



New Zealand
Planning Institute[®]
Te Kokiringa Taumata



The New Zealand Planning Institute's Feedback on the Draft Auckland Unitary Plan

31 May 2013

1. Introduction

The New Zealand Planning Institute (NZPI) welcomes the opportunity to provide comment on the Draft Auckland Unitary Plan (DUP).

Established in 1949, NZPI is the professional organisation representing planners and planning practitioners throughout New Zealand. NZPI is the “home of the planning profession and achieves a better future for New Zealand by championing the profession, promoting excellence and supporting its members. It aspires to empower planners and promote excellence.” NZPI membership is broad, and individuals within our organisation have a varied range of opinions and experiences which underpins this feedback.

Auckland based NZPI members, in particular, will play a pivotal role in the implementation of the Auckland Unitary Plan (UP). Many of our members have led the development of the DUP and will guide its implementation. NZPI members are therefore well placed to provide constructive, insightful and informed feedback on the UP. NZPI members will be working with the final UP on a day to day basis, and have the greatest professional interest in ensuring that the UP provides for a quality, liveable compact city. As planning professionals, NZPI members’ unique expertise has led NZPI to provide the following feedback.

This feedback is the product of consultation with all members, in particular the NZPI Auckland Branch. This feedback may not necessarily reflect the views of individual NZPI members, but rather, it reflects the views of a range of members, including minority views.

This feedback does not address every aspect of the DUP, but rather provides comments on those issues which NZPI members have identified as problematic. Where possible, NZPI has signalled those parts of the DUP that members have voiced support for, and also identifies areas where NZPI members have voiced concern.

2. General comments

NZPI wishes to commend Auckland Council and its officers for delivering the DUP within the tight timeframes imposed and limited resources. NZPI acknowledges that even with those limitations, the DUP is a useful initial document and ‘start’ towards shaping the future of Auckland and delivering on the Auckland Plan’s aspirations. In NZPI’s view this work is critical to ensuring that the final UP is robust and workable and leads NZPI to make the following comments.

Timeframes – getting it right rather than getting it quickly

NZPI members are concerned about how little time Council officers will have to amend the DUP following community feedback. This is especially concerning because community feedback to date has revealed considerable contention with aspects of the DUP. Council has an obligation to the public and submitters to take the appropriate time to consider the feedback and what that means for the current DUP. Furthermore, there is risk in not doing this, because once the DUP is notified Auckland Council is prohibited from amending or varying the proposed plan before it is operative¹.

NZPI members recognise that the UP should be ground breaking and a significant planning document in the history of New Zealand planning. The UP will not only guide the future of Auckland, New Zealand’s largest city and economic engine, but will also have implications for all of New Zealand.

NZPI members therefore strongly recommend that Council grant itself more time to develop and deliver a UP that is well considered, aligned, legally robust, and of a quality that both present and future generations of Aucklanders and wider New Zealand deserve. NZPI members would also like to see a UP that reflects high

¹Resource Management Reform Bill, New section 121. <http://www.legislation.govt.nz/bill/government/2012/0093/latest/whole.html>

quality planning that they, as planning professionals, would be proud of, and will deliver on the aspirations in the Auckland Plan.

Informed Community Feedback

As planners, NZPI members understand and fully appreciate the difficulty in translating planning language into terminology that is easily consumed and understood by non-planners. This difficulty is particularly relevant for the DUP. The structure of the DUP, with its multiple and complex zoning and overlays, makes it difficult for the layperson to understand without professional support. The software that drives the innovative electronic document technology intended for public use needs to be further developed and tested to enable the public to easily use the document and to produce reliable information on their property or neighbourhood.

Members have noted that the myriad of overlays and precincts in combination mean that the DUP seems just as complex as the existing suite of plans and zones, and it is not achieving one of its core aims, which is to provide a more simplified planning document. While the electronic tool currently shows the implications of the DUP at individual sites, it is challenged to display information at the regional or district level, such as the Strategic Transport Corridor zones. It is also not clear which maps are part of which policy statement, regional plan, coastal plan, or district plan.

