 of the Act. SHAs are created on the recommendation of the Minister for Housing. Where a housing accord is in place in a scheduled district, the Minister will support the establishment of a SHA on the recommendation of the territorial authority. Thus, a territorial authority must recommend to the Minister that an area receive designation as an SHA. In order to give approval, the Minister must be satisfied that there is existing or planned infrastructure to support development in the SHA, there is evidence of supplier-led demand develop the SHA, and there will be consumer demand for residential housing in the area. For James (2017), these requirements show that SHAs prioritise land-owner and developer interests.

> The impetus to create a SHA is driven by the market. That is, there must be private sector capacity and willingness to build houses. It is generally a developer or land owner that applies to the council for land to be created as a SHA (although a council may 'nudge' this process). (p. 5)

If a housing accord cannot be agreed between a territorial authority and the Government, the Act gives the Government override abilities that allow it to declare an area to be a SHA independent of council support.

Once a site has been designated a SHA, subsequent development proposals within this area may be designated as a qualifying development. In general, a qualifying development will be predominantly residential and meet prescribed height and density

requirements. Under the HASHAA, consent conditions for qualifying developments are more relaxed than those prescribed by existing enforcement legislation.

> The expedited and more permissive consenting and plan provisions of the HASHAA enable faster development and incentivise the development of land. This works to alleviate price pressures on homes. The greater weight on housing in the decision-making criteria and faster consenting processes enabled in the HASHAA reduces holding costs and enhances the attractiveness of previously marginal development opportunities, resulting in new supply that may not have occurred without the Act. (Ministry of Business, Innovation and Employment, 2016, p. 2)

Included among the specific consent provisions detailed in the HSAHAA are short decision-making timeframes and no public notification. There are also limited rights of appeal against a decision made by an authorised authority, and a limited right of objection.

Each housing accord is governed by two joint committees: the Joint Housing Steering Group, which comprises the relevant Mayor and Deputy Mayor and the Minister for Building and Housing;[15] and, the Officials Working Group, which comprises senior officials from the Ministry for Business, Innovation and Employment and the relevant Council. Representatives from other agencies, such as the New Zealand Transport Agency, may also attend meetings of these committees. The monitoring and review of housing accords and associated SHAs is undertaken by the Officials Working Group.

The 'short-term' status of the HASHAA is evident in Section 3 of the Act, which stipulates that Sections 16 and 17 of the Act will be repealed on 16 September 2016 and the remainder of the Act will be repealed on 16 September 2018. The effect of the first repeal is that after 16 September 2016 no new Special Housing Areas can be established in regions or districts already named in Schedule 1. The effect of the second repeal is that all functions and powers under the Act concerning resource consents and plan changes, and variations to proposed plans, end on 16 September 2016. Tustin (2017) suggests that the temporary nature of the HASHAA effectively doomed it to failure.

> Temporary legislation is often short-sighted by nature. While quick, decisive action may have been justified in these circumstances, the nature of New Zealand's expected population growth means supply is an ongoing challenge and

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[15] The Minister of Housing was responsible for the HASHAA until October 2014. Between October 2014 and September 2016, oversight was with the Minister for Building and Housing. From September 2016 to October 2017, the HASHAA was managed by the Minister of Building and Construction. Since October 2017, the legislation has been the responsibility of the Minister of Housing and Urban Development.

requires sustainable, long-term solutions. Features of HASHAA which distract from efforts to intensify developments and ignore problems with lack of housing options are not conducive to robust, long-term solutions and could force supply in the wrong direction (outwards not upwards). (p. 142)

On 6 September 2016, the Minister of Housing introduced the Housing Legislation Amendment Bill to the House of Representatives. This legislation extended the date by which SHAs could be established by three years, to 16 September 2019, and extended the date of repeal of the HASHA Act by three years, to 16 September 2021. As at February 2019, over half of all agreed-upon housing accords remain operative and their associated SHAs continue as approved (see Table 3.1).

The HASHAA was designed to provide legislative means for improving housing affordability (Social Services Committee, 2013). All the housing accords include multiple references to housing affordability. While the phrases 'affordable housing' and 'housing affordability' appear frequently in the housing accords, the relevance of these concepts to the aims of the accords are somewhat vague. For example, the Auckland Council housing accord states that to be approved within the SHA, qualifying developments are "required to *give consideration to* the provision of affordable housing" and that conditions of consent "*may include* requirements for a proportion of the development to include affordable housing" (Auckland Council, 2013, s 20, emphasis added). In light of such vague determinations, it is not surprising that Murphy (2016) believes that 'affordability criteria' as included in housing accords offer no guarantee that dwellings will be affordable.

The inability of the HASHAA to facilitate the construction of affordable homes underpinned the August 2018 decision of the Wellington City Council "not to extend its Special Housing Areas for another year, marking the end of the initiative in the city" (Coughlan, 2018). In commenting on this vote, Wellington City councillor Simon Woolf stated that SHAs were a "total failure" having not met expectations on providing affordable housing (as cited in Coughlan, 2018). Wellington City councillor Andy Foster explained that he voted against ongoing SHAs because the consent processes under the HASHAA were "wrong and completely undemocratic" (as cited in Coughlin, 2018). The Mayor of Wellington, Justin Lester, commented that while SHAs were a good "interim step", feedback had shown communities objected to the inability to consult on developments before they went ahead (Coughlin, 2018).

While the Wellington City Council voted to terminate SHAs, the Auckland City Council employed the terms of its revised housing accord, alongside the provisions of its district and regional plans, to disestablish SHAs that had been identified in the city. Thus, between 16 September 2016 and 19 May 2017, all 154 existing SHAs in Auckland were disestablished (Auckland Council, 2017). Auckland City councillor Chris Darby commented that SHAs had failed to increase supply: "On the affordability front, SHAs were an absolute miserable failure" (as cited in Coughlin, 2018). The Queenstown-Lakes District Council has also disestablished the majority of its SHAs and has aligned future expressions of interest in the development of affordable housing with the provisions of its Proposed District Plan (Queenstown Lakes District Council, 2018). The Labour-led Government, which has governed New Zealand since October 2017, is reviewing whether to extend SHA provisions beyond September 2019.

Publicly available data does not allow for an accurate appraisal of the achievements of territorial authorities in relation to targets included in each housing accord. Information on the number of SHAs approved, the number of lots given consent or the number of SHA dwellings completed is not available through official monitoring and review reports. Furthermore, there is no agreed-upon norm for the way in which territorial authorities collect and compile SHA statistics. For example, the Housing Accord Monitoring Reports territorial authorities completed in conjunction with the Ministry of Business, Innovation and Employment provide different types of information, and present information in different ways, for each relevant council. The Queenstown Lakes District Council monitoring report for the first '6 months of Accord Year 3', for example, disclosed dwelling and consent information but this data is not specified in relation to SHAs (Ministry of Business, Innovation and Employment and Queenstown-Lakes District Council, 2017). In contrast, the Tauranga Housing Accord Monitoring Report for the 12 months to 31 August 2017, specified consents for SHAs, consents for dwellings in SHAs, and the number of dwellings completed (Ministry of Business, Innovation & Employment and Tauranga City Council, 2017). Information provided on council-operated websites is also inconsistent, with each council providing differing levels of detail about housing accord activity. The information provided by councils can also be difficult to decipher. For example, some councils provide clarification on those

SHA consents that are current and those that have lapsed[16] (see, for example, Wellington City Council 2018), while other councils provide little information beyond a copy of a signed housing accord (see, for example, Rotorua Lakes Council 2018).

Minutes of council meetings can provide information about housing accord performance. For example, a 2017 Auckland Council Planning Committee meeting included an update on affordable housing in SHAs (Auckland Council, 2017). In this meeting it was recorded that 104 'relatively affordable' dwellings were under construction and 98 free-market affordable homes had been built under the Auckland Housing Accord. Data showed that of the 3157 homes completed in Special Housing Areas in Auckland between October 2013 and June 2017, 580 were categorised as affordable. These affordable homes were split into two categories. The first category, 'retained affordable', refers to the 482 social housing dwellings built in association with Housing New Zealand. The second category, free-market 'relative affordable' homes, refers to the 98 homes that were generally priced below the $650,000 cap set for KiwiSaver HomeStart[17] assistance to first home buyers to purchase new homes in Auckland (Auckland Council, 2017).

The robustness of these figures is brought into question by reports identifying the lack of detail in Auckland Council calculations. Thus, Brettkelly (2017) reports that "Auckland Council's solution for the city's housing crisis has been running for four years but it still cannot say how many affordable homes have been built." Brettkelly (2017) cites the Chief Operating Office of the Auckland Council acknowledging that "there is not one single system for monitoring the completion and sale of affordable homes in Special Housing Areas", with statutory declarations recording house sales being "only one part of the story". The Chair of the Auckland Council Planning Committee, Chris Darby, responded to sales figures by saying that the Auckland Housing Accord had been successful in boosting the supply of homes but it has been a dismal failure in terms of providing affordable houses (Niall, 2017).

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[16] "A building consent lapses and is of no effect if the building work to which it relates does not commence within-
    (a) 12 months after the date of issue of the building consent; or
    (b) any further period that the building consent authority may allow." (Building Act 2004, s 52)
[17] The KiwiSaver HomeStart grant, which is administered by Housing New Zealand, provides eligible first home buyers a grant for the purchase of a home (KiwiSaver, 2018).

Bucaram, Fernandez and Sanchez (2018) move beyond anecdotal evidence of success to provide an analysis of SHAs based on an analysis of sales transactions in Auckland between 2011 and 2016. Bucaram et al. (2018) conclude that the creation of SHAs in Auckland made housing affordability worse rather than better. Bucaram et al. (2018) offer four reasons to explain why the SHA program worsened rather than improved housing affordability. First, the SHA scheme relied on developers offering new houses within a short delivery time; there were no clear and binding mandates on construction quality or affordability requirements. As such, developers were able to set high prices based on attribute that homes had a shorter delivery time than was the case with non-SHA builds. Second, the temporary nature of the HASHAA, allowed developers the option of waiting for the end of the SHA programme. Thus, developers were able to 'bank' land and profit from persistently increasing housing prices during the period of the HASHAA. Furthermore, developers were able to time construction, "relying first on more profitable (and expensive) houses and later (or never) on more affordable houses" (Bucaram et al., 2018, p. 23).

The third reason offered by Bucaram et al. (2018) for worsening affordability relates to the lack of monitoring and enforcement controls for SHAs. The absence of penalties for non-compliance with the delivery of affordable houses "results in a 'paper chase' because of the excessive focus on compliance with ordinances rather than responding the question whether enough housing is being constructed" (Bucaram et al., 2018, pp. 23-24). The fourth reason for SHAs to worsen housing affordability is because of the way in which housing accords accelerated the supply of greenfield land. While the HASHAA prescribed that SHAs should be introduced in areas with adequate existing, or soon to exist, infrastructure, housing accords accelerated the supply of undeveloped land without infrastructure. "As the private development of urban infrastructure would amount on top of housing costs, developers were discouraged to supply housing at all" (Bucaram et al., 2018, p. 24).

