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The Challenge of Planning  
for Urban Residential Environments under the  
Resource Management Act 1991

A thesis presented in partial fulfilment of the requirements for the degree of  
Master of Resource & Environmental Planning  
at Massey University, Palmerston North, New Zealand.

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2009

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**Abstract:**

*Planning for urban areas is a process of proactively and creatively providing for the future physical form of an urban area, including its design, development and subsequent use, through the development and implementation of policy and other measures seeking to ensure quality environmental, economic and social outcomes. Yet in New Zealand, the legislation enabling such intervention, the Resource Management Act 1991 (RMA), makes no reference to the term urban or any of the elements of the urban environment.*

*This thesis proposes that there is a remit, and indeed a requirement, under the RMA to sustainably manage the built form, and that this should be sought through anticipatory policies in district plans. The extent to which elements of urban planning are currently being provided for in operative district plans was examined using content analysis as a research method – i.e. a word count of specific words/phrases relating to urban elements from which inferences could be drawn. The results indicated that elements of urban planning are being provided for in district plan provisions to a greater or lesser extent, although in most instances were not within its ‘power house’, i.e. the objectives and policies. Further interpretive analysis of actual district plan text suggests that references to urban elements lacked specificity. The results also showed that few associations existed between the various urban elements examined, and that there were no clear causal factors for high urban element word counts.*

*This paper concludes that planners can confidently provide for elements of urban planning in district plans. In doing so their legacy will be district plans that are more strategic, and therefore in alignment with the purpose of the RMA – the sustainable management of natural and physical resources – as opposed to the prevailing view that they should take a more retrospective perspective, seeking only to avoid, remedy or mitigate the adverse effects of activities on the environment.*

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## **Acknowledgements**

What a journey writing this thesis has been!! Thanks firstly to my supervisor Caroline Miller, for your guidance and support along the way!! I have a huge respect for your knowledge of the NZ planning profession, and have enjoyed our many and varied conversations over the last two years!

A million thank you's to Mum and Dad, for their love, support and for always coming to lend a hand!! A special thanks to Mum for your diligence in proof reading, I really appreciated it!

Thanks also to my favourite cafés where I sat and worked during my lunch breaks – many a crisis of direction was solved over a latte and a yo-yo biscuit!

Finally, thanks to my wonderful family, who have been on this journey with me through no choice of their own! What can I say ... you're awesome.

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# The Challenge of Planning for Urban Residential Environments under the Resource Management Act 1991

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## 1 Introduction

The problem that this thesis seeks to address is the seemingly diminishing role of urban planning under the RMA. Planning as a profession is experiencing an identity crisis (Cherry, 1996) in New Zealand and internationally, and this is partially caused by the criticisms levelled against the performance of the profession. Planners are decried from all directions in relation to the implementation of the Resource Management Act 1991 (RMA) – *‘they favour the developers, they obstruct the developers; they are unduly cautious ... they are not cautious enough ... they are environmentally conservative; they are not conservative enough’* (Jay, 1999;467). It is for these reasons, amongst others, that the new National Government has embarked on yet another round of amendments to the RMA. Planning within New Zealand operates under an Act that makes no mention of the term urban. Additionally, it is complicated by the redirection of strategic aspects of planning to the Local Government Act 2002 (LGA), leaving the RMA with a largely development control function, within effects based legislation. Yet planners cannot (or should not) consider planning a redundant exercise, but instead must embrace the changes and accommodate them (Cherry, 1996). This thesis will examine the challenge of urban planning under the RMA, looking particularly at district plan provisions for residential areas.

The focus on residential provisions is deliberate. Approximately 87 percent of New Zealand’s population live in towns and cities (Urban Design Protocol, 2005). Ensuring our residential environments are sustainable is increasing in importance, and in particular maintaining the balance between density and amenity.

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This research focuses on three separate yet inextricably linked areas. Firstly, what is meant by the terms town planning and urban design, and understanding the relationship between the two terms in order to identify key elements of urban planning; secondly, what is the relevance of planning for urban areas under the RMA; and thirdly, how, and why, elements of urban planning are being incorporated in residential district plan provisions. In answering these three related questions, the central research question can be answered. That is, under the existing legislative framework can elements of urban planning be provided for, and if so, how are they being incorporated into the residential provisions of District Plans?

### **1.1 The relationship between Planning and Urban Design**

The initial focus of this research addresses what is meant by the terms town planning and urban design. As Mumford points out, '*at the dawn of history, the city is already a mature form*' (1961; 11), yet the term 'town planning' was only coined at the beginning of the 20<sup>th</sup> Century, and 'urban design' in the 1950's. Each of the terms takes on different meanings to different people, and defining them is an appropriate starting point.

Town planning, as indicated through the many interpretations of the term, is a strategic process looking at future outcomes, achieved through interventions by local authorities (Sutcliffe, 1981). Traditionally town planning had a broad remit relating not only to environmental outcomes, but also to social and cultural outcomes. Urban design on the other hand was initially defined as being that part of city planning which deals with the physical form of the city (Krieger in Moor and Rowland, 2006). The concept of urban design is now being separated out from planning and is becoming a prominent field in its own right. Understanding what is meant by planning and urban design, and subsequently understanding the relationship between the two terms is key to the first part of this research. Carmona et al write that urban design should be seen as '*an integrative, 'joined-up' activity at the heart of which is a concern for*

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*making places for people'* (2003; 19), and it could be argued that this is at the heart of good planning. The relationship between planning and urban design is therefore inextricably linked, yet *'we seem to be losing the ability to stand back and look at what we are producing as a whole ... We need to stop worrying quite so much about individual buildings and other physical artefacts and think instead about places in their entirety'* (Tibbalds (1991), as quoted in Carmona et al, 2003; 6). To that end, elements of urban planning are identified from the definitions of urban design and planning, and these elements then percolate through the other research tasks, making this initial focus an essential foundation for this thesis.

## **1.2 Planning and Urban Design under the RMA**

The thesis will then review the relevance of planning for urban areas under the RMA. This approach is valid in order to establish what provisions can reasonably be included within District Plans. District Plans are part of the hierarchy of plans that provide a framework for achieving the purpose of the RMA, to promote the sustainable management of natural and physical resources. In achieving the purpose of the RMA particular regard is required to be had to the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment (Section 7, RMA).

The RMA provides for a 'light handed' basis for planning, focussing on the effects of activities, rather than the activities themselves. This lack of legislative direction requiring strategic planning has created a system that is reactive to the demands of the market and / or consumer. As such it is contrary to the basic tenet of traditional town planning, which is a process of intervention for beneficial future outcomes.

What appears to be lacking in the New Zealand planning system is substantive content in district plans as to how new developments can be achieved that integrate with the bigger urban form, and which result in little or no reduction in amenity or environmental quality.

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The Act defines amenity values' as being *'those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes'*. There is a distinct lack of robust information within district plans detailing what it is that contributes to an area's pleasantness, or aesthetic coherence, or what its character and context is. This can be exacerbated where there is only be one set of provisions for all residential development, which is the case for some provincial New Zealand cities.

Yet, the Act appears to embody a mandate for achieving high quality environments through its purpose and principles. In the context of this research, reviewing the relevance of urban planning under the RMA is valid. Without such a mandate under the RMA any provisions relating to urban form / design would be ultra vires, and would fall outside the function of a territorial local authority, which is to give effect to the purpose of the RMA.

### **1.3 District Plan (Residential) Provisions**

The third and final prong of this research looks at the inclusion of provisions relating to the elements of urban planning identified in the first part of the research. It is at this point that the research becomes less generic, and focuses specifically on the residential provisions within District Plans. Carmona (1999) states that urban design needs to become the primary focus of attempts to control residential design – a change from site specific to strategic. Criteria relating to *'intangible, less formulaic, design considerations as well: concerns such as visual interest, enclosure, community, route connectivity, and sense of place'* are required to supplement common standards relating to aspects of design like height, daylight, access and setbacks (Carmona 1999; 817). Hence, the research that makes up the third prong of this thesis – an analysis of the provisions for residential environments in currently operative district plans. This research attempts to identify how various elements of urban planning are provided for in district plans, and why.

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## 1.4 Conclusions

Cherry writes that intellectually planning has ground to a halt; *'its qualities of imagination for things that might be, and the inherent energy to achieve these things, are squeezed out of a system where other matters get in the way'* (1996; 226). As a profession, planning runs the risk of becoming 'box tickers', and the potential for this is exacerbated in a New Zealand context where the principal piece of planning legislation allegedly focuses on environmental effects of activities – a reactive rather than strategic view. This research therefore addresses the challenge to which Cherry (1996) refers, as to how urban planning in New Zealand can embrace the legislative environment in which it sits, and be a legitimate exercise in the pursuit of quality urban environmental outcomes. By becoming creative and visionary, and by using professional knowledge from a development control perspective of what works and what doesn't, planners can influence the shape of our future urban form, thereby creating better places for people.

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## **2 Methodology**

This chapter describes the approach and research method used to answer the research questions posed in Chapter One of this thesis:

- what is the relationship between planning and urban design;
- what is the remit for urban planning under the RMA; and
- how and why are elements of urban planning being applied in the residential provisions of district plans.