The sheer size, necessary complexity, and language of the DUP, and the fact that it is only available online (unless the consumer wishes to spend significant monies) all conspire to prompt NZPI to reiterate its plea that more time be given to growing public understanding of the DUP, and therefore capturing informed feedback.

Quality Compact Auckland

NZPI members have voiced support for the compact city principle (1.5.1) and a UP that underpins Auckland Plan's strategic direction for a city/region that is able to adapt and change as inevitable growth continues. The projected population increases and improvements in productivity mean that Auckland will continue to grow strongly over the next 30 years, both in terms of population and economic activity. A key objective is for Auckland to be a "compact, quality city", with a requirement for a significant increase in urban intensification within the city. The concept includes all necessary supporting infrastructure and its costs required to achieve the vision to become "the world's most liveable city", including transport, social and cultural, water, energy, telecommunications, and open space. Members recommend that implementing the first 10-15 years of growth ability as defined in the Auckland Plan (metro and town centres, CBD) and not all 30 years at once, would enable more responsive and managed planning and better integration of infrastructure.

District and Regional Plan rules

NZPI members recommend that the distinction between District and Regional rules and consent requirements needs greater clarification. This is important given the regional rules will have weighting when notified and the district rules will need to go through the board of enquiry process. Where more than one activity (both land use and regional) is involved and those activities are inextricably linked (this could be clearer), the general rule is that the activities should be bundled and the most restrictive activity classification applied to the overall proposal. For the purposes of notification and assessment of effects, Council will integrate these consents so the applications are considered holistically.

NZPI members also note that designating authorities do not have to meet District Plan rules but do have to get regional consents. It is therefore important that designating authorities have clarity around these requirements, especially for key infrastructure such as schools (Ministry of Education) and State Highway networks (NZTA).

Consideration of options and section 32 report

NZPI members strongly recommend that the section 32 report be made available, and have voiced concern about its absence. Not enabling "consideration of alternatives, benefits, and costs" - as per the Resource

Management Act 1991 (RMA)² - occludes the public's ability, and opportunity, to both understand and engage with Council on proposed aspects of the UP. NZPI recommends that the report be made available to enable a proper debate about the proposed approach for intensification of development, and whether it is appropriate in the way it has been presented in the DUP.

A number of Auckland communities, particularly suburb communities, do not appear to be ready for the type of change proposed in the DUP and are forming negative views on more intensive development that is critical to supporting and enabling the Auckland Plan's aspirations. On-going public consultation and engagement and a much greater level of disclosure will be necessary if Council is to successfully get buy-in from the public, and successfully implement the DUP and Auckland Plan.

3. Addendum to the Draft Auckland Unitary Plan

NZPI members have voiced concerns that the Rural Urban Boundary (RUB) may be compromised by the proposed "Auckland Housing Accord". Members recognise that the proposed Accord is an opportunity to accelerate housing within identified greenfield and brownfield areas over the next three years. However, there is a real risk that this acceleration will be at the expense of already well planned developments if new developments are done prior to the investigation phases proposed in the RUB Addendum. There is also a further risk that the Special Housing Areas (SHAs) will start to drive the infrastructure programme, rather than the plans already developed.

Another concern is that while the Accord may well deliver an increase in housing stock, it could still fail to address the issue of affordability across a range of dwelling types, including rentals. Affordability is strongly related to the type and location of housing, and a simple increase in housing stock does not take into account other financial considerations for households in their dwelling choices, e.g. additional costs such as transport.

Tools to enable Affordable Housing

NZPI members support the integration of tools into the UP to enable affordable housing, where appropriate, but do not see the UP as the only mechanism in addressing affordability. NZPI believes that affordability is something that needs a comprehensive and much broader response. Simplistic approaches, such as expanding substantial greenfield land for housing, are not a sustainable use of resources, nor does it necessarily lead to greater or more affordability. A range of broader tools outside the planning framework are used successfully overseas. NZPI encourages Council to explore a range of tools and options that it could adopt to deliver and enable affordable housing beyond the UP. The lack of a Section 32 report, however, again impedes the public's ability to fully understand and support the range of tools considered to address affordable housing.

