Introduction

This research note traces the evolution of town planning in New Zealand from 1840 to the present. It focuses on the key pieces of legislation that have shaped the goals and methods of planning, but it also considers some of the other key influencers on planning policies and outcomes.

This note was prepared as part of the Using land for housing inquiry. For more information, see www.productivity.govt.nz/inquiry-content/using-land

1840-1926

Early days

Town planning in the very early days of colonisation in New Zealand was the result of private corporations’ initiatives, commercial imperatives, and local and central government legislative measures. The New Zealand Company founded four of New Zealand’s five colonial cities (Wellington, Nelson, Christchurch, and Dunedin) under Wakefield’s approach to systematic planned settlement. Its own planners and surveyors drew up plans for those towns. The plans of other towns – such as Russell (New Zealand’s projected capital city) and Auckland were drawn up by central government officers. In practice however, the planned conceptions of the settlements were generally overtaken by commercial imperatives and the realities of settler life.

The fashionable grid layout

All of New Zealand’s colonial towns were laid out on grids of various combinations. The predetermined grid layout was the “fashionable” street pattern at the time, and was extensively used in other nations such as Australia and the United States. It was attractive to town founders for several reasons: it was simple to survey and lay out; imposed instant order on the landscape; could be extended at a future date; enabled air to flow freely along the streets (seen as important to disperse air-borne diseases); and allowed space to be easily divided and sub-divided (Short, 2006, p. 10). The grid layout has also been described as reflecting the privilege given to economic interests: it located commerce at the grid’s centre or stretched along a main street to attract passing trade (Schrader, 2014, p. 751; Knight, 1947-48, p. 9-10). It has been criticised for often ignoring the irregular contours of the land; survey lines ran over hills rather than around them, making for some very steep streets and sudden street endings (Brown-May, 1998, p. 9-10).

Wellington was the first town to be laid out, in 1840. The New Zealand Company surveyor, William Mein Smith, had been told to (New Zealand Gazette and Wellington Spectator, 1839, p. 3):

Make ample reserves for all public purposes; such as a cemetery, a market-place, wharfage, and probable public buildings, a botanical garden, a park and extensive boulevards. It is, indeed, desirable that the whole outside of the town, inland, should be separated from the country sections by a broad belt of land which you will declare that the company intends to public property, on condition that no buildings be ever erected upon it.

Felton Mathew, the first Surveyor General of the colony, prepared the original plan for Auckland. It has been regarded as an improvement on the standard grid pattern as it attempted to fit the street system to the irregular contours by creating patterns such as crescents, squares, and circles.
Best laid plans

Despite best laid plans, New Zealand settlements, once commenced, generally forgot the original conception and proceeded to develop “in a haphazard manner in accordance with the needs of the moment and with little regard to long term objectives” (Knight, 1947-48, p. 386). Commercial imperatives and prevailing laissez-faire ideas led to a belief that planning and regulations inhibited private enterprise and should be avoided unless absolutely necessary. For example in Wellington the promised public space was given up as the settlers thought giving prime urban land over to public use was a waste of a profit-making resource; the marketplace, park, and extensive boulevards were never built. In Auckland, Mathew’s plan for two public squares in Hobson Street was abandoned for similar reasons. Christchurch bucked the trend of sacrificing public spaces for short term commercial imperatives by realising the plans for a large park, central square, and market place.

Absentee and speculator investors who sat on their land and waited for its value to rise had a big impact on the early settler towns. The task of developing urban infrastructure largely fell on settler communities, as the absentee land owners did not tend to contribute to those costs. Settlers in Nelson considered absenteeism “the evil of new settlements” (Nelson Examiner, 7 May 1842, p. 34).