The first question is essentially answered by way of a literature review and this chapter begins with an overview of its purpose. The second question is answered through both a review of relevant literature and through interpretive analysis of the RMA.

The third question could be answered through a number of research approaches, of which three were considered for use in this thesis – content analysis, surveys or case studies. This section describes each of these methods, including their advantages and disadvantages, and conclusions are reached as to which is the most appropriate in this instance.

This chapter concludes with further details about content analysis as a research method and how it has been applied for the purposes of this research.

### **2.1 The Literature Review**

The literature review, contained in Chapters 3 and 4 provide the theoretical context for urban planning within New Zealand. It begins with an examination of the evolution of town planning and urban design. The reason for this is to establish whether they are separate disciplines, or whether they have commonalities such that one cannot be undertaken without the other. The literature review answers the first research question, that is, what is the relationship between planning and urban

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design. From this discussion key elements of urban planning are identified and these form the basis for the empirical research, from which the third research question can be answered - how and why are elements of urban planning being applied in the residential provisions of district plans.

The second part of the literature review, combined with an interpretive analysis of the RMA, focuses on the legislative context in New Zealand within which planning for residential environments lies. It is essential to understand the legislative context because planners within New Zealand are required to provide for residential environments under legislation that has no reference to urban matters. It is critical to this research to establish whether or not there is a remit under the RMA to do so. As part of understanding the legislative context of planning a brief history of planning statute in NZ is provided, and the origins of the RMA examined. The RMA is then critically examined, and through interpretive analysis the lack of references to urban matters is examined and explained. This part of the literature review, together with the analysis of the RMA, answers the second research question, that is, what is the remit for planning for residential areas under the RMA. Understanding the remit for urban planning, and the background to the RMA, is essential in order to make inferences about the results of the empirical research undertaken in Chapter 7 of this thesis.

Having established the approach to answering the first two questions the following section sets out the potential research methods that could be used to answer the third question, that is how and why are elements of urban planning being applied in the residential provisions of district plans.

## **2.2 Method: Data Collection**

There are a number of research methods that could be applied to answer the third research question; how and why are elements of urban planning being applied in the residential provisions of district plans. This

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section details the options considered for this research – survey, content analysis, or case study(ies), and concludes which of the three is most suited in this instance.

### **2.2.1 Survey**

This section briefly details surveys as a research method. It is a method used to gather data about large populations in natural i.e. non-laboratory settings (Smith, 1985). All surveys have three areas of commonality:

- a) they use a large number of respondents, chosen through probability sampling procedures to represent a larger population;
- b) questionnaires or interviews are used to ask and record answers; and
- c) answers are coded and analysed;

(Singleton & Straits, 2005).

Undertaking a survey of a sample of local authorities was considered as a means of seeking an answer as to how various urban elements are provided for in their district plans.

One of the advantages of using surveys as a research method is that it is a commonly used tool (Singleton and Straits, 2005). This means it is a methodology with a vast body of work to guide their development and implementation. Surveys can also address a broad range of research topics, although there are ethical considerations that may limit the range of topics surveyed (Singleton and Straits, 2005). In this instance, the proposed topic could well be researched through such a method, and the ethical implications would be minor.

The major disadvantage of using a survey as a research method is that although associations between variables can be made, understanding the cause and effect relationships cannot be easily established (Singleton and Straits, 2005). However, all three research methods considered for this thesis would suffer the same limitation. Further

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weaknesses of surveys include that they are susceptible to reactivity, that is, respondents tend to give '*socially acceptable answers*' to questions and they rely on reports of behaviour as opposed to observations of behaviour (Singleton and Straits, 2005). Although a survey could have adequately garnered data relating to the research question, it is on the basis that there is a potential for reactivity that a survey is not considered the best option in this instance.

### **2.2.2 Case Study(ies)**

This section describes the use of case studies as a research method. A case study is a form of field research that examines a single phenomenon or unit of analysis.

The benefits of field research such as case studies include that it provides an '*insiders view of reality*' (Singleton and Straits, 2005; 308). That is, it is a useful method to understand a real-life problem or unique situation in great depth and is a method of learning by example (Patton, 1990). It is also a form of research that lends itself well to studies of dynamic or rapid change in an environment (Singleton and Straits, 2005). In this instance case studies could have been used to examine different residential suburbs.

The weaknesses of field research such as case studies include the time it takes, making it a less efficient way of collecting data (Singleton and Straits, 2005; 308). Again this is a weakness that can be applied to all three research methods considered. Case studies are highly dependent on the observational and interpretive skills of the researcher (Singleton and Straits, 2005), which then impacts on the validity of the findings.

The output has been described as a richly detailed description of a necessarily small area (Singleton and Straits, 2005). The areas studied are often chosen on an ad hoc basis, often for reasons of availability and convenience (Singleton and Straits, 2005). The generalisations able to be made about a wider population (in this instance residential areas) would therefore be limited.

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In comparing this to the other research methods considered it was felt that case studies would have limited usefulness. This is because the number of case studies that *could* be undertaken would be limited by time constraints. Additionally, any case study would be limited to a relatively small geographical area due to the costs associated with researching areas further afield. The generalisability of any findings would likewise be limited.

In choosing case study locations it was felt that not enough was known about residential environments in order to make a call as to whether they were exemplar for good or bad reasons. Vis-à-vis this research is not about the quality of the resulting urban environment but rather the policy mechanisms being used that may affect the environment. For these reasons it was considered that case studies were not appropriate for this research.

### **2.2.3 Content Analysis**

Content analysis is most closely related to the technique of survey research (Neuendorf, 2002), and through its application in this instance it seeks to infer characteristics about how provincial territorial local authorities are providing for five elements of urban planning (density, morphology, the public realm, sense of place and amenity) within their residential environments.

Content analysis has been defined variously. Berelson originally defined it as a research technique for the objective, systematic, and quantitative description of the manifest content of communication (Berelson, 1952). Key within this message is that it seeks to fulfil the requirements of a scientific research method. As Neuendorf writes, it is a *'summarising, quantitative analysis of messages, that relies on the scientific method (including attention to objectivity-intersubjectivity, a priori design, reliability, validity, generalisability, replicability, and hypothesis testing) and is not limited as to the types of variables that may be measured or*

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*the context in which the messages are created or presented'* (Neuendorf, 2002:10).

An emerging sphere within content analysis is the distinction that Krippendorff (2004) makes. He defines it as '*a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use*'. Unlike Berelson and Neuendorf he recognises the qualitative aspect of content analysis, and writes that '*reading is fundamentally a qualitative process, even when it results in numerical accounts*', (Krippendorff, 2004), noting that experts often 'read between the lines'.

The benefits of content analysis is that it is expected to have results that are reliable, meaning the extent to which a measuring procedure yields the same results on repeated trials (Neuendorf, 2002); valid, meaning the extent to which the results can be upheld in the face of independently available evidence (Krippendorff, 2004); and replicable, meaning the degree of sameness in the results regardless of who the researcher is (Neuendorf, 2002).

The research is expected to objectively describe a phenomenon in a way that avoids the bias of the researcher, and in a way that other researchers would or could agree with – the objectivity-intersubjectivity aspect of scientific research (Neuendorf, 2002).

A limitation of using content analysis for the purposes of this research is that it does not consider, or rate, the *effectiveness* of the urban planning provisions for residential environments. Rather it focuses solely on whether any attempt has been made to include reference to elements of urban planning. This thesis, and its results is therefore more an exercise in taking stock of if and how territorial local authorities are attempting to shape the form of their residential environments, from which further research could stem focussing on the effectiveness of various provisions.

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A further limitation is that only one coder has assessed the data thus limiting the reliability of the results. However, it is considered that through the coding process the results would be replicable on repeated trials, and with independent coders.

The findings of the research may also have limited *generalisability* to territorial authorities with significantly larger or smaller populations, however the intent of this thesis is to focus on provincial New Zealand cities, and as such this limitation is not considered to be fatal.

Another limitation of this research method is that the presence or absence of particular words relating to the urban planning elements may or may not be significant. That is, the words counted may not accurately reflect the full range of synonyms for that element.

However, despite these limitations the use of content analysis to draw inferences about urban policy is not without precedence having been one of the research methods used by Punter and Carmona (1997) who undertook research for the UK's Department of the Environment to identify good practice in the formulation, presentation and implementation of design policies for development plans. The intent of this research *'was to discover:*

- *The broad approach taken to design in the plans;*
- *The policy coverage of all aspects of design; #the level of detail of design advice;*
- *The relationship between design policies and supplementary planning guidance;*
- *The analytical and consultative basis of design policies;*
- *How design policies are expressed in local plans'.*

(Punter and Carmona, 1997; 7)

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Punter and Carmona's work, which is far more encompassing than that proposed as part of this thesis, '*constituted the major foundation of the policy recommendations, which were developed in 'A guide to good practice'*' (Punter and Carmona, 1997; 8). In light of this it is considered that using content analysis for the purposes of this thesis, which similarly seeks to understand the broad approach to planning for amenity, a sense of place, density, morphology and the public realm, is justified.

#### **2.2.4 Conclusions**

District plans, the subject of analysis in Chapter 7 of this thesis, are large volumes of written material. From these documents data is sought as to how five elements of urban planning are currently being provided for. Content analysis was deemed the most appropriate research method as it is non-reactive and unobtrusive way of analysing large amounts of text.