Uplift / Betterment levy

NZPI encourages Council to explore thoroughly the range of tools and mechanisms available to it to support any affordable housing aspirations. It is recognised that the uplift or betterment levy tool (proposed in the Addendum to the DUP) has commendable objectives, i.e. to fund necessary infrastructure and improvements that can support and enable affordable housing. It is recommended, however, that there be further investigation into this option, as it has had mixed success overseas. That is, while it has been successful in some locations, it has been contentious and difficult to sustain in others, e.g. Australia, the UK. The UK, for example, has moved away from this practice due to its complexity and litigious nature, in particular regarding the betterment liability with a change of use³.

NZPI members support the suggestion that inclusionary zoning be considered as another possible tool for Council to investigate to assist with enabling affordable housing, as has been used in London, for example. However, this tool would require further investigation and rely on government support and regulation.

² Resource Management Act 1991, [32 \(1\)](#) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under [section 48](#),...

³ Value Capture Mechanisms - International Models and their relevance to New Zealand. Report for the Ministry for the Environment by SGS Economics and Planning Pty. Ltd, June 2007. <http://www.mfe.govt.nz/publications/urban/value-capture-mechanisms/value-capture-mechanisms.pdf>

4. Regional Policy Statement

The DUP has the advantage that within a single plan there is an opportunity to combine the separate RMA planning documents, including the Regional Policy Statement, Regional Plan, District Plan, and a Regional Coastal Plan. NZPI members' concern is that as currently drafted, the different parts of the DUP do not clearly relate to the different RMA requirements. This has the potential to undermine the UP, both in terms of getting it through the plan making process, and in its administration in the longer term. The following comments address provisions within the Regional Policy Statement.

2.1. Issues of regional significance

NZPI members have concerns about whether there is an appropriate balance between the issues of regional significance and the substantial urban growth anticipated for Auckland. They have noted that while many issues will require an urban focus, only two of the eight issues identified are urban focussed; Issue 1- enabling urban growth, Issue 2 - enabling economic well-being, with the remaining six primarily environmental.

2.1.1 Enabling quality urban growth

NZPI members agree that quality urban growth is important, and supports enabling well planned, quality urban growth for the future. The long term consequences of not planning, or planning poorly, will result in growth, but not in an appropriate, sustainable way.

2.1.2. Enabling economic well-being

NZPI members recognise the important role that Auckland plays in New Zealand's economy, and that this has implications for choices about land use and infrastructure planning. NZPI members support enabling economic well-being, recognising that quality urban form and accessibility for residents will support a healthy economy. They assert, however, that the promotion of economic activity must be balanced with the sustainable management of natural and physical resources.

2.1.4 Mana Whenua

NZPI members support addressing issues of significance to Mana Whenua and Mataawaka interests as affirmed by Te Tiriti o Waitangi. NZPI members recognise the critical role Mana Whenua play in the kaitiakitanga of resource and sustainable management of the wider Auckland region (2.5.2) and support their pursuit of co-management, conjoint management, and co-governance. NZPI members also support addressing issues of significance to Mana Whenua (2.5), including recognition of Te Tiriti o Waitangi partnerships and participation (2.5.1), Mana Whenua development (2.5.3), and protection of Mana Whenua culture and heritage (2.5.4).

2.1.5 – 2.1.7 Sustainably managing our natural resources, coastal environment, and rural environment

NZPI members support the sustainable management of our natural resources, as well as coastal and rural environments. Furthermore, NZPI members note that climate change will have an increasing impact on the natural environment, and recommend that more work be done on how climate change will impact the future of Auckland within a national context.

2.2 Enabling quality urban growth

NZPI members support quality urban growth, and agree that to achieve this land for future growth should be identified, prioritised and planned for. Likewise, NZPI members support objectives and policies that will enable a quality urban environment (2.2.2) to achieve an appropriate supply of land in both urban and rural areas, and residential housing choice that includes a mix of housing and dwelling types.