Speculators also shaped the patterns of settlement. The uniform order promised by the grid was missing, and towns instead had a sprawling and muddled appearance, characterised by single buildings or clusters of buildings with intervening empty spaces. Some speculators sought short term gain by subdividing their land into tiny allotments serviced by narrow lanes which were then sold or leased to labourers and mechanics, and raised fears of future slums (Schrader, 2014, p. 753)

A final defining feature of colonial urbanism was its eclecticism. This was a result of the laissez-faire economy of the new settler societies, which promoted individualism and the primacy of private property rights (Schrader, 2014, p. 755). Property owners were largely free to construct what they liked. Unlike in European cities, where streets had buildings of a similar design and scale, buildings in New Zealand streets tended to be a mixture of different heights and designs. In 1842 Wellington was described as a village “on which everyone has built as suited his tastes and means” (Sydney Gazette and New South Wales Advertiser, 12 July 1842, p. 2). In 1852, it was observed that in Auckland, “uniformity in the town has been set as defiance, every one building according to his means and fancy” (Earp, 1852, p. 48). In addition to the eclectic appearance of towns, land uses were mixed: houses could be next to workshops and factories.

The realities of settler life and short term commercial imperatives in the early days of the colony contributed to a “haphazard square-grid town development which continued well into the twentieth century, and quickly provided complex town planning problems in the cities.” (Barry-Martin, 1956, p. 2). Those problems included regional imbalances, sprawling and ill-served suburbs, confused main traffic and food supply routes, and “a general shabbiness” (Barry-Martin, 1956, p. 2).

Early legislative measures

Essential services and infrastructure and the public health movement

Eventually these issues prompted an awareness of the need for town planning and the introduction of legislation regulating land use. New Zealand’s early local body legislation drew on English and Australian examples. Legislation enacted by provincial governments and, later, central government imposed rules about the layout of towns and empowered local councils to regulate building and planning. The Municipal Corporations Ordinance of 1842, for example, provided for local government of urban areas and gave local authorities power to, amongst other things, make and repair roads, water works, and sewers. Provincial regulations controlling the sale and disposal of land over time reflected a growing awareness that the essential needs of urban settlements had to be deliberately provided for. The Waste Land Regulations adopted by the different provinces during 1855-1857
contained measures for the provision of reserves, control of subdivision and obnoxious industry, and reservation of land for public purposes.

By 1866 all local authorities had some form of municipal corporation acts. In 1867 the central government passed the Municipal Corporations Act which covered matters such as the width and protection of streets, sewerage, lighting, water supply, markets, community buildings, and reserves.

1876 saw the first town planning legislation in the form of the Plans for Towns Regulation Act 1875. It was limited and restricted in application, concerned with the laying out of towns in “waste lands”, controlling the width and layout of new streets (99 feet width and plotted at right angles as far as practicable), and providing for reserves, rubbish disposal areas, and gravel pits. Territorial councils were empowered to make bylaws to regulate building and to promote public health and safety; for example powers to prevent overcrowding of buildings by imposing minimum backyard or sideyard spaces.

The public health movement, driven by local boards of health, was behind many of these changes. There were high rates of disease and death caused by household waste and cesspits polluting streams and drinking water and encouraging vermin. Cities started exercising powers to ban cesspits, organise the collection of night-soil (human waste), and construct water and sewerage networks. The improvement in public health highlighted how planning and intervention could positively impact the quality of city life (Schrader, 2012ii).

Town planning movement

During the early 1900s there was widespread public debate about town planning. Various planning schemes were mooted and proposed, drawing to varying degrees on the American, English, and Australian planning systems. The increased public and official awareness of the need to manage the built environment within New Zealand was partly motivated by altruistic desires to improve the urban environment and partly to remove unsightly areas and social problems such as “larrikinism” (Perkins et al, 1993, p. 18). Conditions in some inner-city residential districts were reported as “slum-like”. A 1903 survey of 300 inner city Wellington houses found over half were in an unsatisfactory state (“damp, dilapidated … [and] infested with vermin” and one-fifth were too overcrowded.

The “City Beautiful” and “Garden City” movements, international trends at the turn of the twentieth century, also reached New Zealand shores. The Garden City movement arose in Britain in the 1890s in response to the squalid conditions in industrial cities. The movement feared that these cities were creating a “degenerate working population and would cause national decline” (Schrader, 2012ii). The garden city movement ascribed to “environmentalism” – the idea that human behaviour was shaped by physical environments. Well-designed surroundings would, it was believed, materially improve both the quality of life of individuals and public life (Schrader, 2012ii). Features of “garden cities” included a spurning of the grid plan; streets which followed the topography and varied in width to accommodate different traffic densities; low-density housing; and cul-de-sacs to encourage social interaction.