The evidence provided by Bucaram et al. (2018) as to the reasons for the failure of the HASHAA to provide affordable housing is summarised by the comment from Auckland-based planning consultant Jon Maplesden that the theory behind SHAs was disconnected from fact (as cited in Foxcroft, 2018). This position resonates with the argument that the neoliberal ideology to which the National-led Government adhered is compatible with provision of housing by profit-oriented developers. This ideology is

not, however, compatible with the provision of affordable housing. As an outcome of neoliberal ideology, the HASHAA was a 'legislative theory' that was disconnected from the 'facts' of constructing affordable housing.

3.4   Conclusion

The HASHAA was introduced as a 'short-term' measure to facilitate the provision of housing, with the underlying belief being that an increase in the supply of residential land would lead to increased availability of affordable housing. The premise of the HASHAA reflected the particular neoliberal ideology of the National-led Government that enacted the legislation. Thus, as with previous governments in New Zealand, the government-of-the-day used legislation to intervene in the housing market to promote home ownership. Eleven territorial authorities signed housing accords with the government, establishing SHAs to enable developers to take advantage of relaxed consent conditions. It is difficult to ascertain the level of success councils achieved in terms of encouraging the construction of new homes and of affordable homes. Territorial authorities do not follow a consistent method of collecting and collating data on their SHAs, which means it is not possible to determine if housing accord targets have been met.

At the time of writing, several of these territorial authorities had disestablished their SHAs and had decided not to maintain their housing accord. One reason given by Wellington City councillors for not retaining the authority's housing accord was that it was not democratic. This critique mirrors one of the critical themes that emerged while the legislation was being formulated, debated and enacted. Criticisms of the undemocratic aspects of the HASHAA aligns with the conceptual framework of post-politics. Other themes evident in understandings of post-politics are evident in treatments of the HASHAA. In considering these themes in relation to the HASHAA, it is possible to understand the extent to which this legislation may be understood to be expressive of post-political thought.

CHAPTER FOUR

NEOLIBERALISM AND DEMOCRACY

By analysing submissions to the Social Services Committee and transcripts of Hansard, it is possible to identify themes in the HASHAA that have relevance to concepts of post-politics. Through the Social Services Select Committee, the public were provided with an opportunity to comment on and suggest changes to the HASHAA. Sixty-four individuals and groups responded to this opportunity to participate in the legislative process. Some of the issues raised by submitters were also introduced by MPs as part of debates in the House of Representatives. Evidence from Hansard exposes both the challenges opposition MPs mounted against the HASHAA and the justifications of MPs who supported the HASHAA. Regardless of whether they expressed opposition or support for the HASHAA, MPs drew on ideas and examples that align with key themes shared in the post-political writings of Mouffe, Rancière and Žižek. These themes are also present in the work of such 'post-political planning' scholars as McGrouther (2016), Fougère and Bond (2018), and Bond et al. (2015).

Key themes drawn from literature on post-politics provide a focus for discussion in this and the following chapter (Chapter Four and Chapter Five). While other themes may be identified in post-political scholarship, the five tenets discussed here provide the clearest associations with public HASHAA documents. The five themes under analysis are acceptance of neoliberal consensus, erosion of democracy, status of knowledge, scope of possible outcomes, and empty signifiers. The themes are ordered in terms of the coverage they have received in post-political scholarship and their presence in select committee submissions and Hansard debates. The first two themes, for example, are foundational to post-political approaches and were afforded much coverage by MPs. The final three themes, which provide a focus for Chapter Five, while integral to concepts of the post-political, received less attention in debates about the HASHAA than the two themes discussed in this chapter.

This chapter begins with an overview of procedures through which a Bill passes before it gains assent as an Act of Parliament. Such procedures include the role of select committees and the use of urgency by the House of Representatives. The second section provides an analysis of the theme of the acceptance of a neoliberal consensus. Evidence

from Hansard debates indicate that Members of Parliament, either from the National-led Government or opposition political parties, did not challenge the neoliberal ideology that is integral to the Housing Accords and Special Housing Areas Bill (HASHAB). The third section of this chapter considers evidence of the ways in which the formulation of the HASHAB diminished democratic expressions and norms. Both the processes employed in progressing the HASHAB to enactment, as well as the override conditions contained in the Bill, were challenged as being problematic for the maintenance of democracy.

4.1   Legislative processes

In New Zealand, government is formed from a democratically elected House of Representatives. The House of Representatives consists of members of Parliament who are elected as the people's representatives for a term of up to three years. The House of Representatives had 121 members between December 2011 and September 2014, the term of the 50th New Zealand Parliament. Hansard provides a record of the debates of these elected Members of Parliament and, as such, provides the public access to legislative processes.

> New Zealand's system is representative. It provides for the people to be represented in Parliament's decision-making processes because it is quite impractical for everyone to participate in person. Parliamentary debate is one means by which members of Parliament formally carry out this representative function. (Office of the Clerk of the House of Representatives, 2014, p. 2)

Members of Parliament (MPs) are elected as representatives of members of their electorate or in accordance with the number of votes that their party received. In general, MPs are accepted as being elected representatives of members a community, with the opinions expressed by MPs in parliamentary debates reflecting, in part, the views of their constituents (McLeay & Vowles, 2007). While MPs do represent constituents, they are also responsible for the views of their party. Thus, Barker and Levine (1999) report that in New Zealand, "party discipline often exerts a force superior to MPs' sense of loyalty to their own convictions and their constituents' preferences" (p. 109).

Debate in the House, and select committee consideration of submissions, are essential components of the stages through which a bill passes before it gains assent as an Act. As noted in Figure 4.1, the select committee stage invites submissions from members of

the public. Submissions are written, but submitters may also ask to speak to the committee in person.

THE PUBLIC	HOUSE OF REPRESENTATIVES	COPY AVAILABLE
MPs may be lobbied to create or change laws.	**Introduction** The bill is introduced, and MPs have time to read and consider it.	First copy published. Copies are available at **legislation.govt.nz**.

no sooner than third sitting day after Bill's introduction

HOUSE OF REPRESENTATIVES

First reading
MPs debate and vote on the bill. If the vote is lost, the bill goes no further. If successful, it is sent to a select committee. Debate limited to two hours duration.

THE PUBLIC	SELECT COMMITTEE	COPY AVAILABLE
The public make submissions on the bill.	The select committee usually has six months to gather information and prepare a report on the bill for the House. The report includes recommendations on any changes that may be needed.	Second copy published if changes are recommended by select committee.

no sooner than third sitting day after select committee reports to the House

THE PUBLIC	HOUSE OF REPRESENTATIVES
MPs may be lobbied to accept or reject the bill.	**Second reading** The House debates the select committee report and votes on the bill. If the vote is lost, the bill goes no further. If successful, the bill is ready for the committee of the whole House. Debate limited to two hours duration.

no sooner than the next sitting day after second reading

COMMITTEE OF THE WHOLE HOUSE	COPY AVAILABLE
MPs consider the bill in detail and vote on proposed changes. The committee reports to the House. No time limit on debate.	Third copy published if changes have been made.

no sooner than the next sitting day after the Committee of the whole House

HOUSE OF REPRESENTATIVES

Third reading
Final debate and vote. If the vote is lost, the bill goes no further. If successful, the bill has been passed. Debate limited to two hours duration.

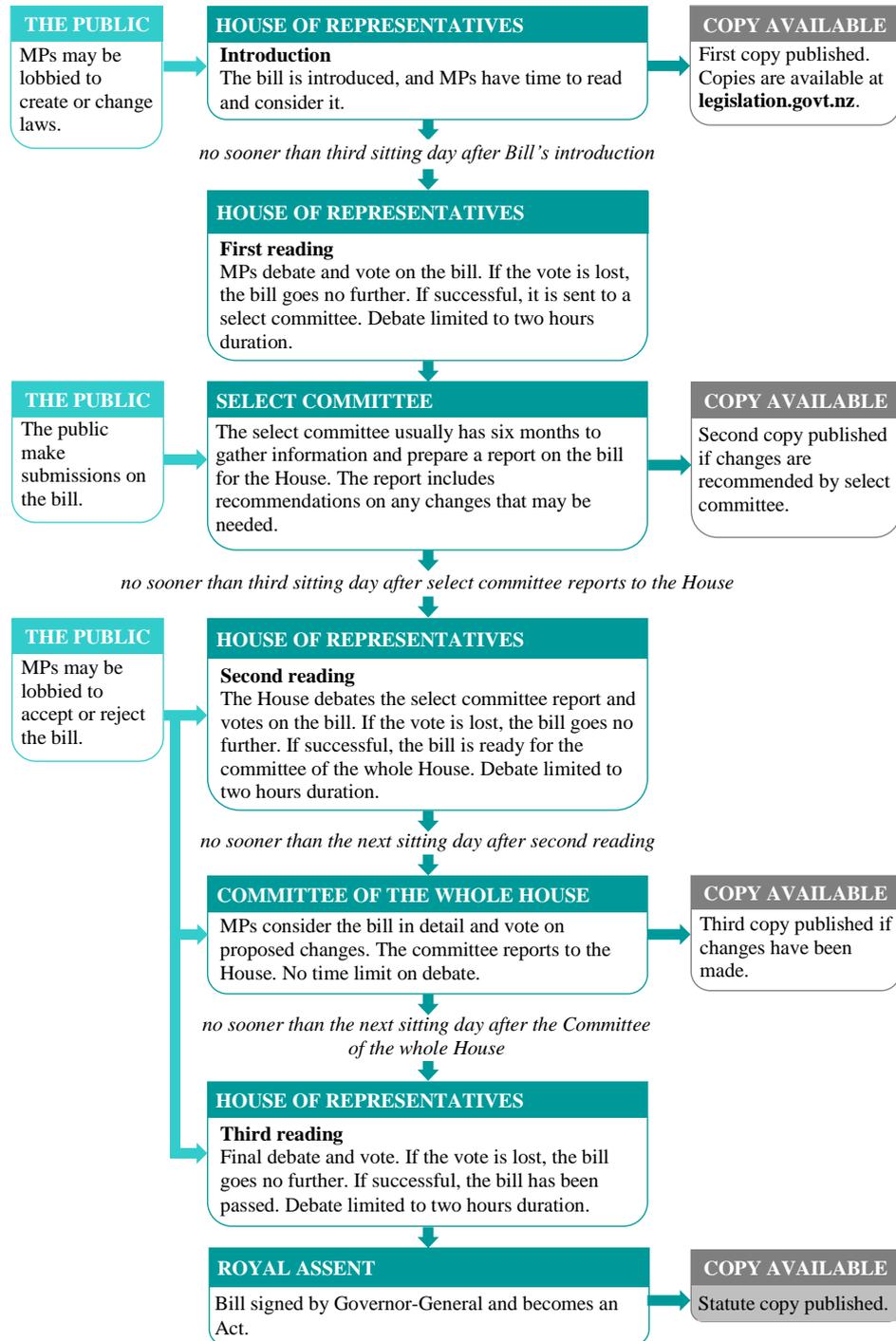| ROYAL ASSENT	COPY AVAILABLE
Bill signed by Governor-General and becomes an Act.	Statute copy published.

