



Productivity Commission “Better Urban Planning” Issues Paper: NZPI Preliminary Response

Prepared by NZPI Senior Policy Adviser, 21st January 2016

1. Introduction

The NZPI welcomes the opportunity to participate in this significant and timely review of New Zealand’s system of urban planning that has been initiated by the Ministers of Finance, Local Government, Building & Housing, Environment, and Transport.

As part of its policy programme NZPI responds to calls for submissions from a range of agencies and at multiple scales. This report responds to issues raised in the Productivity Commission’s “Better Urban Planning” paper¹ and contain preliminary suggestions for the review. NZPI’s contribution to the process and discussion will be further developed as the review progresses through engagement with the review, and consultation with its members whose knowledge of, commitment to, and practical experience with, our country’s planning system will be of immense value.

Consistent with submissions to previous Productivity Commission investigations, NZPI supports the Commission taking a wide-reaching approach and assessment of the issues which arise with urban planning. We note that the Central Government terms of reference (TOR) support that approach.

NZPI would like to reiterate points made in submissions to previous Productivity Commission inquiries that considering the planning and development system only as a means of dealing with externalities associated with land use co-ordination problems is too narrow an approach. Policy interventions that address those urban planning issues need to be comprehensively considered alongside other urban development objectives and strategies. NZPI generally supports the use of spatial planning for the successful development of an urban environment. However, we caution that spatial planning cannot be limited to addressing the provision of land for housing and must be an integrated process which includes all elements that make a successful, livable city. These include locations for employment, social and public services and facilities, transport networks, other infrastructure, parks and reserves, amongst other amenities.

NZPI also reiterates a concern based on our members’ experience, that the general public is least likely to engage with strategic and district planning processes that cover wide areas. Enabling public participation at local level is an extremely important objective for any planning system in a democracy. The goal of this review should not be a quick change process, but the introduction of a quality planning framework for all of New Zealand.

The purpose of this preliminary NZPI response is to:

- a) Make an initial contribution to the review, suggesting a principles based approach, responding to specific Government Terms Of Reference requirements,

¹ NZ Productivity Commission, 15 December 2015, Better Urban Planning Issues Paper
(Available at: <http://www.productivity.govt.nz/sites/default/files/better-urban-planning-issues-paper.pdf>)

- b) Suggest authorities whose thinking could usefully inform the review,
- c) Stimulate debate and discussion and rise to the challenge.

2. Government Terms of Reference for the review of NZ's system of Urban Planning

The Government terms of reference for the review state:

The inquiry should cover:

- Background, objectives, outcomes and learnings from the current urban planning system in New Zealand...
- Examination of best practice internationally and in other cases where power is devolved to a local level in New Zealand.
- Alternative approaches to the urban planning system.

The report should deliver a range of alternative models for the urban planning system and set up a framework against which current practices and potential future reforms in resource management, planning and environmental management in urban areas might be judged.

... it is intended to take a 'first principles' approach to the urban planning system².

This NZPI preliminary response to the Productivity Commission's issues paper is structured accordingly. It begins to address the challenge posed by the review, and to engage with the discussion that has been initiated by the Productivity Commission.

3. Background, objectives, outcomes and learnings from NZ's current urban planning system

These preliminary submissions relate to the TOR statement of what the inquiry should cover, and respond to matters raised by the Commission in its interesting start to the research, analysis and discussion that will be needed. NZPI generally concurs with the Commission's account of NZ's current planning system set out in Chapter 4 of its paper, but considers that it is particularly relevant to the current review that the account of the background properly and fully describes the political origins and the policy objectives of the Resource Management Act reforms. Without this background any account of the outcomes and learnings is problematic. We suggest that the outsider's account of the Resource Management Act (RMA) that was provided by US environmental specialist Julie Frieder while on an Ian Axford Fellowship for Public Policy in New Zealand where her host institution was the Ministry of Environment, constitutes a well-researched and independent account³ providing an appropriate policy basis for an understanding of the forces and influences that led to and are enshrined in the RMA. The introduction to her report states:

