



**Productivity Commission “Better Urban Planning” Issues Paper: NZPI submission**

**Prepared by NZPI Senior Policy Adviser, 9 March 2016**

**Main Points**

In the preparation of several submissions relating to New Zealand’s system of planning the New Zealand Planning Institute has consulted widely with its professional membership, undertaken relevant literature searches, and considered material prepared by the Ministry for the Environment, the Productivity Commission and Local Government New Zealand.

Contrary to popular myth, NZPI members are open to improvement and change in the existing system of planning in New Zealand. For many, however, it is their job to implement the planning system as it stands, and to make the best of it working for public and private sector organisations. Many have worked professionally within both Town and Country and RMA planning systems. Many have worked in other national jurisdictions. Because of their day-to-day experience of planning, and because they get on a daily basis the feedback and opinions of developers, communities and individuals, politicians, and those at either end of the conservation/preservation to development spectrum, they are uniquely placed to advocate how the system can be improved, and also to reflect deeply and to advise where major change is needed.

We have sought to include that wisdom in this submission.

**Problems and Practical Directions**

NZPI submits there are practical directions that could be built into the current planning framework to address failings that have been identified in various critical reports. In other words the baby does not need to be thrown out with the bathwater. NZPI’s recommended practical directions for reform are summarised in the following submission points:

- The RMA framework could remain, to enable development to occur within agreed, regulated and monitored environmental bottom-lines, but it needs to include land use, infrastructure plans and social and economic outcomes, and be organised so that it has direction set at a national level, and outcomes delivered at a local level.
- National direction policies that are geared toward urban development should be about strategic forward planning, rather than reactive issue planning.
- Changes to the planning framework need to enable interagency cooperation and coordination inherent in a framework of multiple layers. This would require distinct national issues and plans, and local issues and plans.

- There is a need to standardise rules and systems for example with a national template, but allowing for local overlay provisions and variation, and to provide clear rights of involvement, participation and of appeal in plan making.
- Planning needs to be conceptualised as a public good where public and private property rights are protected, rather than simply as a user pays service for permission to develop.
- Economic and social externalities of development including losses and gains affecting public and private property need to be provided for in the present RMA framework by means of national policy statements and enhanced s.32 type processes.

Details of the NZPI research and thinking that these points summarise is provided in Appendix 1

### **The Productivity Commission Better Urban Planning Issues Paper**

NZPI's overall submission is that there is an appetite for legislative change to New Zealand's planning framework noting the various policy initiatives that are underway. For example alongside the Productivity Commission's formal review of New Zealand's system of urban planning, Local Government NZ has recently released its "Blue Skies: Planning and Resource Management" thinkpiece which reviews the performance of the RMA and provides many ideas for the future, the National Council for Infrastructure Development has provided policy advice after an examination of urban and renewal planning in Australia and the UK, while the Ministry of Environment is involved in a range of projects including the Resource Legislation Amendment Bill, a possible National Policy Statement on Urban Development and a whole of government strategic review of the resource management system.

Responding to these initiatives the NZPI has embarked on a range of actions - tapping into the enormous knowledge held by our members - and is conducting enquiries into what is working well, what could be improved, and what could be added in New Zealand's planning system. The findings of NZPI's preliminary research which includes close examination of the policy initiatives referred to above, forms the basis of our approach to the submissions to the Productivity Commission.

NZPI would like to reiterate points made in submissions to previous Productivity Commission inquiries. We submit 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 next sections of this document set out NZPI's responses and submissions to the questions posed in the Productivity Commission issues paper.

There are three appendices. The first provides an account of NZPI's suggestions for practical directions that could be built into the planning framework to address current failings. The second contains NZPI's 21 January 2016 preliminary response to the Productivity Commission issues paper. The third provides details requested by the Productivity Commission in relation to NZPI's Continuing Professional Development programme.

## NZPI responses to Productivity Commission Issues Paper questions

These next submissions are NZPI’s opportunity to explain what planning is about and to respond to the Productivity Commission’s questions. NZPI Board chair Bryce Julyan, Board member Karyn Sinclair, Policy adviser Joel Cayford and CEO Susan Houston have met with members of the Productivity Commission team. It was clear to us that the Productivity Commission wants to understand what planners do and how NZ’s planning system functions. In response we have taken the opportunity with this submission to answer the questions they have asked, with answers designed to help build a broader understanding of what planning is and what planners do. It is written in the spirit of “The Unsung Profession” (A history of New Zealand Planning Institute 1946-2002, by Caroline Miller), and aims to convey an appreciation of planning and the work of planners.

Questions	NZPI Response/submission
<p><b>What is the appropriate scope of planning?</b></p>	<p>Planning is about process as well as outcomes. For example: <i>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 and public areas<sup>1</sup>. This approach is reflected in the Adams and Watkins quote contained in the issues paper, and the RTPI quote about the work of planners as: “mediation of space – making of place”.</i></p>
<p><b>What is the appropriate role for planning in controlling land use for design or aesthetic reasons?</b></p>	<p>Urban design plays a key role in planning. Planners and developers learned many lessons from – for example North Shore City’s first experiences with medium density, and Auckland City’s first high rise apartment developments (further detail below). There was significant public and media backlash because of poor outcomes; guidance and oversight was needed; this was reflected in urban design manuals and new district plan provisions (installed through plan changes). The public expect a level of certainty and there are bottom lines for healthy and safe residential buildings.</p> <p>An excellent example is when Medium Density zones were included in the District Plan in the mid 1990’s by North Shore City Council. Large sites could be developed with medium density housing. However there was very little experience in the New Zealand construction industry or the architectural design industry of such forms. Many homes were built with very poor design features (garage placement, nowhere for rubbish bins, no sunny spaces to dry laundry, unsafe common play areas for kids etc). This necessitated the commissioning of European urban design experts to produce medium density guidelines. However it was problematic in planning terms to require developers to follow those guidelines. Some of the ideas in these guidelines did get incorporated into planning rules – such as minimum walking distances to: open space; public transport stop with better than 15 minute frequencies. A similar type of problem occurred when high rise apartments were introduced into the Central Area of Auckland City Council’s district plan. Developers</p>

<sup>1</sup> See: Land Use Planning Methods, Strategies and Tools. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH At: <https://www.mpl.ird.fr/crea/taller-colombia/FAO/AGLL/pdfdocs/gtz-lup.pdf>