Figure 4.1. How a bill becomes law
Adapted from "How Parliament works – How laws are made", Office of the Clerk of the House of Representatives, 2016. Wellington, New Zealand: Author, retrieved from https://www.parliament.nz/

In its guide to *Making a submission to a Parliamentary select committee*, the Office of the Clerk of the House of Representatives (2012) explains:

> New Zealand's system of parliamentary democracy . . . allows citizens to have a say in shaping the laws that affect them. One of the ways this involvement is achieved is by the select committees of the House of Representatives receiving submissions from the public. The system of public input into legislative proposals is an important element in the parliamentary process and in the democratic life of the country. (p. 2)

The progression of legislation is dictated by formal time-frames; for example, the first reading can occur no sooner than the third sitting day after a Bill's introduction. There are occasions, however, when 'urgency' will mitigate against usual timings. Urgency is "a mechanism by which governments can engineer an ad hoc extension to the House's sitting hours and can prioritise certain items of business within those hours" (Geiringer, Higbee, & McLeay, 2011, p. 11). Urgency provides governments with the ability to respond to urgent situations in a timely manner; for example, unexpected events, such as a civil emergency; errors or omissions in existing legislation; and, an impending event for which existing regulation is inadequate (Geiringer et al., 2011, p. 45).

Procedures to 'fast-track' legislation were formally adopted in New Zealand in 1903. By the mid-1930s, urgency had come to be used regularly as "a key tool for effecting government business" (Martin, 2004, p. 120). While politicians recognise that urgency is available for responding to emergencies, it is accepted that the main reason for using urgency is "to push forward the government's agenda" (Higbee, Geiringer & McLeay, 2012, p. 205). Urgency motions are put forward by members of the government and are passed by a majority vote. Urgency motions force the House of Representatives to sit for extended hours and can be employed to abbreviate the normal passage of bills through the House. Such abbreviation can be achieved by dispensing with the 'stand-down' periods that exist between the different stages of legislative deliberation. Urgency may also be employed to truncate or remove the select committee stage of legislative consideration (McLeay, Geiringer & Higbee, 2012).

Geiringer et al. (2011) report that the National-led Government in place between 2008 and 2011 ranked highest equal of all parliaments between 1993 and 2011 in the use of urgency to avoid select committee scrutiny. Furthermore, between 2008 and 2010, on almost half of the occasions the government used urgency to bypass select committee scrutiny, there "was no legitimate reason for urgency in relation to the particular

measure (let alone a reason sufficient to justify eliminating select committee scrutiny)" (Geiringer et al., 2011, p. 110). Geiringer et al. (2011) question the democratic legitimacy of urgency motions, arguing that urgency 'offends against' important procedural aspects of deliberative democracy. These aspects include the provision of reasons for legislative action, the effective scrutiny of government actions, the participation of citizens in the legislative process, and transparency of legislative processes (McLeay et al., 2012). The Housing Accords and Special Housing Areas Bill was considered under urgency.

4.2 Acceptance of neoliberal consensus

The loss of democracy identified within post-politics is grounded in the ways in which neoliberalism aligns with political consensus. This consensus is built around the inevitably of neoliberal capitalism, the "absolute identification of politics with the management of capital" (Rancière, 1999, p. 113). The rise of neoliberalism in the 1990s was accompanied by acceptance of the inevitability of market mechanisms and the centrality of capitalism to contemporary society. Confidence in the necessity of neoliberalism is such that democratic values are reshaped in its image. The inevitability of neoliberal capitalism is a theme which emerges in the discourses employed by the National-led Government in its promotion of the HASHAB.

Approaches to the 'inevitability of neoliberalism' differed between MPs who supported the National-led Government and MPs from opposition political parties. MPs aligned with government interests voiced their support for private sector involvement in providing affordable housing, arguing that it was in the best interests of home-owners for the state to facilitate the private development of housing. Jami-Lee Ross, the National Party MP for Botany, was unequivocal when he informed the House of his position:

> The best way for houses to be built in this country is to have them built by the private sector. The role for the Government to play is to put in place the policies that enable the private sector to get on and build. (Ross, 2015a, p. 2521)

This statement reiterated comments Ross had made in previous debates in which he argued that it is due to government policies that Auckland residents are "seeing the developers getting out there, subdividing the land, and increasing the supply that we desperately need in this country" (Ross, 2014, p. 18184). Such support is part of an

overall government economic approach: "Our consistent economic plan is giving homebuyers, developers, banks, and construction companies the confidence to invest and increase housing supply in this country" (Joyce, 2017, p. 19253).

These sentiments reinforced comments made by the leader of the National Party; in response to a question about who is best to provide affordable housing, the Prime Minister stated: "The private sector does it, and it does it very successfully" (Key, 2015a, p. 2343). In 2016 the Prime Minister reiterated his confidence in the private sector; responding to a question from James Shaw, co-leader of the Green Party, John Key explained:

> The private sector is well and truly equipped to build the houses . . . I really seriously think if the member is telling us the answer to resolving the challenges in Auckland's housing - or indeed housing issues around the country - is to get people employed by the Government as chippies building those houses, I think we would be better to leave it to the private sector. (Key, 2016c, p. 12400)

The belief that the private sector was best 'left' to build affordable houses did not align with the position held by members of opposition parties. MPs from the opposition benches focused on three problematic issues associated with private sector developers providing affordable housing: the lack of housing diversity, land banking, and favouritism. In terms of housing diversity, opposition MPs argued that developers will build "large McMansion-style houses, just as they do currently in greenfield developments on the urban fringes, because that is what is profitable for developers" (Walker, 2013d, p. 13206). The National-led Government recognised the appeal of such houses, with the Minister of Housing reporting: "A developer is hardly going to build a house that he [sic.] cannot sell. They are in the business of building things that they can sell" (Smith, 2013f, p. 13924).

Denis O'Rourke, speaking on behalf of the opposition New Zealand First Party, told the House that "developers like to build larger homes on large sections because they get larger profits from doing it" (O'Rourke, 2016a, p. 13381). O'Rourke's comments duplicate those made by Holly Walker in 2013, with the Green Party MP stating that "to make a profit in the construction industry you need to build large houses with large footprints, so that you can recover all those variable costs of building and make a profit" (Walker, 2013d, p. 13206). Phil Twyford, the Labour Spokesperson for Housing, expressed similar sentiments during debates for the Housing Legislation Amendment Bill in 2016, explaining that "developers will always choose to build more expensive

dwellings because that is where they make bigger profit margins" (Twyford, 2016b, p. 13363).

The potential for developers to profit financially from the HASHAA also came through in debates about land banking. Land banking refers to land being purchased and left undeveloped. Such land would be 'banked', held in the expectation that limited land supply would ensure the land appreciated over time. By holding property in this manner, the land could be on-sold for profit. Alternatively, prices for houses built on the banked land could be elevated, a reflection of what is increasingly valuable land.

The statement of the Prime Minister that "there is no evidence, I think, to support that there is land banking" (Key, 2016b, p. 12935) was opposed by opposition MPs. The position of these MPs with regard to land banking was summarised by the Labour Party's Spokesperson for Housing:

> What we can see in the special housing areas is that they have actually been a magnet for land banking. They have encouraged land banking by providing the fast-tracked consenting status. By giving them a kind of special status as special housing areas, they have actually encouraged land banking. You can see one example after another of special housing area land being marketed by real estate agents for land banking. (Twyford, 2016a, p. 13347)

These comments reiterate statements made by MPs from Labour, Green, and New Zealand First during earlier debates about the HASHAA and the Housing Legislation Amendment Act. The Labour Party MP David Cunliffe, for example, explained that the reason for a lack of construction in Auckland is because "people are land banking, even in special housing areas, because with Auckland's rampant price inflation, they can be pretty sure that their investment is going to be worth more a couple of years down the track" (Cunliffe, 2015, p. 7841). Andrew Little, the Leader of the Opposition in 2016, expressed a similar sentiment: "There are far too few houses being built on special housing areas, and that is the problem - they have gone to land bankers" (Little, 2016a, p. 13327). Metiria Turei, co-Leader of the Green Party, argued that legislative changes were needed to stop land banking: "Unless there are provisions to stop land banking, allowing more special housing areas in Auckland will simply drive up prices, create wealth for land bankers and speculators, and not deliver actual affordable homes for New Zealanders to live in" (Turei, 2016, p. 13354).

Opposition MPs argued that provisions to stop land banking were not included in the HASHAA because it was a practice that benefitted 'mates' of National Party MPs.

Claims of favouritism relied on references to 'elite' New Zealanders who were financially secure and had little interest in the construction of affordable houses. For example, during the first reading of the HASHAA, Labour Party MP Moana Mackey told the House:

> Government members do not believe that there is a housing crisis, because their voters can afford to buy houses in Auckland and around the country, so they really do not care about the rest of New Zealand, who are struggling to get into their first homes. (Mackey, 2013a, p. 10071)

The theme of the HASHAA being of benefit to National Party 'mates' came through in several speeches delivered by Labour Party MP Su'a William Sio. For example, during the third reading of the HASHAA, Sio stated that the legislation "enables this Government to be able to allow for development that favours its mates and its friends" (Sio, 2013, p. 13346). In May 2015, Sio commented that the National-led Government was in denial about the existence of a 'housing crisis' in New Zealand:

> Government members are in deep denial about it. They continue to deny it because, I suspect, building more houses is just too challenging for them, and building more houses reduces the profitability of the portfolios of some of their investor and property developer mates. Yes, Mr Deputy Speaker, I know that you will agree with me because those mates have been funding the campaigns of this particular Government. (Sio, 2015, p. 3532)

During the second reading of the HASHAB, Sio's Labour Party colleague Rajan Prasad made similar assertions, telling National Party MP Simon O'Connor that the government 'did not care' about providing affordable housing: "I do not think that members opposite actually care, because so long as somebody will build those very expensive homes for that member's mates to occupy, then it does not matter" (Prasad, 2013b, p. 12792). Green Party MP Julie Anne Genter (2013) also spoke of having "a Government that is very clearly looking out for its mates and a number of vested interests" (p. 11009). Green Party MP Eugenie Sage used the first reading debates to argue that the HASHAB would "benefit National's property developer mates" (Sage, 2013a, p. 10073). The Labour Party Spokesperson on Housing explained that "speculators generally, who are purportedly the target of this bill, are the friends of the National Party" (Twyford, 2015, p. 7999). New Zealand First MP Denis O'Rourke told the House that all the National Government cares about "is that the private developers, who no doubt give donations to the National Party, will be able to make greater profits" (O'Rourke, 2016b, p. 13542).

