



Submission

to the Planning Standards Team, Ministry for the Environment

National Planning Standards

Thank-you for the opportunity to make a submission. Our comments relate mostly to:

Zones and Overlays – Discussion Paper C

C.8. What problems do you anticipate could occur from applying these zone options?

In our opinion, whichever option of the set of zones is adopted by the National Planning Standards will inevitably result in canonising zoning as the only available planning tool for urban development for the long-term future and the Urban Design Forum (UDF) thinks that it is concerning, particularly as this is not a prescribed requirement under the Resource Management Act or under any other legislation.

Zoning is not considered by many to be the best way to achieve mixed use areas within the urban environment because, due its inherent segregation of land uses, and therefore zoning is not the best tool to facilitate the sustainable goal of vibrant mixed developments envisaged in larger urban areas (Garde & Hoff, 2017; Hirt, 2010). The UDF proposes the inclusion of the possibility for flexibility in terms of available planning tools in the National Planning Standards by allowing other methods to be used such as form-based coding or similar, alongside zoning.

In New Zealand, urban development has been defined exclusively by zone-based planning since 1922. Zone based planning originates from Germany and its main driver was to segregate different land uses within unplanned cities in Europe and the US. The adoption of zoning within cities played a key role in eradicating slums by the separation of polluting land uses from residential areas, thus providing clean air for living (Hirt, 2010; Grant, 2002). This planning philosophy underpinned the spatial organization of most 20th century urban developments in the western world, including New Zealand.

Growing evidence for the negative effects of land use separation and the benefits of mixed use led to a paradigm shift in planning, as well as increased recognition of the need for sustainable developments which include the reduction of private vehicle use, the creation of walkable neighbourhoods, vibrant communities and an urban environment built on a human scale. It is argued that land-use diversity may be the most important precondition of urban vitality (Jacobs, 1961; Talen, 2006).

International research shows that urban areas which are zoned 'mixed-use' do not achieve the desired mix of activities (Hirt, 2010), although it has to be noted that there has been no research carried out on this topic in New Zealand and therefore any argument on this topic has to rely on overseas findings from cities of similar structure to that of Auckland, Wellington or Christchurch. Furthermore, zoning by its nature focuses on land use types, permissible property uses and the control of development intensity through simple numerical parameters such as setbacks, floor area ratios, height limits and parking ratios.

This approach is in direct contrast to, for example, Form-based Codes (FBC), which focus more on the form of the development by determining the mass and type of the buildings within a neighbourhood, their design elements, connections between individual sites and their relationship to the public realm. Form-based codes create a predictable public realm through city or precinct regulations in the New Zealand context. (Local Government Commission, Undated; Form-Based Codes Institute, 2018) This is achieved primarily by controlling physical form, with a lesser focus on land use, as illustrated on Figure 1 below.

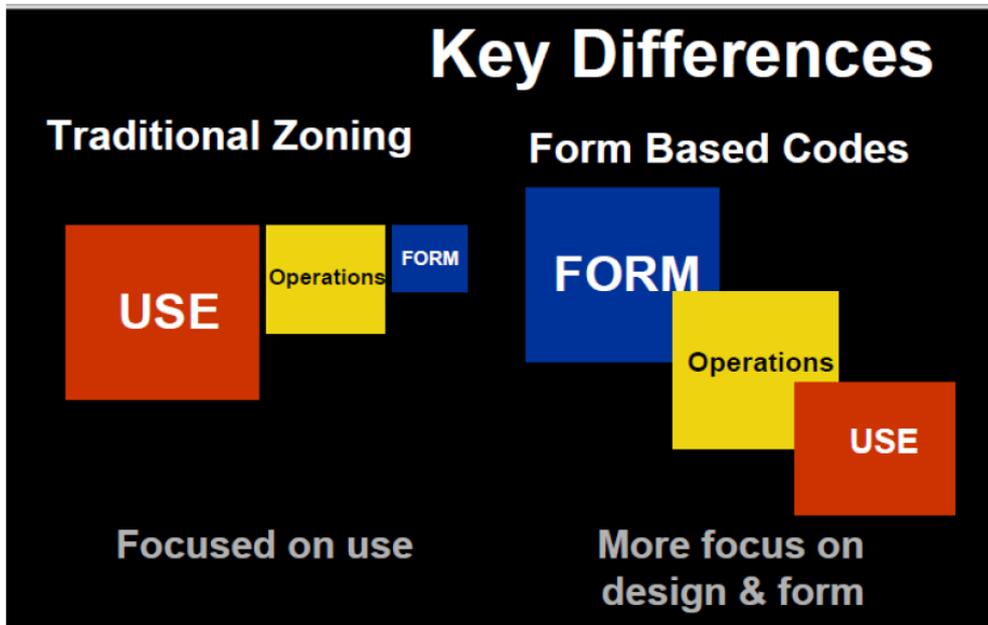


FIGURE 1: DIFFERENCE BETWEEN TRADITIONAL ZONING AND FORM-BASED CODING

Furthermore, zoning is not suitable to guide a cohesive development on land with segregated ownership, whereas the adoption of FBC can ensure coherent development within a longer period of time on land where individual lots are owned by different owners (Garde & Hoff, 2017).

It is important to note that FBCs are regulatory and not advisory like design guidelines.

Further benefits of FBCs as opposed to zone-based planning are:

- Most effective means of regulating development to create pedestrian-scaled, mixed-use, and active urban environments
- Since they are prescriptive rather than proscriptive, FBCs can achieve more predictable physical results
- Because they can regulate development at the scale of an individual building or lot, FBCs encourage independent development by multiple property owners. This obviates the need for large land assemblies and the megaprojects that are frequently proposed for such parcels.
- Gives more attention to the streetscape and the design of the public realm.
- The use of FBCs saves money for both developers and municipalities by streamlining the consenting process
- FBCs obviate the need for design guidelines, which are difficult to apply consistently, offer too much room for subjective interpretation, and can be difficult to enforce. They also require less oversight by discretionary review bodies, fostering a less politicized planning process that could deliver huge savings in time and money and reduce the risk of taking challenges (Form-Based Codes Institute, 2018).

An increasing number of cities in the US and Australia have moved from zoning to Form-based Codes and, as New Zealand is one of the most urbanized countries of the OECD, in our opinion it is very important to leave flexibility for future quality urban developments which are not restricted to only zoning and associated overlays.

Written by UDF member Eva Zombori.

Submitted by Graeme Scott

Chair, Urban Design Forum New Zealand

████████████████████

██████████

████████████████████

REFERENCES

- Form-Based Codes Institute. (2018). *Form Based Codes*. Washington, Maryland, US.
- Garde, A., & Hoff, A. (2017). Zoning reform for advancing sustainability: *Journal of Urban Design*, 845-865.
- Grant, J. (2002). Mixed use in theory and practice: Canadian experience in implementing a planning principle. *Journal of the American Planning Association*, 71-84.
- Hirt, S. (2010). *To zone or not to zone? Comparing European and American Land-use Regulation*. Retrieved from PNDonline: <http://www.planung-neu-denken.de/>
- Jacobs, J. (1961). *The death and life of great American cities*. New York: Random House.
- Local Government Commission. (Undated). *Form-Based Codes: Implementing Smart Growth*. Sacramento, California.
- Talen, E. (2006). Design that enables diversity: The complications of a planning ideal. *Journal of Planning Literature*, 233-249.