

Submission on Productivity Commission – Better Urban Planning

Thank you for the opportunity to make a submission.

I am a full member of the New Zealand Planning Institute, who has worked as a town planner since 1997 in the following countries:

- New South Wales (Australia) 1997-2001
- England 2002-2006 • Wales 2006-2010
- New Zealand 2011 to present

My qualifications are a Bachelor of Economics and a Masters of Urban and Regional Planning (with Honours) from the University of Sydney, Australia.

I confirm that my submission is a personal submission.

I had hoped to make a better quality submission on the above inquiry, but my ability to do so has been compromised by the timing of submissions in relation to the closing of the submission period of the Proposed *Resource Legislation Amendment Bill 2015* and submissions for the TPPA. The timing of submissions does make it difficult for members of the public to make personal submissions, given a range of competing time pressures.

In response to limited time, I wanted to briefly put forward the following points.

- Key problems with the Resource Management Act 1991 rests with its implementation rather than legislative context. The RMA bill has not been adequately supported by successive central governments. In the absence of comprehensive investigations into problems with planning provisions, which go beyond political issues of the time, any new system is likely to reintroduce the same problems.
- Previous review of the RMA have largely focused on processing issues such as time and cost of resource consents, rather than quality of decision making. There is very little monitoring at a local, regional or national level as to the quality of decisions made and whether the intentions of the RMA are being met. Available information suggests that many items identified as a matter of national importance under s6 of the Act are inadequately identified and protected through District Plan provisions.
- A key problem facing spatial planning in NZ is information gaps about constraints to land development (such as hazard risks), as well as the identification of land of particular values (historic, cultural, landscape, ecological etc.). Spatial planning will be very difficult to achieve in the absence of these information gaps being addressed.
- There are also huge information gaps above motivation of particular stakeholders and many urban theories with little evidence. Concerns by the private sector that planning applications may be declined or delayed by public submissions, are generally not backed up by resource consent statistics. This issue may be more appropriately dealt with through education and awareness campaigns, than trying to remove the need for all types of development in the hope of stimulating additional market supply.

- The general public's understanding of planning provisions is poor and is leading to perceptions of the planning system that are not necessarily backed up by current experiences. Many neighbours continue to expect to be notified of resource consents, when this has long stopped being the norm. Persons regularly involved in planning processes, such as consultants regularly submitted resource consents, generally have a better opinion of the planning system than others.
- The RMA has never come close to delivering sustainable development, the information needed to set appropriate bottom lines generally does not seem to exist. Sustainable development is however very difficult to achieve, as almost all types of development have some level of negative effect of the natural environment. As time has gone by, more information has arisen that practices once thought to be sustainable are not so – such as concerns regarding modern farming practices and reliance on traditional drainage engineering systems over more modern sustainable drainage systems.
- A key issue for planning provisions, is that many of the benefits associated with an increase in density are not secured through the RMA plan change process. For example, a commitment to town centre improvements, transport and cycling infrastructure, street furniture upgrade, upgrade of local park amenities etc. etc. could all prove beneficial in gaining public support for higher housing densities, however none of these initiatives can be secured through the District Plan, and rely on such promises being delivered on through subsequent annual plans/long term plans decided and consulted on under the provisions of the LGA Act 2002. It is therefore very difficult for town planners to guarantee local improvements will be made.
- Despite New Zealand's image as a natural wonderland, I consider actual mechanisms in place to achieve protection of the natural environment and historic resources are lower than those which exist in Europe, Britain and Australia.
- Whilst residents with NIMBY attitudes definitely do exist, I am very concerned that legitimate concerns raised by existing residents as to effects from taller development (especially loss of light and visual domination/loss of outlook) are being dismissed without sufficient consideration. Taller development can have significant effects on the private amenities enjoyed by existing properties and we need a debate as to what level of reduction of these amenities is acceptable, in order to increase housing supply and choice. The NSW Apartment Guidelines 2015 requires a minimum of 2 hours per day exposure to sunlight for habitable rooms in new apartments in winter.
- Considerable evidence exists which links cold and damp homes with poor health. As there is a linkage between internal room temperatures, mould growth and health (i.e. colder houses are less healthy), it appears quite possible that taller development next to existing housing, could lead to a loss of light and passive solar heating, to the extent that mould growth and health risks are increased. The risk of respiratory disease is higher for room temperatures below 16 degrees.

