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# Planning Successful Cities: Submission Guide

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## Introduction

In my [previous piece](#) I talked about the proposal by the Ministry for the Environment (MfE) to direct local councils to allow for more intensification, through a device called a National Policy Statement. I said “If you want a New Zealand that grows up about growing up its cities, and responsibly provides for growth” that you should send in a submission on their proposal.

So this is a guide to making a submission, if you feel you want some help, and especially if you haven’t made a submission like this before. The discussion document is aimed more at planning professionals, local government officials, and other people with experience in the area. It’s not aimed at a general audience as much as some government consultations are.

But don’t be daunted. In this guide, I’m assuming you’re an interested and curious layperson, not a planning or development professional. If you’re a professional you don’t need my help.

In theory, a consultation like this is only looking for feedback and new ideas, but in reality it’s still very much a political process. Anything you say in support of sustainable density done well will help provide political support for these changes, even if you don’t think you’ve got the details exactly perfect.

## What's being proposed

The details of what's being proposed are in the [discussion document](#), and there's a shorter [summary version](#). The government's [press release](#) sums up what the Government hopes to achieve. And some of the work relies on a [research report from BECA](#).

There's a couple of hundred pages of dry reading across all of that, so here's the basics:

## The Urban Growth Agenda

The proposal is part of a larger suite of policies the government is calling the Urban Growth Agenda. The Minister for the Environment sees that there are

*a startling array of indicators in housing and urban development tells us we have a problem: severe housing unaffordability, falling home ownership, increased hardship and homelessness, increased household debt, intergenerational inequality, congestion, poor transport choice and urban pollution.*

And concludes

*It is clear our urban land and housing markets need to work better and be more competitive. We need to significantly increase the number and type of development opportunities in the market, and ensure future growth benefits our towns and cities.*

*The Government's Urban Growth Agenda (UGA) is designed to deliver these changes. It takes a new approach to planning, based on the idea of making room for growth. The aim is to reduce car dependency, fix our broken system for funding and financing infrastructure, and see central government work more closely with local government, the private sector and communities.*

This consultation is about one very specific but important part of that: a series of directions that central government will give to local councils about how to plan for growth under the RMA.

## A very brief guide to the RMA

The consultation document assumes you know how planning is structured under the RMA, which put very simply (maybe too simply) is as follows. Everything in bold is a term with a technical definition in the RMA.

The goal of the RMA is **sustainable management** of the **environment**, and the environment is considered **as a very broad term**. The things that should be considered important are in **Part 2** of the RMA, but central government and councils can also add other things they care about.

In order to do this sustainable management, central government draws up **policy statements**, **environmental standards**, and **planning standards**, and regional and district councils draw up a variety of plans in response. For urban development, the most important ones are the **regional policy statement** by the regional council and the **district plan** by the city or district council. Both of those include **objectives** and **policies**, and the district plan also includes **rules**.

The rules determine whether or not something is **permitted**: if it isn't, it requires resource consent. If you do need resource consent, the rules, objectives, and policies are all used to decide whether resource consent should be granted, and what **conditions** should be imposed. The resource consent process will look at what **effects** the proposal has on the environment (broadly considered) and whether they are acceptable. For all but the largest property developers, they will be also looking to make sure that the resource consent isn't **notified**, which means giving neighbours or the general public the chance to object and appeal. A notified resource consent could cost tens or even hundreds of thousands of dollars, and will add several extra months or potentially even years of extra delay - not to mention the good chance the consent will simply be declined. A consent that isn't notified isn't a secret - it just means that there's no formal avenue for the general public to have a say.

## The National Policy Statement on Urban Development

A National Policy Statement ("NPS") is a device under the RMA by which central government gives instructions to local government about how to draw up their plans, and how to assess resource consent applications. An NPS can require councils to take certain things into account in drawing up plans. It can require plans to include objectives and policies, which in turn must be taken into account when deciding whether to grant resource consents. An NPS can forbid particular rules in a plan. It can require councils monitor and report on indicators (for example, a measurement of housing affordability).