Journalist Charles Read was a prominent figure in the movement in New Zealand. He twice toured New Zealand talking about how slums were affecting city life and calling for town planning, the main purpose of which, he said, was the creation of healthy towns through practices such as land-use zoning, lower housing densities, and different street widths.

A government-sponsored town-planning conference was held in Wellington in May 1919. Minister of Internal Affairs George Russell said it aimed to “avoid the mistakes of the mother-country [Britain] where slums created an environment where a healthy race cannot be reared.”

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1 “Report of the Wellington City Council Committee of Enquiry into the Poorer Classes” (1903), Bristow File, Wellington City Archives, quoted in Schrader, 2012.
make urban areas healthier and more socially stable. Russell said that revolution was ‘slum-bred’ and not a product of people who had “happy homes and delightful gardens”.  

There were a number of active clubs and societies who became involved with planning and planting projects. Its influence can be seen in the some suburbs and developments around New Zealand. In 1920 architect Samuel Hurst Seager designed a garden suburb on Drurie Hill. His street plan, reserves, bowling green, and croquet lawn were realised but not his plans for a community hall, intended to be the focus of social life. Another architect, Reginald Hammond, designed a garden suburb at Orakei, Auckland, but it was only partly built and the rest of the land was later used for state housing (Miller, 1998, p 267).

Town-Planning Act 1926

The first comprehensive town planning legislative scheme

The Town-Planning Act 1926 enacted the first comprehensive power to regulate and limit the use of land for a particular activity. The Act was described as an Act “to provide for the Making and Enforcement of Town and Extra-Urban Planning Schemes”. During the Bill’s second reading, the then Minister of Internal Affairs observed that: “Cities and towns in the Dominion at the present time have no schemes of town planning and the sooner the controlling authorities have the power and set to work and draft such schemes the better for themselves and the people generally.” It was hoped that it would “clear up the slums of some of our cities”. In debate on the Bill in the House of Representatives one Member of Parliament said: “One can go into any city of any size at all and see residential areas, smoke-stacks, and everything else mixed up in one indiscriminate mass.”

Centralised control

A feature of the 1926 Act was centralised control over planning. Local authorities were accorded power to prepare planning schemes, but the central government retained ultimate authority to approve the schemes and consider requests for subsequent changes. The Act established a Town-Planning Board headed by the Minister of Works. Its functions, as described in section 12, were to make all inquiries and consents necessary for the purpose of the Act. The establishment of a Planning Board reflected the government’s view that local government lacked the appropriate political and technical capability to undertake these new functions (Perkins et al, 1993, p. 18).

Zoning and planning schemes

The Act made a significant step towards comprehensive planning by introducing zoning as a planning tool. It required town and extra-urban planning schemes to define “areas to be used exclusively or principally for specified purposes or classes of purpose” (see clause 7 of the Schedule to the Act). The concept of zoning was new for New Zealand. Zoning had been used in the nineteenth century in the USA to separate urban residential land uses from noxious industrial activity (Perkins et al, 1993, p. 18). In the UK the need for zoning had become apparent in the rapidly-growing industrial towns and cities of the North and Midlands. New Zealand’s industrial development was less extensive and so similar problems were much slower to present themselves. However, by 1926 it had become clear that in the larger cities particularly, properly planned development required zoning provisions (Robinson, 1966, p. 3).

The Act required borough and city councils with a population of 1000 or more people to prepare planning schemes for the district within specified time limits. Section 3(1) of the Act provided that the schemes must guide the development of the district “in such a way as will most effectively tend to promote its healthfulness, amenity, convenience and advancement.” The time limits were extended...
two times by subsequent amendments to the Act. Although the Act delegated to local authorities the power of preparing planning schemes, central government (through the Town-Planning Board) retained ultimate authority to approve the schemes and consider requests for subsequent changes.

**Inefficacy in practice**

Commentators have described the 1926 Act as sound in concept but ineffective in practice. Robinson attributed its inefficacy to: inertia by central government and local authorities; court findings which enabled local authorities to in effect obtain the benefits of the Act without fully accepting its responsibilities; and national economic difficulties (Robinson, 1981, p. 6; Perkins et al, 1993, p. 18).