The replacement of the state by the private sector in the supply of goods and services is a foundational premise of neo-liberalism (Mirowski, 2009). Opposition MPs have been shown to express antagonism towards the type of housing delivered by the private sector, the prioritising of land banking, and the sense of favouritism expressed by housing legislation. While opposition MPs challenged the outputs of private development (types of houses) and the provisions of the legislation (enabling land banking, favouring 'mates'), they did not challenge the fundamental private sector and profit generating aspects of the HASHAB. Furthermore, Labour's KiwiBuild housing policy relied on the same private sector developers that opposition MPs decried as being 'mates' of members of the National Party. Labour Party MP Grant Robertson told the House that KiwiBuild "is about actually rolling up our sleeves and saying: 'We'll get alongside construction companies and we'll make sure those affordable homes are being built'" (Robertson, 2013a, p. 10059). Jacinda Ardern made a similar statement in 2016, informing the House that KiwiBuild "is about partnering with private developers in order to deliver affordable housing" (Ardern, 2016, p. 13449). Furthermore, as noted previously, KiwiBuild will be drawing on land made available through the conditions of the HASHAA. Both Labour and National acted within the norms of contemporary neoliberal capitalism and, in so doing, maintained spaces of the post-political.

4.3 Erosion of democracy

Adherents of the post-political argue that neoliberal consensus threatens the meaning and expression of democracy. These threats emerge from the disappearance of the antagonism and dissensus that characterise democracy. Disquiet about a loss of democracy emerged as a significant theme in submissions to the Social Services Committee and transcripts of debates in the House. For example, Green Party MP Eugenie Sage (2013b) advised that the HASHAB "represents another erosion of local government and local democracy by this National Government" (p. 12796). Similarly, Phil Twyford, the housing spokesperson for the Labour Party, argued that National was willing to trade off democracy to deliver housing development in Auckland.

> There are three things that National wants to trade off in order to deliver more housing development in Auckland. The first is democracy, and we know from the override clauses in this bill that it is willing to take, yet again, more powers away from local government. (Twyford, 2013b, p. 13202)

As previously noted, the Social Services Select Committee progressed under urgency. The Social Services Committee was given two months to report back to the House on its review of the HASHAB, with members of the public having two weeks to make submissions on the Bill. For legislation not considered under urgency, it is usual for a select committee to have six months to consider a Bill, with submitters having up to ten weeks to deliver their comments. For many submitters to the select committee, both from individuals and organisations, the urgency under which the Bill progressed was a cause of democratic deficit. Vivien Anne Adams (2013), for example, identified the submission time-frame as inhibiting her "democratic right to have a fair opportunity to respond to this Bill." Vivien Anne Adams (2013) also expressed concern about the imprint of democracy for her fellow citizens: "In support of democracy in New Zealand, I oppose this Bill going further without thorough and proper open consultation with the electorate."

The Dunedin City Council (2013) contended frameworks introduced under urgency "raise serious concerns about the democratic nature of our legislative process and New Zealand's system of representative government" (p. 2). Generation Zero (2013) also questioned the implications of the use of urgency for democratic processes, urging the Committee to extend the deadline for submissions and thus ensure "a more robust and democratic process" (p. 2). Zachary Penman (2013) did not mince words when submitting to the Social Services Committee: "I wish I had the time to say more on this Bill, which I deeply oppose, and strongly condemn the use of urgency to introduce . . . This Bill is profoundly myopic, horrifying antidemocratic." Staff at the University of Otago also identified time-frames as limiting community engagement in the Bill: "Although we agree that housing affordability is an issue of urgency and importance, haste should not take the place of proper consideration of an important Bill, and one that paves the way for housing that should last more than a lifetime" (Department of Public Health, 2013, p. 5). The Electricity Networks Association (2013), Counties Power (2013), and the Human Rights Commission (2013) noted that the short turnaround time for submitters did not provide sufficient time to consider their submissions as thoroughly as they would have liked.

When asked why he had decided on a two-week submission window for the HASHAB, the Chair of the Social Services Committee, National Party MP Peseta Sam Lotu-Iiga, responded that he felt this "was the appropriate amount of time for submissions" (Lotu-

Iiga, 2013c, p. 10591). Members of opposition parties did not agree with Lotu-Iiga's interpretation of what was an 'appropriate' time-frame for submissions. During the first reading of the HASHAB, the debate in which the House votes to recommend a Bill to a select committee, opposition MPs were vocal in expressing their concerns about the 14-day submission window. Labour MP Grant Robertson, for example, argued that "sending a bill of this nature to a select committee for a few weeks is completely unacceptable" (Robertson, 2013a, p. 10060). Holly Walker, MP for the Green Party, shared the concerns raised by Grant Robertson: "As has been pointed out by the previous speaker, we do have a unique select committee system of scrutiny in New Zealand, which we should be very careful not to undermine with routine shortening of the process" (Walker, 2013b, p. 10078). Several MPS spoke to links between the limited submission time-frame and the erosion of democracy in New Zealand. Independent MP Brendan Horan, for example, asked to "have the proper select committee process. Let us follow the rules of democracy that New Zealand has always been proud of" (Horan, 2013, p. 10083).

Opposition MPS also questioned the validity of truncating processes for a Bill that dealt with complex issues. Labour Party MP Maryan Street, for example, reflected on the position taken by National Party MPs: "We have heard from Government members tonight that this is a complex issue. Then why truncate the process? Why make sure that as few people as possible can get to submit on this?" (Street, 2013b, p. 10083). Moana Mackey reiterated the concerns of her Labour Party colleague: "So the point that I was making was 2 months on an issue this complicated is simply not long enough. It is simply not long enough on an issue that is this complicated" (Mackey, 2013b, p. 10086). During his contribution to the first reading debates, Labour Party MP Chris Hipkins expressed concern that a truncated process would not "allow the select committee sufficient time to advertise widely, to travel if it needs to, to hear submissions, and to give people the chance to have their say on it" (Hipkins, 2013, p. 10080).

Independent MP Brendan Horan (2013) remarked that the National-led Government had a history of using urgency with abandon: "Once again this Government is trying to bypass the democratic process" (p. 10082). Grant Robertson (2013b), an MP for the Labour Party, spoke in support of this position: "Well, that is, once again, this National Government treating this House with disrespect, with contempt for the processes of

democracy, and with contempt for the select committee process" (p. 10076). Later in the debate, Grant Robertson (2013b) elaborated on his concerns about the select committee process:

> Legitimacy in our parliamentary system in New Zealand comes from a proper select committee process. We are not going to see that proper select committee process under the motion that the Minister of Housing has just moved. A report-back date of 26 July is simply not enough time. In the system in this House, 6 months is what it should be, 4 months is what it often is, and 2 months is simply not enough. This Government needs to understand that the people of New Zealand deserve to have a say . . . This referral motion is wrong. It is a continuation of this Government's anti-democratic approach when it comes to lawmaking. (p. 10078)

Robertson's Labour colleague, Chris Hipkins (2013), added to the theme of democratic denial within the HASHAB process, arguing that members of the National-led Government "do not really give a stuff about the democratic process or about ensuring that New Zealanders get a chance to have a say on the legislation that goes through this House" (p. 10079). Another Labour Party MP, Andrew Little (2013), also spoke of the role of the House in progressing legislation: "It is not a good day for democracy in this country. It is not a good day for the conduct of this House" (p. 10089).

In addition to conveying concern about the implications of urgency, submitters to the select committee and MPs expressed disquiet about the potential of override provisions to diminish the value of local democracy. Included in Section 16 of the HASHAA, these provisions enable the Government to override a territorial authority by declaring or continuing a SHA where a housing accord has been terminated or agreement has not been reached. This clause renders the housing accord process a potential nullity given that the Minister can establish special housing areas without any council agreement.

In her submission, Kirsten Bracey (2013) expressed her concern that by allowing the Government to zone SHAs at their whim, the proposed legislation had the potential to "seriously undermine local democratic processes". Luke (2013) made an identical argument, stating that giving central government powers to override local government was "a blatant erosion of a true (participatory) democratic process." Lucy Cowie (2013) also noted the democratic limitations of the Bill, reporting that by allowing "the government to deviate from the plans set out by the council" the Bill undermined the process of democracy. Andrew Cozens (2013) asserted that "the powers that this bill grants to the Government once again override local democracy and council."

Submissions from territorial authorities also identified the potential of override provisions to limit democratic processes and norms. The Auckland Council (2013), for example, wrote that the override clauses in the Bill failed to respect local democracy (p. 4). These comments are mirrored by those made by the Dunedin City Council (2013): "The Council is concerned that the Bill appears to provide central government with the power, and opportunity, to override local government plans which reflect the views of local communities and have been developed in close consultation with those communities through democratic processes." Tauranga City Council (2013) also identified problems with override provisions, noting they were not "in a spirit of local democracy or collaboration." The New Zealand Law Society (2013b) offered a similarly robust statement: "Devolution of powers to the Executive to amend and/or override an Act of Parliament is contrary to the rule of law and good legislation principles and is therefore undesirable" (p. 7).

Similar concerns to those raised in written submissions emerged in debates in the House about the HASHAB. Over the three readings and the Committee of the whole House, members of political parties sitting in opposition to those of the National-led Government identified problems with the override provision. For example, during the first reading an MP from the Green Party, Holly Walker (2013a, p. 10063), argued that the HASHAB gave the government "incredibly Draconian amounts of power" that would enable it to "control the process and override local democracy." During the second reading of the Bill, Walker (2013e) returned to the theme of her earlier argument.

> Finally, I want to address the issue of overriding local democracy . . . There was overwhelming concern from submitters, including, but not just from, territorial authorities - from a number of other organisational and individual submitters, as well - about the override provision that would allow the Government to establish special housing areas, to appoint commissioners, and to grant consents in those special housing areas without the cooperation of the relevant territorial authority. (p. 12787)

During debates of the Committee of the whole House, Walker (2013c) maintained her focus on democratic deficits, arguing that the override provisions of the Bill were a "fundamental overriding . . . of local democracy" (p. 13172). Labour Party MP Phil Twyford argued that the override provisions were "one of a long line of provisions we have seen under this Government that actually strip powers from local communities"

(Twyford, 2013a, p. 10055). Green Party MP Eugenie Sage reinforced these sentiments, stating that the Bill is "another example that this Government does not trust local government. It is not about a partnership with local government. It is about centralised decision-making" (Sage, 2013a, p. 10073). Green MP Holly Walker told members of the House that the override provisions were "entirely consistent with this Government's anti-democratic attitude on a number of fronts, particularly its dismissive attitude towards local government" (Walker, 2013e, p. 12787). For Labour Party MP Rajen Prasad, the override provisions were indicative of 'bullying tactics':

> But probably the real cynical thing, the real bullying tactic here, is about the override provision. The override provision is a bullying tactic. What kind of belief does the Government have in its own prescription, when it has to put in a clause that says if you do not do it this way, then we will have an override provision. (Prasad, 2013b, p. 12793)

In debates surrounding the provision of affordable housing, many submitters and MPs expressed concern about the impact of the proposed legislation on democracy in New Zealand. These concerns related to issues of process, as expressed by challenges to the use of urgency to consider the act, and issues of substance, as relate to the override provisions included in the legislation. MPs from the National-led Government were largely dismissive of concerns about the democratically-worrying aspects of select committee and override provisions. For example, the Minister of Housing side-stepped a question from Labour MP Phil Twyford about select committee submissions that questioned the effectiveness of the proposed legislation:

> I simply point the member to Hobsonville, where this Government is building thousands of homes and is specifically requiring a portion of those homes to be affordable. But I am not going to take a lecture from the Labour Party, when the proportion of affordable houses dropped from 16 percent in 2000 to just 6 percent in 2008. (Twyford, 2013c, p. 11976)

Rather than engaging with issues around democracy, the Minister focused on the agenda of his government: "The bill was overwhelmingly supported by the 64 submissions to the select committee, reflecting the very broad consensus . . . that one of the most critical issues for New Zealand is increasing housing supply" (Smith, 2013c, p. 12778). Concerns about override provisions were also largely ignored. The comment from Alfred Ngaro (2013b) is indicative of the few responses made by National Party MPs about this aspect of the HASHAB: "Some might call it [the override principle] an anti-democratic approach, but really, it is a process and a way of ensuring that if there is no

ability to come to an agreement, in the sense of progress, then there must be a process to move this intent on" (p. 13345).

