Planning for successful cities - a proposed National Policy Statement on Urban Development

Submission Reference no: 130

James Carr, Whimbrel Limited (W2) (James Carr)

Submitter Type: Planning/urban design professional
Source: Email
Overall Position: Support

Clause
Question 1. Do you support a national policy statement on urban development that aims to deliver quality urban environments and make room for growth? Why/Why not?

Position
Yes

Notes
We have a range of rule systems governing built form and the urban environment in New Zealand that tend to enforce a narrow range of housing types and urban forms, while effectively forbidding a wide range of other types that would better suit the needs and resources of a great many people. Pleasant and resource efficient urban environments (not car dependent) have been developed by different cultures all over the world, and very many of these provide useful models. Some useful typologies might include: A house built on a small strip of land with one end facing a low speed or pedestrian only street, perhaps right on the street front and perhaps 2 to 4 stories high, its full height from side boundary to side boundary (no recession planes or setbacks) with a garden behind and maybe space for a small business at the front. This can be found historically here in New Zealand (say parts of Tinakori Road), all through East and Southeast Asia, all over Europe and Scandinavia, as well as in the Americas, and allows a person or family group to build a useful sized and resource efficient house on a relatively small section (a house maybe one to three times the site area that still has a useful garden and good natural light), with very good walking access and access to public transport, all at a relatively low up-front cost. Apartment buildings can fit into the same typology, and a range of house/apartment building sizes can be allowed for simply by varying the section width and height rules. Pedestrian only streets for free-standing dwellings only could also be permitted and would likely meet the needs of some people. In the short term, allowing blocks of garages off major thoroughfares for sale or lease to the owners of residences on pedestrian only streets (at least within walking or bussing distance) might help car-free housing typologies appeal to a greater range of people. In my experience height limits are a severely limiting factor in using land efficiently while preserving amenity (such things as open green space and trees), but recession planes are far worse. Recession plane rules effectively prevent full two storey houses in most of our suburbs (except as part of large single owner developments), meaning that on an otherwise efficient long narrow section only a single storey house with a small attic can be built, with most of the windows facing side fences. A fixed height limit also encourages lower ceilings to fit more floors in the available height, such as in many of our 1970s and 1980s commercial buildings. Another common built form is what some planners call 'sausage flats', a terrace facing a driveway perpendicular to the street, and too often we see houses built to the height limit and recession planes. These are not especially resource efficient, and are rarely attractive or otherwise nice to live with, effectively defeating the intended purpose of the rules they comply with. But they exist because there is an unmet need for typologies the rules do not allow, and because fixed rules will generally be pushed to the limit of what they allow, often well beyond what was intended. A good many people would like a cute little cottage jammed in close with its neighbours with a small lush garden, within easy walk of shops and a bus stop, but these can only be found in as antiques in designated special character zones. They can be cheap to build and can use land very efficiently, but they rarely get built today. I have been engaged to design suburban houses where the client clearly really wants a central city loft apartment, and I've seen apartment balcony rules which seem to assume everyone wants to (and it seems must by law) host large family barbecues and outdoor sporting events. Our street frontages tend to be dominated by garages and surface parking, and our apartment buildings by vast balconies that cost as much as a large bedroom, collect only pigeon droppings and block all light and views of the street from the living areas. I'm pretty sure not all New Zealanders actually like this.

Clause
Are there other tools under the RMA, other legislation or non-statutory tools that would be more effective in achieving a quality urban environment and making room for growth?
Notes
Yes, Council rules and the RMA could do this, but they haven't and they clearly need help. Changing height limits and recession plane rules could hurt local body politicians electorally, as some existing property owner could be inconvenienced, so imposing some of the more NIMBY-provoking changes from above could be very helpful.

Clause
Question 2. Do you support the approach of targeting the most directive policies to our largest and fastest growing urban environments? Why/why not?
Position
No
Notes
These changes can be helpful everywhere, and everyone who can benefit should be enabled to.

