

### Q1 - What is the appropriate scope of planning?

I agree that it is difficult to define planning. MacDonalds formal definition on page 5 and the American Planning Associations definition on the top of page 6 most closely match my definition of planners role in shaping the environments within which we live.

### Q2 - Urban design

The broad definition of planning is perhaps a result of the wide scope of Part II of the RMA. In effect Part II in combination with the ability for councils / planners to consider any other matters under s104 gives them the ability to consider an extremely wide range of matters. This lack of scope and to some extent the lack of a hierarchy within s6 and s7 gives councils / planners an unlimited domain and this results in scope creep, with every new planning document adding another layer of complexity to the last.

As noted on page 7 vaguely worded urban design goals or assessment criteria are one issue. I would add to this urban design guides which are equally vaguely worded. Through these Urban Design Guides, Councils are going beyond simply controlling the effects of the development upon the external environment and have started to control aspects of developments which have no impact beyond the site, for example the positions of living spaces and the amount of sun they receive in mid-winter.

I agree that councils should have some say on the visual appearance of the exterior of buildings where those buildings are in an area which are homogeneous, of historical importance or part of a high density multiple unit development. However, they should not be controlling the design of dwellings in standard residential areas via urban design guides.

### Q3 new model

It is difficult to envisage another model as the current one is the only one I have worked under. Generally speaking I think that the current system can work, but that it needs far greater direction from central government:

- detailed national policy statements, national standards etc that all councils administer, eg: all councils using a common code of practice for land development / NZS 4404 rather than their own codes.
- greater emphasis on the benefits of development, especially in urban areas.
- less power to the NIMBY's of society
- Fewer councils eg: Auckland model throughout the country to largely remove the regional council layer in a Figure 5.
- set templates for policy documents with common general objectives and policies across councils? Why do we have multiple councils repeating the same general amenity and character objectives and policies?
- set rules and standards for certain areas, eg: standard residential zones with common bulk and location requirements etc.
- common definitions, map symbols etc?
- common conditions of consents? A two lot subdivision in Wellington would have approximately 10 conditions, while a similar one in Porirua will have 2 - 3 times that number? As the final outcome is the same, are all the additional conditions necessary?

Are examples of the types of changes which would improve the current system.

Q4 value of land

No comment at this time.

Q5 property rights

No comment at this time.

Q6 allocation of responsibilities

Having two layers of local government is unnecessary and we would be better served by having fewer councils, less policy paralysis and integrated rules and processes.

See Q3 comments.

Q7 land use regulation and infrastructure planning

No comment at this time.

Q8 complicated rules

All rules should be short simple and easily understood. Introducing the changes noted under Q3 should reduce the policy paralysis, minimise the number of appendixes and simplify the rules.

Q9 & Q 10 consultation

The current system gives the NIMBY's and those with an agenda considerable power to influence decisions. It is also being used in ways which were unintended. For example, councils are entering into memorandums of understanding with organisations such as DOC. These result in applications affecting specified streams requiring DOC approval regardless of the effects of the application.

Ways to address this issue include:

- Limiting the parties who can make a submissions. This can be done to some extent with limited notification but when an application is fully notified anyone can submit, why is Tom from Taupo allowed to have a say about a shopping mall in Lower Hutt?
- limit the scope of submissions to specific relevant issues and require councils to discount submissions which do not relate to these issues. Councils often accept submissions which address issues which are not directly related to an application and they give the submitters air time in relation to these issues at a hearing despite the cost to the applicant. The notification documents should list the issues the submitters can submit on and advise that other issues will not be considered.
- Councils often accept late submissions. If a submission is not in on time it should not be considered.
- limiting third party appeal rights as they do in the UK. While this is likely to be politically unpalatable it would speed up the system and provide more certainty. A hybrid system where only certain applications eg: non-complying activities might be worth considering for urban developments.

Q11 & Q12 treaty of waiting

No comment at this time.

Q13 new urban planning model

See comments in Q3.

Current system and its focus on effects being no more than minor results in urban areas changing on a very incremental basis. The only way to facilitate wide ranging changes is via the plan development process and this is a long drawn out process where special interest groups and the NIMBY's have undue influence. This results in compromises which water down the changes and limit economic growth.

I agree with Monro and Beattie and their conclusion that in implementing the RMA councils have placed too much emphasis on the protection of the biophysical aspects of the environment and at the expense of economic development and the positive social impacts that urban growth and development have.

Changing this emphasis will require a change to the RMA, rewriting Part II to provide greater emphasis on economic development and using a hierarchy where economic development is given a higher priority in Part II.

Q14 national interests.