Without being overt in their wording, it is evident that members of the public and opposition MPs had a clear understanding of what was required for the maintenance of democracy. Given the focus of concerns, it may be argued that underlying stakeholders' comments was awareness that the active participation of citizens in politics and civil life is central to an effective democratic government. Thus, submitters and opposition MPs expressed the view that democracy relies on the active participation of individuals and communities of citizens in decisions that shape public life.

4.4 Conclusion

The themes discussed in this chapter were drawn from conceptualisations of post-politics and applied to publicly available documents relevant to the process of enactment of the HASHAA. Themes of the acceptance of neoliberal consensus and the erosion of democracy are key tenets of understandings of post-politics. In terms of the neoliberal consensus, Žižek (1999) believes there is widespread acceptance that neoliberal capitalism and associated democratic consensus is "the objective state of things" (p. 430). Themes of the acceptance of neoliberal consensus and the erosion of democracy are key tenets of understandings of post-politics. Swyngedouw (2007), for example, argues that post-political government is "the antithesis of democracy" that "contributes to a further hollowing out of what for Rancière and others constitutes the very horizon of egalitarian democracy" (p. 71).

Parliamentary procedures structure the ways in which Bills are debated, such as through limits on the length of time Bills can be debated. The structures and limits of parliament are magnified by conditions of urgency, a mechanism which reduces time-frames associated with the progression of legislation through both select committees and parliament. The narrowing of the dimensions of debate for the HASHAA were part of accepted parliamentary procedures. Beyond such formal restrictions, narrowing occurred as MPs accepted neoliberal norms and Government MPs denied claims of democratic decay. Thus, while debates about the HASHAA contained different positions, these were confined within narrow limits about what was possible or permissible. This construction is consistent with post-political theorising which suggests that debate and dissent occurs, but along a narrow continuum of possibilities.

Evidence shows that members of the opposition maintained debate within a narrow set of parameters, accepting that certain topics were 'given'. For example, opposition MPs challenged the construction of expensive dwellings, but they did not question the need for houses to be built by private sector developers. Similarly, criticisms were made of land banking, but there was no opposition to a model that relied on public land being sold to the private sector. Opposition MPs were vocal in their condemnation of select committee timing and override provisions of the HASHAA; since becoming Government MPs, however, these politicians have endorsed the use of urgency (Bramwell, 2017) and have accepted the continuance of an unchanged HASHAA (Woodhouse, 2018).

CHAPTER FIVE

KNOWLEDGE, OUTCOMES, SIGNIFIERS

This chapter continues analysis of empirical material by discussing the post-political themes of the status of knowledge, the scope of outcomes, and empty signifiers. The first section of this chapter explores the status of knowledge as it relates to the HASHAB. Drawing on the post-political concern with technical and quantifiable knowledge, this section examines the way in which the National-led Government relied on two information sources to provide 'objective' justification for decisions relating to affordable housing. The second section of this chapter considers the scope of possible outcomes, a theme which addresses possible 'answers' to the problem being addressed by the legislation. In relation to HASHAB, the complexity of factors contributing to concerns about housing affordability concerns were ignored in favour of a focus on limited land supply, over-restrictive planning, and the measurement of consents. The final section considers empty signifiers or the way in which problems are not identified or are identified in vague terms. In debates around the HASHAB, such signification is evident in the use of the terms 'housing affordability' and 'housing crisis'.

5.1   Status of knowledge

Post-political theorists identify reference to knowledge as a marker of contemporary neoliberal politics. In particular, there is a focus on technocratic managerialism, whereby 'measurable knowledges' are privileged for their perceived objectivity. Employed to give political and ideological projects a basis in 'truth', these knowledges are employed to reinforce neoliberal hegemony. Members of the National-led Government consistently and frequently referred to reports from the NZPC and the annual Demographia *International Housing Affordability Survey*. These reports were not questioned; rather they were cited as foundational documents that provided objective data and analysis.

Given affordability is a social construct, there are a variety of ways in which measurement can be taken (Chapman, 2013). Thorns (2009) draws attention to the complexity of the concept of housing affordability, identifying the effects that the challenges of housing affordability have on different sectors of society and different

locations. The lack of one universally accepted metric of 'affordable housing' means that a metric can be chosen to meet desired ends (Murphy, 2014).

The NZPC conducted several inquiries and produced associated reports that were of relevance to parliamentary debates about affordable housing. The first of these inquiries, which ran from March 2011 to April 2012, evaluated factors influencing the affordability of housing and examined options to increase housing affordability (New Zealand Productivity Commission, 2012b). The second report of interest stemmed from an inquiry into using land for housing (New Zealand Productivity Commission, 2015b). Initiated in September 2014 and concluded in October 2015, this report was cited during debates about the Housing Legislation Amendment Act 2016.[18] Murphy (2016) argues that policy advice received from the NZPC was well-received because it "accorded well with the National-led government's neoliberal ideology" (p. 2538).

The annual Demographia *International Housing Affordability Survey* is co-authored by Wendell Cox, an urban policy consultant, and Hugh Pavletich, a former property developer.[19] Demographia has been producing its annual *International Housing Affordability Survey* since 2005 and it has consistently promoted the removal of urban limits, the increase of land supply, and the reduction of barriers that hinder the private sector provision of affordable housing. The Demographia survey rates housing affordability using the 'median multiple', which divides median house prices by median household incomes. In the 2017 report, this single metric was employed to examine affordability in 406 metropolitan areas in nine countries (Australia, Canada, China, Ireland, Japan, New Zealand, Singapore, United Kingdom, United States of America).

The relative affordability of each city is classified according to the median multiple score for a metropolitan area (see Table 5.1). Throughout each of their annual reports, Cox and Pavletich have "consistently argued that there is a direct relationship between unaffordability and local planning regimes that promote urban containment" (Murphy, 2014, p. 9). This position was given support by senior National Party MP Bill English in his introduction to the 2017 survey:

> Housing affordability is complex in the detail - governments intervene in many
> ways - but is conceptually simple. It costs too much and takes too long to build a

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[18] All reports generated by the New Zealand Productivity Commission, as well as associated background documentation and submissions, are freely available from its website (https://productivity.govt.nz/).

[19] Copies of the survey are available for download at no cost from http://www.demographia.com/.

house in New Zealand. Land has been made artificially scarce by regulation that locks up land for development. This regulation has made land supply unresponsive to demand . . . It simply takes too long to make new land available for development. (Demographia, 2017, p. 9)

Table 5.1

Demographia *International Housing Affordability Survey - Housing Affordability Ratings*

Demographia *International Housing Affordability Survey* Housing Affordability Ratings	
Housing Affordability Rating	Median Multiple
Affordable	3.0 & Under
Moderately Unaffordable	3.1 to 4.0
Seriously Unaffordable	4.1 to 5.0
Severely Unaffordable	5.1 & Over
Media multiple: median house price divided by median household income	

Note. from "*14th Annual Demographia International Housing Affordability Survey*", Demographia, 2017, p.1, retrieved from http://www.demographia.com/

The median multiple measure employed by Demographia and endorsed by the National-led Government is not without its critics. For example, Phibbs and Gurran (2008) argue that the overarching methodology is flawed because it reduces a "very complex issue to a simple causal relationship between house prices and assumed planning constraints on land supply" (p. 3). Phibbs and Gurran (2008) also note that the limited reporting of the economic literature is "both wrong and mischievous" (p. 4); the media multiple is "not a particularly sensitive housing affordability measure" (p. 6); data on property, ownership, land supply and infrastructure charges is unreliable and "presented in a very misleading way" (p. 8); and, there is a failure to address the desirability of locations, the existence of housing submarkets, and differences in national urban systems (pp. 9-10). Phibbs and Gurran (2008) conclude that Demographia's "planning 'data' conveniently reflect the subjective impressions of the authors" (p. v).

Additional criticisms of the Demographia methodology may be found in the comments of Andrew Coleman of Motu, an independent public policy research organisation based in Wellington, New Zealand. Coleman expressed concern that Demographia's analysis ignored the financing cost of a house over an extended period of time: "For most of the last decade New Zealand has the highest interest rates in the OECD, so that makes

housing far less affordable in New Zealand than elsewhere" (as cited in Barton, 2009). Coleman also noted that Demographia does not consider increases in the average size of new houses in New Zealand or that many metropolitan areas in New Zealand are not constrained by lack of land availability (Barton, 2009).

Despite these criticisms, Murphy (2014) explains that the Demographia survey held much appeal to the National Party in New Zealand. One reason for this attraction was the median multiple method, a measure that was simple and easy to understand: "The simplicity of the median multiple as a measure of affordability, in combination with the international ranking of over 300 cities [in the 2013 survey], constitutes a powerful discursive device that can be used within political and public debates" (Murphy, 2014, p. 10). The Demographia survey also aligned with the political objectives of the National Party: "Given the pro-market stance of Demographia and National's long-held commitment to neoliberal policies, it is unsurprising that the Demographia surveys have political traction in New Zealand" (Murphy, 2014, p. 11).

Members of the National-led Government also made occasional reference to the Roost *Home Loan Report* and the Massey University *Home Affordability Report*. The Roost report, which is sponsored by Roost Mortgage Brokers, provides a monthly assessment of home loan affordability nationally and regionally for individual income earners and households. Information is presented across three categories and associated income levels: first home buyers (aged 25-29), young family buyers (aged 30-34), and second rung buyers (aged 35-39). The Massey University report is a quarterly report outlining changes in home affordability throughout New Zealand. The report draws on data sourced from Statistics New Zealand, the Reserve Bank and the Real Estate Institute of New Zealand.