The NPS in this case will be the National Policy Statement on Urban Development. There's a lot of questions about how it will all look. I'll go through them individually below.

The NPS also replaces an earlier NPS, the National Policy Statement on Urban Development Capacity. That didn't include many directive parts for councils, but it did require some of the monitoring requirements. So for many councils they should already have or be collecting the evidence base they need to plan for growth.

But there are four main planks of this new NPS:

## **1. Future Development Strategy**

Requires councils to come up with long term plans for where growth will happen, by both intensification and outward expansion, and identifying what infrastructure will be needed.

## **2. Making room for growth**

Requires councils to allow growth both 'up' (intensification) and 'out' (sprawl), to a level sufficient to provide for future population growth. It will provide a definition of a "quality urban environment", which will be what councils are trying to achieve. It will insist that councils allow for change in residential areas, and recognise the benefits of denser development as well, not just the drawbacks. The details could be left to councils, or there could be a certain minimum baseline of development allowed.

## **3. Evidence for good decision-making**

Requires councils to monitor and report on supply and demand and prices for housing, to inform their planning decisions.

## **4. Processes for engaging on planning**

This mostly means councils engaging *with each other and with central government*, rather than with the public. But there are also questions about engaging with Māori, both as mana whenua and otherwise.

# **Organising your submission**

There are two ways to make a submission. You can use the [online submission tool](#), which is what MfE would prefer you to do. Or you can write your own document and email it to [npsurbandevelopment@mfe.govt.nz](mailto:npsurbandevelopment@mfe.govt.nz). If you write your own document, I would still

recommend **sticking to the format of the questions in the discussion document**.

Your submission will be read through, once, quickly. But it will also be cut up into snippets, probably question by question, and this is going to be the main way it will be read: piece-by-piece, without much context. I would avoid anything that makes it hard for someone to leap in to your submission halfway through:

- **don't** put in lengthy introductions, summaries or appendices.
- **don't** refer back to other parts of your submission, even if means repeating yourself a bit.
- **don't** try to define big, novel concepts you think that the reader hasn't heard of.
- **do** use references and links to background information and evidence, if it's from a reputable source (e.g. government, professional organisations, academia).
- **do** use the terminology in the discussion document, even if it's different to the terms you normally use.
- **do** use examples from your personal experience, if you've got something relevant.

## Answering the questions

The discussion document is not asking for all of your opinions about urban planning. MfE wants feedback on how to design a fairly specific set of regulations, some of which they've probably already started writing, just with a few gaps where there are some options they're picking between. I would generally aim to stick to the questions asked.

However, some of the questions are fairly open ended. Feel free to suggest other regulatory tools (e.g. amendments to the Resource Management Act) that might help achieve the goals of Making Room for Growth.

**Be sure to say whether or not you support each part of the proposal.** If you use the online tool, you'll be prompted for this. If you're writing your own submission, ideally include this as the first sentence of your answer and using words like "I support" or "I do not support". When there are options, for example in question 10, be clear which option you support. MfE is going to write a summary of the submissions, and for each question they are likely to say something like "most submitters support doing X" or "there was mixed support for X" or "most submitters opposed doing X". This will be based on looking to see which box you checked, in the online tool, or whether you clearly say that you support (or oppose) each provision in your free-written submission.

But remember: you don't have to talk about everything. Skip questions entirely, if you don't think you've got anything to say on the topic. If you genuinely have no view either way, don't

feel like you have to make a decision on supporting or opposing something, or picking one option over another. It won't detract from the rest of your submission, and could help it.

## Question guide

I'm going to go through the questions individually: I'm going to suggest things to talk about, and why they're important.

Using your own words will be most effective. If you're going to copy and paste anyway, you could repeat quotes from the discussion document you agree with - there's good material in the executive summary and the minister's foreword.

*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?*

*– 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?*

**Strongly support.** This is also the best place if you do want to say in general how important affordable housing and sustainable cities and transport are to you.