It is well known that the RMA was part and parcel of a massive reform programme in New Zealand that lasted from 1984 through 1990. A hot-bed of neo-libertarian thinking, New Zealand's Fourth Labour Government embraced public choice theory and managerialism to overhaul New Zealand's economy, local government, health and education systems, state sector, social welfare and resource law. Two objectives evident in every area of reform were economic efficiency and public accountability. These two reform objectives featured prominently in resource management law review. But there was a third driver of resource management law reform – the desire for superior environmental protection. A new resource

² NZ Productivity Commission, 15 December 2015, Better Urban Planning Issues Paper (pages 93-95)
(Available: <http://www.productivity.govt.nz/sites/default/files/better-urban-planning-issues-paper.pdf>)

³ Frieder, Julie (1997) *Approaching Sustainability: Integrated Environmental Management and New Zealand's Resource Management Act*.
(Available: http://www.fulbright.org.nz/wp-content/uploads/2011/12/axford1997_frieder.pdf)

management law and policy took shape out of the alignment of “pull and push” forces. The “pull” came from government reformers anxious to replace regulations with market-driven approaches to resource policy. The “push” came from environmental advocates, both within and outside government, who were disappointed with the Muldoon-led government’s environmental record and were demanding superior environmental protection.

A fair assessment as to whether the RMA reforms met those objectives would be in the affirmative. Regulations were removed to make way for a planning system that was permissive and largely driven by market forces. Environmental bottom lines satisfied the concerns of environmental advocates, decision-making was localised and the potential – at least - for public accountability was established. Those objectives were met. But there have been unintended consequences. Frieder writes tellingly of the public policy challenges that arose/would arise with the implementation of many planning policy ideas in New Zealand – many of which were imported from her native United States of America:

Are (were) the people in New Zealand ready for the RMA and its necessary departure from the status quo? This question must not be read as accusatory or value-laden. It is simply a statement that getting from an old way to a new and improved way requires commitment from people to take risks and change. Consider that some laws are “technology forcing.” They set emission standards at levels that are not achievable with existing technology. Thus, a “technology forcing” law actually “forces” new technologies on to the market. In a similar vein, the RMA is a “behavior forcing” law. Its objectives, namely integrated environmental management, cannot be met with the existing behavior, attitudes, and norms. Compliance with the RMA is “forcing” new behavior, new ways of doing business. The resistance to change stifles innovation and makes compliance unnecessarily costly and slow.

Another issue related to culture is the importation of foreign ideas into New Zealand society. In the 1980s, several New Zealanders (who later became leaders in the reform) traveled to England and the United States. There they were introduced to new models of planning, impact assessment, public participation and deregulation. With little tailoring, these ideas became part of the RMA fabric. Take, for example, the idea of using market mechanisms, as opposed to rules, to achieve environmental objectives. In the US, market mechanisms are viable policy instruments because environmental quality data and corporate emissions data are widely available to market. Without that information, the market cannot allocate efficiently. In New Zealand, there is a presumption of privacy. Corporate emissions data is believed to be private. Environmental data are not readily available to the market or to the public which limits the use of information and market-based mechanisms as viable alternatives to regulations.

Attitudes toward public participation illustrate another way in which culture influences RMA implementation. The RMA provides for extensive participation by divergent interests such as iwi or community groups. This “multi-stakeholder” model of participation moves the process of reconciling competing resource values to the front end of the policy process. It is increasingly common in the United States where it is successful because third parties and nongovernmental organisations (NGOs) are equipped with resources, experience, access and the capacity to participate fully. In some cases federal or local government funds NGO participation to guarantee a fair and balanced process is achieved. Collaboration of this sort is a new paradigm of participation in New Zealand. It inverts the conventional consultation method of formal notification and eleventh hour submissions followed by possible courtroom battles. Moving to the new approach envisioned by the RMA requires (among

other things) a cultural transition from legal formalism to approaches that use informal negotiation and consensus building techniques.

Lynton Caldwell summarized well the importance of culture when he wrote: “Individual and institutional change must proceed together if society is to be transformed. Human behaviour is at once individual and social; it is structured and reinforced through institutions. A strategy for action must, therefore, apply to individual, institutional and social behaviour simultaneously.”