Government MPs emphasised findings from the NZPC because it identified land supply as a cause of increased housing costs. This focus on land supply ignored inefficiencies in regulatory processes and problems achieving scale in new house construction, additional reasons identified by the New Zealand Productivity Commission (2012b) as obstacles hindering the supply of affordable housing. During the first reading of the HASHAB, the Minister of Housing, Nick Smith, confirmed the importance of land supply: "We are particularly focused on the issue of land supply being addressed in this bill. The message from . . . the Productivity Commission is that we must confront and address these land and housing supply issues" (Smith, 2013b, p. 10054).

During subsequent readings of the HASHAB, and during debates of the Committee of the whole House, NZPC examples cited by National Party MPs maintained a focus on the significance of land supply to housing affordability. For example, during the second reading of the Bill, Peseta Sam Lotu-Iiga identified land supply as "the single most important issue around affordable housing. The Productivity Commission . . . said that land supply is critical" (Lotu-Iiga, 2013b, p. 12782). In the session of the Committee of the whole House, Lotu-Iiga (2013a) made a similar comment about the significance of land supply to housing affordability: "So land supply . . . as has been recognised by the Productivity Commission as one of the biggest factors in bringing about a solution to some of the issues around affordable homes in Auckland" (pp. 13175-13176). In the third and final reading of the HASHAB, the leader of the ACT Party, speaking in support of the National Party, stated: "The Productivity Commission has concluded that there simply is not enough land that is free to build on and, as a result, there aren't enough houses" (Banks, 2013, p. 13339).

Links between the recommendations of the NZPC and the importance of housing supply were expressed by many National Party MPs during sessions of the House other than those dedicated to the HASHAB. Paul Goldsmith, for example, spoke on behalf of the National Party when, during the 2013 Budget debate, he noted that "the Government's housing response has been grounded in the work of the Productivity Commission and it is focused, particularly, upon increasing the supply of land" (Goldsmith, 2013, p. 10424). In July 2013, in response to a question from Labour's David Parker, the Minister of Finance explained that the National-led Government is "focusing strongly on increasing the supply of housing to the market. We agree with the Productivity Commission, which said we need to address the underlying driver, which is housing supply" (English, 2013e, p. 12024).

The NZPC continued to be referenced in the period after the HASHAA had gained assent. For example, in November 2013, in response to a question from Labour's Phil Twyford, the Minister of Finance, Bill English, stated that the NZPC inquiry into housing affordability "produced advice that we should concentrate on getting a faster supply of more houses on the ground more quickly" (English, 2013c, p. 14764). In June 2015, in response to a question from Labour's Andrew Little about house prices, the Prime Minister informed the House: "As the member may have seen from the Productivity Commission and others, the right response, of course, to the issues in

relation to housing is around the supply side" (Key, 2015b, p. 4613). In October 2015, the Minister of Housing reiterated the comments of his senior colleagues, responding to a question in the House by stating that the "key message" from the NZPC report on affordably housing was "that the critical issue of land supply is undermining housing affordability" (Smith, 2015a, p. 7504).

While data from Demographia was not cited extensively in debates relating to issues of affordable housing in New Zealand, certainly in comparison to references to the NZPC, the Cox and Pavletich report had a significant influence on the focus of the policy of the National-led Government. Murphy (2014) provides a detailed analysis of the ways in which materials from Demographia were incorporated into housing policies adopted by the National-led Government. Murphy (2014) reports that the Regulatory Impact Statement produced during the development of the HASHAA employed Demographia data to identify the scope of housing affordability issues in New Zealand.[20] In producing this statement, the Ministry of Business, Innovation and Employment "appropriated Demographia's argument that land restrictions were the cause of housing affordability problems" (Murphy, 2014, p. 12). This Ministerial advice was subsequently included in the Minister of Housing's Cabinet Paper on Housing Accords and Special Housing Areas: "The results of the 2013 Demographia International Housing Survey . . . show a strong correlation between restrictive land supply regulation and housing affordability" (Minister of Housing, 2013, p. 6).

The Minister of Housing also proposed to include the Demographia Affordability Index as a key measure in defining areas for scheduling as SHAs. The Minister informed his colleagues that regions or districts would be added to Schedule 1 of the HASHAA if the "percentage of the individual take home pay as a mortgage payment exceeds 50% according to the Roost Affordability Index" or if they "are defined in the annual Demographia International Housing Affordability Survey as *'Seriously Unaffordable'* (median multiple of 5.1 or over)" (Minister of Housing, 2013, p. 10, italics in original).

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[20] "When there's a proposal to create, change or repeal legislation or regulations, the government agency responsible often has to provide Cabinet with a regulatory impact statements (RIS). A RIS summarises:
- the problem that need to be addressed
- options for addressing the problem
- the costs and benefits of each option
- who has been consulted and their views
- proposals for implementation and review.
RISs are published when the relevant Bill is introduced to Parliament or the regulation is gazetted, or at the time of ministerial release." (Ministry of Justice, 2018)

While the Minister of Housing subsequently decided not to refer to the company names Roost and Demographia in the proposed legislation, he did still intend "to rely on data provided by Roost and Demographia in proposing scheduled regions or districts" (New Zealand Cabinet Legislation Committee, 2013, p. 1). In its final iteration, the HASHAA adopted the median multiple measure employed by Demographia in provisions for identifying areas to be included in Schedule 1.

In concluding his analysis of housing policy formation in New Zealand, Murphy (2014) reports on alignment between "Demographia's promarket, pro-development, logic and National's preference for neoliberal 'market-based' solutions. Demographia's simple analysis and rhetoric resonate with the National government's own political agenda" (p. 14). Furthermore, the impact of the median multiple measure extends beyond the National Party, with Murphy (2014) suggesting that Demographia's affordability metric enjoys broad political acceptance. This acceptance is evident in the absence of critiques of Demographia's metric in either select committee reporting or Hansard. Murphy (2014) reports that in their dissenting contribution to the Social Services Select Committee report, opposition MPs offered no commentary on the metric to be used in designating Special Housing Areas (p. 14). Similarly, there is no evidence in Hansard that opposition MPs expressed concern about the Demographia affordability metric or the use of the median multiple measure employed in the legislation. For Murphy (2014), such widespread political acceptance reflects "the somewhat technical nature of the metric, which carries the impression of political neutrality and scientific objectivity" (p. 14).

5.2   Scope of possible outcomes

Žižek (2002) identifies agreement around solutions to problems as being part of consensus in post-politics. Thus, any disagreements are limited to a selection of 'answers' that align with accepted understandings of neoliberal governance. These 'answers' are supplied by managerial elites who draw on 'neutral' and 'objective' evidence to introduce an agreed-upon solution. The solutions made available are often presented as being too complex for citizens to understand, a status which requires 'experts' to outline and validate options and decisions. Žižek (2006b) explains that politics "legitimizes itself by means of a direct reference to the scientific status of its knowledge" (p. 188). While National Party MPs recognised that issues around

affordable housing were complex, these politicians consistently returned to land supply, planning and consents as being the main problems that needed to be addressed if the housing affordability 'problem' was to be solved.

During the first reading of the HASHAB, for example, Mike Sabin, National Party MP for Northland, told the House that home ownership "is a very, very complex area" (Sabin, 2013, p. 10074). Similarly, in response to a question in the House, the Minister of Finance responded that the "Government is getting on with the complex and demanding job of improving housing supply" (English, 2013e, p. 12023). Such improvement was, however, based on agreement "with the Productivity Commission, which said we need to address the underlying driver, which is housing supply" (English, 2013e, p. 12024).

Opposition MPS challenged government assertions that housing supply is the key driver of issues relating to housing affordability. For example, during the first reading of the HASHAB, Labour MP Grant Robertson commented: "The fact is that land supply is only one part of the equation, and if National had a fully comprehensive housing policy that it was bringing to this Parliament, it would talk about far more than this" (Robertson, 2013a, p. 10061). Similarly, during the third reading of the HASHAB, New Zealand First MP Denis O'Rourke told other MPs that housing affordability is not determined solely by land supply.

> What the Government fails to grasp is that the housing crisis is not driven just by the availability of houses on the market, but by the price driven by many other factors as well, and by access to finance, especially the capacity of first-home seekers to raise a 20 percent deposit, as is now required. (O'Rourke, 2013a, p. 13341)

National Party MPs recognised that the provision of affordable housing was about more than land supply; this recognition was, however, limited to a focus on the ways in which planning was constricting land supply. Thus, MPs for the National-led Government argued that local government planning rules were creating land supply shortages and, in combination, these factors were driving what opposition MPs were calling a housing crisis. For example, in mid-2013 the Minister of Finance explained that "because of the inherent unfairness of planning law that locks low- and middle-income New Zealanders out of the housing market", the National-led Government supported "changing the planning laws to increase the supply of housing" (English, 2013b, p. 10847). During the second reading of the HASHAB, the Minister of Housing explained that the Bill

"unblocks the ridiculously slow planning and consenting process and will enable us to get some momentum and some pace into residential development in areas like Auckland" (Smith, 2013c, p. 12778). During the third reading of the HASHAB, the Minister maintained this position: "We have got a constipated planning system bogging new residential construction, and this bill is a laxative to get new houses flowing" (Smith, 2013d, p. 13328).

In response to a series of questions about home buyers and housing affordability, the Acting Prime Minister consistently reinforced the position of his party:

> The sorts of policies that lock first-home buyers out of the market are planning regulations that restrict the supply of new housing to the market . . . It is pretty clear that some of the reasons for the doubling house prices between 2000 and 2008 were planning regulations that restricted supply . . . The most important influence on house prices is not conspiracies of speculators; it is conspiracies of planners who prevent the building of new houses in sufficient quantity to meet the growing demand in a growing economy. (English, 2013d, pp. 13593-13596)

In 2015, the National Party MP Jami-Lee Ross expressed his thoughts on links between planning and housing supply: "One of the biggest problems we have with housing in New Zealand . . . is that, for year after year, decade after decade, local government, assisted by left-wing planning ideology, has seen land supply being constrained through the district planning process" (Ross, 2015b, p. 2673). One week after these comments from Jami-Lee Ross, the Minister of Housing expressed his wish that the Green Party MP Russel Norman "would simply accept that link between dumb planning policies and high house prices" (Smith, 2015b, p. 2791). The Prime Minister expressed similar ideas when, in August 2016, he reported that the reason Auckland did not have sufficient houses was "because of bad planning rules" (Key, 2016a, p. 12627). On the same day the Prime Minister made these comments, the Minister of Housing told the House that "bad planning policies have made it very difficult for new houses to be built" (Smith, 2016, p. 12623). Such was the nature of comments from National Party MPs about planning, the Green Party MP Eugenie Sage claimed that "this Government hates planning" (Sage, 2013b, p. 12796).

