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Dear Sirs,

Re Submission on “Using land for housing”

I have not read the Draft Report, however I have read your four page summary document “Cut to the Chase” and would like to make some comments/submission on the issues raised in this document.

## **1. The need for more land and more opportunities to develop housing**

Your summary refers to the need for greater density and height

### **Density**

I strongly agree that land use plans need to allow for greater density, and I submit that density controls need to be removed altogether on fully serviced residential land (both green field and existing urban areas). Density controls are now an outdated and ineffective way of protecting character and amenity (which is the usual reason for retaining these controls). The intensity of development is better managed through bulk and location controls together with robust designed based controls.

For example:

- a combination of building height, height in relation to boundary (HIRB) and front, rear and side yard setbacks will establish the size of a three dimensional building envelope on a site. The smaller the site the smaller will be house that can be constructed on that site.
- the three dimensional envelope is complemented or reinforced by a maximum building site coverage control which regulates how much of site can be covered by buildings. Maximum impermeable surface controls regulates maximum hard surface on a site and conversely, how much permeable surface land is left over for stormwater runoff.
- the three dimensional building envelope can also be limited by the need to comply with privacy and solar access controls (although these are rarely used in the package of permitted development controls in a typical NZ land use plan).

As your summary says, the lower the density (or the larger the site) the greater will be the size of the house that is constructed on that site in order to capitalise on the value of the land. If density controls are removed, bulk and location controls will dictate how much of the site can be developed, and design based controls eg controls on overshadowing, overlooking, how much outdoor living space must be provided which protect onsite amenity and amenity of neighbouring properties.

I submit that developers will usually choose to develop a greater number of small houses rather than a lesser number of large houses if they are not constrained by density. It follows that, the smaller the site, the smaller will be the dwelling, the less it will cost to produce the more affordable the house and land package will be. It will also increase the rate at which housing supply is augmented. As an example, take a typical 1:500m2 density control on a 1000m2 site. If this was removed most developers would choose to construct three or four small houses rather than two big ones. The cost of the land will be spread between four houses instead of two, and the cost of constructing four small houses will clearly be less than the cost of constructing two large ones.

## Height versus more intense development on a site?

I agree there is a need for greater height in highly accessible locations such as commercial centres and their immediate surrounds. However, I do not consider that increasing building heights per se, will address the problem of housing supply or housing costs.

High rise buildings (three or more storeys in the wider suburban area) are generally unpopular in New Zealand and by choice most people would prefer to live in single and two storey house. Once you exceed two storeys there is a significant increase in the potential for overshadowing and overlooking of neighbouring properties. People regard access to sunshine and reasonable privacy as a very important and valued amenity. People move to NZ because it is a more liveable city. One of the key reasons is because it is not full of high rise apartments like other major cities in the world. Whilst NZ will eventually have to succumb to high rise housing to accommodate ongoing population growth, this is not desirable or necessary in NZ at this point in history. It is therefore important to find ways of using land more intensively for single and two storey housing in the wider suburban areas.

There is huge scope to increase the intensity of single and two storey housing in the suburbs by relaxing the bulk and location controls referred to above. The two most influential controls are height in relation to boundary (HIRB) and building site coverage. Most land use plans in Auckland have very conservative site coverage HIRB controls that severely limit the amount of floor space that can be constructed within a two storey building envelope. For example a typical HIRB control in Auckland allows a 45 degree recession plane from a height of 2.5m on the boundary. This means that houses are forced to locate in the centre of the site to get sufficient floor space at first floor level, and even the first floor looks like a box plonked on top of the building (often referred to as wedding cake housing).

To increase floor space and the size of the three dimensional building envelope on a smaller site, it is necessary to relax the 45 degree recession plane at first floor level. The type of housing being constructed at Hobsonville is an example of this. Unfortunately this control is not available for single dwellings and small scale developments on suburban sites around Auckland. Hobsonville was done as a “master planned development” and the more relaxed HIRB and building coverage controls were negotiated as a package.

Having argued for more relaxed HIRB controls, it is very important to include robust design controls that will ensure neighbouring properties are not unreasonably overlooked or overshadowed. Councils around New Zealand have been reluctant to introduce these as permitted (as of right) controls, which means single dwelling developments (which are the greatest source of housing supply) are unable to use their sites efficiently. There is a need to introduce a more relaxed HIRB control that is permitted subject to meeting objective measurable controls that will limit overlooking and overshadowing of an adjacent property. This way a consent will not be required and more intense development can be achieved whilst protecting the amenity of neighbouring properties.

There also needs to be an increase in amount of building coverage to 45 or 50% to allow more of the site to be built on. It is an irony that houses are getting bigger and household sizes are getting smaller, and yet residential development controls are not encouraging the market to supply smaller houses on smaller sites. Typical 35% building coverage controls will also limit the ability to enjoy the removal of density controls as so much of the site will still remain undeveloped.

In Melbourne, typical residential zones contain a 60% site coverage and a HIRB with a 3.6m height and 73 degree recession plane for the first two storeys. They also allow part of a building on the boundary (eg to accommodate a garage) provided the neighbouring site meets the overshadowing controls. These controls have been implemented for some 20 years so there is plenty of evidence to show that they are effective.