The seeds for many of the RMA urban planning problems that are described in the Commission’s report were built into the Act and its receiving environment when it was passed into law. Because of the lack of appropriate monitoring and information about emissions and other discharges the market inevitably failed to efficiently correct itself. Because of the absence of rules and controls to protect private property from the activities of adjacent property owners and developers it was inevitable that local councils would reach back into previous regimes and reuse Town and Country Planning Act scheme processes and rules to correct for that aspect of market failure. This comes as no surprise to urban planners who have worked professionally under both regimes.

It is important to learn from mistakes that have been made in previous reforms in order to avoid making them again in future reforms.

4. Examination of best practice internationally

NZPI suggests that an excellent and authoritative starting point for a review of New Zealand’s system of urban planning is the text *Australian Urban Land Use Planning: Principles, Systems and Practice*⁴, by Nicole Gurrán. She refers to the concept of planning as a form of urban or environmental governance, a set of expectations or principles for the 'procedural' aspects of planning (how the planning system operates), and the 'substantive' outcomes of this process (what the planning system delivers). She suggests:

Before understanding why we undertake a process such as land use planning and the objectives of this process, it is important to clarify what we mean by 'planning'. The term 'planning' has different meanings in different contexts. In the context of urban policy, the expressions 'town and country planning', 'urban planning', 'land use planning', 'environmental planning' and, increasingly, 'spatial planning' are used to refer to a formal process regulating the use of land and the development of the built environment, in order to achieve strategic policy objectives. In this strict sense, planning is a 'particular form of public policy intervention in the arena of private decisions with regard to the use of land, governed by particular legislation' (Bramley et al. 1995, p38). The international Society of City and Regional Planners (ISOCARP) describe the activity or land use planning as anticipating, preparing for, 'regulating and promoting changes in the use of land and buildings' (ISOCARP 2001. pxi). Consistent with this definition, planning can be understood as a methodology for identifying appropriate future actions to occur within a defined environment, including the use of various aspects or 'resources' contained within it. More broadly, and in relation to the Australian context, Brendan Gleeson and Nicholas Low argue for an understanding of spatial planning as a form of urban governance justified by the 'ideal of social justice' and directed to the 'challenge of ecological sustainability' (Gleeson & Low 2000, p2). (Gurrán, 2011, Chapter 1)

⁴ Gurrán, Nicole (2011) *Australian Urban Land Use Planning: Principles, Systems and Practice*, Sydney University Press

NZPI notes the significance of the potential central government intervention that will be required to give effect to recommendations that are accepted and adopted from the Commission review. This significance requires a very careful assessment of the purpose of that intervention. Gurran provides this advice when building a rationale for a planning intervention:

A primary justification for public intervention through the land use planning system relates to the potential negative impacts, or 'externalities' of an individual's activities in the private use of land upon neighbouring landholders and the broader community (Bramley et al. 1995). In other words, 'one householder's environmental gain from a new or improved dwelling may well signify a loss of amenity for their neighbours' (Blake & Collins 2004, p124). To use a common example, a new addition to a house next door that achieves an additional storey and better views can also result in a loss of sunlight, privacy and outlook for the neighbours, and, depending on the design, may also detract from the visual appearance of the streetscape. Inappropriate development adjoining a nature conservation area could reduce experiential values for visitors and result in the spread of exotic plants and weeds, threatening the delicate ecological systems within the adjoining reserve. Over time, the cumulative effect of many such developments can make a significant impact on the qualities of our shared urban and regional landscapes. Therefore, a clear land use plan, developed with public input, and setting out the rules governing future changes and the parameters for assessing particular development proposals, gives members of the community a degree of certainty and involvement about future changes. In other words;

(The) certainty provided by a publicly accountable land use plan, supported by consistently applied development controls, may be seen as a social freedom outweighing the traditional right of the individual to develop land anywhere and in any manner (Blake & Collins 2004. p124).