There was a strong sense that the town planning scheme was vague and uncertain and arbitrary in application. In one judgment under the 1926 Act the judge commented: “Town planning principles are so vague and uncertain, and, as the evidence shows, so flexible or fluid – changing not only from place to place but also from year to year – that a decision based thereon is a bitter pill to swallow.”

**Limited uptake of planning schemes**

Despite the Act requiring councils to prepare planning schemes, most were still not interested in, or were opposed to, planning (Barry-Martin, 1956, p. 20). Councils failed to prepare planning schemes and central governments were unwilling and unable to force them to do so. By 1953 only one small city and 12 boroughs (most with populations under 1000) had schemes finally approved, while two other cities and 11 boroughs and two town districts had schemes provisionally approved. (Barry-Martin, 1956, p. 24). Councils were able to avoid the time limits for the preparation of schemes by relying on section 34, which enabled councils to prohibit work which appeared likely to contravene a scheme, had one been approved, or would contravene town planning principles, or would interfere with the amenities of the neighbourhood. The section was originally intended to provide councils with some interim control of development between the passing of the Act and the final approval of a scheme under it. However, the Supreme Court’s interpretation of the section enabled councils to continue to rely on it long after the date by which councils were meant to have prepared a planning scheme.

The absence of approved planning schemes in larger New Zealand centres rendered local councils powerless to control the development of land in their areas. One study highlighted the lack of control over changes in the class of buildings on any land, with the consequence that un-zoned industrialization of residential areas went unchecked (Barry-Martin, 1956, p. 5). One commentator, writing in 1947, observed that the absence of effective pre-determined planning for a particular area resulted in piece-meal and poorly co-ordinated urban areas. The absence of effective planning laws requiring positive preplanning by local authorities allowed subdivisions to be made piece-meal. The only real controls on subdivision concerned matters such as the width of streets, section sizes, and open space requirements, which resulted in a series of piece-meal additions to the existing town (Knight, 1947-48, p. 390).

The Town Planning Amendment Act 1929 made minor amendments to the principal Act and introduced regional planning schemes (schemes for the planning of areas outside borough boundaries which possessed certain urban characteristics or areas adjacent to boroughs which must be taken into account in the preparation of town planning). The intention was that a group of local authorities could combine to produce a scheme for a much bigger area than would be covered by a town planning scheme.

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7 See New Zealand Breweries Ltd v Auckland City Council [1938] NZLR 429, and the cases which subsequently followed that decision, noted in Robinson, 1981, p. 7.
Very little came of the provisions relating to regional planning. Section 7 made it clear that a regional scheme was to serve only as a guide to local authorities involved in the preparation of planning schemes; no local authority was obliged to adhere to the scheme provisions when carrying out its public duties.

Betterment Fund

The “Betterment Fund” was another key aspect of the 1926 Act which failed in practice. The intention was that each local authority should set up a Betterment Fund from which to meet compensation claims and other expenses incurred under the Act. The fund was to be provided by the payment to the local authorities concerned of one half of the “betterment increase” (defined as the increase in the value of any rateable property as is attributable to the approval of a town planning or an extra-urban planning scheme, or to the carrying out of any work authorised by the scheme). However no betterment was ever collected, apparently due to difficulties of calculation and collection, and the concept of a Betterment Fund was omitted from the 1953 Act.

Post-war revival

Rapid post-war urban expansion prompted an accompanying revival of interest in planning. In 1941 the New Zealand Standards Institute issued a Standard Code of Clauses for Town-Planning Schemes. The code was designed to provide guidance to local authorities as to the general features that should be embodied in a town-planning scheme. The Code was readily adopted by councils preparing schemes, often as a rigid standard, even though it was intended as a guide only (Barry-Martin, 1956, p. 32).

Amendments and additions were also made to the existing legislative scheme in the post-war period. For example, the Housing Improvement Act 1945 made specific provision for slum clearance and redevelopment of the cleared area. It also, for the first time, authorised the application to existing buildings of minimum standards of construction. In 1946 the Land Subdivision in Counties Act regulated the subdivision of land outside boroughs, enabling suburban development. Control of rural development was virtually placed in the hands of the Minister of Lands, who could ignore the desires of a county council if he wished.