	<p>began building apartments, many of which exhibited poor urban design features leading to poor media for years (dog boxes etc). Both of the aforementioned problems were intensified by relaxation in building standards generally seen as being at the heart of the leaky building syndrome. Out of these problems – because of the work of urban designers – various measures emerge that can become part of the planning toolkit used to assess applications.</p>
<p><b>Thinking beyond the current urban planning system, how could a new model best deal with the complex and dynamic nature of urban environments?</b></p>	<p>Most definitions of urban planning talk about the need to balance environmental, social and economic outcomes. In the absence of national guidelines that expand the current role of urban planning from one which focusses on the avoidance of adverse environmental effects, it will not be able to deal with the complexity and dynamic social and economic forces that are a feature of urban neighbourhoods. However, should that planning model be enhanced by being required to engage with social and economic effects – through some sort of national planning direction and associated tools, then it would be more able to deal with complexity and change. This would require a planning system that treated existing urban form as the receiving environment for development (ie a receiving environment that was populated with people, communities and their built assets and property), rather than being seen only as an area of soil, clay, water, ecosystems and air.</p>
<p><b>Thinking beyond the existing planning system, how should diverse perspectives on the value of land be taken into account?</b></p>	<p>A lot of thinking about this has occurred around the world in relation to land taxes or rates that may be charged by local government on a property in order to generate revenues to cover the cost of such public goods as roads, pipe networks, libraries or other community infrastructure. In New Zealand, the 1926 Town Planning Act, provided (s.30) for a 50% betterment charge to be payable to the relevant local authority on increase in value of a property attributable to the approval of a town or regional planning scheme, or the carrying out of any work authorised by the scheme<sup>2</sup>. The “five most important conclusions” in the standard text: Land Prices and Governmental Policy include: a local city planner who tries to maximise the land value surplus will realise the most socially desirable package of public facilities; fixed costs of public facilities must be funded from land value...; best way to finance a municipality is through land value surplus...<sup>3</sup>. The definition in this text of land value surplus, is that increase that is attributable to a calculation of agglomeration benefits.</p> <p>Apart from development levies – which do not relate to the value of land in any case (they relate to the location of the land), this idea has had little recent examination in New Zealand. To be taken into account and incorporated into local government as a funding stream, considerable education and discussion would be required to identify the most appropriate option and the most efficient implementation.</p>
<p><b>Thinking beyond the existing planning system, how should the property rights of landowners and</b></p>	<p>Answers to this question are at the core of this enquiry. At a time when the market is generally relied upon to allocate and efficiently use natural resources like land, there are major questions about how public interests (in shared infrastructures and shared community amenities)</p>

<sup>2</sup> See s.30 1926 Town Planning Act at: [http://www.nzlii.org/nz/legis/hist\\_act/ta192617gv1926n52240/](http://www.nzlii.org/nz/legis/hist_act/ta192617gv1926n52240/)

<sup>3</sup> See pg 95, Cities and the Urban Land Premium, By Henri L.F. de Groot, Gerard Marlet, Coen Teulings, Wouter Vermeulen

<p><b>other public interests in the use of land be balanced?</b></p>	<p>are to be addressed, and how public goods (assets and land) are to be funded and managed. While this examination can be applied when rural land is urbanised (a type of intensification), and when urban land is developed (consistent with a planning scheme of some kind where adjacent land uses are in accordance with the planning scheme), cases where urban land developed at low intensity (suburban 800 square metre lots for example) is to be redeveloped more intensively (medium to high density for example) are most pertinent to the present discussion. Other countries are facing these pressures, and have embarked on similar productivity commission type reviews. See for example the UK's "Land Use Futures UK Report". This does cover all land uses, but does explore urban development. It concerns itself with balancing private and public interests at a town scale, and contains many ideas: " Making development land prices more reflective of the value in alternative uses and the cost imposed by development would reduce the intense and unsustainable upward pressure on land and property prices, leading to a situation more like that in Germany, where house prices have been flat in real terms. This would lower the cost of employment, increase worker and social mobility, and make housing much more affordable for a wider range of people. Government could consider a range of mechanisms, including, for example, replacing S106 agreements by a fully assessed Community Infrastructure Levy<sup>498</sup> (CIL) that attempts to measure the costs of any development imposed on a town, including the value of any loss of amenity. At present the CIL is to be set according to simple formulae, but these are unlikely to include the full range of costs incurred, and the overlap with S106 appears an unsatisfactory way of making charges site-specific. While it may be difficult to make accurate valuation assessments, such changes are likely to represent an improvement on the current system. They would need to be accompanied by the creation of an independent regulatory authority that would provide methods and data for such assessments, and would adjudicate on their reasonableness. Measures such as restoring the Business Rate to local control, reforming local taxation so that towns and cities benefit rather than being disadvantaged by the influx of new residents, and facilitating green swaps to enhance access to green space as land is released for building would encourage development where needed..."<sup>4</sup></p>
<p><b>How does the allocation of responsibilities to local government influence land use regulation and urban planning?</b></p>	<p>This is an interesting question which raises a number of fundamental planning issues. For example, as is partly revealed in the Productivity Commission issues document, the national approach to the planning of residential development in countries like Japan and Germany is oriented to the provision of housing (like clothing, to meet a social need, a means) rather than being an economic growth priority or end in itself (as is increasingly the case in New Zealand). Thus in countries like Germany and Japan local government's job is to implement government policy objectives to house the population appropriately and affordably as a means to other economic goals, rather than requiring local government to enable urban development and activity as an economic end in itself. Just as form follows function, the two forms of local government are</p>

<sup>4</sup> See Land Use Futures UK 2010 at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/288843/10-631-land-use-futures.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/288843/10-631-land-use-futures.pdf)

	<p>entirely different. Thus dealing with question requires the Productivity Commission to ask another question: what is the national economic strategy or development plan for land use – especially urban land use? Once that question is answered, then it is reasonable to ask questions of the responsibilities and functions of local government in order to implement the national plan locally, and to deliver the outcomes. However the question is tackled it is evident that some sort of national direction or development planning is required, which will then suggest the type of local government roles and responsibilities required. We suggest that twenty-five years of experience of entrusting urban development outcomes to the market alone provides enough evidence that such an approach cannot be trusted to deliver the kinds of outcomes that are now being sought. It is also insufficient to presume that free local markets will somehow produce the knowledge that is needed to inform coordinated and efficient development across the country. Some sort of national development plan is needed, along with sufficient national guidance and direction enabling and empowering the local government bodies to regulate and influence local land development.</p>
<p><b>Thinking beyond the current planning system, what allocation of responsibilities to different levels of government would support better urban planning?</b></p>	<p>See answer to above question. See also NZPI’s suggested directions for improvement to NZ’s planning framework.</p>
<p><b>How can an urban planning system better integrate land use regulation and infrastructure planning?</b></p>	<p>Useful answers to questions like this require detailed examination of how urban planning systems have performed, how decisions were taken, what influences were exerted, in representative case studies. We note the limited reference to a Petone case study in the Productivity Commission issues paper. We suggest that little can be usefully learned from such superficial examinations. The devil is in the detail in typical urban planning processes and case studies. We recommend that the Productivity Commission undertake a number of case study examinations in order for it to gain the level of practical wisdom essential to a good enough understanding of NZ’s planning system for it to be the basis and rationale for changes in that system. Once over lightly is not good enough. We would suggest, in terms of Auckland, that one of these case studies could be the planning process undertaken at Huapai/Kumeu which changed the zoning of rural land to a variety of urban zonings, and which included the planning for necessary roading and utility infrastructure. Processes included RMA structure plans, public consultations, stakeholder and landowner engagement, and the involvement of network infrastructure providers. Gaps in this urban planning process primarily related to the provision of nationally provided infrastructure such as schooling. This case study contrasts interestingly with Hobsonville, where central government involvement ensured coordinated provision of new schooling. Both case studies highlight difficulties encountered in the coordinated and timely development of employment opportunities for new residents. This issue</p>