In her review of the land use planning system in Britain, Kate Barker concluded that the planning system plays an important role in managing urban growth and particularly in addressing areas that are not effectively dealt with by the private market (Barker 2006). For instance, if it were solely up to the private market there would likely be an insufficient provision of important community infrastructure or protection of open space, or only those areas able to incorporate these amenities within private developments, such as premium master planned estates, would enjoy access to them, exacerbating social inequalities. The planning system can also directly contribute to socially fair outcomes in urban development, for instance, by structuring strategies to encourage the regeneration of areas suffering economic decline, or the promotion of socially mixed communities within new and changing areas. Planning is intended to provide a key mechanism for public participation and representation to protect all sectors of the community from developments that may have an unjust impact on them. It provides a process for generating and disseminating necessary knowledge needed to inform urban development strategies. Planning also provides a defined methodology and policy framework for coordinating and resolving the different components of urban development - housing, employment opportunities, public space, transportation, water, biodiversity protection, and so on. Often these matters seem to relate to rival objectives - for instance, the need to provide new housing and infrastructure, and the need to protect the environment. Planning provides a process and forum for resolving these competing issues. Finally, the planning system helps overcome blockages to essential development of land that could arise if landowners choose to act in a monopolistic manner (by refusing to sell sites needed for essential urban developments). Planning interventions including the compulsory acquisition of land can help to address this problem (Barker 2006, p26). (Gurran, 2011, Chapter 1)

NZPI submits that an appropriate review of New Zealand's system of urban planning would benefit from this kind of rounded and integrated approach in order to engage with the challenge posed.

5. Examination of Best Practice: Urban Design and the Scope of Urban Planning

In its discussion of the scope of planning, the Commission's issues report provides a somewhat light-hearted account of urban design including an opinion that the New Zealand Urban Design Protocol reflects "the poor quality of some central government planning advice". NZPI's understanding of that particular matter from members is that the protocol itself is highly regarded, but that because of its legislative context (notably the RMA), planning and consenting authorities face enormous implementation obstacles. We suggest that the Commission conduct wider ranging research on the topic of urban design. In support of that suggestion we describe here very briefly various urban design initiatives which have been conducted as part of what the industry would regard as appropriate and effective urban planning.

High rise urban design in New York. "Since the 1960s many cities have introduced new forms of downtown zoning to influence the design and amenities of large-scale development projects. These increasingly complex public strategies for regulating skyscrapers follow a tradition established by New York City's 1916 and 1961 zoning laws. The landmark 1916 law devised a compromise solution to the problem of real estate conflicts over the height and bulk of buildings in commercial districts by permitting tall buildings if they preserved a certain amount of light, air, and "open space in the sky?" Zoning prescriptions for setbacks and towers generated a new style in skyscraper architecture. In the 1920s many cities adopted the New York setback formula instead of flat building height restrictions that would limit skyscraper development New York's 1961 law shifted the focus to plazas and open space at ground level with a system of floor-area ratios and density bonuses. Again many municipalities enacted New York-style incentive zoning. New York City's innovative approaches have served as national models for mitigating the impacts of skyscrapers.... "

(More on this at: http://www.globalurban.org/Skyscraper_Zoning.pdf) Extensive literature exists which describes the role of urban design and aesthetics in the urban planning and shaping of cities in addition to New York particularly: Barcelona, Sydney, Copenhagen, and Portland.

It is unfortunate for investors in Auckland's first new CBD high rise apartment buildings ten to twenty years ago - that Auckland City Council did not prepare and adopt appropriate urban design controls to protect occupier privacy, sunlight access, and amenities beyond carpark provision.

Best Practice in Medium Density Housing Design. An enormous amount of research has been conducted in New Zealand relating to the planning and development of medium density housing – some of which has recently been conducted by the Commission. There is a rich history of the role of urban design systems of one sort or another to deal with typically local New Zealand issues. This is not captured at present in the Commission's issues report. An example that is readily accessible includes North Shore City Council's experience of, and response to market failures in the planning and construction of medium density in the early implementation years of its District Plan. A useful report summarising much of this work and experience for New Zealand, with some cross-Tasman comparisons, was prepared by Housing New Zealand (available at: <http://www.hnzc.co.nz/our-publications/research/research-and-evaluation/best-practice-in-medium-density/best-practice-in-medium-density-housing.pdf>). Of particular note are its conclusions:

1. Medium density housing invariably involves a degree of compromise. This is a consequence of building at higher density levels (than traditional suburban housing) while seeking to address multiple objectives, including the mix of house types, car access, privacy, security, interface with the public domain, and construction costs.