Such an approach will require a significant philosophical change in thinking by NZ planners who are used to regulating development by 'containing adverse effects' within the site being developed. As cities intensify and site sizes become smaller, houses must be designed to consider the context and particular circumstances of an adjacent site (eg slope, solar orientation and the location of the neighbours outdoor living space and habitable room windows). This philosophy is not provided for the Proposed Unitary Plan for Auckland where most of the development controls are derived from outdated legacy controls in former district plans which relate development to their boundaries rather than what is constructed on the adjacent site.

## **2. Local and national interests are not always aligned.**

Your summary suggests that local residents may prefer to see cities grow at a slower rate than would be ideal from the nation's perspective. It goes on to suggest that height limits and densities are a barrier to growth.

I have already commented on density and height. It is also relevant to note that the former Auckland Regional Policy Statement provided for significant height increases but these were been taken up by the market. It is also interesting to note that the housing capacity enabled in the current district plans Auckland is not being taken up.

From a national perspective, the government and large bureaucracies like Auckland Council should be introducing policies and incentives to encourage decentralization to urban areas outside Auckland. In Victoria, the State Government relocated and reallocated significant employment and expenditure to second order cities like Geelong, Bendigo and Ballarat. For example it established prestigious university courses (eg medicine and architecture) in these centres. It moved the Accident and Transport Commission (with 2000 employees) to Geelong. It spent millions subsidizing growth and upgrading major infrastructure to and within these areas to encourage people to relocate out of Melbourne. In contrast NZ government policies and the policies of Auckland Council appear to be encouraging centralisation. For example Auckland Council just centralised most its employment from regional offices to its new building in Albert Street.

National government should be seriously encouraging decentralisation by relocating some of its larger employers, tertiary education and research facilities to places like Hamilton and Whangarei to relieve housing shortages in Auckland and at the same time boost the economy of some of New Zealand's ailing small cities.

## **3. The planning system could work better.**

The Summary report acknowledges that New Zealand has a complex planning system and I would regard that as an understatement. New Zealand appears to have one of the most complex and legalistic planning systems in the world. I am aware that reforms to the Resource Management Act (RMA) have been implemented and are still proposed, but the changes are tweaking at the edges of a system that is cumbersome, costly and outdated. I submit that NZ needs a new 'car'. The old RMA model needs to be replaced with a modern more informal planning system that is not dominated by lawyers.

The Summary report casts blame on planning delays, notification and appeal processes, but fails to acknowledge that only 2% of consent application are notified and only a sub group of these find their way to the Environment Court. The Environment Court is excessively legalistic and intimidating to the average person and it would appear that the NZ government and legal fraternity has a desire to keep it this way. The Environment Court should only be used as a source of appeals on a point of law. The Act should provide for only one hearing process not two (ie one by councils and one through the Environment Court). There should be an informal independent hearing process that can deal with and

make quick decisions on applications and plan changes and that will not result in costs render a development unviable.

It is also considered that the New Zealand community should have a right to a say when planning applications and plan changes are proposed. It is undemocratic that 98% of all applications are non notified. Having said this, people should not be able to hold the development industry to ransom because of the fear and excessive costs of planning litigation. There should be a simple appeal body, not unlike the small claims tribunal which is cheap, accessible and timely in its decision making.

Whilst Victoria may not be panacea:

- most applications are notified as a matter of course by an administrative officer when they are first lodged with the council
- council planners do not need to carry out an assessment of effects, because most neighbours lodge an objection which raises most of the key issues (or adverse effects).
- council officers consider all objections as well as the substantive merits of the proposal and decide whether a point made in an objection should be supported. They then prepare a report to a council committee (sometimes a community based planning committee) which consider and makes a decision of the application. These are usually decided at an informal weekly or fortnightly meeting to which applicants and objectors are invited. Applicants have 10 mins to speak and objectors have 5min. The committee makes a decision on the application at the meeting, and Council officers issue of decision notice the next day. Applicants or objectors have a limited number of days to appeal the decision which is considered by the Victorian Civil and Administrative Tribunal which is a relatively informal body compromising the equivalent of NZ's commissioners. Again many decisions are made on the day.
- There are no appeals to the court except on a point of law.

#### **4. Land regulation need to better match costs with benefits .**

The summary report appears to be blaming planning controls that 'help make cities work' for increasing the cost and supply of housing. I have already acknowledged that significant changes are needed to made to typical bulk and location controls over residential development, however amenity controls to prevent 'harmful' effects on neighbouring properties to be strengthened not reduced.

I submit that the most important residential amenities to a neighbour are privacy and access to sunshine. At a time when energy efficiency has become critical in developed countries, solar access is one of the most important ways people can save on energy costs as well a improving their health and wellbeing. Auckland (and indeed New Zealand) planning controls should be providing for passive solar design in new developments and protecting the same on adjacent properties. This means requiring the design of north facing outdoor living space, maximising north facing habitable room windows and limiting the extent of overshadowing the same amenities enjoyed by the neighbour. There type of controls are not included in the "permitted development controls" for single dwellings and small scale housing developments in the Proposed Unitary Plan for Auckland. Single dwellings and small scale unit developments will cumulative result in greatest supply of housing in Auckland and it is be hoped that Independent Panel will support submissions that seeking this outcome.

I am a great supporter of the Government's proposal to introduce a national "template" plan for New Zealand and if this occurs I request that this submission be forwarded to those who will be responsible for its preparation.

Yours sincerely,

Raewyn Catlow.