	<p>is of much greater significance in the longer term than the provision of infrastructure – which is passably well managed by the current planning system. These are greenfield case studies.</p> <p>A second set of case studies are required in order for the Productivity Commission to gain a sufficient understanding of how urban planning can better coordinate provision of infrastructure in brownfield situations. These are the situations now being confronted by the Proposed Auckland Unitary Plan writers, officers and politicians. A useful case study that is an exemplar of what is possible in the present planning system is the New Lynn Auckland town centre planning and redevelopment project. This involved the upzoning of large tranches of urban Auckland, re-arrangement of roading networks, undergrounding of a section of urban rail, establishment of new community infrastructure including rail and bus stations and interchanges, public open spaces, and library and suchlike. Central to the successful planning and implementation of this project – which took 5 to 10 years – was the formation of a development agency with representation from local and regional government, land owners, and infrastructure providers. The local community board was an important and influential part of the local government component. A lot of what was achieved was by means of agreements and cooperation, rather than through statutory direction and despite the absence of national guidance (though at the time local MP Cunliffe was influential in securing central government funding for part of the rail undergrounding). We suggest it is important to this review, that the Productivity Commission develops an in depth understanding of how NZ’s planning system actually functions, gained by means of case study investigations conducted according to an acceptable research standard, before coming to conclusions about how it might need to be changed.</p>
<p><b>Are complicated rules needed to control complex social systems? What are the alternative approaches for dealing with complexity?</b></p>	<p>This is another question which suggests a need for understanding of what planners actually do. In New Zealand, quite apart from being involved in the avoidance, mitigation, and remediation of adverse effects on the natural environment, urban planners are required to manage the protection of existing land and property investments from the effects of other developments, and to regulate new development. This is an intensely economic and social system which has evolved over time, and which reflects the desire and need of individuals to exert control over and to protect what they have and what they regard as their property. In an urban setting, perhaps 90% of the consideration that is applied in the assessment of an application to develop land, relates to the property and to economic investments on neighbouring land. The biggest part of the work of urban planners, and the main role of urban planning systems, is to protect existing property investments. Planners and planning systems also function to enable new development and new investment, but it is critical to an understanding of what urban planning is and does, to recognise its role and responsibility in the protection of existing built environments. While the media and popular commentary rail against planners and planning, citing particular cases where a developer might have had an application declined for what might be mocked as a stupid reason, those same voices are silent in describing what “The Unsung Profession” are</p>



	<p>primarily responsible for – and that is protecting private property investments. Planners may have “control over” certain matters – such as height to boundary, set-backs, building height and suchlike. But these would not be described as complex social systems or complexity – though urban environments are very complex. It is when an urban environment is subject to pressure or change – such as the construction of a new road, railway, cycleway, or the need to intensify, or to make way for a new school – that planners become involved. But this is not to control what happens, it is usually to manage what happens. Control might be what planners can do in China. But not in New Zealand – despite central government direction. The question then becomes not one of whether “complicated rules” are required, but what tools might be available to planners or be within the planning system to facilitate mutual gain, to incentivise behaviour change, and to encourage buy-in.</p>
<p><b>What principles around consultation and public participation should the Commission consider in the design of a new urban planning system?</b></p>	<p>For the past 25 years New Zealand’s planning system has generally regarded the “receiving environment” for development as being the natural environmental mix of air, water, soil, ecosystems, vegetation, outstanding landscapes and suchlike. The RMA has enabled consultation and public participation accordingly. There are many accounts of how, in the absence of national guidance and direction, local authorities have had to develop their own systems, and have opened up, or closed down opportunities for consultation and participation. Many submitters to the Resource Legislation Amendment Bill 2015 have responded critically to proposals that further restrict consultation and participation in plan making and resource consent processing. Proposals regarding the latter increasingly favour the property rights of developers over the property rights of those owning existing developments. These matters, property rights matters, are becoming more and more determining in the consideration of development applications and at national level in considering how to provide for economic activity and growth in existing urban areas. However the planning system at present does not provide well for property rights either at individual or at community level (a road or a public space being a community owned property). When considering proposals to upzone or to provide for intensification of an existing urban area, the receiving environment is no longer a natural environment, it is a built environment including a set of property rights owned by individuals, groups and public entities, which all need to be negotiated in terms of economic gains and losses - and other matters. Those processes need to be brought into the urban planning system and will require additional participation and consultation processes.</p>
<p><b>Thinking beyond the existing planning system, what should be the appropriate level of consultation in making land use rules or taking planning decisions?</b></p>	<p>This is a very broad question. Answers to it vary considerably depending upon the type of land use planning that is the subject. For example, establishing land use rules when shifting land from rural to urban (such as in the case of Huapai mentioned above) usually requires something akin to structure planning processes where land owners and other stakeholders participate in the decisions (more than consultation), and in some cases need to agree them. At the other end of the spectrum, where planning decisions are taken on any application for an activity that is entirely permitted by a relevant planning scheme, there is no need for any sort of consultation or participation. Decisions about planning rules or decisions that affect the value or values of existing</p>

	<p>properties or property rights would require active participation of the owners of those properties – not just consultation. They would typically need to agree those decisions or rule changes. In Australia, planning decisions and rule changes relating to urban regeneration projects, are typically represented in some sort of a masterplan and are the result of master planning process where stakeholders (property owners for example) consider assessments of economic gains and losses, and negotiate compensations or betterment tax arrangements or levy payments, as part of reaching agreement on the masterplan. That is the kind of approach that will be appropriate and needed in New Zealand to enable the implementation of intensification zones and similar provisions in existing urban settings.</p>
<p><b>How could a new planning system provide recognition and protection of Māori interests?</b></p>	<p>The policy gains and approaches that are in play in New Zealand now increasingly recognise and provide for the protection of Maori interests. These processes need to be continued in any new planning system.</p>
<p><b>Thinking beyond the current urban planning system, how should a new model be designed so as to avoid unnecessary administrative, economic and compliance costs?</b></p>	<p>A key attraction of investment in urban development in New Zealand’s economy is the opportunity for windfall gains and profits – eg when land is upzoned and when rural land is zoned urban. Because that attraction is so strong and so real, and there is considerable investment competition chasing the most lucrative urban development sectors in New Zealand (Auckland especially), a sort of gold-rush is happening where urban planners and urban planning system “red tape” are perceived as the principle obstacles standing in the way, responsible for costs associated with administration and compliance of planning systems, and imposing economic costs including infrastructure development levies. Clearly, a new model ensuring that the lion’s share of windfall gains (betterment) from development were levied, in addition to infrastructure levies, would take some of the glitter away from this gold-rush, and perhaps encourage investment in other sectors of the productive economy. Investment focussed on housing rather than speculation would lead to applications for complying projects and a smaller proportion of administrative and other related transaction costs.</p>
<p><b>Thinking beyond the current planning system, how should national interests in planning outcomes be recognised and taken into account? What are the national interests that should be recognised?</b></p>	<p>NZPI has submitted that a national development plan or equivalent be developed by central government to guide and direct the local planning activities needed to deliver local outcomes sought and which would contribute to the aggregate national outcomes. Any such national plan would require a rationale for the plan (which would include an account of the relevant national interests), objectives, and other stages typical of a well constructed plan and policy framework (see for example section 7, appendix 2). In a well functioning western democracy it would be reasonable to expect that a national development plan – particularly its expectations of local areas and territorial authorities – would be the subject of consultation, negotiation and coordination activities to ensure smooth and efficient implementation of the plan (which would occur at local level). National interests might include a population growth plan; an urban GDP economic growth plan; a national GDP/capita growth plan; a declining housing affordability metric; a declining income inequality measure.</p>
<p><b>What difference has the</b></p>	<p>This question can be usefully asked and answered in the reverse: how</p>