2. A review of the literature indicates that: there are numerous ways of calculating density, and the term medium density housing refers to different density ranges in different jurisdictions; good design becomes critical above a density threshold of approximately 30 dwellings per hectare; development values will be retained or improved at higher densities if design techniques are sophisticated; extra development costs of higher density can be recovered by better unit values if design improvements are made.

6. The study observes that traditional housing forms are widely re-employed in New Zealand in modified forms and in compacted versions, both inside the house and in the site layouts, in many new developments. It is considered that quality medium density housing environments cannot be achieved by this strategy, and that the challenges of changing urban lifestyles, demographic shifts, and environmental conditions cannot be adequately met by this 'compacted suburbia' approach. Best practices in other comparable countries have developed house types and layouts specifically suited to medium density housing.

8. Public acceptance of medium density housing is affected by location, and design. Public and neighbourhood expectations of new schemes include their ability to offer economic and social integration. Good design quality has been identified in Britain, the United States, and Australia as a key factor in increasing the degree of public acceptance of medium density housing.

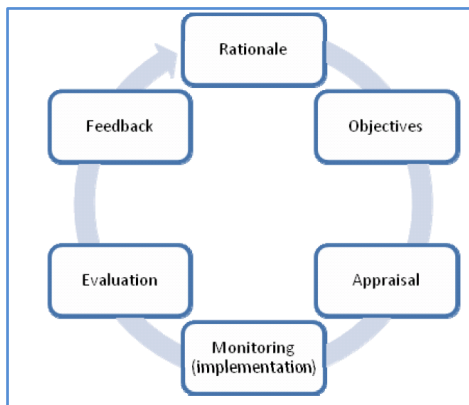
Urban design and urban waterfront regeneration. cursory examination of the role of urban design in the planning of major New Zealand urban regeneration projects at Auckland and Wellington waterfronts demonstrates the influence and importance of urban design considerations. Auckland's Wynyard Quarter's internationally acclaimed social and economic success is demonstrably due to the preparation of the *Wynyard Quarter Urban Design Framework*. And, in the case of Wellington, the 2001 *Wellington Waterfront Framework* is regarded by many as the key planning design influence and shaper for future development.

The common factor in these preliminary examples is simply this: major changes in urban form that are brought about by technological, economic or social forces (for example high rise, medium density, urban renewal) typically lead to situations where there are winners and losers, and where those wins and losses are not balanced or mediated by market forces or by the planning system. There is a mixture of market failure and planning system failure which is usually corrected by some sort of intervention including changes to the planning system which are brought about by urban design processes. Urban design plays a critical role in times of urban change. Nowhere is this more evident than in Auckland where there is increasing pressure to intensify, and to build more homes in existing urban areas. The receiving environment for this type of development includes individuals and institutions with property investments in such areas, and who enjoy the benefits of communally and publicly owned assets. The current planning system is not set up to deal with the property right issues that inevitably arise. Urban design initiatives should form part of the urban planning approach and system that is needed now, and will be needed in future.

7. Framework for Assessment and Evaluation of Urban Planning Intervention

A key aspect of the TOR is the need for a framework by which future reforms might be judged. NZPI considers that this requirement is fundamental to reform of New Zealand's urban planning system. It recognises that there is a need for a planning system that is reflective, that 'learns', and that adapts as circumstances change, and that changes as systematic monitoring and evaluation of system performance in achieving its objectives suggests there is need for further change.

There are many policy cycle framework examples that could be adopted in the work of the Productivity Commission. Below, we describe, summarise and adapt the so-called ROAMEF⁵ approach promoted by the UK Government for the management of policy interventions.



Alternative Urban Planning system policies may be comprehensively assessed and managed through the ROAMEF Cycle. The Rationale, Objectives, Appraisal, Monitoring, Evaluation, Feedback cycle ensures policy makers design into the policy process evidence of whether interventions are achieving their aims and objectives. This is a proven, sequential, robust evaluation process. It is systematic and follows a logical process.