Clause
Do you support the approach used to determine which local authorities are categorised as major urban centres? Why/why not?
Notes
No. Even smaller towns will benefit from good urban form. In many towns and cities our urban environment is degrading as older buildings and developments which are useful and attractive (being good urban objects built when our towns were pedestrian focused and not car dominated) are lost and replaced with new (often car oriented) developments compliant with current sub-optimal rules). Many places we consider small towns have a larger population than many old cities had when their unapologetically and wonderfully urban ‘old town’ districts were built.

Clause
Can you suggest any alternative approaches for targeting the policies in the NPS-UD?
Notes
If a place has something that resembles a town centre, it should have rules that are appropriate to encourage its growth to take a desirable and sustainable form should it happen to start growing. The rules should of course take into account the scale of the place they apply to. A rule permitting a building to be not more than one storey higher than its two neighbours over one storey comes to mind...

Clause
Question 3. Do you support the proposed changes to FDSs overall? If not, what would you suggest doing differently?
Position
Yes
Notes

Clause
Do you support the approach of only requiring major urban centres to undertake an FDS? Would there be benefits of requiring other local authorities to undertake a strategic planning process?
Notes
As noted above, it needs to apply to more places so they do not repeat the mistakes our larger centres have already made, should they undergo significant growth. Our smaller centres need to be ready for the event that an ambitions developer rolls into town, the local economy picks up or they find themselves within commuting distance of a larger centre....

Clause
What impact will the proposed timing of the FDS have on statutory and other planning processes? In what ways could the timing be improved?
Notes
On the one hand three years is often enough to create uncertainty in the development process. Most more complex projects take between one and five years from concept design to completion, making FDS changes during the process likely, and potentially forcing changes part-way through. That said, conditions can change fast, and an archaeological or scientific discovery, or the opening or closing of a major business can change the underpinning of the FDS very quickly. There probably needs to be scope to make urgent changes, and to signal anticipated changes to the community well in advance.

Clause
Question 4. Do you support the proposed approach of the NPS-UD providing national level direction about the features of a quality urban environment? Why/why not?
Position
Yes
Notes
This will give all local authorities a basis for planning decisions that can benefit everyone. In smaller centres expertise in planning may not always be readily available. But there will need to be scope for fine-tuning.
Clause
Do you support the features of a quality urban environment stated in draft objective O2? Why/why not? (see discussion document, page 26)

Notes
Yes. This will need to be discussed though, it may vary with culture and climate too, and it needs to be able to vary over time. There needs to be an emphasis on there being an actual range of choices. There might be a theoretical 'average New Zealander' but there is no such person. I know people who love decks and barbecuing, and I know people who hate 'indoors-outdoors flow' and would prefer their living space to have decent windows and a nice view. I know people who would live in a glass cube if they could and I know people who pretty much never open their curtains, people who collect cars and people who avoid even accepting a lift from a friend, people who love to garden and would happily live in a shed in their garden, and people who hate to go outside, people who are only at home to sleep, and people who engage in cottage industries. Our rules should avoid forcing people to pay for and live with something they'll never use or appreciate, and should allow them to find a place to live that meets their practical, cultural and emotional needs. This of course shouldn't give people the right to make the urban environment less pleasant for everyone else. In finer detail, there is also a trade-off when it comes to allowing developers to build very low amenity (sub-standard) dwellings to rent at low cost. Perhaps certain things (less than a certain amount of living space, less than a certain amount of natural light) might only be permissible for self-build owner-occupier dwellings, with a set holding period before it can be on-sold to prevent the building of slums for profit.

Clause
What impacts do you think the draft objectives O2-O3 and policies P2A-P2B will have on decision-making (see discussion document, page 26)?

Notes
That depends on precisely what and how well written the rules are... Too often I've seen an objectives section of a planning document outline a series of laudable intentions, followed by a rules section that makes those objectives all but unachievable.

Clause
Question 5. Do you support the inclusion of proposals to clarify that amenity values are diverse and change over time? Why/why not?