The National-led Government also limited 'answers' to the 'housing crisis' by focusing outcomes on consents for dwellings and sites. The focus on consents provided the government with measurable targets that were likely to indicate positive achievements. As building consents are confirmed in less time than is associated with completing a

building and having it ready for sale, the government could highlight the granting of consents and express the expectation that if a consent is given then construction will occur. The focus on consents was embedded in the wording of housing accords, all of which established targets based on consents rather than completions. The Wellington City Council Housing Accord, for example, stipulated targets that were defined by "sections measured at point of resource consent and dwellings measured at building consent" (Wellington City Council, 2014). Similarly, targets in the Selwyn District Council Housing Accord were defined in terms of "number of sections created by resource consent" and "total number of dwellings consented" (Selwyn District Council, 2015). The approval of consents does not, however, equate with buildings constructed; it is one thing to obtain consent to construct a house, it is another thing to act on the consent and undertake building. The difference between consents and construction is evident in figures on SHAs that have lapsed due to lack of development progress. For example, from November 2014 to May 2016, the Wellington City Council approved 25 SHAs, all of which lapsed due to a lack of activity on the consented sites (Wellington City Council, 2018). In Auckland, 25 of the 154 approved SHAs lapsed due to a lack of consent activity (Hargreaves, 2017).

The importance of consent approvals to the National-led Government was evident in comments from senior and junior MPs. For example, during the first reading of the HASHAA, the Minister of Housing advised Parliament that the Auckland Housing Accord sets out a plan that "will have us consenting three times as many homes over the next 3 years as have been consented over the last 3 years" (Smith 2013b, p. 10054). Smith's National Party colleague, Melissa Lee (2013), reinforced these comments: "This bill provides for a special Auckland housing accord that sets a target over 3 years of 39,000 new homes being consented to. This is a greater number than the 3,600 homes currently being consented to each year" (p. 10064). National Party MP Alfred Ngaro (2013a) was succinct in defining the core of the HASHAB: "The intent of this bill is very clear. It is about Government, it is about councils, and it is about streamlining a consenting process for new housing developments" (p. 10070).

The National Party focus on consents was challenged by opposition parliamentarians. Labour MP Phil Twyford (2013a), for example, argued that "the numbers that National bandied around for tens of thousands of new houses are simply targets for consenting. They do not guarantee a single new affordable home" (p. 10056). Twyford also sought

to obtain clarification from the Minister of Housing as to how many houses had been built under the HASHAA: "I asked the Minister not how many houses had been planned or consented, or how many lines had been drawn on the map; I asked him how many houses had been built in the special housing areas that now have people living in them" (Twyford, 2014, p. 18479). Twyford's criticisms of the National-led Government focus on consents take on added significance given the importance he has placed on consents as the Minister of Housing and Urban Development in the current Labour-led Government (Twyford, 2018).

By directing debates towards particular measures of housing affordability, members of the National-led Government sought to limit the scope of challenge to the HASHAA. There were three agendas which were reiterated and reinforced by those MPs who supported the enactment of the HASHAA. Despite recognising that the provision of affordable housing is a complex issue, National Party MPs were strenuous in their arguments that housing supply and poor planning policies were to blame for issues around housing availability. These arguments aligned with the neoliberal position of the National-led Government that increasing land supply would be economically advantageous and that planning is over-regulated. The reliance on measures of approved developed consents, rather than on counts of completed houses, expressed belief in the value of simplistic, yet justifiable, measures of growth.

5.3   Empty signifiers

Swyngedouw (2010) reports that one of the characteristics of the post-political condition is the identification of problems in non-specific ways. Rather than being identified with a clear name, problems are referred to in oblique terms or are left as undefined signifiers. For Rancière (2001), the absence of proper names signals a loss of democracy because it is only through naming problems that people can have a voice. Within debates on the HASHAB, this offering of empty signifiers is evident in the way in which MPs from the National-led Government ignored definitions and clarifications. Thus, the terms 'affordable housing' and 'housing crisis' remained untethered. It may be suggested that one reason National Party MPs ignored criticisms about the meaning of the term 'affordable housing' is because it is not defined in the HASHAA. Furthermore, none of the housing accords agreed between central government and territorial authorities included definitions of 'affordable housing'.

In October 2013, soon after the HASHAA received assent, the Minister of Housing avoided the phrase 'affordable' by employing the term 'low cost':

> Denis O'Rourke (NZ First): Why has the Minister told developers that they need devote only 10 percent of developments to affordable homes when prices are already well out of the reach of most first-home buyers?
> Hon Dr Nick Smith: I think a better way to describe it is the number of houses that are going to be built through the accord and the special housing areas that are low cost. In one of the special housing areas . . . there is going to be 100 percent low-cost houses for families. I can assure the member that many of the other special housing areas . . . will also have requirements for building lower-cost houses. (O'Rourke, 2013b, pp. 13923-13924)

The Minister of Housing also asserted that the "definition of affordable housing was 'very much in the eyes of the beholder'" (as cited in Tarrant, 2017). This statement from Nick Smith reflected the position that affordable housing cannot be defined because the "term can be subjective: what one household considers reasonable housing costs might be different for another household of the same size" (Ministry of Business, Innovation and Employment, 2017).

Opposition MPs did not challenge the lack of definition given to 'affordable housing', but they did challenge the vague targets given in the HASHAA and by National Party MPs. Phil Twyford, for example, explained that the wording of the HASHAA meant that there was no formal requirement that builders and developers build affordable housing:

> Listen to this language, which is actually in the accord itself. It is talking about when developers are seeking consents for new housing developments. 'All Qualifying Developments are … required to give consideration to the provision of affordable housing'. They do not have to build affordable houses; they simply have to give consideration to the building of affordable housing. 'Conditions of consent may include requirements for a proportion of the development to include affordable housing'. They may have to give them; there is nothing in here that requires builders and developers to build affordable housing. It is a joke. It is a charade. (Twyford, 2013a, p. 10057)

In May 2013, during the first reading of the HASHAB, Grant Robertson, a Labour Party colleague of Twyford's, made similar observations, arguing that the legislation "does not ensure at any point that there will be affordable housing" and "will not actually ensure that affordable housing is built; it will simply give consideration" (Robertson, 2013a, p. 10060).

In addition to an inability, or perhaps an unwillingness, to define 'affordable housing', the National-led Government was also rigid in its consistent denial of the existence of a 'housing crisis'. Prior to becoming Prime Minister, John Key, the Leader of the National Party, spoke openly about there being a crisis of housing affordability in New Zealand. For example, in a 2007 speech, Key told members of the New Zealand Contractors Federation: "Over the past few years a consensus has developed in New Zealand. We are facing a severe home affordability and ownership crisis. The crisis has reached dangerous levels in recent years and looks set to get worse" (Key, 2007). Almost a decade after making this speech, Key was asked whether he stood by his earlier comments:

> Rt Hon Winston Peters: Does he agree with an infamous New Zealander who said: 'We are facing a severe home affordability and ownership crisis. The crisis has reached dangerous levels in recent years and looks set to get worse.'; if not, why not?
> Rt Hon John Key: No.
> Rt Hon Winston Peters: Is the Prime Minister aware that he was the one who said that?
> Rt Hon John Key: Not when I was in Government, I did not. (Peters, 2016, pp. 11239-11240)

Key reiterated this position when he confirmed he stood by his statement that there is no housing crisis in New Zealand; Key stated he was "concerned about rising house prices", and the provision of affordable housing of one of the "biggest challenges" facing his government, but there was no crisis (Little, 2016b, p. 12397). This position was reinforced by the Minister of Housing when, in 2015, he was asked if he believed a housing affordability crisis existed in Auckland:

> The best measure is the Roost Mortgage Brokers affordability index, published monthly for each region, which measures the proportion of income needed for a person earning the median income to pay the mortgage on a median-priced house. The least affordable time on record was in Auckland in December 2007, when it hit 101 percent . . . It is currently at 76 percent in Auckland . . . I actually believe that at over 100 percent it would be a crisis. At 76 percent it is very challenging. (Smith, 2013e, p. 13375)

Opposition party MPs questioned National Party MPs about their unwillingness to accept there was a housing crisis in New Zealand. For example, during the first reading of the HASHAA, Grant Robertson, Deputy Leader of the Labour Party, commented that "for the last few years all we have heard from John Key is that there is no housing

crisis, and along the way people in Auckland have been priced further and further out of the housing market" (Robertson, 2013a, p. 10061). During the examination of the HASHAA, members of opposition parties were consistent in their statements as to the existence of a housing crisis. Examples of such statements include a comment from Maryan Street (Labour) during the first reading of the HASHAA that National Party MPs had failed to "acknowledge that there is a housing affordability crisis" (Street, 2013a, p.10068); during the Committee of the whole House, Labour MP Rajan Prasad told the House that the Minister of Housing had presided "over a crisis" (Prasad, 2013a, p. 13181); and, during the third reading of the HASHAA, New Zealand First MP Denis O'Rourke stated the National Party had ignored affordability issues "while a housing crisis developed" (O'Rourke, 2013a, p. 13340).

By refusing to acknowledge the existence of a housing crisis, and by failing to define the meaning of 'affordable housing', the National-led Government maintained a 'silence' of naming. Within post-political theory, such undefined signifiers are indicative of efforts to limit debate and, by association, limit democracy. If it is only by naming problems that people can have a voice, then the absence of names for housing affordability or housing crisis remove these issues from debate. Furthermore, because these terms cannot be defined through an 'objective' metric, they are rendered insignificant. Since notions of affordability and meanings of crisis are not suited to definition by quantifiable means, the National Party is able to minimise their relevance and deny their importance to housing debates.

5.4   Conclusion

The three themes discussed in this chapter provide further evidence to justify appraising the HASHAA as post-political legislation. Statements made by MPs align with post-political themes of the status of knowledge, the scope of possible outcomes, and empty signifiers. In this way, justifications for the processes of enactment of the HASHAA, as well as for the provisions of the Act, include a reliance on a selection of technical reports on affordability, managing the scope of debates by minimising opportunities for consultation, and using empty signifiers that limit opportunities for coherent debate. These themes have been identified by those scholars working on conceptualisations of the post-political, with Mouffe (2005), Žižek (2008) and Rancière (1999) reporting on the role these themes have in shaping the expression of contemporary post-politics.

As discussed in Chapter Two, scholars from different disciplines share an appreciation of key tenets of post-politics. These common themes encompass ways in which the post-political is established and maintained within contemporary societies. The societies in which the post-political is in evidence are those whose government adheres to a neoliberal ideology. While neoliberalism is not hegemonic, with its form differing from government to government, it maintains sufficient coherency to provide for the emergence of post-political characteristics. In New Zealand, the HASHAA provides one example of the ways in which post-politics shapes policies and, by association, the outcomes of those policies.

CHAPTER SIX

CONCLUSIONS

Drawing on themes evident in conceptualisations of post-politics, empirical data from select committee submissions and Hansard debates illustrates how the HASHAA is post-political. Given the neoliberal ideology adopted by the National-led Government that enacted the HASHAA, it is not surprising this legislation adheres to key tenets of post-political approaches. Indeed, key post-political thinkers agree on the importance of neoliberalism to post-politics; Mouffe (2009), for example, explains that it is "the hegemony of the neoliberal model of globalization" which is at the origin of discourses and practices of post-politics (p. 553). As has been shown, however, the post-political scope of the HASHAA extends beyond neoliberal acceptance to include issues of democracy and knowledge construction. This chapter provides reflections on the significance of the HASHAA as post-political. Following a brief overview of thesis content, discussion focuses on the implications of this research for understandings of post-politics in New Zealand.