Rationale

The policy maker will be required to deliver Ministry requirements (these are set out in the Terms of Reference) and will be sensitive to feedback (including from submitters). NZPI suggests that the rationale for this proposed system of urban planning intervention needs to be clearly and transparently stated. This will then allow for the statement of transparent and measurable policy objectives. We note that the stated aims and scope of this proposed policy intervention, as set out in the TOR, are:

The purpose of this inquiry is to review New Zealand’s urban planning system and to identify, from first principles, the most appropriate system for allocating land use through this system to support desirable social, economic, environmental and cultural outcomes.

This statement, which might be described as the rationale for the intervention, suggests it is to achieve desirable outcomes. In order for a framework to be produced whereby the achievement of those outcomes can be judged, those outcomes need to be analysed and classified into specific objectives whose delivery can be measured.

Objectives

SMART objectives should be designed for the short, medium and long term. Options and alternatives are generated and initial feasibility studies conducted. Options would typically be appraised for effectiveness and efficiency. In the case of urban planning there are many types of urban development – one size will not fit all. Appraisals may include the best estimate of costs and benefits.

Appraisals

Appraisals might be developed as follows (quoting liberally from ROAMEF sources):

- Identify and value the costs of each option
- Identify and value the benefits of each option
- If required, adjust the valued costs and benefits for:
 - Distributional impacts (the effects of proposals on different sections of society)
 - Relative price movements
- Adjust for the timing of the incidence of costs and benefits by discounting them, to obtain their present values
- If necessary, adjust for material differences in tax between options
- Adjust for risk and optimism to provide the Base Case, and consider the impacts of changes in key variables and of different future scenarios on the Base Case

⁵ See for example: <http://www.roamef.com/what-we-do/roamef-cycle>

- Consider unvalued impacts (both costs and benefits), using weighting and scoring techniques if appropriate

This helps to set the parameters of an appropriate solution. The ‘do minimum’ option should always be included to act as a check against more interventionist action.

Monitoring

The policy monitoring system must be in place. This must establish appropriate baseline data before implementation begins. The new system then begins to provide the activities and regulatory services. While delivering their activities, monitoring projects capture data to see if the policies are achieving what they set out to do and that they are on course to deliver all their intended outputs and outcomes.

Evaluation

Formative evaluation can demonstrate early findings from, and the extent to which, the policies and their implementation are achieving the objectives of the intervention as a whole. Where they are not, corrective action can be taken. Once the initial phase of implementation is complete, a final, summative evaluation of specific monitored areas or developments takes place. Evaluations and the aggregated final monitoring data are supplemented with more extensive qualitative data from strategic stakeholders and built into a final picture of outcomes.

Feedback

Completing the cycle: the findings of a final public policy intervention evaluation can then feed back to the original overarching rationale for the programme and provide evidence of what works, why it works, for whom and under what conditions.

(The source for much of this material is: <http://www.roamef.com/what-we-do/roamef-cycle>)

8. Taking a ‘first principles’ approach

The TOR advise that, “it is intended to take a ‘first principles’ approach to the urban planning system”. We offer a couple of contributions in this section.

NZPI has embarked on research in pursuit of a set of principles that might also inform the policy development process. Public policy work conducted in Germany relating to integrated land use planning (See: <https://www.mpl.ird.fr/crea/taller-colombia/FAO/AGLL/pdfdocs/gtz-lup.pdf>) offers an interesting principled approach to land use planning. This research suggests that wherever groups of people, or an individual, uses land and its resources, that land use is planned. Land use planning is not only practised when national authorities intervene or as a result of development projects. Land use planning happens even if the term is not used. NZPI suggests that this review deals with cases in which an intervention occurs in order to change or improve land use and to sustain natural resources. There are many models for managing or regulating such interventions. One model of land use planning follows the sense of a rational model of planning. It is assumed that the optimisation of the set of planning tools in connection with rationalisation of the planning system will result in the best possible solution to the problem to be solved. Social conflicts may be disregarded in this process (technical planning approach). Another model is to create a social platform for solving problems and settling conflicts. Land use planning is thereby described as a political process in which the constellation of forces determines the result. In this type of planning process the stakes of differing groups with different power potential and different influence meet one another. In this process the mechanisms of conflict resolution and forming a consensus are the major political factors (participatory planning approach).