<p><b>planning system made to environmental outcomes over the past 20 years?</b></p>	<p>have environmental outcomes changed the planning system? Thus anticipated greenhouse gas emissions from proposed gas fired power stations led to climate change planning matters being transferred from the jurisdiction of local and regional government planning to the Minister of Environment. Declining groundwater quality in Canterbury led to governance and other changes at ECan and to the development of new irrigation and water allocation agencies. More robust reporting of adverse environmental outcomes and well funded litigation changed statutory interpretation of the RMA from a statute permitting development subject to environmental bottomlines not being transgressed, to a statute which balanced environmental and economic outcomes (this interpretation seems to be changing after King Salmon).</p> <p>One of the major failures with the RMA has been its handling of cumulative effects. This is particularly evident in recent Auckland urban development on what was previously rural land, where relatively pristine streams have been silted up to the point they don't support natural ecosystems, due to clay and runoff accumulation from a sequence of permitted subdivision site works enabling development.</p> <p>One of the big positive influences of the present planning system was the requirement for discharge consents (RMA permits) for most discharges to the natural environment. This has led to major changes in the performance of wastewater and stormwater systems (but not the cumulative effects as mentioned above). It has also led to measureable declines in enterococci and other signs of human sewage in – for example – Waitemata Harbour.</p>
<p><b>What difference has the planning system made to urban outcomes over the last 20 years?</b></p>	<p>Because the planning schemes adopted in District Plans under the RMA were largely the same as those developed under TCPA, much the same urban form has resulted. Changed urban forms – such as medium density housing and high density inner city apartment housing – have largely developed despite the planning system, rather than because of it. However this is largely because of the poor implementation of the RMA at national level. National policy statements and other guidance could have been promulgated relating to urban design, medium density, apartment living which could have made a difference to urban outcomes and anticipated and headed off problems that became endemic because of the lack of capacity of territorial authorities to respond to problems that slowly became evident.</p>
<p><b>What information about environmental outcomes and other urban outcomes would a decision-maker need to make good urban planning decisions?</b></p>	<p>This depends on the nature of the application or activity being considered, and the effects it causes. At one end of the scale, where the application is to build a house that does not infringe planning controls then the decision-maker doesn't need information about environmental or urban outcomes to sign it off. Low admin and processing costs. An efficient and good urban planning decision. Where an application is non-complying or perhaps discretionary (though other jurisdictions adopt a much simpler in/out set of tests), then the urban planner requires information about the environmental outcomes (and effects) of the proposal – which are usually provided by the applicant, and information about other urban outcomes – also usually provided in support by the applicant's urban designer (say), in order to make a good urban planning</p>

	<p>decision.</p> <p>But it should be borne in mind here, that a simple planning scheme (as adopted more often than not in the UK) which clearly describes what has to be done to comply, leads to clarity and simplicity, and housing. It means there are fewer loopholes or opportunities to exploit discretionary gaps. Decisions about planning systems and criteria for handling applications involves considerations of what the purpose of the planning system is. If it is to encourage innovation and experimentation then the more discretion the better – but this does not come with increased transaction costs. If it is to simply plan and deliver relatively uniform housing then the less discretion the better – and leads to lower transaction costs.</p>
<b>Why did the RMA not deliver on its original objectives?</b>	See s.3 of appendix 2 for an answer and fuller explanation. The RMA did meet its objectives of integrating a number of pieces of planning legislation, and of providing a planning statute that left development planning to market forces, while carefully regulating the state of the natural environment. However it didn't deliver on an objective of maintaining ecological bottom lines because that objective has been contested and challenged by court decisions.
<b>Does a goal of limiting the scope of land use regulation to managing effects, based around nationally-established environmental bottom lines, remain a valid objective?</b>	The key word in this question is “limiting”. We accept that where the receiving environment for a development project is an existing urban environment, then the most significant effects that need to be managed are economic effects and relate to private and public property rights. These are quite apart from environmental bottom lines. So the answer to this question has to be “no”, land use regulation needs to include consideration of economic effects and property rights.
<b>Which aspects of the existing planning system would be worth keeping in a new system?</b>	Please see appendix 1 for NZPI's considered view on this question. NZPI submits that the existing framework is worth keeping. However implementation has been problematic. For example the lack of capability at local level and the need for national guidance on matters such as infrastructure planning, urban design, urban development need to be addressed through a set of national policy statements. As importantly, NZPI considers that property rights and methods for addressing economic effects and implications of activities, and tools for providing economic incentives and disincentives including funding streams, need to be incorporated – probably by means of national policy statements and improved s.32 processes. But see appendix 1.
<b>Would there be benefits in a future planning system making more provision for private lawsuits and bargaining to resolve disputes over land use? In what circumstances would lawsuits and bargaining be beneficial?</b>	NZPI understands that forms of bargaining and negotiation are part of area masterplanning processes where land uses are changed and intensified. Considerations of who loses and who gains in a redevelopment proposal or land use plan form the basis of master planning processes aimed at achieving consensus and buy-in. NZPI requests that further research is required in respect of dispute resolution. Compensation for land taken is one thing, but resorting quickly to lawsuits and formalised bargaining by wealthy investors aiming to drive individual homeowners to settlement for fear of process costs might not be a positive step. Perhaps high thresholds would need to be satisfied.
<b>Should more decisions</b>	Covenants have been widely used in New Zealand in the past two