There's lots of reasons why we need to deliver more housing, better located, and better designed - talk about any of them. Talk about yourself or people you know who've struggled with rents. Talk about any stories you've got where local councils have been unreasonable in preventing good quality developments. Talk about good examples of housing from overseas (or in NZ).

*2. Do you support the approach of targeting the most directive policies to our largest and fastest growing urban environments? Why/why not?*

*– Do you support the approach used to determine which local authorities are categorised as major urban centres? Why/why not?*

*– Can you suggest any alternative approaches for targeting the policies in the NPS-UD?*

**Oppose.** The NPS divides policies into those that apply to “all urban environments”, and those that only apply to “major urban centres”. For some of the requirements of the NPS like Future Development Strategies and monitoring, it’s a big expense for small councils and they should be exempt. But for the directive elements of the NPS, they are just as valuable in smaller cities as they are in big cities. Often small cities face the same problems, just on a smaller scale. All of the prescriptive parts of the NPS like the objectives and policies should all apply to all councils. Likewise, where rules are disallowed, they should be disallowed in all cities.

For a comparison, the previous NPS on Urban Development Capacity also included the councils that cover the urban areas of Whangarei, Rotorua, Gisborne, Napier-Hastings, New Plymouth, Palmerston North, Nelson-Tasman, Marlborough, and Dunedin, and at the very least these should remain included.

*3. Do you support the proposed changes to future development strategies (FDSs) overall? If not, what would you suggest doing differently?*

*– 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?*

*– What impact will the proposed timing of the FDS have on statutory and other planning processes? In what way could the timing be improved?*

**Support,** although as above, the list of major centres that need a FDS should be expanded. The Future Development Strategy is key to making sure that whatever outward growth happens is well planned, but it’s important in figuring what investments and actions will be required to support residential intensification.

*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?*

*– Do you support the features of a quality urban environment stated in draft objective O2? Why/why not?*

*– What impacts do you think the draft objectives O2–O3 and policies P2A–P2B will have on your decision-making?*

**Support**, although this shouldn't mean allowing or encouraging councils to go overboard adding expensive requirements for new housing that occupants might not want, or at least might not think are worth the cost - e.g. requirements for balconies, ground-level open space, or minimum unit sizes.

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

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

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

*– Can you suggest alternative ways to address urban amenity through a national policy statement?*

**Strongly support.** The use of amenity values in district plans at the moment is aimed at preserving the status quo, and supporting a very particular vision of how people should live.

Key points are:

- amenity values are different for different people. One major example: some people really put a premium on having large outdoor spaces with a lot of sun, but other people have interests that mean they get outside away from home, and still other people have interests that happen inside.
- amenity values do not necessarily come from your own home. You can get amenity from living in a suburb with good access to public parks, services, and a wide range of businesses.
- amenity values change over time. There are a lot of hobbies like recreational car ownership and tending ornamental lawns that are less popular in 2019 than they were in 1979.
- amenity values change as a suburb becomes denser. The things that are valuable in a suburb mostly made up of terraced housing and apartments is very different to what is valuable in a suburb mostly made up of detached houses on larger sections.



*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?*

**Strongly support.** This is a pretty non-controversial change for the better - it just requires councils to be slightly more rigorous and thorough in their modelling work.

One important part of the proposal is that, predictions of demand should not be seen as a target for development capacity, they should be seen as a “bottom line”. It’s beneficial to have a lot of excess development capacity, particularly for intensification where there’s no real cost to having capacity that isn’t used.

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

*– 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?*

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

**Support.** Current planning standards will require every city to use a standard “palette” of zones, with standard zone descriptions, but leave it up to those councils to determine the contents of the policies, objectives and rules of those zones. For example, there’s a “medium density residential zone”, which has the description:

*Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.*

This proposal requires the contents to fit the description, but I think councils in practice would do that anyway, and would actually use different zones if they wanted to achieve different objectives. For example, if councils want to stop terraced housing, they’ll just do the obvious thing and make an area a “low density residential” zone, rather than try to have

a zone that doesn't do what it says on the tin.

On the other hand, if councils really do want to subvert the intent of each of the standard zones, they have more than enough latitude to do that, unless there's firm direction about what each zone needs to include - for which see question 11.