Surveying local authorities would also have been an effective way of garnering data about district plans, and may have been a less time consuming means of gathering the data. However, in comparison with content analysis, there was a higher potential that the data gathered may not have been as reliable given the tendency of respondents to give socially acceptable answers. Similarly, undertaking a case study, or even a series of case studies, was ruled out on the grounds that fewer inferences could be made about how elements of urban planning are being provided for across the country.

Thus, the following section details further content analysis as a research method and how it has been implemented for the purpose of this thesis.

### **2.3 Method: Content Analysis**

This section describes more fully *how* the content analysis method is used to answer the research question posed in chapter one relating to how elements of urban planning are currently being provided for in District Plans.

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Content Analysis, as noted above, is essentially a procedure for collecting and organising information in order that an analyst can make inferences about the characteristics and meaning of written material (United States General Accounting Office (USGAO), 1996; p6). The purpose of using content analysis in this instance is to identify how urban planning elements are being provided for within operative district plans.

For the purpose of this research, I rely on a quantitative analysis of District Plans, looking at how often key urban planning words are used, and in what district plan provisions are they used. However, using Krippendorff's approach, following the statistical analysis of results references to specific district plan text are included to aid understanding of the validity of any inferences or conclusions made. Such references back to the district plan text are essential to validate the statistical results (Weber, 1985). As Weber notes, *'examination of the texts may indicate the need to revise or discard the interpretation of the factor'* (Weber, 1985; 63).

Using content analysis as a research method in this instance is appropriate for three reasons. It is a tool for extracting insights from existing data sources, it yields unobtrusive and non-reactive measures and it can be used to analyse large volumes of written material (USGAO, 1982, p9). This last point is most salient. District plans are lengthy documents, and residential development is one of many issues that they deal with. Hence, content analysis is deemed to be an appropriate policy analysis tool in this instance, and the findings, drawn from a sample population of District Plans based on the size of the territorial local authority's population, will result in a generalised set of findings applicable to the wider population of territorial local authority District Plans.

### **2.3.1 Sample Population**

Operative District Plans were chosen as the media for examination using content analysis, because they are the statutory documents that guide

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and control development in residential environments. Within New Zealand there is a total of 74 territorial local authorities, for which there is a corresponding set of District Plans, although it is noted that some authorities have a combined district plan, for example the Combined Wairarapa District Plan covering Carterton District, South Wairarapa District and Masterton District. Analysing the contents of all the available District Plans was discounted given the large total population of plans. Choosing a random selection of district plans was considered but was also discounted, due to the lack of comparability in scale. That is, the usefulness of comparing the content of the Manukau District Plan (which provides for a population of 328,968 in an entirely built up area) with the content of the Kawerau District Plan (which provides for a population of 6,921 in a largely rural area) was considered negligible.

The focus of the research is on suburban residential development. To ensure that results are comparable, a sample population of eleven District Plans was chosen on the basis of the population of the territorial local authority. The population statistics for all NZ territorial local authorities were sorted from lowest to highest. Palmerston North City was used as a starting point, because of the researcher's knowledge of the area and the District Plan, and on the basis that it is a provincial city with a variety of suburban development, from traditional suburbs, suburbs with considerable infill, to greenfield suburban development. The remaining sample population chosen were those five territorial local authorities either side of Palmerston North City on a list ordered by population. They are:

- Franklin District
- Rotorua District
- New Plymouth District
- Hastings District
- Whangarei District

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- Palmerston North City
  - Rodney District
  - Lower Hutt City
  - Tauranga City
  - Dunedin City
  - Hamilton City

### **2.3.2 Units of Analysis**

When undertaking a content analysis the research designates both the context units and the recording units for analysis. The context units set limits on the portion of the written material that is to be examined (USGAO, 1982; p5). In this instance the context units are those sections of the district plan that are directly applicable to residential environments, including the chapters addressing:

- the residential zone issues, objectives, and policies,
- the subdivision provisions for residential zones,
- the bulk and location provisions, and
- the transportation provisions.

A recording unit is the specific segment of the context unit that is placed in a category (USGAO, 1982). In this instance the recording units are specific words relating to elements of urban planning as identified through the literature review in Chapter 4. The literature review identifies five elements of urban planning for analysis – amenity, density, sense of place, public realm and urban morphology. Within these five elements a number of recording units have been identified, and these are set out in Table 1.

**Table 1: Recording Units**

Urban Planning Element	Recording Units
Amenity	<ul style="list-style-type: none"> <li>• Amenity[ies]</li> <li>• Character[istics]</li> <li>• City / Urban / Community / Neighbourhood / Residential Amenity</li> <li>• Context</li> <li>• External appearance</li> <li>• On-site/Outdoor/Site/Open Space/Landscape/Living/Tree Planting Amenity Pleasantness</li> <li>• Special Amenity</li> <li>• Visual / Aural / Aesthetic amenity</li> <li>• Aesthetic Coherence</li> <li>• [Cultural and recreational] attributes</li> </ul>
Public Realm	<ul style="list-style-type: none"> <li>• Public Realm</li> <li>• Legibility</li> <li>• Public Space</li> <li>• Foot paths</li> </ul>
Sense of place	<ul style="list-style-type: none"> <li>• Sense of Place</li> <li>• Context</li> <li>• Sensory experience</li> <li>• Identity</li> <li>• Image</li> <li>• [Urban / Built] Form</li> <li>• Vitality</li> <li>• Diversity</li> </ul>
Density	<ul style="list-style-type: none"> <li>• Density</li> <li>• [Density] ratio / per hectare / per ha / per lot / per site / per habitable room</li> <li>• Mixed use</li> <li>• Privacy</li> <li>• Diversity</li> <li>• Vitality</li> </ul>
Morphology	<ul style="list-style-type: none"> <li>• Grids</li> <li>• Block size</li> <li>• Grain</li> <li>• Layout</li> <li>• Permeability</li> <li>• Accessibility</li> <li>• Connectivity</li> <li>• Shape</li> <li>• Space network</li> <li>• Street patterns [Road Layout]</li> <li>• Lot size</li> <li>• Nodes</li> <li>• Scale</li> <li>• Setback [Front Yard]</li> <li>• [Site] Coverage</li> <li>• Building Line</li> <li>• Infill</li> <li>• Height Width Ratio</li> </ul>

Using words as recording units means that by placing the words in categories, the content analysis becomes simply a word count (USGAO, 1996; p25), but one from which inferences can be drawn, and from which the associations between each of the urban elements can be examined.

### 2.3.3 The Coding Categories

Described as the heart of content analysis, categories provide the structure for grouping recording units (USGAO, 1982; p5). For this research the categories are based simply on the district plan content provisions of S75 of the RMA (i.e. District Plan Content). These include

both the mandatory text categories and non non-mandatory text categories as detailed in Table 2. Using these categories the location of references to urban planning elements can be identified, and from this the usefulness of such references can be considered as inferred through whether the references are in mandatory or non- mandatory district plan provisions.

**Table 2: Coding Categories**

<b>Category /Codes:</b>	<b>Description</b>
Environmental Results Anticipated	Explicitly stated environmental results expected from the policies and methods.
Issues / Discussion	Explicitly stated resource management issues for the district and explanatory text giving reasons for the explicitly stated resource management issues.
Objectives	Mandatory requirement
Policies	Mandatory requirement
Explanation of Objectives and Policies	Details the principal reasons for adopting the policies
Rules (including performance conditions)	Mandatory requirement
Explanation of Rules / Performance Conditions	Details the principal reasons for adopting rules
Matters over which Control is retained	Mandatory requirement
Matters over which Discretion is restricted	Mandatory requirement
Other	Includes references contained in any of the other district plan provisions such as assessment criteria, methods of implementation, or the procedures for monitoring the efficiency and effectiveness of the policies and methods.

Using the search function on Adobe Reader, and a manual recording system, each occurrence of a recording unit within specific sections of the district plan was noted. A key assumption of this research is that this search function picked up all occurrences.

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### 2.3.4 The Analysis Plan

The recorded data is then used in three ways:

#### (i) Frequency Analysis

Firstly, the content analysis focuses on the whether or not the elements of urban planning are being provided for within operative district plans, and if so, where within the statutory framework the references to urban planning elements sit. The frequency of the various recording units is counted and recorded against a category.

As an initial step the results are analysed by frequency. Analysing the text on the basis of counting words grouped into categories assumes that *'higher relative counts (proportions, percentages, or ranks) reflect higher concern with the category'* (Weber, 1985; p56). It is on this basis that inferences are drawn about the importance of these references to the five urban planning elements, based on the category within which they sit.

The content analysis seeks to identify where in the hierarchy of district plan provisions any references to urban elements sit. Whether they are within the mandatory or non-mandatory provisions may indicate the level of commitment to urban planning that a local authority has. If the district plan has a higher proportion of instances to those elements in its 'issues' or 'environmental results anticipated' sections, then it could be surmised that their commitment to urban planning is less than those authorities that have a higher proportion of instances in their objectives, policies and rules, i.e. the mandatory requirements of the plan. If there is a higher proportion of instances to one of those matters in the mandatory provisions, then it will bear greater weight in the decision making process. Assuming there is a high proportion of instances at the top of the policy hierarchy (i.e. objectives) it can be assumed that the purpose of the objective would follow through to its supporting policies and rules. From this frequency data, and in looking at which provisions the urban planning elements are most commonly provided for, inferences are

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made relating back to the date of adoption of the provision. That is, are district plans more likely to have references to urban elements if they were adopted more recently?