The environmentalist belief that town planning could improve the quality of city life was widely accepted in this period (Schrader, 2012iv). New state-housing suburbs were constructed in the main cities with these ideals in mind. The Hutt Valley scheme was the most ambitious, with three suburbs (Epuni, Naenae, and Taita) constructed along garden-city principles: curved streets to follow the topography and counter monotony, reserves, community centres, and single dwelling houses.

Until the 1940s, the public debate about planning was centred on the four metropolitan cities of Auckland, Wellington, Christchurch, and Dunedin. From the 1940s, the urban expansion of regional cities such as Palmerston North, Timaru, and Hamilton extended the debate beyond the four main centres. Two main policy concerns came to dominate debates about planning: suburban sprawl and “slums” in the cities. Urban expansion outside municipal boundaries (a notable feature during and immediately after the war) led to concerns about “sprawl” and the loss of productive agricultural land from low-density suburbanisation, while older residential areas were deteriorating and being called slums (Perkins et al, 1993, p. 19; Gatley and Walker, 2014, p. 17, 48).

Town and Country Planning Act 1953

The philosophy behind planning laws was up for debate in the lead up to the Town and Country Planning Act 1953. There was general recognition that a planning system was both desirable and necessary. During the second reading of the Bill in the House, the Minister of Works, Mr Gooseman, said (quoted in Hearn, 1987, p. 14):
The first thing we have to decide is whether we should have planning, and I think the majority of people would agree that to guide this country along in the building of the towns and the provision of amenities in a reasonable way, so that it will not be like Topsy and just grow up, it is necessary to have town and country planning.

Mr Gotz, the Member for Otahuhu, said (quoted in Hearn, 1987, p. 14):

In New Zealand with its rapid development over recent years, we can see how the urban sprawl has created difficulties in the way of providing adequate transport, water, and sewerage, all of which might have been avoided if some system of planning had been devised earlier.

**Encouraging planning**

The Government’s intention with the 1953 Act was to encourage town and regional planning by transferring to local authorities the powers previously vested in the Town-planning Board. The Board was abolished. It was replaced by a new authority called the Town and Country Planning Appeal Board which was empowered to deal with appeals from council decisions. The Board was a quasi-judicial appellate body chaired by an appointed judge. It came to exert wide-ranging influence on planning practice in New Zealand (Perkins et al, 1993, p. 20).

**Planning schemes**

The Act required every city, borough, and town board to provide and maintain a district planning scheme. Each planning authority was responsible for the preparation and approval of its planning scheme (powers previously exercised by the Town-Planning Board). There was still significant central government involvement however, as councils had to submit their prepared scheme to the Minister of Works for checking.

The purpose of district schemes was the “development of the area … in such a way as will most effectively tend to promote and safeguard the health, safety and convenience, and the economic and general welfare of its inhabitants and the amenities of every part of the area.” Section 20 listed the matters which the district scheme was required to make provision for:

- Zoning;
- Preservation of places of natural beauty or historical interest;
- Designation of proposed reserves and all types of recreation spaces;
- Public access from place to place, car parks, public transport systems, street widths;
- Public utility services;
- Buildings, with reference to siting, density, use, character, height and appearance, open space about buildings;
- Control of advertising and other preservation of amenities;
- Control of subdivision, including restraint on unnecessary encroachment of urban development upon land of high actual or potential value for the production of food;
- Land subdivisional standards;
- Ancillary or consequential works and all other matters involving the principles of town and country planning.

The Act also instituted regional schemes. Regional schemes were intended to further the conservation and economic development of a region and the co-ordination of public improvement, services, and amenities that were not limited by the boundaries of any one local authority. The regional scheme was
to be a guide to councils preparing district schemes. Local authorities were obliged to adhere to the provisions of an operative regional planning scheme (section 4(1)), but were entitled to appeal to the Appeal Board against any regional scheme in so far as it conflicted with any operative or proposed district scheme.

The stated purposes of district and regional schemes were potentially far-reaching, concerning not just the essential amenities and services and physical environment of urban areas, but also the welfare of their inhabitants. However, when considered in light of the broad social and economic goals of the 1957 Act, Perkins et al argue there is little evidence that local authorities wanted to become actively involved in economic planning (Perkins et al, 1993, p. 19). It preferred instead to take a largely laissez faire approach, and Councils more often used planning tools to effect piecemeal change (Schrader, 2012iv).