<p><b>about land use rules be made by property owners privately (for example through covenants)?</b></p>	<p>decades. However these have been subject to criticism because related issues must usually be referred to the judicial system for review, with all of the associated legal costs required to defend what might be a public interest matter. Examples where a piece of native bush is protected by covenant appear to have a track record of success.</p>
<p><b>Would there be benefit in tradable development rights, tradeable permits and environmental offsets playing a stronger role in a future urban planning system? In what circumstances?</b></p>	<p>Tradeable rights and offsets are problematic in the absence of strong national guidance. Some cities use tradeable development rights as a mechanism to protect low rise heritage buildings in an otherwise highrise area of the city (eg Curitiba, reported by Parliamentary Commission for Environment), and to compensate the owner of heritage buildings for not being able to exploit full development potential of site. The idea of environmental offsets has been considered by NZ's Land and Water Forum to enable an activity which degraded natural water, offset by an activity which, elsewhere, improved natural water. However recent Environment Court judgments have ruled against this approach. Tradeable environmental offsets are likely to be equally problematic and would require careful national guidance.</p>
<p><b>Are there opportunities to make greater use of economic tools such as prices, fines and user charges in a future planning system? Where do these opportunities lie? What changes would be required to facilitate their use?</b></p>	<p>Developer levies under the Local Government Act and Financial contributions under the Resource Management Act are an accepted set of economic tools in New Zealand. However their implementation is subject to political influence and is increasingly contested by the development community as adding cost to new development, and making houses less affordable. Prior to the implementation of development levies (generally prior to 2002), existing ratepayers subsidised the infrastructure costs incurred for new subdivisions. In Auckland, regional infrastructure (such as new passenger transport corridors and trunk sewer infrastructure) could not be funded from development levies until local government amalgamation in 2010. The true costs of urbanising greenfield land around Auckland are only recently being disclosed. And they risk becoming a political football between central government, local government and ratepayers. Internationally the additional tool of betterment charges appears to be accepted practice. Should NZ's planning system seek to include tools which allow economic weighing of losses and gains to property rights and values when assessing development proposals, then those tools should be complemented with tools which allow charges and levies ensuring equity and incentivising market behaviours consistent with desired urban planning outcomes.</p>
<p><b>What international approaches to planning and environmental protection should the Commission consider?</b></p>	<p>Two areas where NZ's planning systems are most deficient include enforcement of conditions of consent for discharges to water and land, and planning systems that engage with property rights and values when urban land is upzoned or redeveloped.</p> <p>Municipal wastewater systems are responsible for much (most in the case of Auckland) of the environmental contamination experienced in urban settings. Much can be learned from Sydney's management of its sewage systems. After establishment the publicly owned Sydney Water Corporation was required to remove heavy metals from biosolids by phasing out tradewaste discharges into the sewage system. This was to enable biosolids to be used in reconditioning land, rather than it having to be disposed in contained landfills. It was also required to reduce the</p>

	<p>contaminant levels in treated wastewater discharges. These discharges, and the licenses under which Sydney Water operates, are monitored and regulated by the NSW EPA. The mechanisms and methods constitute a planning exemplar.</p> <p>Perth is widely regarded as a success story for urban renewal planning. It was used as the exemplar for the Auckland New Lynn regeneration project (referred to above). The combination of financial incentives, regulations (ensuring a proportion of mixed tenure affordable homes for example), retention of heritage, intensification, state contribution recouped through development levies, and masterplan participation and adoption by all stakeholders all combined to deliver local outcomes envisioned by state level development plan.</p>
<p><b>Should New Zealand continue to have a unitary regulatory framework for environmental and land use regulation? What are the advantages and disadvantages?</b></p>	<p>This raises questions about the priority or importance accorded in the planning system of enforcement, monitoring and other regulatory functions. The RMA presumed a non-unitary regulatory framework for the preparation of district plans. Regional authorities prepared regional policy statements which, in turn, were to be implemented on the ground by district plans prepared by territorial authorities. This clarity of function and form resulted, generally, in district plans that were consistent with regional policy statements. A key role of regional authorities was the independent scrutiny of local planning instruments. This relationship was somewhat murky or muddled when it came to wastewater systems which were operated by regional authorities – they were policing their own. Stormwater discharges affecting streams are in interesting example of the failure of this system. Territorial authorities developed “network stormwater consents” enabling subdivision and development. Regional authorities had the responsibility of monitoring compliance and what was happening. In that case, the lack of clarity, tending toward unitary regulation of stormwater consenting and monitoring and enforcement, led to permanently damaged streams, and no remediation.</p> <p>Generally there are risks associated with Chinese walls type arrangements within a unitary organisation – where one side grants consents or operates a service, and the other side monitors and regulates.</p> <p>Adopting the Australian (and US) model of independent, empowered and regional environmental protection agency arms as part of the planning system (but not a unitary part) appears more likely to deliver robust environmental bottom line outcomes and protections.</p> <p>Unitary, under-one-roof approaches might be cheaper in the short term, but such short cuts can lead to later long term clean up costs.</p>
<p><b>Should regulating land use and/or environmental effects in an urban context be separated from resource management legislation</b></p>	<p>There are obvious differences between the issues that drive and influence land use development in rural settings and urban settings. Urban land renewal is another category. However these differences should be able to be addressed in relevant national policy statements prepared under an enhanced RMA planning framework.</p>

<p>that applies in non-urban areas? What are the advantages and disadvantages?</p>	
<p>Should provisions relating to infrastructure planning and funding be integrated in a planning statute? What are the advantages and disadvantages?</p>	<p>Yes. This could be achieved by a National Policy Statement under an enhanced RMA. It could refer to specific provisions of the Local Government Act, Maori Land Act, Land Transport Management Act, Public Works Act, and should provide guidance and interpretation.</p>
<p>Are there provisions of other statutes (for example in the Conservation Act or Reserves Act) that should be integrated into a new statutory framework for urban planning? What reforms are needed to these frameworks?</p>	<p>Perhaps. Road closing is another example. Again, the mechanism for integration is an appropriate National Policy Statement.</p>
<p>How could the planning system be designed to provide a sufficient supply of industrial and commercial land? Are there particular tools that could be used to ensure an adequate supply?</p>	<p>A similar question has been raised in other reform initiatives relating to the provision of residential land, and servicing residential land. This is a good example of where a National Development Plan is needed (see <i>Practical planning institution and instrument reforms required</i> in appendix 1) made up of a set of National Policy Statements including one related to population growth and the need for land resources which would be linked to and coordinated with local plans. These suggestions presume forward looking planning, rather than reactive planning.</p>
<p>How much discretion should be built into an urban planning system? Are there examples of urban planning systems in other countries that successfully manage the tension between certainty and discretion?</p>	<p>The extent of discretion is partly influenced by the outcomes sought from urban development – as discussed earlier. The more focus in urban development there is on wealth creation and individual expression, the more room needs to be made for discretion and opportunity. If the focus is more on affordability, and the production of housing rather than trophy homes, then focus would be on offering a wider range of permitted activities (varying in different areas of an urban conurbation for example) and low cost consent fees, and requiring applicants seeking discretion and exception to pay significantly more for the processing of their consents.</p> <p>The UK planning system strongly encourages compliance and applications that don't infringe. Discretionary applications can take a year or two and considerable investment to be consented.</p>
<p>How could a future planning system be designed to consider the benefits to consumers that may arise from greater competition?</p>	<p>This is a bit like putting water discharge compliance testing out on contract – the more tests you do for the same money, the more we'll get you to do. The risk is poor quality and unreliable testing. It's what you would do if you don't really care about the resource being tested.</p> <p>Comparative benchmarking is a better way of driving efficiency.</p>