*8. Do you support policies to enable intensification in the locations where its benefits can best be achieved? Why/why not?*

*– What impact will these policies have on achieving higher densities in urban environments?*

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

*– If a prescriptive requirement is used, how should the density requirements be stated? (For example, 80 dwellings per hectare or a minimum floor area per hectare).*

*– What impact will directly inserting the policy to support intensification in particular locations through consenting decisions have?*

**Strongly support.** This is probably the most important part of the NPS for the main cities, particularly Auckland and Wellington.

I would generally support a target being expressed in terms of people per hectare, as the best option. Failing that, floor area per hectare would be better, and dwellings per hectare would be the least desirable.

The problem with measuring density in terms of dwellings is that it makes assumptions about how people live that aren't really true these days. There's a lot more people living in one-person or two-person households, a lot more people flatting even past their early 20s, and at the other end a lot more larger and multi-generational households. But measuring dwellings treats all these as the same.

You also get two options for how this should be done:

- The descriptive approach, which tells councils that they need to provide more capacity for intensification, but leaves the details up to council.

- The prescriptive approach, which makes detailed requirements that councils must meet.

The prescriptive approach is clearly better. The thing to bear in mind is that cities have tended to agree with the theory of allowing intensification in inner suburbs, or outer suburbs well connected by public transport. But in practice, they've watered down the proposals to nothing through character and heritage restrictions, parking requirements, and onerous amenity standards. So adding the descriptive requirement wouldn't change that, while the prescriptive approach will cut through a lot of those rules.

There's also a possible compromise, which isn't really mentioned: a prescriptive default. Councils would be able to depart from it, but the burden of proof would be put on council to prove (to independent commissioners and the Environment Court) that the departures didn't have a negative net impact on urban quality or capacity.

*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?*

*– How could the example policy better enable quality urban development in greenfield areas?*

*– Are the criteria in the example policy sufficiently robust to manage environmental effects ensure a quality urban environment, while providing for this type of development?*

*– 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 onto future homeowners and beneficiaries of the development)? What impact will this have on the uptake of development opportunities?*

*– What improvements could be made to this policy to make development more responsive to demand in suitable locations beyond areas already identified for urban development?*

**Strongly oppose.** This undercuts the Future Development Strategies. Councils are already directed to expand outwards under the Future Development Strategy, they should at least be able to use that Future Development strategy to plan how to do that outward expansion well.

*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?*

- Which proposed option could best contribute to achieve quality urban environments?*
- What would be the impact of removing minimums in just high- and medium-density, commercial, residential and missed-used areas, compared with all areas of a major urban centre?*
- How would the 18-month implementation timeframe impact on your planning processes?*
- What support should be considered to assist local authorities when removing the requirement to provide car parking to ensure the ongoing management of car parking resources?*

**Strongly support.** I've [written plenty](#) about why parking minimums need to go. Again, you get several options. I would support option 2: removing parking minimums everywhere, but allowing maximums in areas where this can be supported by evidence.

I would also support extending abolition to all urban areas, not just major urban areas. In smaller centres, parking requirements don't have as big a cost, but they're still unnecessary.

It's also important to go beyond just abolish the rules themselves. A lot of parking requirements aren't imposed as rules, but as conditions of resource consents. I also suggest that:

- The NPS include a mandatory policy for district plans, saying that increased competition for on-street and off-street parking cannot be considered an "effect", and that the presence of carparking is not itself a form of amenity.
- The NPS disallow resource consent conditions requiring the provision of parking, or requiring existing parking to be kept.

The other question is about the timeframe. I don't see any point for the 18 month delay. Councils will have fair warning of the introduction, and developers will still be allowed to build parking if they want. This should take immediate effect.