Somewhere in the middle of these models might be found an approach that would fit into New Zealand: *Land use planning creates the prerequisites required to achieve a type of land use, which is sustainable, socially and environmentally compatible, socially desirable and economically sound. It sets in motion social processes of decision making and consensus building concerning the use and protection of private, communal or public areas.*

Drawing from the German research suggests that the system of land use planning should be based on a set of social principles. Those suggested, slightly para-phrased, are:

1. Land use planning is orientated to local conditions in terms of both method and content.
2. Land use planning considers cultural viewpoints and builds up on local environmental knowledge.
3. Land use planning takes into account traditional strategies for solving problems and conflicts.
4. Land use planning assumes a concept which understands community development to be a "bottom-up" process.
5. Land use planning is a dialogue, creating the prerequisites for the successful negotiation and co-operation among stakeholders.
6. Land use planning is a process leading to an improvement in the capacity of the participants to plan and take actions.
7. Land use planning requires transparency. Therefore, free access to information for all participants is a prerequisite.
8. Land use planning is based on interdisciplinary co-operation.
9. Land use planning is an iterative process; it responds to new findings and changing conditions.
10. Land use planning is implementation-orientated.

We note that in responding to the TOR's request for a first principles approach, the Productivity Commission quotes from the Planning Theory writings of Stefano Moroni (pgs 11-13) which mention teleocracy and nomocracy and distinguish between "rules made for order" and "rules for spontaneous order" and suggest perhaps there is an either/or decision to be made on what might be the basis for a new planning system for New Zealand. While NZPI respects and values the debates that occur in the pages of Planning Theory, we note the authoritative observations of Franco Archibugi⁶ (Archibugi, 2004, pg 4) about planning theory. Archibugi wonders whether the associated reflections and debates about planning have worsened instead of improved the uncertainties and 'derangement' of planning itself, both as practice and profession. He describes, "a diffuse, creeping uneasiness pervading all the participants of this discipline". We suggest that there are dangers in selectively adopting planning theory ideas without considering the literature in the round. For example Alexandar Slaev⁷ engages with Moroni's ideas from a practical planning point of view by including private property rights, common property rights and the governance and regulation of related social activities. Slaev asserts that rather than nomocracy and teleocracy being an either/or process, that "nomocracy (planning in its broad meaning of intentional development of any kind of plan) comprises teleocracy (planning in its narrow meaning of preparation and implementation of strictly detailed plans) and regulation (framework setting)", or simply that planning involves both approaches (Slaev, 2014,38).

NZPI looks forward to participating fully in this review and to reading and considering other contributions to the debates and discussions needed to inform this important policy research work.

⁶ Archibugi, F (2004) Planning Theory: Reconstruction or requiem for planning. *European Planning Studies* 12:425-445.

⁷ Slaev, A (2016) Types of planning and property rights. *Planning Theory* 2016, 15(1) 23-41.

9. Your Feedback and Contributions

NZPI is intent on providing thought leadership on the future of New Zealand's system of urban planning, and planning generally, and in reflecting the views of our membership. With that in mind we will be sharing our thinking with our broader membership and with partner organisations including: Local Government New Zealand; New Zealand Council for Infrastructure Development; Resource Management Act Law Association; Environmental Defence Society.

Your Feedback:

NZPI would appreciate feedback, by 10th February, on the following matters:

- 1) Do you generally support the thinking outlined in this report?
- 2) Do you have strong views that support/conflict with anything in this report?
- 3) If you have prepared specific submission material or other commentary that you would like to share with NZPI for our consideration, we would request that you please send it to NZPI's senior policy adviser: joel.cayford@planning.org.nz

We plan to incorporate your feedback and consolidate the policy basis of our submissions to the Productivity Commission's review of NZ's system of urban planning. Next stages include drafting submission text and identifying submission points upon which we will seek membership feedback. Feedback from members will shape and inform NZPI's final submissions which will be provided to the Board for sign-off prior to being submitted to the Productivity Commission by 9th March 2016.

Ends