Chapter One introduced the thesis topic and provided a brief overview of the concept of post-politics. This concept was linked to neoliberalism and cultural expectations of home-ownership in New Zealand. Chapter One concluded with a discussion of research methods and data analysis. Chapter Two detailed the post-political conceptual lens that is employed in the data analysis charted in Chapter Four and Chapter Five. Post-politics was identified as being an expression of the consensus that accompanied acceptance of the inevitability of neoliberalism. This consensus was accompanied by a narrowing of democracy, a trend expressed in planning in the compromises of communicative approaches. Agonistic pluralism has been adopted as a way to resolve issues of democratic worrying and forced consensus in planning. Chapter Three described the background to the introduction of the HASHAA and gave an overview of this legislation. The most recent expression of over a century of government intervention in the domestic housing market, the HASHAA was introduced to facilitate the provision of affordable housing by increasing the supply of land in select cities and districts.

Chapter Four is the first of two chapters that employed a post-political lens in an analysis of the HASHAA. Chapter Four drew on two themes identified from the

conceptualisations of post-politics discussed in Chapter Two. These themes were the acceptance of a neoliberal consensus and the erosion of democracy. Chapter Five offered commentary on the three post-political themes of the status of knowledge, the narrowing of outcomes, and empty signifiers.

6.1 Reflections on the HASHAA

The HASHAA was enacted as a short-term measure for improving housing affordability by facilitating an increase in land and housing supply in cities and districts in New Zealand. Introduced by a National-led Government, the HASHAA relied on the implementation of housing accords between local and central government. These agreements included provisions for the establishment of SHAs and qualifying developments, zones that facilitated construction through the easing of existing consent and construction conditions on residential development.

It is difficult to determine how successful the HASHAA has been in facilitating the development of affordable housing. Territorial authorities employ a range of measures of residential housing development, with few differentiating development in SHAs from residential development in non-SHA subdivisions. Thus, not only are numbers of houses built within SHAs difficult to determine, but there is no reliable way of ascertaining the number of affordable houses completed within designated SHAs. James (2017), for example, reports on limitations with data collection methods.

> The number of new houses in SHAs cannot be easily identified, because generally 'whole of market' data is reported, including house price growth, the number of sections developed and building consents in the whole area, not specifically in SHAs . . . Central government does not collect data on the number of building consents issued, or the number of houses completed in SHAs. (James, 2017, pp. 10-11)

The inconsistency of information, and the aggregation of data, reflects differences in the monitoring requirements stipulated in housing accords. Thus, each housing accord included expectations as to when monitoring reports were to be completed and the types of data to be included in these reports. The availability of data on consents and the lack of accessibility of data specific to SHAs point to post-political strategies around the importance of technical data. Thus, given it comes from official council record-keeping, consent data is positioned as providing an 'objective' and reliable measure of housing

progress. Such technically robust data may be presented to support arguments as to the success of the HASHAA in facilitating housing development.

6.2   Post-politics and the HASHAA

Mouffe and Rancière theorise that post-politics expresses a tension between the police, which acts to control who may do what and where they may do it, and the political, the expression of 'those who have no part' and who act to disrupt the police order. This conceptualisation understands that the police order can never achieve its goal and saturate a given space. The police order is contested, with fractures ensuring there is never total closure. This lack of closure, or lack of saturation, enables possibilities for the political, for communities to contest post-political agendas and expectations.

Evidence shows that members of the public and opposition MPs challenged the post-political aspects of the HASHAA, with questions being asked about such issues as democratic expectations and the application of knowledges. The limitations of these questions are, however, exposed through a consideration of debates recorded in Hansard. For example, transcripts show that opposition MPs failed to question accepted knowledges about the inevitability of neoliberalism and failed to challenge the technical information provided as evidence. Viewed in this way, opposition MPs may be positioned as part of the police, being agents that contribute to the maintenance of post-political spaces.

Post-politics is in evidence in the processes ensuring the enactment of the HASHAA and in the provisions contained in the Act for Ministerial override of local council decisions. Evidence of pro-neoliberal, anti-democratic themes within the HASHAA contrast with the anti-neoliberal, pro-democratic activity that demanded the creation of the HASHAA. The introduction of affordable housing legislation was not a high priority for the Fifth National Government. Indeed, it was not until 18 months after being elected that the National-led Government repealed the housing legislation introduced by the previous government and the Minister for the Environment initiated direct action on the issue of housing affordability. It took several more years, and a number of different inquiries and reports, before the HASHAA was introduced.

The decision of the National-led Government to introduce the HASHAA may be understood as being the outcome of public demand for the government to act on the 'housing crisis'. The inquiries and reports of the UTAG, the NZPC, and the Ministry for

the Environment provided justification for action on housing to be delayed, with the Government content to wait until 'objective' data was available. Furthermore, the information obtained from these inquiries, in conjunction with affordability measures from Demographia, Roost, and Massey University, was employed by the National-led Government to both downplay the extent of the 'housing crisis' and to justify solutions. For example, the Minister of Housing relied on data from the Roost Home Loan Report to justify his belief that a crisis only exists when more than 100 percent of a median income is spent on housing (Smith, 2013e, p. 13375). Alternatively, the supply-side recommendations provided by the NZPC were promoted because they provided a solution to the 'housing crisis' that aligned with the Government's approach to putting politics at the service of capital (Murphy, 2014). Despite efforts of the Fifth National Government to attend to the 'housing crisis', issues of housing affordability and availability were among the problems of most concern among New Zealanders in the lead-up to the 2017 general election (Grimes, 2017; Roy Morgan, 2017).

The loss of the National Party in the 2017 election is, perhaps, evidence of the inability of the police to saturate space; thus, the market-driven philosophy of the National-led Government did not reach sufficient consensus among a sufficient number of voters to ensure a return to government. This suggests that public interest in housing affordability, and the actions of Government in response to this issue, combined to form a catalyst for change. This change is expressive of two things. First, as is noted by Ranciere (1999), parties do not exist prior to the conflict in which they are named as parties; thus, the 'housing crisis' brought together voters who, in concert, were able to force a change of government. Second, after a decade of debate and concern, the 'housing crisis' reached a point where it overflowed the framings designed to narrow the range of policy responses. Thus, despite the efforts of the National-led Government to minimise concerns and narrow the scope of debates, the housing crisis became an issue that could not be managed through post-political consensus.

Experiences of the 'housing crisis' in New Zealand suggest that while post-political theorising enables identification of how the limits of the political are constructed, there are thresholds on the durability of these limits. In the case of the HASHAA, the limits were 'broken' by voters who were unsatisfied with government response to the 'national shame' of unaffordable housing and homelessness (Eaqub & Eaqub, 2015). To avoid crossing a 'durability threshold', citizens and stakeholders could usefully employ

the methods of agonistic pluralism. Conceptualised by Mouffe, agonistic pluralism identifies the formation of democratic decisions that move towards consensus but that acknowledge the possibility of unresolved differences. In accepting legitimate adversaries, agonistic planning circumvents situations where the durability of political limits is contested at other than a local or regional scale. Agonistic planning facilitates decision-making at a community scale, with the 'release' provided by politics proper removing pressure on what has the potential to become a national issue. For example, rather than evolving into an issue that reverberated nationally, and contributed to a change of government, the 'housing crisis' might have been managed at a local level, with communities and cities taking the initiative to achieve agonism at an urban scale.

6.3   Conclusion

Evidence presented in this thesis suggests that local communities seeking to engage with planning processes, perhaps adopting agonistic approaches to avoid the neoliberal bias of communicative planning, may be constrained by the legislation employed to frame planning policies. In light of the ways in which relevant legislation is composed, it is appropriate to suggest that planning in New Zealand is post-political. Post-politicisation identifies the ideology held by Members of Parliament, as well as considering the content of an Act and the processes through which the legislation is enacted. Such identification recognises the importance of the ways in which legislation is formulated. In relation to the HASHAA, for example, Murphy (2016) reports that "the manner in which certain policy knowledge is prioritised and applied in the construction of affordable housing policies . . . is inherently political" (p. 2530). In this scenario, the politics of the HASHAA express the post-political neoliberal framings of the National-led Government.

It is, perhaps, a matter of timing that it was a National-led Government that introduced the HASHAA. There is little to suggest that a Labour-led Government would have followed a significantly different path is legislating for the provision of affordable housing. For example, a Labour-led Government introduced the Affordable Housing: Enabling Territorial Authorities Act 2008, legislation that was the product of "a top-down approach, driven by central government agencies and politicians" (Austin, 2009, p. 16). These comments align with assertion that the SHA model "is a 'top-down' process driven from the centre" that "subsumes local government planning frameworks

to central government directives" (James, 2017, p. 16). The current Labour-led Government has introduced KiwiBuild, an affordable housing scheme that shares many similarities with the HASHAA. As noted previously, KiwiBuild employs residential lots identified under the HASHAA. KiwiBuild also fails to define 'affordable housing' and the Minister for Housing's reliance on consent numbers continues a pattern established by his National Party predecessors (Twyford, 2018).

The HASHAA is one articulation of contemporary post-political planning assemblages in New Zealand. Thus, recent publications have Fougère and Bond (2018) asserting that "postpolitics features strongly in the environmental planning regime in Aotearoa New Zealand" (p. 162) and Driver et al. (2018) contending that climate governance in Aotearoa New Zealand is part of a "wider post-political condition" (p. 258). Indeed, Driver et al. (2018) ally with analysis of the HASHAA via their recognition of the "ethos of the post-political neoliberal NZ State" and its "worrying tendency away from democratic deliberations towards expert-led authoritarian forms of decision-making" (p. 254). As was the case with the progression of the HASHAA, Driver et al. (2018) recognise the erosion of democracy that has accompanied contemporary planning and governance regimes in New Zealand. Evidence presented in this thesis confirms the importance of post-political governance frameworks for the formulation of affordable housing legislation in New Zealand. The HASHAA is part of a post-political condition wherein spaces for public discussion and debate are eroded and opportunities for critical analysis and debate are constrained.

Analysis of the HASHAA exposes the democratic deficits that have become part of the legislative landscape in New Zealand. The use of urgency to progress the HASHAA and the inclusion of override provisions are two seemingly inconsequential facets of the legal and planning topography of residential New Zealand. Unpacking these two aspects, however, reveals the embeddedness of the post-political in the actions and ideology of New Zealand politicians. There was active debate of the HASHAA in the House of Representatives, but there was no opposition to the neoliberal foundations of the legislation. Indeed, debate focused on political 'point-scoring' rather than consideration of substantive issues of economy and society. The similarities between the attitudes of government and opposition MPs point to the post-political loss of traditional political differences. This lack of difference poses problems for the maintenance of democracy and the emergence of alternate socio-economic ideologies.

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