Notes
Yes

Clause
Do you think these proposals will help to address the use of amenity to protect the status quo?

Notes
Potentially. The status quo is frequently awful enough to be hard to defend, but we shouldn't underestimate the tenacity of a retired person with money who takes on the authorities when they realise they're about to lose the afternoon sun to their conservatory due to a new development next door. In some cases the status quo is a desirable condition (such as built and natural heritage areas). Even a leafy inner suburb with gracious old houses and large trees can have value beyond built heritage and being nice to live in, if it provides additional tree canopy to the central city, and a pleasant, green and peaceful place for city employees and apartment dwellers to take lunchtime and evening walks... We do have a problem with the architectural profession in that it does not reflect the full diversity of aesthetic preferences present in our society at large. This means that people who do not find contemporary architecture attractive or desirable must make do with older (and less convenient or efficient) dwellings, or make do with a physical environment that cannot make them happy. This is a deep seated problem with architecture academia and public discourse which cannot be addressed here, but the profession is strongly self-selecting and intolerant of intellectual diversity, and it manifests in a relatively homogeneous built environment, with an artificially narrow range of architectural styles available (mainly a simple spectrum from late moderm/minimalist/international style architect designed houses to non styled but very dull tract houses, very occasionally with the option of rather poorly executed pseudo-Victorian, cut down to fit recession planes and height limits and typically not designed by architects, for those who actively seek it out. This means that a certain portion of the population will oppose almost all new development even when they can accept that it is a practical improvement for the community as a whole, simply because they find it aesthetically unappealing compared to what is there now. They see what they love in the build environment being eroded, and replaces with something that they find perhaps neutral or even depressing. If people who don't find joy in contemporary architecture instead saw new buildings in styles that they do like (this would have to be a range of styles, because our society is diverse) then they would almost certainly be less likely to oppose change. In my professional experience there is no practical link between modern building technology and contemporary styling, the only real link being cultural. Any notion of a 'spirit of the times' is a cultural construct, and is subject to change. In a diverse and multicultural society it cannot be a single easily defined thing.

Clause
Can you identify any negative consequences that might result from the proposed objective and policies on amenity?

Notes
Not obviously. An emphasis on the idea that dense urban form can have positive amenity would be useful, since too often our planning rules seem determinedly anti-urban...
Clause 6. Do you support the addition of direction to provide development capacity that is both feasible and likely to be taken up? Will this result in development opportunities that more accurately reflect demand? Why/why not? (see questions A1 - A5 at the end of the form for more questions on policies for Housing and Business Development Capacity Assessments)

Position
Yes

Notes
Provided that there is provision to ensure that authorities do not feel pressured to identify sites that really aren't suitable (such as a fragile and high value wilderness area) to meet a quota, when most of the available land in and around the urban area is already developed and development can only happen through intensification.

Clause 7. Do you support proposals requiring objectives, policies, rules, and assessment criteria to enable the development anticipated by the zone description? Why/why not?

Position
Yes

Notes
It does need to say what it is on the tin... Of course the rules need to align with the objectives...

Clause
Do you think requiring zone descriptions in district plans will be useful in planning documents for articulating what outcomes communities can expect for their urban environment? Why/why not?

Notes
Yes. The public conversations become simpler when the terms have clear definitions

Clause
Do you think that amenity values should be articulated in this zone description? Why/why not?

Notes
Yes. The amenity values are arguably the justification for the zone in any case. It just makes the discussion clearer and easier, and makes it easier to determine whether any proposed development meets the objectives of the zone.