*11. Do you think that central government should consider more directive intervention in local authority plans?*

- Which rules (or types of rules) are unnecessarily constraining urban development?*
- 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?*
- Should a minimum level of development for an individual site be provided for across urban areas (for example, up to three storeys of development is a permitted activity across all zones)?*
- Given the potential interactions with the range of rules that may exist within any given zone, how could the intent of more directive approaches be achieved?*

**Support.** In this case I do think the intervention should be limited to the major centres, but I would support being very prescriptive. The NPS should include a default set of policies, objectives, and rules for each zone. Councils would be able to add different rules if there is evidence supporting them, but they wouldn't be able to make rules that are included more restrictive. For example, the "general residential" zone could include a height limit of 12 metres. Councils could raise the height limit to 16 metres, but they couldn't lower it to 10 metres. On the other hand, councils could add rules on a completely different topic.

In general, I think the standard rules should include at least:

- the land use activities included in each zone - residential zones must allow all residential forms, including multi-unit housing, boarding houses, and rental housing, and must allow small-scale neighbourhood services like dairies, takeaways, cafes, doctors' offices, and churches. (There would be limits on how big they could be).
- "bulk and location" standards - height limits, recession planes, site coverage, impervious coverage, front, side and rear yards, common wall rules, accessory building rules.
- performance standards - things like noise limits, and opening hours for work-from-home activities

*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?*

**Strongly support.** This requirement already exists under the NPS on Urban Development Capacity, although not every council has completed their first report. But it is already having a positive effect on how councils plan.

*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?*

*– Do you think the proposals are an appropriate way to ensure urban development occurs in a way that takes into account iwi and hapū concerns?*

*– How do you think local authorities should be directed to engage with Māori who do not hold mana whenua over the urban environment in which they now live?*

*– What impacts do you think the proposed NPS-UD will have on iwi, hapū and Māori?*

*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? Why/why not?*

This is a somewhat outside my area of expertise, so I'd welcome any comments you've got if you have anything to add: [contact me here](#).

I would add that historically councils haven't included Māori perspectives very well, and a lot of those decisions in the past have been uncritically carried over into the present day, so working with Māori to have a look at current policies is just as important as looking at changes.

I also think the government needs to do more to get more Māori into the planning profession itself - at a lot of councils the planning staff is pretty uniformly pale.

*15. What impact will the proposed timing for implementation of policies have?*

In my view, there's no reason to delay with the prescriptive requirements about inserting or forbidding particular policies, objectives, and rules in district plans. Particularly not the proposal to remove carparking requirements, which should take effect as soon as possible, and the policies about how to consider amenity values and the positive effects of residential density.

For the other requirements such as for new Future Development Strategies and Housing and Business Development Capacity Assessments I think these timeframes are reasonable.

*16. What kind of guidance or support do you think would help with the successful implementation of the proposed NPS-UD?*

You probably don't need to answer this.

*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 and include any suggestions you have for addressing these issues.*

You probably don't need to answer this unless you also have a view on the related proposal for restricting development on [highly productive land](#).

*18. Do you think a national planning standard is needed to support the consistent implementation of proposals in this document? If so, please state which specific provisions you think could be delivered effectively using a national planning standard.*

You probably don't need to answer this.

**Questions from Appendix 3**

*A1. Do you support the changes to the HBA policies overall? Are there specific proposals you do or do not support? What changes would you suggest?*

*A2. What do you anticipate the impact of the proposed policies (and any related changes) would be on planning and urban outcomes?*

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

*A4. How could these policies place a greater emphasis on ensuring enough development capacity at affordable prices?*

*A5. Do you support the approach of targeting the HBA requirements only to major urban centres? Why/why not?*

You probably don't need to answer any of these except for A3. I think the margins are too conservative: they should also include an allowance (in the short term only) for competition. There should be a big enough surplus of development sites to keep the price reasonably affordable.

## Conclusion

I hope that helps. If you've got further questions email me at [steve@sd.net.nz](mailto:steve@sd.net.nz) or @ me on Twitter, [@nzsd](#). I may update this guide depending on what feedback all you lot give me.

Submissions close at **noon on 10 October**. Use the [online submission tool](#), which or you can write your own document and email it to [npsurbandevelopment@mfe.govt.nz](mailto:npsurbandevelopment@mfe.govt.nz).