**Ideology underlying the Act**

One analysis of the Act argues that its ideology and impact was materially shaped by an underlying and dominant ideological position privileging individual property rights (Perkins et al, 1993, p. 11). The Act was concerned to define private rights and interests in land, and its planning machinery (with techniques such as land use zoning and corresponding ordinances) restricted public intervention in property development rights. The Appeal Board reinforced this ideological approach by encouraging an adversarial approach to disputes, and favouring conservative outcomes in which the rights of landowners and developers predominated (Perkins et al, 1993, p. 20).

The Act’s formal structure did, however, impose some control and scrutiny over private developers and helped prevent gross violations by unscrupulous property developers.

**Shift towards more interventionist planning**

In the late 1960s and 1970s there was a shift in planning practice. Local governments began to intervene through the planning process to voice and resolve community conflicts and to promote local community interests. Councils moved away from administering zoning that controlled the built environment towards a broader strategic and policy-focused function.

**Central government direction**

In 1973 an amendment to the 1957 Act introduced central government policy directives in the form of “matters of national importance”. These were matters which had to be recognised in all schemes, and focussed on the avoidance of encroachment of urban development on land having a high, actual, or potential value for production of food, and the prevention of sporadic urban subdivision.

**Review**


**The Town and Country Planning Act 1977**

**Changes required**

The Town and Country Review Committee concluded that the basic system of local planning was sound and well suited to New Zealand conditions. It was flexible and adaptable and had been progressively amended to increase the rights of the public to participate in planning. It found however that some important changes were long overdue:

- The Act needed simplifying and arranging in a more logical form;
- Third party rights to participate should be further extended;
Environmental considerations should be brought directly into the planning process; and

More effective links should be created between planning at all levels – national, regional, and local.

In introducing the Bill into the House, the Minister of Works and Development said that the Bill promoted a closer relationship and communication between national, regional, and local planning and provided wide ranging opportunities for the public to take part in the planning process. He also acknowledged “present concern for the protection of the environment”, and noted that the Bill gave more emphasis to environmental considerations (Hearn, 1977, p. 15).

Key features of the Act

One analysis of the New Zealand Town and Country Planning Act 1977 describes the Act as incorporating aspects of planning philosophy and practice from both the UK and US (Robinson, 1981, p. 4-5). Robinson describes the English and American planning schemes of the time as differing in three key respects: the English system was characterised by its centralised control, administrative review, and discretionary powers, while the American system was marked by local autonomy, judicial review, and rigid regulation (Robinson, 1981, p. 4-5). The 1977 Act incorporated aspects of each, with centralised control over local action through the Minister’s approval of regional schemes and provision for public works, and tempering land use zoning with flexibility through the review of local decisions by Planning Tribunals.

The zoning system was criticised at the time for imposing an overly rigid development pattern. To ameliorate some of these concerns the 1977 Act consolidated previous amendments and introduced new provisions aimed at providing more flexibility. They included, for example:

- Giving councils the power to issue discretionary ordinances which dispensed with or waived certain requirements as to the design and external appearance of buildings, landscaping, and amenity protection;
- Consolidation of councils’ powers to permit an exemption from the scheme.

Increased community participation

The 1970s saw a trend towards greater community participation. The Local Government Act 1974 had introduced “community councils”, which could represent local opinion and encourage and co-ordinate activities for the general wellbeing of the residents in the community. This increased emphasis on community participation was evident also in the Town and Country Planning Act 1977. The Act expanded objection rights, so that a person or body affected, or any body or person representing some relevant aspect of the public interest, could object to a scheme or planning application. Under the 1953 Act only individual land owners directly affected had the right to object. The 1977 Act also introduced public consultation, by enabling submissions to be made on draft schemes. In addition to these general provisions encouraging greater community participation, the Act also made specific provision for the taking into account of Maori by introducing a new directive to local government to take into account the relationship of Maori and their culture and traditions with their ancestral land.