Clause 8. Do you support policies to enable intensification in the locations where its benefits can best be achieved? Why/why not? (for more detail on the timing for these policies see discussion document, page 53)

Position
Yes

Notes
The rules will need to be written such that large developers are not favoured over private individuals. In our current rules environment large scale developers are enormously favoured, in that they can give themselves RMA permissions for effects on neighbouring properties which they own as part of the development. This means that they can use land much more efficiently than an individual is permitted to. Smaller scale development then becomes uneconomic and individuals must make do with the design choices made by developers (which tend to favour initial cost and marketing over quality and usability). As long as the architecture profession remains focused on modernism, people in existing character neighbourhoods are going to be unhappy. If rules still encourage low sprawling houses (rules such as recession planes) there will be more loss of large trees which will also make people already resident in established neighbourhoods unhappy. Some emphasis on tree protection and character will likely help make such changes more palatable.

Clause
What option/s do you prefer for prescribing locations for intensification in major urban centres? Why?

Position
Option 2 (the prescriptive approach)

Notes
There will of course need to be exceptions. This might include: Heritage (Maori and Pakeha, and anyone else who's been around for a while) Natural environment (wilderness, old-growth forest, coast, lakeshore, rivers and wetlands, including public access) Avoiding geohazards or mitigating for them, (floods, sea level rise, rockfall). Very soft soils might be set aside for lower density (those who really do want a large garden), and smaller houses with lighter foundations might be mandated, and low lying areas might be usable only for buildings designed to be demountable. I would prefer to see character as an exemption, at least until the architecture profession reforms itself.

Clause
If a prescriptive requirement is used, how should the density requirement be stated? Please provide a suggestion below (for example, 80 dwellings per hectare, or a minimum floor area per hectare).

Notes
Inhabitants per hectare seems most reasonable, with inhabitants perhaps counted as say two per double bedroom
Clause
What impact will directly inserting the policy to support intensification in particular locations through consenting decisions have?

Notes
This is likely to result in real positive change, but it will tread on a lot of toes and I'm pretty sure it will see some places I love get destroyed.

Clause
Question 9. Do you support inclusion of a policy providing for plan changes for out of sequence greenfield development and/or greenfield development in locations not currently identified for development?

Position
No

Notes
Pouring concrete on farmland really shouldn't be encouraged in this day and age.

Clause
How could the example policy better enable quality urban development in greenfield areas (see discussion document, page 37)?

Notes
Any out of sequence greenfield development of any size must be either fully urban - in effect a new dense and self-contained town node, or fully demountable, able to be returned to farmland or wilderness without the need for jackhammers. It must link directly into public transport and/or non-motorised transport corridors.

Clause
To what extent should developers be required to meet the costs of development, including the costs of infrastructure and wider impacts on network infrastructure, and environmental and social costs (recognising that these are likely to be passed on to future homeowners/beneficiaries of the development)? What impacts will this have on the uptake of development opportunities?

Notes
For greenfield developments, the developer must meet the development costs, and the projected maintenance costs must be coverable by reasonable rates. Perhaps it isn't allowed to go ahead if too few properties sell.

Clause
Question 10. Do you support limiting the ability for local authorities in major urban centres to regulate the number of car parks required for development? Why/why not?

Position
Yes

Notes
We don't need to encourage car use, non-drivers shouldn't be compelled to pay for something they don't use, and unreasonable parking requirements have stopped many beneficial developments. Carpark requirements (especially on-site) make many desirable development types impossible.

Clause
Which proposed option could best contribute to achieving quality urban environments?

Position
Option 2: removing the ability for local authorities to set minimum car park requirements

Notes
Sometimes setting maximum numbers of spaces will be useful.

Clause
What would be the impact of removing car park minimums in just high- and medium- density, commercial, residential and mixed use areas, compared with all areas of a major urban centre?

Notes
Probably not much difference. People will pay for what they think they need, and I think driving into town is already too difficult for most people. With increases in cycle lanes and the like people have learned that they cannot rely on on-street parking long-term. If people think they need parking enough, they will pay for it. I expect to see some increase in private parking buildings and garage complexes (much like storage units) for urban dwellers who want a car (and perhaps even a boat) or workshop space, but don't need it everyday and don't want to pay for a dwelling with it attached. Maybe some industrial employers will start using shuttle services to collect workers from too distant bus-stops.

