

Oasis 6527728

9 March 2016

Steven Bailey  
Inquiry Director  
Better Urban Planning Inquiry  
New Zealand Productivity Commission  
PO Box 8036  
The Terrace  
**WELLINGTON 6143**

Dear Steven

### **BETTER URBAN PLANNING SUBMISSION**

Thank you for the opportunity to lodge a submission.

Due to the various Resource Management Acts (RMA) and planning related consultative documents out for submissions during the first quarter of 2016, this submission is limited to a series of high level comments on the current performance of the urban planning system.

David Murphy, City Planning Manager, Palmerston North City Council also represented the Society of Local Government Managers at a meeting with the New Zealand Productivity Commission on the Better Urban Planning document on 24 February 2016.

Palmerston North is experiencing moderate growth at a national scale. The Palmerston North City Council (PNCC) 2015 Long Term Plan anticipates an average of 300 households per annum over the next 20 years. Industrial land uptake has been occurring at a rate of approximately 4ha per annum. Retail activity is strong and reflects the regional role played by the City.

### **Refinement or Major Reform?**

Generally speaking the current urban planning system is working for PNCC, although some minor amendments could be made to the RMA to improve the system. PNCC has developed four land-use strategies outside of the RMA and is now in the process of implementing the strategies via a Sectional District Plan Review. In effect the four land-use strategies form a high level spatial plan to guide the growth and development of Palmerston North. This is a successful example of the bespoke planning regimes referred to in the Better Urban Planning document.

With respect to residential growth the major issue continues to be pressure for privately initiated development in locations where the Council is not planning for and cannot afford additional network infrastructure. The major challenge with respect to industrial development is trade competition motivated submissions challenging additional land supply, despite recent amendments to the RMA seeking to discourage such submissions. The irony is where the Council is seeking to provide additional industrial land in a manner which is integrated with its network infrastructure investment, existing landowners are resisting the additional land supply.

PNCC would support a relatively discrete change to the RMA to better recognise the strategic land-use planning which occurs outside of the RMA when making decisions under the RMA. For example, the various bespoke planning examples referred to in the Better Urban Planning document could become mandatory within urban areas experiencing growth and be formally recognised when making decisions about urban planning under the RMA. The current amendments to the RMA simply identify development capacity as an additional function for councils which focuses the attention purely on land supply as opposed to urban planning more generally. More specific reference within the RMA to the strategic planning undertaken under the Local Government Act (LGA) such as infrastructure strategies and asset management plans would also be useful. The role of urban planning could also be better reflected in Part II or the functions of councils.

The Sectional District Plan Review process has increased District Plan agility and enabled the Council to target its resources on its strategic priorities.

### **Urban Design**

Urban design has been described as delving too deep into personal land-use decisions. The reality is the rise of urban design has come about as a result of the market-led effects based planning which occurred under first generation District Plans and the 'silo' approach to City-making where no single discipline has taken responsibility for creating successful places. The notion of buildings needing to make a positive contribution to the quality of the public realm has also been lost. The effects based focus of planning under first generation District Plans had a significant impact on the quality of planning and the experience within the planning profession. Effects based planning bred a generation of planners who have only been asked to think about the effects of a particular activity as they apply at a property boundary. The urban planning issues now being faced by the country are far more complex and widespread than the traffic movements or noise effects of an activity as measured at the boundary of a property. The quality of urban development in the 1990s in Palmerston North City highlights this problem.

Councils are now taking a much more holistic and long-term outcomes based approach to planning which means recognising and providing for the value of urban design. The reality is developers generally only have a short-term interest in land and buildings which minimises the need to consider urban design or other matters such as environmental sustainability. Where landowners do have a long term interest in land, they typically value the benefits of good urban design. For example, Auckland International Airport is a significant strategic landowner in New Zealand. It owns all the land and buildings within the vicinity of the Auckland International Airport and does not plan on selling land. It is not a coincidence that the Airport has an urban design led master-plan which informs all its investment in nearby commercial land. More locally in Palmerston North, PNCC has worked collaboratively on urban design matters with long term landowners such as Massey University, FoodHQ and UCOL.

### **Permissive Planning Regimes**

The current emphasis on a more permissive planning regime and ongoing reform which redefines the process of identifying affected parties is counter intuitive. A permissive planning regime results in a conservative development envelope which means non-compliances typically triggers neighbours consent. In this situation the neighbour has more influence on the likely outcome and cost of the process than the Council or the developer. A more sensible planning regime is restricted discretionary consent status with a non-notification clause and discretion retained over design. This ensures the discussion is between the Council and the developer with the emphasis on the quality and design of the development not the particular views of a neighbour. With this regime the community engagement needs to occur as part of the plan development process not the resource consent process.



## **Environment Court**

The Environment Court is regularly criticised as being time consuming and costly. The benefit of the Environment Court is that it holds people to account should they seek to abuse the urban planning system. In this respect the Court is a necessary evil when controlling private property rights and regulating land-use. Good planning practice and sufficient resourcing of the urban planning system by local government does reduce the likelihood and significance of appeals.

## **Natural Hazards**

Recent earthquakes and increased flooding has resulted in a proposal to add natural hazards to Part II of the RMA. While this is supported by PNCC this will increase the time and costs associated with urban planning. Good quality information on natural hazards is time consuming and costly but an increasingly important part of urban planning.

## **Collaborative Planning**

Collaborative planning is currently being promoted as an alternative method for resolving urban planning issues. While collaborative planning is an important tool, and done well it can reduce time and costs, the challenge with urban planning issues is many citizens are yet to fully embrace their own internal contradictions when it comes to making decisions which achieve the sustainable management of natural and physical resources. For example, intensification is great, provided it is for everybody else. While collaborative planning is a good thing and is proposed to be further encouraged via the current amendments to the RMA, the reality is it will not resolve all urban planning disputes.

The notion that the success of the Land and Water Forum can be rolled out to make decision making more efficient could be described as looking at resource management and urban planning issues through rose tinted glasses. The reason for this description is the work of the Land and Water Forum had no defining influence on people's private property rights. Using the current legislation, PNCC has had a lot of success using collaborative planning processes to narrow areas of disagreement, but generally a hearing and technical evidence is still required to resolve any remaining disputes.

If you have any specific questions please direct these to David Murphy, City Planning Manager.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paddy Clifford', with a large, sweeping flourish underneath.

**Paddy Clifford**  
**CHIEF EXECUTIVE**