The lack of National Policy Statements has been a major issue for the implementation of the RMA. Greater use of NPS and national standards would simplify the system, especially if these provided specific policy which councils administer rather than delegation to councils to implement another layer nationally inconsistent documents, eg national design guide rather than individual ones.

It should also be possible for central government to set targets for councils, eg: minimum areas available for residential housing, industrial development etc.

Q15 - environmental outcomes last 20 years.

As a planner specialising in urban development the main changes I have noted are:

- greater protection of water bodies;
- increased control of point source discharges, particularly in relation to earthworks;
- significant increase in urban design influence over council decisions
- an overall increase the quantity of information required to progress a consent application.

Q16 & Q17 urban outcomes

No comment at this time.

Q18, Q19 & Q20 RMA delivery

The RMA did not deliver on its original objectives for a lot of reasons, some include:

- retained two levels of local government, and in doing so created an extra layer of policy and additional consenting requirements which are unnecessary.

- the board scope of Part II provided councils with the ability to regulate all aspects of a development rather than focusing in external effects / environmental harms.
- politicians and planners are risk adverse and they focused on the biophysical aspects of development and the NIMBY's, not the social and economic aspects of the RMA and Part II.
- insufficient effort was put into national policy statements;
- there is no requirement to apply national standards which lead to councils using old codes of practice for land development and other standards;
- there was no requirement to use a set template or format for policy statements and plans, or for that matter no set policies, definitions, symbols or standard conditions which can be applied country wide.
- the focus on effects being no more than minor places power in the hands of existing residents to the detriment of development and future residents. The positive economic and social effects associated with change are not given sufficient weight.
- moving to a total effects based approach would have required a massive change in thinking. As those who drafted the first RMA plans were the same people who drafted the old plans. As the RMA allowed the old plans to be rolled over it is no surprise that the use of zoning continues.

Also See Q3 comments

Q21 private lawsuits and bargaining

As the discussion document notes there are significant negatives to allowing private lawsuits and this is not something that should be provided for. Bargaining to secure written approvals has always been part of planning and should be acknowledged in the RMA.

Q22 more decisions by private property owners.

Councils should still provide rules to protect the amenity of neighbourhoods, however they need to be more liberal / less risk adverse if they are to allow existing neighbourhoods to develop. Eg: No lot size limits in residential areas, removing lower height controls on infill development, allowing developers to have more say in the scale and density of development in greenfield and brownfield developments where there is little effect upon existing residents.

Q23 tradable development rights, permits and environmental offsets

These mechanisms should be used to achieve better environmental outcomes. Eg allowing higher development densities in return for retiring steep hill country or protecting ecological significant areas, allowing developers to provide of site mitigation planting where on site vegetation or stream loss occurs.

Q24 economic tools - prices, fines and user charges.

No comment at this time

Q25 other approaches

As noted previously greater national guidance is required. The German federal system where the government sets the overall framework and policy as well as providing standardised rules and symbols is in line with my earlier comments.

Provide an explicit economic development focus in the act for urban areas along the lines of the Japanese model. With the ability for government to introduce specific regulations regarding land use issues deemed to be in the interest of the country without changing the act eg Switzerland.

Q26 - unitary framework for environmental and land use regulation

Yes the existing system should be maintained. Separating environmental and land use planning would be a step back towards the old system and it's noted issues. The solution is more likely to be greater integrations with fewer unitary authorities which provide a one stop shop for all consents.

Q27 separation of urban issues

Urban areas and non-urban areas should be dealt with via one act or the issues noted in Q26 will apply. Additionally how would you determine the boundaries between urban and non-urban areas, these would constantly change. The supplier solution would be to amend the RMA to provide a change in emphasis towards economic development in urban areas eg HASHAA

Q28 infrastructure planning

On the face of it it would seem logical to have one act covering resource management and infrastructure planning.

Q29 other acts

No comments at this time

Q30 industrial and commercial land

The ability for government to introduce specific regulations regarding land use issues deemed to be in the interest of the country without changing the act eg Switzerland could be used to require councils to provide a specific supply of all types of land, residential, industrial and commercial.

Q31 how much discretion should be built into the planing system

No comment at this time.

Q32 benefits from greater competition

No comment at this time.

Q33 urban planning system

See earlier comments inc Q3

Q34 natural hazards

No comment at this time.

Q35 technological change

No comment at this time.

Q36 coordination

Better coordination between agencies is required. This could be achieved in part by having one level of local government.

Q37 tension & Q38 capability to implement change

There would be tension between the current system and one which alters the urban planning system. A this would need to be carefully managed with clear changes to the RMA and the provision of clear interpretations and guidance associated with the changes or the same issues with occurred when the RMA was introduced will occur again, see Q18 to Q20 comments.

Q39 leading practice

No comment at this time.