<p><b>How could a future planning system be designed to reflect the differing circumstances and needs of New Zealand cities? Are new or different planning and funding tools needed?</b></p>	<p>Cities don't have needs. People living in them have needs. People have different needs and different wants. The question is better posed what sort of planning system is best for meeting the different needs of people in an urban setting. This is about being responsive by design and being responsive to changing demand. One single planning institution servicing an urban area is much less structurally responsive than several smaller planning offices (they are usually nearer, more approachable, and provide for the immediate geographic area). Localism (UK term) tends to encourage and promote local identity different from adjacent areas – providing for choice and diversity, rather than uniformity and same zones. There can be a few common zones, but local character can be protected and delivered through an area based overlay.</p> <p>Where urban renewal or redevelopment I envisaged (such as through upzoning in the Auckland PAUP), then very local forms of urban planning will be required to manage the negotiations and obtain the community buy-in that will be required. This local urban planning function will need to be housed and functioning locally for several years if Perth examples and Auckland's New Lynn are anything to go by.</p>
<p><b>Thinking beyond the existing planning system, how should a new model manage the risk of natural hazards? Who should bear the risk of building in areas where natural hazards may occur?</b></p>	<p>Dunedin is already talking about "staged retreat" (a UK idea) of urban areas from parts of the coastline at risk of inundation from sea due to climate and weather change. North Shore east coast bays cliff top properties face risk of 1 metre/30 years erosion of sandstone cliff base mainly from wind. Problem has so far been put off. Council has avoided taking on responsibility for coastal esplanade strip, to minimise risk of being required to build coastal defences. This is one area where a National Policy Statement is required. It may be that EQC responsibilities (or liabilities) are extended.</p>
<p><b>Where will technological change put most pressure on the planning system? How could the system be designed to be flexible enough to respond to technological change?</b></p>	<p>More people working from home or remotely – for some or all working days. Implications for home occupation and provision and facilitating that kind of life style.</p> <p>Council GIS and data systems including open data, other ways of seeking consent for projects. Adoption of systems which improve ability of people/property owners to make decisions and evaluate options remotely.</p>
<p><b>Is there a need for greater vertical or horizontal coordination in New Zealand's planning system? In which areas? How could such coordination be supported?</b></p>	<p>See appendix 1 for NZPI ideas on the need for more vertical coordination of NZ's planning system. NZPI believes that Productivity Commission needs to carefully examine the consistency between planning goals of responsiveness and efficiency, and the amalgamation of urban planning functions. NZPI has already noted that our experience is that people do not engage with large area maps and plans, but they do and can engage with local plans. The implementation of urban renewal projects including upzoning and intensification will require very localised masterplanning mechanisms and methods which will need some sort of institutional home. This suggests that de-centralisation of planning delivery (horizontal) may be the most efficient and responsive approach at local level, coupled with vertical integration with national development plans.</p>
<p><b>Would there be tension between a</b></p>	<p>Planners have moved in the past from different systems, TCPA, Soil and Water Act to RMA. The main issue is that whatever system is adopted</p>



<p><b>fundamentally different approach to urban planning, and the prevailing culture within organisations and professions involved in urban planning? How should tensions best be managed to provide for a successful transition?</b></p>	<p>will need to be robust and seen as a significant improvement to ensure buy-in. However, given NZPI’s examination of where we are with the RMA today, we believe many of the problems that are being experienced lie with implementation – particularly the lack of national guidance which has forced local authorities to develop capability as they see fit to meet the needs of people and communities. Further, we believe that National Policy Statements can be used as the tools necessary to incorporate into RMA processes the ability to consider economic and social effects alongside environmental effects. Enhanced and empowered EPA functions at regional level can bring the teeth and enforcement powers that are needed to protect and policy environmental bottom lines.</p>
<p><b>Does the capability exist within local and central government to implement a fundamentally different approach to urban planning? Where are any gaps in capability likely to be?</b></p>	<p>Changes that appears necessary in New Zealand’s urban planning system are not rocket science. Other western nations’ planners can handle them. NZ’s planners will have already been educated about other approaches to urban planning, and are supported by institutions that can develop the training and professional development packages and courses to bring them up to speed.</p> <p>There will be gaps in capability relating to economic and social analysis. Guidance would be essential from NPS, and s.32 type processes need to be developed and enacted which will operationalise those additional considerations. In addition, appropriate financial incentives and other mechanisms need to be designed and enacted. NZ’s experience in implementing developer levies in 2002 needs to be understood and appreciated to give an idea of the process and time these sorts of changes can require.</p>
<p><b>Are there leading practices from other countries about how a transition to a new urban planning system should be undertaken?</b></p>	<p>New Zealand, Australian states and the UK have all gone through major changes in urban planning systems in the past two decades. There is a considerable literature about these experiences.</p> <p>We would suggest that while the very best urban form is endlessly complex, intricate and interesting, that should not be the defining characteristic of the planning system that makes and shapes it.</p>

Ends

## Appendix 1

### NZPI recommended approach to Planning System Reform

NZPI provides this account of its preliminary investigation into the need for planning framework reform. No single organisation can legitimately claim the high ground when it comes to describing or prescribing an activity as multi-disciplinary as natural resource planning. We draw here from a range of organisations and the views of NZPI members, who, as members of the planning profession, are open to improvement and change to New Zealand's system of planning. It is their job to implement today's system, and to make the best of it working in the public and private sector. Many have worked professionally within both Town and Country and RMA planning systems, and many have worked in other national jurisdictions. Because of their day-to-day experience of planning, and because they get on a daily basis the feedback and opinions of developers, communities and individuals, politicians, and those at either end of the conservation/preservation to development spectrum, they are well placed to comment and to advocate how the system can be improved, and also to reflect and suggest where major change is needed.

NZPI has drawn on that institutional knowledge and on Local Government New Zealand (LGNZ) and Productivity Commission work and analysis. Our findings are structured under these headings:

- Outcomes leading to questions of current planning framework
- Failings identified in current planning framework
- Ways the current planning framework can be refocused
- Practical planning institution and instrument reforms required

#### **Outcomes leading to questions of current planning framework**

Much has been written about resource and planning outcomes over the past 25 years during which time resource management planning has largely been conducted in terms of the Resource Management Act. Here is what LGNZ observes in its thinkpiece:

....the cost of a poorly designed and implemented resource management system can be extremely high. It may undermine quality of life, separate us further from nature, undermine our national brand and defer the ever-increasing cost of short-sighted decisions to future generations.