- The RMA would benefit from greater direction of how to deal with trade-offs and conflicts between achieving the different purposes and principles of the Act. This would be difficult without establishing clearer environmental bottom lines - for when environmental harm is considered too great to justify additional development.
- General commentary about problems with currently proposed planning legislation (Resource Legislation Amendment Bill) and existing planning legislation is contained in the attached report.
- The importance of urban amenity has been stressed in reports by the Parliamentary Commissioners for the Environment, particularly in the 1990's and the objectives of the *Town and Country Planning Act 1977*. The importance of amenity is highlighted by the New South Wales Government review of *State Environmental Planning Policy 65* regarding apartments and the production of a 2015 version of its *Apartment Design Guide*. This guidance is considered so successful, and concerns so great have arisen about poor quality apartment development in Victoria, Australia that both the Victorian Government and City of Melbourne have recently confirmed intentions to produce their own design guidance. The NSW guidance can be seen on <http://www.planning.nsw.gov.au/apartmentdesignguide>

Considerations by the Victorian government on design issues can be found on <http://delwp.vic.gov.au/planning/policy-and-strategy/better-apartments?remap=delwp.vic.gov.au/better-apartments>

City of Melbourne's stated intention to improve design of apartments is contained in their recent Housing Strategy, can be downloaded from <http://www.melbourne.vic.gov.au/building-and-development/urban-planning/community-housing/Pages/homes-for-people-housing-strategy.aspx>

- The importance of amenity considerations is also highlighted in reports '*The Value of Planning*' published by the Royal Town Planning Institute UK in June 2014 RTPI Research Report No. 5 which can be downloaded from <http://www.rtpi.org.uk/valueofplanning>.
- '*Building Better Places*' published by the House of Lords Select Committee on National Policy for the Built Environment Report of Session 2015-16 HL Paper 100 also places a strong emphasis on housing quality and can be downloaded from <http://www.newlondonarchitecture.org/programme/events/2016/february-2016/building-better-places-report-by-house-of-lords>
- Planning Policy Wales 2016 8th Edition Section 4.11 refers to the value of good design. <http://gov.wales/docs/desh/publications/160104planning-policy-wales-edition-8-en.pdf>
"4.11.8 Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities

should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions”.

- Even the Cement and Concrete Association of NZ has felt the need to produce design guidance in 2013 to improve existing standards. This guidance can be downloaded from [http://www.ccanz.org.nz/files/documents/4f553995-3dd0-41cd-8650-4f7d7d4ec11f/CCANZ Apt Design Guide 2014.pdf](http://www.ccanz.org.nz/files/documents/4f553995-3dd0-41cd-8650-4f7d7d4ec11f/CCANZ_Apt_Design_Guide_2014.pdf)

Research on the need to consider building design is also contained within:

- City of Melbourne 2013 ‘*Future Living: A Discussion Paper identifying issues and options for housing our community*’
<https://www.melbourne.vic.gov.au/SiteCollectionDocuments/future-living-discussion-paper.pdf>. It undertook a case study of 25 housing developments against 14 design criteria which collectively housed 3,500 apartments. 16% were rated good, 48% average and 36% poor.
- Queensland Government and Brisbane City Council 2011 ‘*Residential Form Handbook*’ which comments that well designed buildings can achieve higher densities than surrounding areas without appearing out of place.
https://www.brisbane.qld.gov.au/sites/default/files/Residential_handbook_part_one.pdf

In relation to the issue of possible restrictions on commercial activities in attempt to provide economic protection to existing town centres, it is noted that this approach was supported by Independent Commissioners for Plan Change 29: Petone West (Mixed Use zone), following the consideration of economic evidence that indicated that changes to plan provisions which removed restrictions on the location of small scale retailing, was expected to lead to a significant displacement of retailing activity from the Jackson Street Historic Area to the more modern Petone West area. This displacement was seen as particularly undesirable in terms of the likely effect that such displacement would have, on the ability of existing landlords to maintain identified historic buildings in the historic area.

UK Planning Policy has long sought to provide protection to existing town centres through policies which require a sequential hierarchy assessment process for out of town commercial developments. This approach is considered highly effective in maintaining lively and vibrant town centres, which are in turn supported by more sustainable travel patterns. This approach is clearly outlined in Chapter 10 of Planning Policy Wales 2016

<http://gov.wales/docs/desh/publications/160104planning-policy-wales-edition-8-en.pdf>

The sequential approach to retail planning is also promoted in retail planning guidance for Ireland.

<http://www.environ.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/Planning/FileDownload%2C30026%2Cen.pdf>

I consider existing retail patterns in Otaki near State Highway 1, edge of centre retail development in Rotorua, extended shopping strip length of Oamaru town centre, out of town retail developments in places like Whangarei and retail concentrations in former industrial estates like next to Upper Hutt Railway station, all lead to poor retail patterns, where the economic functioning of the original town centre has been comprised, number of vacancies in town centre strips has increased, rents in town centres are reduced with less finance available for building maintenance, more people travel to retail premises by car and retailing is located further away from people's homes, with increased scope for road congestion.

Policies seeking to protect town centres do not aim to prevent trade competition. Sensible policies allow for the expansion of town centres and redevelopment of existing commercial locations, where multiple retailers can compete for the same customers in the same centre. Several town centres in NZ have already lost economic activity in the form of second hand stores, garden centres, DIY stores, childcare centres, commercial leisure activities to former industrial locations, choosing out of centre locations in the pursuit of lower rents. At the end of the day, allowing commercial businesses to easily shift to the cheapest land (typically vacant or industrial land) regardless of wider effects is unlikely to lead to the best outcomes for the community as a whole and may act against initiatives to encourage high density living around existing centres.