**(ii) Associations between elements**

The second part of the analysis explores the potential associations between the various elements in order to understand or at least identify any themes between them. The purpose of this is to describe how urban planning elements are being used within the residential provisions of district plans, and whether it is fair to assume that if one of the elements is provided for then it is likely that another will also be provided for. Correlation is used to analyse all the various combinations of the five urban elements. Correlation is an appropriate technique given that it measures the association between two variables (Diamond and Jefferies, 2001). Although it is noted that whilst two variables may be closely associated this does not mean that there is a causal relationship between them (Diamond and Jefferies, 2001), although it can inform a regression analysis which attempts to further describe such associations (Minitab Inc, 2006). Regression summarises the nature of the relationship between variables, and is used *'for making predictions of likely values of the dependent variable'* (Bryman and Cramer, 1996; 175). For this research, where there is an apparent association between elements, regression analysis is used to assess the degree to which we can predict a high count of one variable where there is a high word count for another variable.

**(iii) Causal factors**

The final part of the analysis is to examine through correlation and regression analysis whether there is a common causal factor that may prompt local authorities to consider and provide for urban planning elements in their district plan residential provisions.

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## **2.4 Conclusions**

The use of content analysis was chosen in this instance because it was deemed to be the most appropriate way of gleaning information from large and often 'wordy', district plans about the five urban planning elements subject to this research. It is an unobtrusive method, and is a tool used to examine urban policy, as is evidenced through the work of Punter and Carmona (1997).

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## **3 Literature Review**

### **3.1 Introduction**

This chapter addresses the first area of this research. Firstly, this literature review briefly examines how town planning is defined and how the profession came into being. Secondly, it looks at how urban design has been defined over time, and extrapolates the areas where there is common agreement amongst researchers about what constitutes urban design. Inferences are then made as to the nature of the relationship between urban design and planning. The literature review also corroborates these inferences with the work of other researchers. The purpose of revisiting the definitions of planning and urban design, and drawing inferences between the two, is essential to understand how planning for urban areas can be applied within the New Zealand Planning context.

The areas of commonality within the definitions of town planning and urban design are further examined to determine their inclusion within a set of principles which form the foundation for the third area of this research, i.e. the scientific research into their actual inclusion in operative district plans.

Whilst there is substantial literature relating to planning theory and urban design, material used herein has generally met one or more of the following criteria:

- i) an often cited author suggesting that their work has found wide application over a prolonged period;
- ii) an author recommended by a trusted source; and
- iii) speakers who have addressed conferences or workshops who are involved in the practice of planning.

These criteria have been used to manage the volume of literature.

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### 3.2 Defining Town Planning

Planning the form and function of towns has occurred since time immemorial. Yet town planning as an expression that represented a specific discipline was coined relatively recently, in the early 1900's.

Sutcliffe defines town planning as *'the concerted intervention by public authority in the development and subsequent use of urban land'* (1981; 2), recognising the pros (the provision of public facilities/infrastructure) and cons (restrictions on personal freedoms) associated with this. This definition recognises that without some form of intervention there would be an unfair allocation of infrastructure and resources, and that consideration is required as to the environmental effects of activities on communities.

Ratcliffe sums up a number of definitions of planning as *'the art and science of ordering the use of land and siting of buildings and communication routes so as to secure the maximum practicable degree of economy, convenience and beauty'* and as *'an attempt to formulate the principles that should guide us in creating a civilised physical background for human life'* whose main impetus is thus *'... foreseeing and guiding change'* (1974:3). This collective interpretation goes a step further than Sutcliffe in that it incorporates the concept of a 'civilised physical background' – the introduction of the need to consider the public realm within planning.

Cherry defines early town planning as an intervention needed *'to secure lasting improvements to housing and environmental conditions in British cities for those (insofar as could be arranged) to whom those things would otherwise be denied'* (1996; 212). This definition introduces the concept of social sustainability – providing improvements social conditions across the board.

What is apparent from all these definitions is that planning is a strategic process focussed on future outcomes. Davidoff and Reiner put this succinctly describing planning as *'a process for determining appropriate*

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*future action through a sequence of choices'* (1962; 103). Other authors have reflected on the need to moderate the level of intervention through public participation. Ratcliffe writes *'that planning is concerned with taking an objective and rational view of future conditions, assessing what society desires its destiny to be, forecasting the amount of change, estimating the degree of control required, and formulating a policy to take account of this destiny, change, and control'* (1974; 10).

The relevance of all of these definitions to this thesis is that planning is a strategic process that traditionally incorporated design issues, it has focused on interventions for the purpose of achieving (or attempting to achieve) social, economic and environmental sustainability. Punter and Carmona (1997) write that the design dimension of planning is potentially the most important aspect of public intervention in the quality of the built environment. In considering the research question central to this thesis, i.e. how are elements of urban planning being provided for in a New Zealand Planning context, we can reflect on these three strands of traditional town planning (design, intervention and strategy), and determine whether there is a mandate for them to be applied in district plan provisions. This is the focus of Chapter 7.

These definitions of town planning have evolved as a result of historical influences on the urban fabric. Formal town planning in Britain was essentially the product of the Industrial Revolution and a resulting dissatisfaction with housing provision in the late-Victorian cities. Town planning was an attempt to address this housing crisis. Ratcliffe refers to the rural poor migrating to urban areas in search of employment, and describes the outcome as *'verminous, filthy, insanitary, disease-ridden back-to-back hovels, squalidly assembled in overcrowded uniform ranks'* (1974; 26). At this time London had many boroughs with average densities in excess of 100 persons per acre, with some boroughs (e.g. Southwark) being between 169 to 182 person per acre (Cherry 1996). In this context, Cherry (1996) wrote of the commitment during the late nineteenth century to philanthropy, particularly in relation to housing. He

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writes *'this is where town planning came to focus: the amelioration of urban living conditions, in accordance with certain precepts of design and layout, so as to provide for health, beauty and convenience'* (Cherry, 1996; 18).

Well known philanthropists at the time included Robert Owen (1771-1858) who proposed the creation of agricultural villages catering for all the social, educational and employment needs of the community; James Silk Buckingham (1786-1855) who proposed a specially planned, socially integrated community; and the development of Bourneville by George Cadbury (1839-1922), (Cherry, 1996).

Ebenezer Howard (1850-1928) is then credited with drawing together various philanthropic concepts in the development of his Garden City model. Howard's garden city concept has been described as *'a city of 30,000 people located in the centre of a 6,000 acre tract of agricultural land. Garden City, as it was called, covered an area of 1,000 acres and was approximately one and a half miles in diameter. Six boulevards cut through concentric rings of industrial, residential, and commercial areas and converged at a five-acre plaza surrounded by a town hall, museum, art gallery, hospital, library, theatre and a concert hall'* (Batchelor, 1969; 197).

Howard's Garden City was to be self-sufficient in terms of employment, possessing its own industry, commerce, shops, and agricultural production (Ratcliffe, 1974).

According to one writer Howard *'had synthesized more than one hundred years of writing, thinking, postulating, and experimenting by others on the creation of new communities. An examination of the constituent elements of Howard's garden city concept reveals that he had added nothing original. Indeed, he modestly gives credit to several contemporaries and predecessors for the origin of his ideas ...'* (Batchelor, 1969; 184). It is interesting to note that the Garden City concept included ideas originally contained in a utopian New Zealand

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settlement designed by Robert Pemberton called 'Happy Colony', for example the circular ring concept and wide, spacious roads.

Therefore Howard's garden city concept, on which the origins of the British town planning system partially rests, clearly incorporated both consideration of land use and development, as well as the design aspects of providing streets, boulevards, parks etc.

Thus town planning and urban design are inextricably linked, and have been since the terms were coined.

### 3.3 Defining Urban Design

The term and concept of 'urban design' is not a new one. Krieger notes that cities have been the subject of design theory and design action for centuries', and refers to historical champions of urban design from Pope Sixtus V, who influenced the layout of 16<sup>th</sup> Century Rome, to Baron Haussmann, an administrator for Napoleon III who was instructed to transform Paris and was responsible for the axis of the Champs Elysees (in Moor and Rowland, 2006).

The actual term 'urban design' appears to have been coined in the 1950's at a conference held at the Harvard Graduate School of Design. At this conference two working definitions for urban design emerged. Krieger notes that Jose Luis Sert, who organised and presided over the conference, stated:

*'Urban design ... is that part of city planning which deals with the physical form of the city'. Here is the idea of urban design as a sub-set of planning, a specialization that [Sert] described as ' the most creative phase of city planning, in which imagination and artistic capacities play the important part.' At the beginning of the conference he identified a yet more ambitious goal ' to find the common basis for the joint work of the Architect, the Landscape Architect and the City Planner ... Urban design [being] wider than the scope of*

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*these three professions'* (Krieger in Moor and Rowland, 2006: 19).