NZPI members have noted the importance of quality urban design, and recognise that it is an investment rather than a cost that can increase the value of developments and urban spaces, and better deliver on the liveable city aspirations. It is recognised that a quality urban environment, especially one that is significantly

intensified, cannot be delivered solely via the UP. Council needs to develop a comprehensive package of statutory and non-statutory tools with NZPI members, community, and the development industry. The Auckland Design Manual and associated panels combined with the UP are only part of the solution to deliver a quality urban environment.

NZPI members recognise the important role that public open space and recreation facilities play (2.2.6). Good quality open space is critical to the vision of a “liveable city”, particularly one that will become more compact in form. Members therefore support managing and developing public open spaces and the wider network of recreational land and water facilities and spaces.

NZPI members recognise the importance of social infrastructure (2.2.7), and the increasing need for facilities and institutions that support residents. There is concern, however, that this needs to be planned for appropriately together with central government to ensure that funding is provided for schools, hospitals, community centres, etc.

2.3 Enabling economic well-being

NZPI members support enabling economic well-being, including the appropriate development of commercial and industrial (2.3.1), as well as rural areas. NZPI members support policies that encourage commercial intensification in identified growth areas, but note that the infrastructure to support it, including access for workers to these locations, must be well considered. Members have indicated their concern regarding the provision of Business Zones and quality urban zones, and the lack of design controls in the Part 4 (Rules) of the DUP. Members also understand the need to provide appropriate infrastructure and energy (2.3.2) for both the social and economic well-being of its residents and the region, including infrastructure upgrade and extensions to provide for population growth.

2.3.3 Transport

A high quality network and transport system is critical to the growth and development of the region, accessibility, and Aucklanders’ well-being. NZPI members are concerned that the current transport planning sections of the DUP may provide what is necessary for residents in the long term, but requires more work. They advocate for transport planning that reflects the necessary transport modal shifts needed for the growing population. These members note that they expect congestion to increase rather than decrease over the next 40 years, and that transport planning policies are not fully aligned with, nor fully support the Auckland Plan Development Strategy.

2.4.1 Protecting our historic heritage, historic character and natural heritage

NZPI members agree that historic heritage (2.4.1) is important to Auckland, and recommend that this extends beyond protection. As Auckland grows, there will also be an increasing tension between development and the preservation of historic and natural heritage. NZPI members recommend that further investigations ensure that where possible, important natural areas and environments are not destroyed, and that appropriate areas are developed.

2.6 Sustainably managing our resources

NZPI members support the sustainable management of our resources, such as air and freshwater, as set out in the RMA. Members have recommended that the sections *Land - contaminated* (2.6.5), and *Land - hazardous substances* (2.6.4) in particular be given greater clarity, and scope (e.g. GMOs are not hazardous substances and should be moved from this section to a more appropriate place in the Unitary Plan). It is also recommended that more work be done on the *Hazardous Substances and Contaminated Lands* sections of the accompanying Objectives and Policies and Part 4 Rules sections as there appear to be some discrepancies.

2.6.6. Natural hazards

NZPI members support planning for and managing natural hazards. It is recommended that this section could better recognise the need to plan for and manage natural hazards and environmental processes impacting on the natural environment such as climate change, sea level rise, and volcanic activity.

2.7 Sustainably managing our coastal environment

NZPI members recognise the significance of the coastal environment and ecosystems of Auckland's harbours and coasts, including the Hauraki Gulf, its islands, and its catchments (2.7.3). NZPI members support the sustainable management of the coastal environment as an integral part of the region's natural environment.

2.8 Sustainably managing our rural environment

NZPI members note that increasing urban growth and expansion of the metropolitan area must be matched by sustainable management of our rural environment. It is suggested that a better understanding of how we want to use these highly productive agricultural lands is necessary in the immediate future.

5. Part 3 Regional and district objectives and rules

NZPI members generally support the objectives and rules identified, reflecting as they do the issues identified in the RPS and in the Auckland Plan. However, members have concerns that the rules do not wholly support these objectives and policies and that the lack of coordination throughout the DUP undermines its integrity. It is recommended that greater clarity be given regarding the interrelationship of regional and district rules and the structure/description of the objectives and policies relate better to these rules.