Clause
How would the 18 month implementation timeframe impact on your planning processes?

Notes
It would be too long for some clients.
Question 11. Do you think that central government should consider more directive intervention in local authority plans?

**Position**  
Yes

**Notes**  
Only really for bigger centres. Rules should be such that local authorities can only slacken them, so they can't tighten recession planes, height limits and such.

---

**Clause**  
Which rules (or types of rules) are unnecessarily constraining urban development?

**Notes**  
In order (worst first): Recession planes (these tend to cut off before height limits, especially on narrow sections, and prevent the planning and construction efficiencies from straight two or more storey outside walls). Height limits (a limit on the number of floors might be better, perhaps counting anything over say 4.5 metres as two floors). Setbacks. Parking requirements. Site coverage (I think we need rules about hard site coverage, as a paved surface is environmentally no better than a building). Dwelling size rules (especially minimums, but these are generally not council controlled).

---

**Clause**  
Can you identify provisions that are enabling higher density urban development in local authority plans that could be provided for either nationally or in particular zones or areas?

**Notes**  
I haven't seen them in current plans, but allowing areas of zero lot line (full height of building against side boundaries) developments, especially with short pedestrian only (or low speed (10kph) and no parking or perhaps 10 minute parking) streets with street trees. These might have a range of section sizes, and mostly long, narrow sections. A 120 square metre section with a 2.5 storey house on the front half with no car parking could provide a comfortable house, workplace and garden for a family of four quite cheaply. Areas in the style of pre-war American inner suburbs might also meet a lot of people's needs, with two to three storey free-standing wooden houses on long narrow sections, with a small unfenced front garden, a path or narrow driveway between each house and a garden behind. This setup allows for large street trees to give shade and privacy at the front, and a lawn, vege garden and large trees at the back. It doesn't work with recession planes or tight height limits, but it allows individual and affordable houses on relatively small sections with efficient infrastructure provision (the narrow sections mean that a relatively short length of road and services can serve a large number of properties, and it is a shorter walk to bus-stops and shops). Recession planes must be used with extreme caution, or not at all.

---

**Clause**  
Should a minimum level of development for an individual site be provided across urban areas (for example, making up to three storeys of development a permitted activity across all residential zones)?

**Notes**  
Yes, pretty much. Pretty much all types of residential housing should be permitted, from boarding houses to large family homes, along with most small business premises. They will of course need to limit things like noise and trading hours.

---

**Clause**  
Question 12. Do you support requirements for all urban environments to assess demand and supply of development capacity, and monitor a range of market indicators? Why/why not?

**Position**  
Yes

**Notes**  
Good decisions cannot be made without good information

---

**Clause**  
Question 13. Do you support inclusion of policies to improve how local government works with iwi, hapū and whānau to reflect their values and interests in urban planning? Why/why not?

**Position**  
Yes

**Notes**

---

**Clause**  
Question 14. Do you support amendments to existing NPS-UDC 2016 policies to include working with providers of development and other infrastructure, and local authorities cooperating to work with iwi/hapū?

**Position**  
Somewhat

**Notes**  
We do need to be careful that we don't tailor our rules to meet the needs of developers rather than those of the community. How reliant do we want to be on developers, should they even exist?
Question 15. What impact will the proposed timing for implementation of policies have?

Notes
The sooner the better I think, provided we take the time to think things through.

Question 17. Do you think there are potential areas of tension or confusion between any of these proposals and other national direction? If so, please identify these areas below and include any suggestions you have for addressing these issues.

Position
Yes

Notes
We really can't afford (ecologically and arguably economically) to lose any more productive agricultural land and wetlands to urban development. These areas need to be identified and protected, and must not be allowed to come under pressure from authorities needing to identify land suitable for development. Treaty of Waitangi obligations are also likely to keep surfacing, especially as more marginalised groups find their voice and land identified for development may be found to have been unlawfully taken... Urban development of disputed land can only worsen any hurt and sense of injustice.