In terms of this research the key point is the idea that urban design is a subset of planning. It supports the premise that town planning and urban design are inextricably linked.

Carmona et al suggests that the term 'urban design' as coined in the 1950's replaced the *'narrower and somewhat outmoded term 'civic design'* (2003; 3), which focussed on the siting and design of major civic buildings and their relationship to open spaces. Carmona et al note that civic design is in contrast to urban design, the latter having a more expansive approach *'primarily concerned with the quality of the public realm – both physical and social/cultural – and the making of places for people to enjoy and use'* (2003; 3). They write *'urban design is not simply a passive reaction to change. It is – or should be- a positive attempt to shape change and to make better places'* (Carmona et al 2003; 3).

Greed and Roberts, using the definition from the MA Urban Design course at the University of Westminster, state *'Urban design is concerned with the physical form of cities, buildings and the space between them. The study of urban design deals with the relationships between the physical form of the city and the social forces, which produce it. It focuses, in particular, on the physical character of the public realm but is also concerned with the interaction between public and private development and the resulting impact on urban form'* (1998; 5).

The New Zealand Urban Design Protocol defines it as being *'concerned with the design of the buildings, places, spaces and networks that make up our towns and cities, and the ways people use them. It ranges in scale from a metropolitan region, city or town down to a street, public space or even a single building. Urban design is concerned not just with appearances and built form but with the environmental, economic, social*

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*and cultural consequences of design. It is an approach that draws together many different sectors and professions, and it includes both the process of decision-making as well as the outcomes of design” (NZ Urban Design Protocol: 7).*

These definitions of urban design align nicely with the concept of town *building* as put forward by Cherry (1996) that is, shaping urban form in accordance with deliberate design principles. But they go further than simply considering urban form. These later definitions of urban design incorporate social aspects of urbanism. This desire to create better places for people as contained in the definitions of urban design, echoes strongly the definitions of town planning which justifies intervention for the purpose of creating places that are harmonious, pleasing, and convenient.

The consistent strands in all the definitions of urban design include the importance of the public realm, the relationship between form, buildings and space and networks & people, the creation of places for people, and the need for joint thinking and decision making between the many disciplines involved.

### **3.4 The town planning / urban design relationship**

The definition of urban design as coined at the Harvard conference describes it as a subset of planning – the creative part of planning. This view that planning encompasses urban design is echoed in the work of Gleeson and Low who wrote *‘good urban design (i.e. democratic, functional, aesthetically pleasing) is a vital element of urban governance, but it in no way substitutes for urban planning ...’*. (as quoted in Punter, 2000; 18).

Recognising that urban design is a key component of urban planning, planners need to get visionary and creative, proactively taking responsibility for the bigger picture, and contributing to sustainable urban forms. This may be a tall order - as noted by Krieger (in Moor and Rowland, 2006) who refers to the dichotomy between society expecting

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urban designers to know how to design cities and the 'presumptuousness' of urban designers to claim overview knowledge of something as immensely complex as urbanism. Yet, to coin a phrase, urban planning is what urban planners do (Cherry, 1996), and the strength of the planning profession lies in the ability to look at the 'bigger picture'. As Campbell puts it '*urban design is the art of shaping the interaction between people and places, movement and urban form, nature and the built fabric, and influencing the processes which lead to successful villages, towns and cities. The planning system holds the key to making it work*' (1999; 16). Planners working together with architects, urban designers, engineers and other professional fields, using their collective 'imagination', 'artistic talents', and their knowledge from a development control perspective of what works and what doesn't, can influence the shape of our future urban form, creating better places.

The difference between urban design and town planning is simple: planning has the mandate under legislation to modify environmental outcomes through intervention and the profession needs to take that responsibility seriously, understanding that their remit extends to include urban design, an inescapable subset of planning.

A focus on urban environments is essential given that some 85% of New Zealanders live in urban areas (UDP; 2005). Drawing on this discussion of the evolution of town planning and urban design provides the foundation for urban planning which can then be examined in light of the RMA. A vision for urban planning drawn from the definitions of both town planning and urban design, could be as follows:

Planning for urban areas is a process of proactively and creatively providing for the future physical form of an urban area, including its design, development and subsequent use, through the development and implementation of policy and other measures seeking to ensure quality environmental, economic and social outcomes.

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Recognising that the scope of what can be considered as urban planning is immense, the following chapter identifies elements of urban planning that are particularly relevant, before looking at the mandate for planning for those elements under the RMA.

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## 4 Five Elements of Planning

The following chapter draws on the previous discussions to identify five elements critical to the success of urban places. The five elements are: amenity, the public realm, sense of place, density and morphology, and these are considered through the discourse of this thesis. In particular they form the basis of the content analysis which seeks to identify how, where and why these elements are provided for in the residential provisions of district plans.

Amenity is the first urban element considered, on the basis that it was a key driver in the development of the early town planning system, which sought to ameliorate urban living conditions. Additionally, it is a key term under the RMA, which requires that particular regard be had to the maintenance and enhancement of amenity values by all persons exercising functions and powers under the RMA in relation to managing the use, development, and protection of natural and physical resources (Section 7).

The second urban element is the public realm. The reason for examining this element goes back to the definitions of both town planning and urban design and the need to provide a civilised background for human life (Ratcliffe, 1974). The relationship between the public and private realms is hugely relevant in residential environments, and hence justifies the examination of how this element is provided for later in this thesis.

The third urban element is sense of place. Understanding what a community desires its destiny to be, and protecting those things that evoke the feelings that promote an attachment to a place is, in effect, what district plan provisions are striving to achieve. Additionally the New Zealand planning system has been designed to enable community development uniquely through local place-based solutions (DIA, 2008), hence its relevance to this research.

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The fourth urban element is density. Town planning grew out of the need to address issues associated with high density living. Examining the concept of density as part of this research is considered justified given that over 85% of New Zealanders live in urban environments. Therefore maintaining the balance between density and the other urban elements is key to avoiding the issues of the past.

The fifth and final urban element is urban morphology. The reason for including this urban element is based primarily on the words of Cherry (1996) who wrote of design and layout (i.e. urban form) being the main means of improving urban living conditions.

Each of these urban elements is further detailed and explained by way of a literature review, and for each a set of words which contribute to that element are provided for subsequent use in the content analysis undertaken as the third prong of this research.

#### **4.1 Amenity**

Protecting and providing for an area's amenity values is a concept that has stood the test of time. In New Zealand the 1926 Town-planning Act required that Town-planning Schemes 'provide for amenities'. The subsequent 1953 Town and Country Planning Act went a step further requiring that district schemes 'provide and preserve amenities', and defined them as meaning *'those qualities and conditions in a neighbourhood which contribute to the pleasantness, harmony, and coherence of the environment and to its better enjoyment for any permitted use'* (Section 2(1), TCPA, 1953). In the first version of the Resource Management Bill there was no reference to amenity values (Leggett, 1996:4). However the National Government, in 1990, recommended that the maintenance and enhancement of amenity values should be one of the RMA's principles, and subsequently provided the definition of amenity values (Leggett, 1996:4). Today the maintenance and enhancement of amenity values is a matter that all

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persons exercising functions and powers under the RMA are required to have particular regard to.

The definition of amenity values as contained in the RMA expands on the 1953 definition, and means *'those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes'* (Section 2(1), RMA 1991). Breaking this latest definition down into component parts, these references to an area's physical qualities and its pleasantness hark back to the early definitions of town planning which justifies intervention for the purpose of creating places that are harmonious, pleasing, and convenient. The references to its physical characteristics and aesthetic coherence clearly emphasise the two-way relationship of planning and urban design.

Bell et al (2000; 5) describes urban amenity as the qualities and attributes that people value about the environments within which they live or the liveability of our urban environments. It comprises the tangible and measurable attributes of an area and the less tangible values of an area, such as people's perceptions, expectations, desires & tolerances (Bell et al, 2000; 21). In considering again the definition of town planning, Ratcliffe writes *'that planning is concerned with taking an objective and rational view of future conditions, assessing what society desires its destiny to be, forecasting the amount of change, estimating the degree of control required, and formulating a policy to take account of this destiny, change, and control'* (1974; 10). This process of determining what society desires its destiny to be can only be determined through asking communities what it is that they value, and that one method of doing this (the most common method) is through District Plan rules and standards (Bell et al, 2000).

In providing for amenity values, it is the specifics of what the community considers as contributing to the amenity values of an area that the district plan should contain – *'a definition of what amenity values actually means in a local context needs to be given in district plans'* (Leggett,

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1996: 5). Hence this research seeks to determine through the content analysis whether there are any such local variations between amenity provisions.

Clearly though, the difficulty with amenity is that *'with time peoples' values change and councils will need to make decisions as to when the definition of urban amenity is required to be reviewed. It is likely that reviews of the definition will need to occur prior to reviews of district plans'* (Bell et al, 2000). To this end the Environment Court has expanded on the RMAs definition of amenity in *Phantom Outdoor Advertising Ltd v Christchurch CC* (EnvC C90/2001) by stating “ ... *pleasantness, aesthetic coherence, and cultural and recreational attributes were not some combined absolute value which members of the public appreciated to a greater or lesser extent. Rather, the definition of amenity embraces a wide range of elements and experiences, and appreciation of amenity values may change depending on the audience.*” As a result, defining an area’s amenities, or amenity values, can be fraught with difficulties.