6. Part 4 Rules

Zoning

NZPI members have raised concerns about proposed zoning and the rationale for zoning decisions, and query whether the rules will ensure quality development and how Council intends to provide for it. NZPI members have noted that the zones identified throughout the zone maps could better reflect the growth aspirations and outcomes of the objectives and policies and issues, i.e. intensification and a liveable compact city.

Members would like to see a managed and staged implementation of the zoning framework that can assist the market to provide development where the best servicing exists and where the facilities are available to support a growing population, e.g. town centres. It is important that land use and transport/infrastructure planning is integrated and aligned. NZPI members would like to see clearer alignment between the UP's zoning for residential development and the supply of supporting infrastructure. In particular, there may be limited control over location of development in the mixed housing zone, which could lead to widespread cumulative impacts leading to infrastructure being unable to cope with the additional demand.

Members have suggested that Council consider whether the assessment and review of the 30 year zoning framework in the DUP may be achieved at a more local level by rolling out the already committed programme of Local Board-level area planning. This can assess more local constraints and opportunities for growth, with communities and local boards engaged throughout. Changes to the UP can then be gathered up at the next review stage, or implemented through plan changes in a progressive, staged approach.

Activity tables

NZPI members recommend that the use of the restricted discretionary activity status for development control breaches needs to be carefully considered, particularly in relation to defining such breaches. NZPI members recommend that Council clearly justifies why discretionary activity status may not be more appropriate for significant breaches.

NZPI members also raise the issue for Council that if the UP is intended to provide for a more compact urban way of living, including urban activities such as restaurant and cafes, then urban activities should not be non-complying activities in higher density residential zones.

NZPI members recommend that the Definition of Urban activities (Part 5) includes reference to people and communities, as urban activities are characterised by people and community living. Infrastructure, traffic, and other listed activities are a consequence of people living in urban environments.

Urban Design

NZPI members have concerns that the non-statutory Auckland Design Manual (to be released in September 2013) will only apply to urban developments of over 4 units in the mixed housing zone, with those under 5 as a permitted activity with no design review process. However, a substantial number of urban units will be provided under 5 stories that should be subject to a design review process. It is also recommended that Council consider special restrictions be included to ensure that neighbouring properties are not compromised by virtue of loss of light and outlook.

Parking

NZPI members agree that if the Council objectives support a compact city vision and aspiration that appropriate tools should be applied, and that these may include maximum parking requirements that have been applied in the City Centre, City Centre Fringe (Parking) Overlay, Metropolitan Centre, Town Centre, Local Centre, and Terraced Housing and Apartment Building Zones. Council is encouraged to carefully consider the appropriate nature of different parking controls, where and when they be applied and clearly outline this justification.

Monitoring and Evaluation

NZPI members have noted the absence or reference to how the UP will be monitored and evaluated, aside from an indication that Council has a monitoring programme (1.11 *Other monitoring*). It is noted that plans developed by previous Auckland Territorial Authorities were not consistently or thoroughly monitored, and that this failure can lead to unintended planning outcomes and to a lack of strong evidence for the next planning cycle.

It is recommended that Council considers an additional section to explicitly monitor the UP. This could outline the general process that Council will use to monitor the delivery of the UP's objectives and offer specific metrics or indicators for each objective or group of objectives. Guidance notes and detail outlining what is required for effective plan monitoring is available on the Quality Planning website⁴.

7. Conclusion

NZPI wishes to thank the Mayor, Councillors, and officers for the opportunity to provide feedback on the Draft Auckland Unitary Plan. We trust that these comments and recommendations will be useful.

NZPI is keen to work with Auckland Council, and we would welcome the opportunity to meet with you to discuss our feedback more fully. Should you have any queries regarding the above feedback, please contact either of the following:

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⁴<http://www.qualityplanning.org.nz/index.php/plan-steps/monitoring>

Yours sincerely,



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