The focus and style of planning changed during this time. The rate of urban expansion was slowing, which meant that the attention of many local authorities became redirected towards managing the existing urban environment and its issues; such as employment, housing renewal, access to services, and environmental hazards. These issues are inherently political and value-based. Increased community participation rights also made planning more overtly political. Planning became more politically-orientated and based upon bargaining, and conflicts were brought into the open forum of local government politics (Perkins et al, 1993, p. 21).
The Hearn Review

Need for review
In November 1986 the Government appointed A Hearn QC to review New Zealand’s town and country planning legislation. The need for such a review arose for a number of reasons, including (Economic Development Commission, 1987, p. 3):

- The unclear position which State Owned Enterprises appeared to occupy in respect of town and country planning regulation;
- The general move to review all regulatory regimes as part of government policy;
- The desire to create “more room” for “the more market approach” in the planning system, including giving more thought to the object, need for, and cost of intervention (Hearn, 1987, p. 29);
- The need for greater co-ordination between planning legislation and other resource management regimes;
- The creation of the Department of Conservation and the Ministry of Environment which raised important questions about the regulation of resource exploitation; and
- The persistent perception that town and country planning regulation acted as a deterrent to development because of a lack of flexibility, slow decision making, and a lack of integration in resource management statutes.

Key findings
Hearn noted that many of the criticisms that were levelled at the 1953 Act were repeated in respect of the 1953 Act (Hearn, 1987, p. 22).

Hearn’s review of the 1977 Act recommended many changes to existing legislation to address the identified issues. It sparked the genesis of the Resource Management Law Reform process which resulted in the passing of the Resource Management Act 1993.

Resource Management Act 1993

Radical shift in planning ideology
The Resource Management Act (RMA) radically restructured New Zealand’s planning system. The British-style town and country planning scheme was repealed and replaced with a very different form of statutory environmental planning and management.

The Act attempted to do away with zoning. It established in its place an effects-based system, elaborated locally in a District Plan. Any land use or activity could be permitted so long as it did not undermine the sustainable management of natural and physical resources.

The Act was part of the third Labour government’s broad reforms of the state sector which were based on increasing the role of the private market, extending choice, and privileging the individual consumer. Planning under the existing legislation was seen to be a bureaucratic process which intruded too much into the market place and increased the cost of development through delays as applications went through the local government system (Perkins and Thorns, 2001, p. 641).

Act’s treatment of urban and social planning issues
One of the Act’s distinguishing features is its limited focus on urban and social planning (Perkins and Thorns, 2001; Memon and Gleeson, 1995; Perkins et al, 1993). The Act’s heavy emphasis on the
biophysical environment was criticised by commentators at the time of its enactment as creating potential difficulties for urban social and economic planning. For example Perkin criticised the definition of “environment” in the Act as being too narrow and naturalistic; by seeking to define human social and community as part of the biophysical ecosystem it ignores the social theoretical tenet that cities are a product of human culture (Perkins et al, 1993). Similarly, Aasen pointed out that (Aasen, 1992, p. 17):

Cities are in fact not natural organisms: they are artificial, cultural constructions. If we treat human communities as part of ecosystems, we ignore the complex social and economic processes, which produce and maintain cities and … preclude the question of our cities and other aspects of our constructed [and social] environment from the serious consideration which they deserve.

Writing in 1993, Perkins et al argue that planning in New Zealand has largely been directed to managing land use: the focus has been on the spatial arrangement of buildings, open space, physical infrastructure, and the mitigation of nuisances and hazards. The emphasis on land use planning has left little room for the development of community planning as part of statutory planning. It has reflected the assumption that social and cultural development is the logical outcome of land use, and social objectives can be achieved through land use management: both political value judgments that have been deeply embedded and largely unquestioned (Perkins et al, 1993, p. 21). An example is how district schemes have provided for recreation but largely ignored that that recreation planning requires much more than the provision of open space.

One empirical study in the late 1990s concluded that the new legislative environment of the RMA and the amended Local Government Act 1974 displaced city-planning from the central role it had previously occupied in local government activities (Perkins and Thorns, 2001, p 648-9). It noted that some councils had difficulty dealing with the shift from zoning to effects-based management under the RMA as it has reshaped, and effectively restricted, their ability to control activities.

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