Given the requirement under S7 of the RMA 1991 to have regard to the maintenance and enhancement of amenity values, and given the importance of relating amenity values back to the local context, amenity is the first urban element considered as part of the content analysis. The words contributing to amenity, and searched for by way of the content analysis are:

- Amenity[ies]
- Character[istics]
- City / Urban / Community / Neighbourhood / Residential Amenity
- Context
- External appearance

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- On-site / Outdoor / Site / Open Space / Landscape / Living / Tree Planting Amenity
  - Pleasantness
  - Special Amenity
  - Visual / Aural / Aesthetic amenity
  - Aesthetic Coherence
  - [Cultural and recreational] attributes

#### 4.2 The Public Realm

This section looks at what is meant by the term 'the public realm', and provides a basis as to what terms are researched as part of the content analysis.

In considering what constitutes the 'public realm', many authors have defined the two words separately. Murrain notes that the Oxford English Dictionary defines the term public:

*Public: As an adjective, 'of, concerning, or open to people as a whole'. As a noun 'ordinary people in general'; 'the community'. As a phrase, such as in public, 'in view of other people'; 'when others are present'*

(in Moor & Rowland, 2006; 47).

Similarly, Arendt defines 'public' as 'everything that appears in public can be seen and heard by everybody and has the widest possible publicity', and she makes the connection that for us appearance and being seen and heard by others as well as by ourselves constitutes reality (1958; 50).

In considering then the term 'realm', Murrain quotes the following definition contained in the Oxford English Dictionary:

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*Realm: 'a field or domain of interest'*

(in Moor & Rowland, 2006; 47).

Combined, a definition of the public realm, is *'the common world, [that] gathers us together and yet prevents our falling over each other, so to speak'*, Arendt (1958, p52). These places include streets, squares, public footpaths, parks and open spaces, riversides and seafronts. Hinshaw (2007) refers to these spaces as the shared public 'living rooms' of a city. They belong to the wider community are there for their use, benefit and enjoyment (Tibbalds, 2000). Although the context to which Hinshaw and Tibbalds refer is of denser urban centres, their thoughts are equally true for low-density residential environments. If these places are attractive and pleasant they contribute to the amenity values of an area. Indeed, as Krieger writes *'the Latin roots for the medieval English suburbium refer to a place beyond or outside of the city. The Greek word for suburb, proasteion, originally referred to something before the city. This etymological distinction is crucial for the task ahead'* (1991; 15). The Duany/Plater-Zyberk school of thought is that the modern suburb should be viewed as *'a rudimentary form of habitation, something which precedes the city and thus in need of civilizing'* (Krieger et al, 1991; 15). Hence the relevance of considering the importance of the public realm in low density suburbs which currently have a higher emphasis on the private space. Arendt (1958) suggests that in this 'modern age' we have experienced an intensification of our private lives, which has come at the expense of the public realm, and refers to the *'privation of privacy lies in the absence of others; as far as they are concerned, private man does not appear, and therefore it is as though he did not exist. Whatever he does remains without significance and consequent to others, and what matters to him is without interest to other people.... This deprivation of 'objective' relationships to others and of a reality guaranteed through them has become the mass phenomenon of loneliness'*. In relation this research, an understanding of

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how this relationship between the public and private realm is being provided for is sought.

The need to provide for the public realm emerges from the definitions of urban design all of which emphasis the importance of the public realm, and the early definitions of town planning which indicate that land use planning should create a background for human life. Yet current planning paradigms are failing to provide for a '*coherent, legible and connected public realm*' (Murrain in Moor & Rowland, 2006; p49).

In thinking about urban planning, a not-so-new trend is occurring; a return to traditional urbanism, attempting to provide or recover an authentic framework for urban development (Carmona et al, 2003: 22). This return to traditional urbanism is in response to what has been described as the placelessness and sprawl associated with modern cities (Carmona et al, 2003: 22). It looks back '*to an age of grids, public squares, moderately dense housing and pedestrian corridors*' (Carmona et al, 2003: 22). Urbanism has been described '*as a function of size, density and heterogeneity*' of a city, and the degree of urbanity is driven by density (Hinshaw, 2007: vii). It seeks to promote the development of urban areas that reflect diversity: '*different ethnicities, races, cultures, age groups, income levels and so on*' (Hinshaw, 2007:vii) and its focus is clearly on the role of the public realm in achieving this. '*We are beginning to relearn the pleasures of enjoying one another's company in the public realm. We need not escape the city; indeed, we are embracing it*' (Hinshaw 2007:7).

To this end, improving the design and maintenance of the public realm must be a fundamental objective of the planning system and development industry (Tibbalds, 2000). Tibbalds writes that '*planning permission... should never be granted unless the proposed development clearly enhances the public realm and provides, where appropriate, facilities and amenities for pedestrians at street level*' (Tibbalds, 2000; p6). The content analysis undertaken as part of this research looks at

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how the public realm of residential areas is provided for in operative district plans.

The importance of the public realm is reflected in the fact that it is often one of the more permanent elements in a city and must transcend the life-span of mortal men (Arendt, 1958). Arendt writes that *'if the world is to contain a public space, it cannot be erected for one generation and planned for the living only'* (1958; 55). This highlights the importance of at least considering how the public realm is treated in district plans.

This concept of permanence is echoed in the discussion of urban morphology, which refers to the street pattern being the most enduring element of form. Reflecting on the purpose of the RMA and the work of Arendt (1958), in particular her reference to the permanence of the public realm, the design and maintenance of the public realm should be a fundamental objective of District Plans.

In thinking about how to achieve the renaissance of the public realm Tibbalds (2000) suggests that the first priority is to identify what is appropriate in the context of the particular area, and then to agree on the building's development and circulation systems. He notes that this is usually done the other way around, often with devastating results. As Murrain puts it *'all too often in the modern city the public realm is no more than just space which is not private'* (as contained in Moor & Rowland, 2006; p47). Instead it should be a tangible physical space where public life takes place. However, he cautions that *'one of the most important 'lines' that we draw as urban designers [planners] is the one that defines the clear distinction and it does so for the benefit of both [the public and the private] realms. Put simply, the street wall. For you cannot not have one realm without the other and they have to be as close as possible to allow a civic society to thrive'* (Murrain in Moor & Rowland, 2006; 47).

Although the term public realm encompasses streets, squares, parks and other open urban spaces, it is the role of streets in the public realm

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this research focuses on. This focus only on the role of the street within the public realm is deliberate for three reasons – firstly because of the permanence of the street pattern, secondly because literature suggests that it is the banality of the suburban streets with is a large detractor of the public realm (Duany et al, 2000), and thirdly because *'the street is the most important of open public spaces, and the task of constructing a street is the most important that any planner may face'* (Scruton in Glazer and Lilla, 1987; p18). As indicated through case law, the streetscape is the public realm from which we experience the character and amenity of a place (*Kennedy v Auckland City Council, A016/09*). For these reasons the provisions of district plans as they relate to the design and maintenance of streets, being part of the public realm, forms part of the content analysis. The challenge for district plans is, as Tibbald (2000) puts it, to instigate ways of promoting the renaissance of the public realm; where places take precedence over buildings and traffic.

Geuze defines the street as an amazing regulator of human activity, but laments the excess of public space – *'urban planners feed the audience with numerous squares and parks and greenery. There is so much of it that it has become impossible to define and to maintain'* (in Moor and Rowland, 2006; p86). He writes of the explosion of malls, cinemas, and transport hubs for example that now serve as public spaces, writing that *'the authentic street is hard to find, replaced by mongrel spaces'* (p86). Jacobs (1961) also wrote that the emphasis on parks, and the neglect of streets, is a product of a planning mentality. She felt that the emphasis on parks displays a concealed hostility to the city and its works, and that the disparity between the public and private realm results in adverse environmental effects such as the mass phenomenon of loneliness as described by Arendt (1958).

In thinking about the role of the street as part of the public realm, Duany et al (2000) describe the public realm in American suburbia as being brutal. When residents leave the private realm they are *'confronted by a tawdry and stressful environment. They enter their cars and embark on*

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*a journey of banality and hostility that lasts until they arrive at the interior of their next destination'* (Duany et al, 2000; 41). Talking about the public realm Duany et al observe *'one's role in this environment is primarily as a motorist competing for asphalt'* (2000; 41). In providing for streets the main focus has been on vehicular traffic with no attention being given to people walking or using non-motorised modes of travel (Hinshaw, 2007).

We return shortly to the need to provide for pedestrians, but firstly it is useful to examine Murrain's comment that current planning paradigms are failing to provide for a *'coherent, legible and connected public realm'* (in Moor & Rowland, 2006). The legibility of an urban area relates to how easy it is for people (both as pedestrians and drivers) to understand where they are, how the town is arranged, and which way to go in order to get to where they want to be (Tibbalds, 2000). Contributing to the legibility of an urban area is the linked sequences of spaces, the skyline, and individual marker buildings.