Regardless of perception, the country faces significant challenges in the form of rising income inequality, declining water quality where land use is intensive, localised strong population growth, extreme rates of biodiversity loss and steadily rising carbon emissions. The critical question is whether yesterday's tools – despite their flexibility and the period of refinement they've been through – will be suitable to deal with tomorrow's issues or allow us to seize tomorrow's opportunities.<sup>5</sup>

....A resource management system that is able to effectively defuse conflict, encourage and support sustainable production, facilitate growth in economic performance and increase

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<sup>5</sup> LGNZ *Blue Skies* Pg 7 and <http://www.mfe.govt.nz/publications/environmental-reporting/environment-aotearoa-2015>

social wellbeing would be an asset for New Zealand and would provide New Zealanders with a competitive advantage in an increasingly resource-constrained and resource-hungry world.

While there is room for debate and detail, NZPI submits that this summary captures the essence of the country's institutional planning predicament and challenge.

### **Failings identified in current planning framework**

Much has already been written about the failings. NZPI suggests a useful descriptive starting point is also contained in the qualitative analysis presented in LGNZ's Blue Skies report. We quote below specific extracts which characterise several challenging planning system problems we are aware of:

The design of the resource management system allows, and sometimes encourages, conflict between government agencies and different tiers of government (central, regional and local). This can create costly and divisive debate and generate adversarial relationships between parties that would ideally be working collaboratively to promote common outcomes and deliver benefit for the New Zealand community as a whole.

Consenting processes under the RMA are overly complex and litigious, which encourages regulatory authorities to avoid risk and focus on procedural compliance rather than the quality of an outcome – this often prevents officers from using discretion, and burdens small projects with disproportionate information and procedural requirements.

There is a strong and persistent view that the resource management system has, at its core, a focus on environmental protection. This complicates the process of balancing private and public interests and reconciling the relationship between private property rights and the public good. The relationship between (and different roles of) New Zealand's resource management and conservation systems is unclear and poorly understood.

Plans and decision-making under the RMA, LTMA and LGA affect each other, all have different purposes, processes and criteria, and operate over different timeframes. This results in duplication and lack of clarity, demands considerable time and resourcing from all parties involved, and potentially frustrates efforts to promote innovative projects.

There is geographic, temporal and financial misalignment between national, regional and local interests in relation to urban growth. Councils and government have struggled to agree where and when growth should occur in Auckland, for instance, and central government providers of physical and social infrastructure (including roads and schools) have struggled to align the timing of their investment and development plans with those of the council. In addition, too many of the costs of planning for, accommodating and delivering growth fall on local councils and communities, who can only recuperate these costs over the longer term through rates and service fees, which only exacerbates the difficulty of aligning the timing and location of investment.

Central government has been slow to provide national policy direction and national environmental standards and, without this guidance, regional councils have had to develop

their own approaches to managing complex and common issues. This has led to inefficiency and increased cost for ratepayers, and in some instances councils have struggled to deliver robust management frameworks in a timely manner.

The Productivity Commission is also making a contribution to the debate, and while its contribution tends to concentrate on economic matters and the market at the expense of the environment and social matters, it does draw attention to property rights. This is a matter largely precluded from the RMA which was designed to leave such matters to the market. For example in its report *Using Land for Housing* the Productivity Commission recommends that Councils, through development levies, should ensure that development contributions fully recover the costs of trunk infrastructure needed to support growth. Further, the productivity commission argues that councils should be enabled to capture the uplift in property values resulting from infrastructure investments. NZPI supports the thrust of these recommendations, noting that the planning framework needs to move from a pure environmental effects based planning framework to one which incorporates the economic and social externalities of development and which assesses losses and gains affecting public and private property in comprehensive s.32 type processes.

These succinct accounts provide a useful overview of key challenges and gaps that NZPI considers need to be addressed in future reforms of NZ's planning framework.

### **Ways the current planning framework needs to be refocused**

In throwing its weight into the growing debate, NZPI has also engaged with its branch chairs, board members, and broader membership to research and describe the New Zealand planning system change requirement. These ideas are summarised in the following bullet points:

- The RMA framework could remain, to enable development to occur within agreed, regulated and monitored environmental bottom-lines, but it needs to include land use, infrastructure plans and outcomes, and be organised so that it has direction at a national level, and outcomes delivered at a local level.
- National direction policy statements that are geared toward urban development should be about strategic forward planning, rather than reactive issue planning. All s6 matters require national policy statements to provide national direction.
- Noting that RMA District Plans have adopted the Town and Country Planning Act approach – it should be noted that these types of zone controls are effects based planning, they deliver certainty, and can be implemented with much less legal and consultant cost than less prescriptive approaches.
- Any new planning framework needs to enable interagency cooperation inherent in a framework of multiple layers. Distinct national issues and plans, and local issues and plans. All existing plans will need to be reviewed.
- There is a need to standardise rules and systems for example with a national template, allowing for local overlay provisions and variation, and to provide clear rights of involvement, participation and of appeal in plan making.
- Planning needs to be conceptualised as a public good where public and private property rights are protected, rather than simply as a user pays service for permission to develop.

- Economic and social externalities of development including losses and gains affecting public and private property need to be provided for in the present RMA framework by means of national policy statements and enhanced s.32 type processes

### **Practical planning institution and instrument reforms required**

Building on the practical commentary and directions described in the foregoing sections, NZPI considers that a set of integrated reforms are needed to NZ's planning framework. Changes are needed at national, regional and local level and incorporated to form what could be collectively named a National Development Plan, and which would incorporate the present RMA and relevant provisions of the LGA, the LTMA, and the Maori Land Act.

It would have a National component

- Produces a National Development Plan (outcomes, spatial)
- Promulgates National Policy Statements (policies to give effect to the plan)
- Regulated by Environment Court
- Would provide for all infrastructure of national importance (roads, energy networks, ports, telecoms)
- Sets national bottom lines for natural resources

Has a Regional EPA and resource allocation component

- Produces regional natural resource plan (allocations and consents for water)
- Regulates and monitors regional bottom lines
- Regulated by Environment Court

Has a Local component

- Produces and administers District Sustainable Development Plan (outcomes, spatial)
- District plan protects property rights, allocates property development rights, manages supply of local infrastructure consistent with national plan and administers its financing and implementation of economic incentive instruments, regulates land development and use, gives effect locally to the National Development Plan in accordance with national policy statements, but subject to bottom lines.

Variations in this are of course possible. For example public network infrastructures might be managed regionally, rather than locally. However there will be a need to ensure that conflict of interest issues do not arise through locating service provision and service environmental regulation under the same roof. Fundamentally these changes are in recognition of a shift in New Zealand's development from a pattern where the receiving environment was largely undeveloped or rural land, to one where the receiving environment consists of urban land that is already developed and is the home, work and play environment for many people.

## Appendix 2

### NZPI Preliminary Response dated 21 January 2016 re Productivity Commission Issues Paper “Better Urban Planning”

#### 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” paper<sup>6</sup> 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,
- b) Suggest authorities whose thinking could usefully inform the review,
- c) Stimulate debate and discussion and rise to the challenge.

