

Thank you for the opportunity to input into this important workstream.

Please find below comments relating to some of the questions contained within the Issues Paper. Regrettably, as an individual I have limited resources to be able to answer all the questions. I have a particular interest in town planning, urban design and infrastructure planning therefore my comments have tended to focus on related issues.

I trust the comments are useful and given consideration by the Commission during the development of a possible new planning system for New Zealand.

Q1. What is the appropriate scope of planning?

It is considered fundamental to include design in the scope of planning. Delivering good design in development is a core part of what planning is about.

For instance, in the National Planning Policy Framework for England (NPPF), the (English) “*Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*” (my underlining).¹

Is good design about aesthetics?

The commentary relating to Q1 implies urban design is purely about aesthetics, and that good design is subjective. This is challenged.

Taking the first point, good design is not just about aesthetics. Design is as much about ‘function’ as it is about ‘form’.

As stated in the above NPPF, “*although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Good design should address the connections between people and places and the integration of new development into the natural, built and historic environment.*

In addition, it is asserted good design also addresses: sustainability, economics, social inclusion, community, health, safety, resilience and vitality, to name a few.

So is good design subjective?

As for the second point, it is a common misunderstanding that good design is subjective, rather than objective. This is also challenged.

¹ 2012. Department for Communities and Local Government - National Planning Policy Framework.

When assessing the merits of design the focus should be on design ‘quality’ not design ‘style’. There is an important distinction here. ‘Style’ relates to a matter of taste. Taste is largely subjective and is a matter of personal feelings or opinions. On the other hand, it is possible to be objective about **quality**. A systematic approach to assessing design quality makes the assessment more objective and less subjective.²

For instance, the Building in Context: New Development in Historic Areas CABE and English Heritage makes the following point:

*“... differences of opinion and matters of personal taste should not be allowed to obscure the fact that it is possible to arrive at opinions about design quality that are based on objective criteria”.*³

So how we can achieve objective design assessment?

There are many ways of doing this, but one recognised way of objective design assessment is set out in By Design – Urban Design in the planning system: towards a better practice.

Assessment is based on looking at aspects of development form. Together, these aspects define the overall urban structure and layout of the place (in terms of routes and building blocks); its scale (in terms of building height and massing), its appearance (as expressed in details and use of materials); and its landscape (including all public realm, built and green spaces).⁴

Q2. What is the appropriate role for planning in controlling land use for design or aesthetic reasons?

See above comments.

Q6 How does the allocation of responsibilities to local government influence land use regulation and urban planning? Thinking beyond the current planning system, what allocation of responsibilities to different levels of government would support better urban planning?

It is considered the allocation of responsibilities and ‘joined up’ planning should start at the ‘top’ i.e. central government, particularly when it comes to growth and infrastructure planning. In this respect, the formation of an inter-agency Ministry unit should be considered. The Ministry unit could seek a collaborative approach to the planning and development of physical and community infrastructure in the national interest: helping set the forward direction, allocate and prioritise funding and other resources, and assist in the implementation where practicable. The inter-agency Ministry unit could comprise of – transport, housing, education, by way of example.

² Derby City Council Urban Design Paper 1. (2004)

³ 2001. English Heritage and Commission for Architecture and the Built Environment – Building in Context.

⁴ 2000. Commission for Architecture and the Built Environment. By Design – Urban Design in the Planning System: towards a better practice.

Q7 How can an urban planning system better integrate land use regulation and infrastructure planning?

- Better forward planning, growth planning, strengthen provisions around structure plans, and consider a requirement for comprehensive urban design frameworks and masterplans for large scale developments. See the attached Drury Urban Design Framework as an ‘academic’ example⁵.
- Facilitate a sequential approach to the release of land for housing and business, using sustainable locations first i.e. brownfield urban land around centres and transport nodes, before less sustainable locations.
- Consider a sufficient supply of land to cover an appropriate timeframe, say 5+ years and ensure ‘rational’ control and release based on sustainable principles.
- Consider proactive strategic urban housing capacity studies which would identify sustainable locations and consider when they should be released. This will provide certainty for both developers and authorities when delivering critical infrastructure.
- Consider different house building and infrastructure models that capture and redirect the significant uplift in land values to pay for physical and community infrastructure. See the case study in Making Eco Towns Work: Developing Vathorst⁶ and the Uxcester Garden City⁷ both prepared by URBED, and the ‘academic’ Drury Urban Design Framework that applies the model in the New Zealand context.

Q8 Are complicated rules needed to control complex social systems? What are the alternative approaches for dealing with complexity?