Returning to pedestrians, one of the most important features of a street as part of the public realm, particularly with regard to legibility for pedestrians, is its footpaths/sidewalks. Jacobs felt that *'sidewalks, their bordering uses, and their users, are active participants in the drama of civilisation versus barbarism in cities. To keep the city safe is a fundamental task of a city's street and its sidewalks'* (1961; 37). In thinking about this role of the street in New Zealand suburbia it is noted that Jacobs (1961) does make a distinction between the streets in a city versus the streets in a town. She also makes a distinction between the role of the street in high density suburbs versus low density suburbs. That distinction is that the streets in cities and higher density suburbs are full of strangers – yet sadly the intensification of our private lives to which Arendt (1958) refers has had the same effect on suburban residential streets, and they too are full of strangers.

The inclusion of the public realm as one of the five urban elements considered as part of this thesis is because one of the main purposes of

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the planning system is related to the fact that it is difficult for fragmented private interest to care for the public realm (Tibbalds, 2000). The 'public realm' words counted as part of the content analysis are, on the basis of the above discussion, 'public realm', streets, legibility, sidewalks (or footpaths), and public space.

### 4.3 Sense of Place

One of the main goals of urban design is to create a sense of place (Shamsuddin & Ujang, 2008). There is a *'growing number of new developments that singularly fail to achieve a sense of place'* (Montgomery, 1988). This reflection is particularly pertinent to this research in that the planning profession, via the permissive and /or reactive nature of district plan provisions, must take at least some of the responsibility for these environmental outcomes. This section details what is meant by the term 'sense of place' and identifies key words that contribute to its meaning.

Sense of place relates to the latin term 'genius loci' meaning the prevalent feeling of place (English Partnerships, 2000); or the feelings beyond the physicality or sensory properties of place, an attachment to the spirit of a place (Carmona et al, 2003). Planners need to understand this and reflect it through district plan provisions in order to influence successful urban outcomes (Montgomery, 1998).

The success or otherwise of a place rarely happens by chance, instead it is dependent on a clear policy framework, understanding and responding to the local context, economic feasibility and an imaginative and appropriate design approach (DETR and CUBE, 2000). The relevance to this thesis is that one of the outcomes sought is to understand if and how different plans address sense of place, and whether there is any locality based differences between the provisions.

In considering sense of place it is useful to first examine its antonym: placelessness. As a concept, placelessness *'is manifest in landscapes that can be aptly described by Stephen Kurtz' specific account (1973,*

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p.23) of Howard Johnsons' restaurants: "nothing calls attention to itself; it is all remarkably unremarkable ... You have seen it, heard it, experienced it all before, and yet ... you have seen and experienced nothing ..." Relph (in Larice & McDonald, 2007; 121). In terms of this research an answer is sought as to whether or not district plan provisions are making any attempt to avoid residential environments that are prone to placelessness – suburban non-places as Montgomery (1998) refers to them. That is, are there any district plan provisions being used that will assist new developments to achieve a sense of place, and if so, what?

Making successful places relies on the combination of three essential elements – physical space, the sensory experience and activity (Montgomery, 1998). It can be measure subjectively by the level to which it '*engages us actively in an emotional experience, orchestrated and organised to communicate purpose and story*' (Sircus, 2001; as quoted in Carmon et al, 2003). At a more quantifiable level Montgomery (1998) lists the qualities or characteristics inherent in good places as being activity, image and form.

Beginning with activity, Jacobs (1961) notes that the success of urban places is influenced by the ability of these places to effectively accommodate human activity (in Shamsuddin & Ujang, 2008). Activity can be further extrapolated as meaning the combination of vitality and diversity. Vitality is defined in the New Zealand Pocket Oxford Dictionary as meaning liveliness, animation; ability to sustain life. It can be measured through pedestrian flows, the uptake of facilities, or the number of cultural events/celebrations (Montgomery, 1998). However, vitality is dependant the level of diversity of primary land uses and activities (Montgomery, 1998). In existing District Plans, there is a tendency to isolate various activities; residential; reserves; rural; industrial, thereby reducing the potential for diversity and therefore vitality. Image is a combination of identity, what a place is actually like, and how a place is perceived, and form is the recurring and interlocking patterns of buildings, spaces and places (Montgomery, 1998). Form, the

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third aspect of sense of place as identified by Montgomery (1998), is considered in the discussion on urban morphology.

Sense of place is examined as part of this thesis because planners can *'increase 'place potential' – the likelihood that people will consider the space a significant and meaningful place'* (Carmona et al, 2003). In looking at what provisions are currently included in operative district plans relating to sense of place, the following words are searched for in the content analysis: sense of place, context, activity, sensory experience, identity, image, form, vitality, and diversity.

#### **4.4 Density**

This section looks at the term density; what it means and why it is an important element of urban planning. Traditional town planning sought to avoid the adverse environmental effects of overcrowding, and subsequently low density objectives, and development controls to achieve low densities, have long had a place in district schemes, and more recently district plans. Yet the term density is fraught with ill feeling. *'If any word seems to drive many Americans into a state of frenzy, it is the word density – as if lots of people living close together were inherently an evil scourge to be prevented at all costs'* (Hinshaw, 2007). This negative attitude about density is essentially due to the confusion between the terms 'overcrowding' and 'high density', and this section begins by looking at this confusion. It then looks at the difficulties in defining density, and the need to use density provisions in tandem with other interrelated provisions relating to the viability, diversity and amenity of the area for example.

Overcrowding and high densities have long been confused. *'The Garden City planners and their disciples looked at slums which had both ... many dwelling units on the land (high densities) and too many people within individual dwellings (overcrowding) and failed to make any distinction between the fact of overcrowded rooms and the entirely different fact of densely built-up land* (Jacobs, 1961; p268). Of density

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she writes that one of the key drivers of a city's diversity is that *'there must be a sufficiently dense concentration of people for whatever purposes they may be there. This includes dense concentration in the case of people who are there because of residence'* (Jacobs, 1961; p198). This research looks at whether density is being used in relation to residential environments, and how.

Defining density can be done in a variety of ways including:

- People per hectare
- Dwellings per hectare
- Habitable rooms per hectare or bedspaces per hectare
- Square metres of floorspace per hectare

Yet confusion reigns with regard to the use of density as a planning tool.

Lock states:

*'Is the measure expressed "net" of anything – surrounding roads, supporting green space, structural landscaping – or is it "gross", 'is the measurement to the edge of the site or to the middle of the surrounding road, and what do you do if there is no surrounding road but green space?'* (Lock 1998; 323). He warns *"people who want all human activities to be dependent on buses and trains call for it. People whose vision of the future is the 'compact city' call for it. ... In the world of Planning, however, density is a matter about which there is deep confusion"* (Lock 1998; 323).

Without a standardised measure *'its calculation varies across jurisdictions, making comparisons treacherous'* (Gordon and Vipond, 2005; p45). Thus for the purpose of this research the investigation is limited to whether it is a tool currently being used, and how and where density words are included in district plan provisions. It does not attempt

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to address the bigger issues of inconsistency between authorities in defining density.

Despite the difficulties in defining density it is still an essential element of urban planning. The relationship between density and diversity is a topic little considered in suburban settings and this is at the expense of convenience and diversity for those that live there (Jacobs, 1961).

This lack of consideration of the relationship between density and diversity is exemplified by Hinshaw who writes of city residents who lament the loss of corner stores yet *'vigorously lobby their city council to deny new development projects that smack of the "d" word. You can't have it both ways'* (2007; ix). That is, without density you cannot have diversity of land use (or mixed use). This highlights its relationship with the previously discussed urban element – sense of place. This interrelationship between density and other urban elements, and in particular the public realm, is also reflected by Arndt who wrote that higher densities are not necessarily a bad thing but rather *'the fact that the world between them has lost its power to gather them together, to relate and to separate them'* (1958;53). Thus it is essential therefore that District Plans do not use density as a measure on its own. *'Applied in blanket form it is counterproductive and possibly dangerous (raising density in suburbs with no buses or local facilities further entrenches dependence on the car). And unless you are willing to eliminate not only space for the car (the cornerstone of fashionable wisdom on town cramming generally), but also space for schools, sports, parks, allotments and wildlife, there is nothing gained by overcrowding. This is a point made nearly 100 years ago by Raymond Unwin. It bears making again'* (Lock, 1998: 323). The issue to be considered in district plans therefore is how to use density to increase the safety, vitality and diversity of suburbs.

In addressing density through district plans it is noted that higher densities cannot be achieved simply by raising the ratio of dwellings per hectare or *'packing and stacking volumes in ever-tighter configurations...*

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*In these kinds of configurations, the outdoor backyards are like fishbowls, under the scrutiny of surrounding neighbours. Spaces between houses are narrower and used even less by residents, resulting in a finer, denser grain of wasted outdoor space'* (Chow, 2002; 140). In light of this it is important to consider the cumulative effect of increasing densities in existing residential environments, and this is considered through the discussion of the results from the content analysis.

In the context of New Zealand these kinds of outcomes can be exacerbated by the resource consent process, and in particular S104(3)(b) which states that a consent authority, when making a decision on an application, must not *'have regard to any effect on a person who has given written approval to the application'*. To illustrate this point I refer to research commissioned by the Ministry for the Environment (MfE) (1998) looking at the effectiveness of front yard setback controls and whether they are achieving the environmental outcomes anticipated.