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<sup>6</sup> 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> )

## 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 system<sup>7</sup>.

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 account<sup>8</sup> 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 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

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<sup>7</sup> 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>)

<sup>8</sup> 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](http://www.fulbright.org.nz/wp-content/uploads/2011/12/axford1997_frieder.pdf))

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*<sup>9</sup>, 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)

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. Gurrán provides this advice when building a rationale for a planning intervention:

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<sup>9</sup> Gurrán, Nicole (2011) *Australian Urban Land Use Planning: Principles, Systems and Practice*, Sydney University Press

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](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.

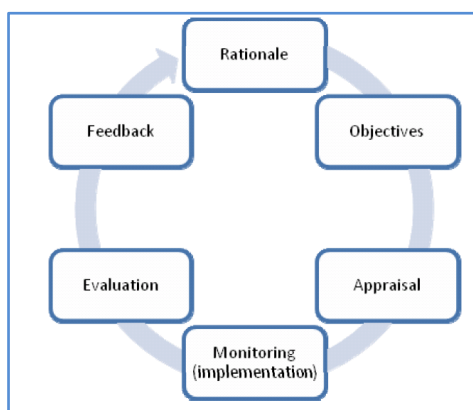
## **7. Framework for Assessment and Evaluation of Urban Planning Intervention**

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 ROAMEF<sup>10</sup> approach promoted by the UK Government for the management of policy interventions.

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<sup>10</sup> See for example: <http://www.roamef.com/what-we-do/roamef-cycle>



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
- 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 Archibugi<sup>11</sup> (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 Slaev<sup>12</sup> 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.

## **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

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<sup>11</sup> Archibugi, F (2004) Planning Theory: Reconstruction or requiem for planning. *European Planning Studies* 12:425-445.

<sup>12</sup> Slaev, A (2016) Types of planning and property rights. *Planning Theory* 2016, 15(1) 23-41.

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 10<sup>th</sup> 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](mailto: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 9<sup>th</sup> March 2016.

**Ends**



## Appendix 3

### NZPI's Continuing Professional Development programme – Report on CPD programme statistics sought by Productivity Commission

NZPI has planned the programme in consultation with branches to ensure local relevance and interests. Some specific courses have been designed to meet the needs of members in smaller centres in consultation with local advice. Most compulsory courses will be available online before the middle of the year. The Planning On Demand series is being developed to enable more geographically isolated planners to undertake meaningful and accessible CPD. All CPD events/activities are available through an online booking system and enrolments are automatically entered in member CPD record. Additional courses are added throughout the year as needed.

2015 course evaluations (/5) Ratings are also available for individual presenters' teaching content, delivery, responding to questions, rapport with audience – also ratings for room, catering, AV and qualitative data on course expectations, Key points taken, notes about presenters, overall comments and feedback on venue, admin issues etc.

Topic	Town/city	Venue	2015	Rating
Advanced Urban Design	Auckland	Rydges	Jul-29	5.0
Advanced Urban Design	Christchurch	Commodore Hotel	Aug-15	4.8
Advanced Urban Design	Wellington	West Plaza	6-Aug	4.6
Biodiversity offsets	Invercargill	Civic Theatre	1-Nov	4.3
Case Law Update	Auckland	NZPI	Apr-11	4.8
Case Law Update	Hamilton	Ibis	May-25	4.4
Case Law Update	Whangarei	Library	Jun-25	4.5
Case Law Update	Christchurch	Commodore Hotel	Jul-22	4.2
Case Law Update	Hastings	Hastings DC	Aug-15	4.3
Case Law Update	Queenstown	Crown Plaza	Sep-15	4.4
Designations	Auckland	Rydges	Nov-15	4.9
Designations	Hamilton	Ibis	Oct-14	4.5
Economics of Res Devpt	Tauranga	Waterfront	11-Aug	4.4
Economics of Res Devpt	Auckland	Langham	dec 10-11	3.7
Emergng Leaders	Christchurch	Commodore Hotel	nov 4&5	4.6
Emergng Leaders	Auckland	Rydges	dec 10-11	5.0
Engaging and consulting effectively	Christchurch	Air Force Museum	Feb-13	4.8
Engaging and consulting effectively	Auckland	NZPI	Nov-12	4.7
Expert Witness	Auckland	Stamford	Feb-12	4.4
Facilitating meetings	Hamilton	Ibis	Jun-04	4.7
Facilitating meetings	Christchurch	Commodore Hotel	Aug-15	4.8
Heritage	Auckland	NZPI	Jul-01	3.9

Heritage	Hamilton	Claudelands	Aug-15	4.2
Heritage	Nelson	Quality Inn	Oct-20	4.3
Intro Plan-making	Wellington	Rydges	Nov-15	4.9
Intro Res Consents	Christchurch	Sudima	Mar-04	4.2
Intro Res Consents	Auckland	Mercure	Mar-18	4.6
Managing Groundwater	Napier	HBRC rooms	May-29	4.7
Managing Groundwater	Nelson	Mercure	Jul-03	3.3
Managing Groundwater	Dunedin	NZTA	Jul-09	4.2
Planning issues: Maori perspective	Wanganui	Kingsgate	14-Aug	4.6
Planning issues: Maori perspective	Kerikeri	Woodlands	18-Sep	4.7
PM 2 Effective plan-making	Auckland	Rydges	1-Oct	5.0
PM 2 Effective plan-making	Wgtn	Rydges	13-Nov	4.6
PM 2 Effective plan-making	Christchurch	Commodore Hotel	1-Oct	4.7
Politics for Planners	Invercargill	Civic Theater	Mar-18	4.5
Predicting growth potential	Tauranga	TCC	Oct-19	4.5
RC2 Assessing Env Effects	Christchurch	George Hotel	May-18	4.7
RC2 Assessing Env Effects	Auckland	NZPI	Jun-18	4.7
RC2 Assessing Env Effects	Hamilton	Ibis	Jun-26	4.7
RC2 Assessing Env Effects	Queenstown	QC Chambers	Oct-14	4.8
RC3 Hearings & Report Writing	Wellington	Cliftons	Jun-09	4.8
RC3 Hearings & Report Writing	Christchurch	CCC	Jul-24	4.3
S32 Evaln Rpt & Decision-making	Wellington	Te Papa	Feb-20	4.0
S32 Evaln Rpt & Decision-making	Napier	NCC rooms	Mar-03	4.8
Understanding noise and its effects	Dunedin	Town Hall	Aug-15	4.6
Understanding noise and its effects	Auckland	Langham	Sep-23	5.0
Water Quantity and Quality	Auckland	NZPI	Jul-21	4.7
Water Quantity and Quality	Tauranga	Sebel Trinity	Sep-15	4.3
Water Quantity and Quality	Christchurch	The George	Oct-22	4.8
Water Quantity and Quality	Wellington	Rydges	Nov-11	4.8
Ends				