Question A3. Are the margins proposed in policies AP3 and AP12 appropriate, if not, what should you base alternative margins on? (for example, using different margins based on higher or lower rural-urban price differentials)

Position
No

Notes
Bigger margins would allow for more competition. Individuals need to be able to compete with corporate developers.

Unless you select one of the options below, the Ministry will consider that you have agreed to have your submission and your name posted on its website.

Notes
My name may be included in the published summary of submissions. My name and the entirety of my submission may be posted on the Ministry's website.

I have already made a submission on the National Policy Statement on Urban Development, but I would like to add a further comment as follows: In the course of my work have found that local authority rules governing built form frequently fail to allow their stated objectives to be met. I therefore recommend a requirement that any proposed rules to control the form of the built environment be tested against their stated objectives prior to implementation. A simple test would be to identify real world (local or overseas) examples of built environments of the type that the rule makers wish to encourage with the proposed rules, and then check to ensure that those examples could be replicated easily and without modification under the proposed rules. Should this not prove possible, the proposed rules should be modified until the examples of the intended outcome can be achieved. It would be worthwhile looking at overseas approaches. An example which comes to mind is the New Urbanist derived Form-Based Code approach to controlling built form rather than the specifics of land use, intended as much as anything to helpwean American towns and cities off low density built form and car dependency. SmartCode (this term is searchable on the internet) is an open-source document to achieve this, intended to be calibrated suit different places, and while it is set up for an American approach to urban form it is worthy of study. Many of its lessons will translate readily to the New Zealand context. There will undoubtedly be other approaches elsewhere in the world intended to achieve similar ends, and these should be identified and studied too.
Housing types to consider

Garden path

- A small subdivision with no streets - only foot/cycle paths just sufficient for delivery vans & emergency services vehicles
- Paths through such subdivisions might align to form a non-powered secondary circulation system through the area
- Low site coverage but generous height limits & no recession planes to give high occupancy density with plenty of greenery
- A quiet place to live where children & pets are safe from traffic
- Ideal for those who commute on foot, by bike or public transit and don't drive every day
- Take heavy & bulky items from the garage to the house with a little red wagon.
Useful Building Types
For the Inner City & Suburban Nodes

- Even one such building can define a suburban node or a small urban precinct, and can encourage a pocket of higher density to coalesce around (or arcade if preferred)

- 1 to 3 floors of apartments above small-scale retail, such as cafes, specially boutiques and such like

- The apartments may be able to help subsidise shops that attract people but can afford only meagre rent

Note: These types may benefit from parking located off-site, a garage owned but elsewhere

Small, owner-occupied apartment building - 1 to 3 apartments per floor, 2-4 floors. Private courtyard garden for residents.
- Ground floor may have commercial tenants with no courtyard access
- Located within 2 to 10 minutes walk of central city or at edge of suburban nodes
Housing types to consider

Old North-European town house pattern

- Individual or multi-unit houses
- Zero lot line on side boundaries
- Little or no front setback
- Small garden to rear
- Access to courtyard by tunnel through house or by lane-way at back
- Closer to commercial areas front rooms may be commercial sublet; shops or offices
Housing types to consider:
Pre-war American inner suburbs

- High density with individual & individualistic houses with plenty of room for garden & trees
- Long narrow sections, so streets are relatively short for the number of houses, reducing walking distances & lowering construction & maintenance costs
- Zero lot line on one boundary - consistently within each block so no fire-wall required. Main rooms face front & back screened by trees. No recession planes or height limits
- Front & back setback lines only

Key:
1. Front lawn - open & sunpaved
2. Front porch/verandah or sunporch (sit & chat with friends & neighbors, watch the world go by, watch the kids, party)
3. Main rooms - public (eating, formal living, home office, music room)
4. Circulation & service spaces (stair, bathrooms, laundry)
5. Main rooms - private (kitchen, family rooms)
6. Private outdoor living
7. Garden (private)
8. Garage
9. Driveway (sheltered & shaded)