Generally, less rules and a more principles and policy based approach is advocated for, particularly when it comes to design matters.

Q9 What principles around consultation and public participation should the Commission consider in the design of a new urban planning system?

Public participation and local democracy underpins most planning systems in the developed world, therefore it expected a good level of consultation is retained.

Q10 Thinking beyond the existing planning system, what should be the appropriate level of consultation in making land use rules or taking planning decisions?

⁵ Rothwell, D. 2015 – Urban Design Framework For Drury, South Auckland.

⁶ URBED. 2008. Making Eco Towns Work: Developing Vathorst.

⁷ URBED. 2014. Uxcester Garden City – Wolfson Economic Prize 2014.

England's planning approach is to invite comment on any development requiring planning permission. Each application is advertised in the local press, on the site and neighbours are informed by letter about the nature of the proposed development. It is up to the professional judgement of planning officers (and case law) to assess the validity of planning submissions. Valid submissions must relate to planning matters, i.e. relevant planning policy and other material considerations. Experience suggests this seems to work reasonably well and cases do not appear to be 'bogged down' in irrelevant submissions.

It is also considered that local neighbourhoods and communities should also be given the opportunity to input into the long term vision for the planning or regeneration of their areas.

Q14 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?

- Through the inter-agency Ministry unit.
- Given 90% of the NZ population now live in an urban area, urban development and infrastructure should be elevated as a Matter of National Interest.

Q17 What information about environmental outcomes and other urban outcomes would a decision-maker need to make good urban planning decisions?

Strategic Urban Design Frameworks; Masterplans; and Design and Access Statements are advocated for in the urban context.

Q25 What international approaches to planning and environmental protection should the Commission consider?

- England's Planning System
- Netherlands Planning System, particularly with respect to house building and infrastructure models.

Q26 Should New Zealand continue to have a unitary regulatory framework for environmental and land use regulation? What are the advantages and disadvantages?

- Yes, this enables a more integrated and coordinated approach to regional and local planning.

Q28 Should provisions relating to infrastructure planning and funding be integrated in a planning statute?

- Yes.

Q30 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?

- Urban Capacity Studies to identify suitable land.
- The sequential approach to the rational control and release of land, based on sustainable principles.

Q31 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?

- England has two levels of development: permitted development for small scale development; and full discretion for any other development, requiring planning permission. Permitted development thresholds are the same nationwide.
- Development must be in accord with the policies in development plan (district plan) unless other matters indicate otherwise.
- There are limited rules in the district plan, rather favouring policies with relevant explanatory commentary.
- The documents tend to be significantly smaller, far less complex and generally easier to understand.
- This means officers make a professional judgement based on policies and principles, rather than relying on rules. (This is also considered to be a better working environment for the planning profession too).
- In respect of planning submissions, officer's make a judgement call on the validity of objections, as explained above.

Q33 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?

- Yes. See comments and suggestions above.
- Different house building and infrastructure models need to be explored, particularly in the context of delivering physical (road, rail, utilities, etc.) and community infrastructure (such as affordable housing, schools, hospitals, emergency services). The current system is not working and the way infrastructure costs are being paid for is arguably unfair with a significant proportion of costs becoming a financial burden on Government and the average New Zealand (indirectly through taxation). (For example, a recent report by Cambridge Horizons suggests the true costs of community and physical infrastructure can be as much as \$115,000 per dwelling (URBED, 2014); and it is unlikely this figure is met by the main beneficiary.) Such a burden on Government and New Zealanders is considered particularly unfair in the

context of some landowners benefiting through the significant uplift in land values brought about by planning ‘up zoning’, and speculation.

- For example, the average value of agricultural land in New Zealand in 2015 was about \$28,000 per hectare.⁸ Compare this to the average value of a standard residential subdivision (with no house completions) in the city fringe of south Auckland equating to about \$4.1 million. The uplift in value is clearly significant and in proportional terms very little of that is captured to pay for true infrastructure costs.
- It is considered unlikely the affordable housing issue in Auckland will ever be solved without addressing this fundamental land economic issue.
- Part of the solution could be a planning system that supports a fundamental shift in principle from one of ‘speculation’ to one of ‘stewardship’, particularly where the land is owned by the Crown.

Q36 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?

Yes, see comments above.

Q37 Would there be tension between a 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?

Tend to think most things can be work through provided change will bring about positive outcomes and there is an appropriate balance of private and public interest.

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⁸ 2015. Real Estate Institute of New Zealand.