As part of the MfE research 9 urban councils were surveyed, and results showed that 98% of all applications for front setback infringements were approved. Of these less than 50% had conditions placed on them, indicating that *'approximately 50 percent of all applications for front yard setback controls are largely "rubber stamped"'* (MfE 1998; p33). Affected party approval was sought for 75% of the non-notified applications, and one conclusion drawn from this study was that neighbours are not particularly concerned with setback non-compliances. The report concluded that such approvals did not appear to tie in with the objectives and policies in the district plans, which often included streetscape amenity as the justification for the control. Concern was expressed in the report about how little analysis of the objectives and policies was undertaken, and about the lack of consideration of cumulative effects. In relation to streetscape amenity, the report noted that *'if this is an issue to be considered, then more than just adjoining neighbours' approval may be needed to justify granting the consent'* (MfE, 1998; p33).

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The point of this discussion is relevant to density, and particularly the effects of increasing density through infill development. If density is being considered on a case-by-case basis and relying largely on the written approval from adjoining landowners, most commonly deemed to be the affected parties, and without reference to other factors such as the public realm and amenity, there is clearly the potential for our backyards to become fishbowls, and for the creation of narrow, unusable wasted outdoor space, and for that overarching feeling of 'town-cramming'. That is, the cumulative effect of ad-hoc increased density could lead to overcrowding.

Of the interrelationships associated with density Chow notes that *'it's time we acknowledge that the independent house does not exist. There can be no change in a setting that does not affect an adjacent household's sense of the neighbourhood. Rather than regulate relations, we need to structure the density of our relations, acknowledging that a dwelling is inherently connected and that change is inevitably part of a setting'* (2002,141). Drawing on the work of Chow, Jacobs and others, and looking at density in a New Zealand context, planners should view density on a holistic scale, looking both at the cumulative effects of developments, and their impact or viability in terms of the viability, diversity and amenity of the area.

In district plan provisions density should not be provided for by way of rigid formulae, but rather should relate to the character and quality of the local environment (Punter & Carmona, 1997). Similarly density should not be the unplanned outcome of a series of bulk and location development controls, but rather as an element of planning that *'must be considered in terms of the configuration of urban form – that is, a product rather than a determinant of design'* (Carmona et al, 2003; p185).

In research undertaken by Dixon et al (2001) the relationship between urban intensification, in particular relating to medium density developments, and urban amenity was considered. Dixon et al (2001) notes that *'much of the debate about medium density housing has*

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*centred on how to provide for more intense residential use of a site without reducing what is perceived by existing residents to constitute accepted levels of neighbourhood urban amenity'* (p9-10). In considering medium density housing developments Dixon (2001) notes a number of important principals that should be applied, including:

- Ongoing and active engagement and communication with interested parties to ensure good information flows;
- Requiring an integrated design brief; and
- making certain close attention is paid to design details.

Picking up on this first principal identified by Dixon (2001), clearly providing for choice is a key aspect in the density debate. *'Most people prefer having choices. Why else would we surround ourselves with so many different makes of cars, brands of soup, and labels of shirts?* (Hinshaw, 2007; p32). On this basis providing for choices of density should be clearly articulated in district plans, and as with other aspects of density whether or not this is occurring is examined as part of this research through the content analysis.

Of all the five elements considered as part of this thesis, density is the most inter-related with the others, hence its inclusion for consideration in this thesis. In undertaking the content analysis the following 'density words' were counted: density, privacy, diversity, vitality, and [density] ratio. The use of these density terms is then analysed in terms of how the various District Plans are dealing with urban density.

#### **4.5 Urban Morphology**

This section focuses on the physical form on an urban area. This is often called 'urban morphology' or *'the study of the form and shape of settlements'* (Carmona et al, 2003; 61).

It would be fair to say that most New Zealand suburban residential development consists of modernist urbanism – *'free standing 'pavilion'*

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*buildings in landscape settings'* (Carmona et al, 2003; 61); as opposed to *'traditional urbanism where buildings were constituent parts of urban blocks and where the blocks defined and enclosed external space'* (Carmona et al, 2003; 61).

Important elements of urban form include land uses, street patterns, buildings and lot layout, as aspects of urban form are the longest lasting. Of these, the street pattern is the most enduring – in contrast buildings can be redeveloped; land uses change over time and lots can be subdivided (Carmona et al, 2003; 61). This implies that getting them right at the onset of any large new developments is key to good urban design – particularly as the permanence of this pattern contributes to a city's identity (Carmona et al, 2003).

The street pattern is essentially *'the layout of urban blocks and, between them, the public space/movement channels or 'public space network'...* *The blocks define the space, or the spaces define the blocks'* (Carmona et al, 2003; 63). An important element when considering the street pattern is 'permeability' – *'the extent to which an environment allows a choice of routes both through and within it'* (Carmona et al, 2003; 64). It can be referred to as visual permeability – the ability to see routes through an environment; or physical permeability – the ability to move through an environment (Carmona et al, 2003). A street pattern with many small sized blocks is described as having a fine grain, whereas an area with larger blocks is described as having a coarse grain, the latter being less permeable (Carmona et al, 2003). Carmona et al write that an active resistance is needed to reductions in permeability and that all streets should lead somewhere and terminate in other streets or space, rather than in dead ends (2003; 86). In considering urban places Punter and Carmona (1997) lament the loss of the fine urban grain, and consider that loss should be guarded against in policy. They consider that *'a policy on urban grain is important to ensure that the scale of development and the relationship between building and space are appropriate to the locality'* (Punter and Carmona, 1997; 165).

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Providing for urban blocks is an opportunity to knit together existing urban areas, reintegrating isolated suburbs, and to increase an area's permeability. Arguments can be made for both large and small blocks. Jacobs writes that small blocks are one of four indispensable conditions to generate 'exuberant diversity' in city streets and districts (1961; 196). Whilst contextually Jacobs' conclusions about the streets of New York are vastly different to the streets in New Zealand suburbs, the same principles would apply. When considering block size within any context there is a need to strike a balance between small and large block sizes so that outcomes such as increased permeability and vitality can be achieved (Carmona et al, 2003).

In looking at urban form, and in particular street layouts, it is useful to consider grid patterns. Grids can be either 'deformed' (or 'organic') in that their layouts have been (or have appeared to have been) generated naturally rather than being consciously manmade. Or they can be regular (or 'ideal') grids, which are usually planned and typically have some degree of geometric discipline (Carmona et al, 2003; 65). Many European cities have as their foundation Greek or Roman regular or semi-regular grid plan settlements, often criticised for their supposed monotony, while deformed grids usually have a picturesque character as a result of their changing spatial enclosure (Carmona et al, 2003; 65).

Although many of New Zealand's early street patterns could be described as being regular grids, many recent suburban street patterns have a curvilinear layout, which evolved in reaction to the perceived monotony of regular grid patterns. The curvilinear layout *'served to enclose views and add visual interest to newly developing neighbourhoods and suburbs, they were also designed to reduce visual permeability and discourage non-residents from entering into the area'* (Carmona et al, 2003; 66). It was following this move away from grids to curvilinear patterns when cul-de-sac-de-sacs became common. Cul-de-sac's (introduced by Unwin and Parker at New Earswick in 1898) sought to *'retain the aesthetics of curvilinear layouts while militating the*

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*nuisances and dangers of cars and other traffic such as the problems of through traffic'* (Carmona et al, 2003; 66).

The rise of cul-de-sacs in residential environments, together with roading hierarchy providing for the overarching desire for vehicle movement, has resulted in super blocks; or car dependent residential neighbourhoods. Traffic has been discouraged from taking short cuts through streets intended to carry lighter traffic loads. Additionally major roads 'act as barriers to movement across them, creating severance and fragmenting urban areas' (Carmona et al, 2003; 75) and the permeability in such patterns can be limited or non-existent. We can take from this that the trend in modern times has resulted in a change from grids of a fine grain, to large, coarse grain street patterns.

This trend goes against more traditional urban design / planning principles. In the words of Paul Murrain<sup>1</sup> "*The grid is the fundamental element of the urban buzz... The presence of mixed use is directly correlated with the grid infrastructure ... We lament the loss of local mixed use yet we've taken away its eco-system*". Carmona et al (2003) write that there is a new interest in the relationship between the streets and the buildings that define them. In thinking about this return to suburban streets, Carmona et al (2003) refers to the work of David Engwicht, who argues that '*the more space a city devotes to movement, the more the exchange space becomes diluted and scattered. The more diluted and scattered the exchange opportunities, the more the city begins to lose the very thing that makes a city: a concentration of exchange opportunities*' (as quoted in Carmona et al, 2003; 80). This supports the discussion on the role of the street as part of the public realm as being banal. Given the purpose of the RMA – i.e. the sustainable management of the built urban form, and given the permanence of the street pattern, along with its influence on the other urban elements, policy provisions for street layouts should be given high priority in district plans.

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<sup>1</sup> As recorded during the NZPI Urban Design Masterclass, February 2008.

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In considering urban morphology layouts mean more than just street layouts. As Murrain notes, *'streets cannot be created purely as local places without understanding the realities of scale, space and function that cause them to exist in the first place and thrive thereafter'* (in Moor and Rowland, 2006;48). This bigger picture encompasses building layouts, open space networks, and the layout of land uses. Layouts in residential suburbs in the UK are typically addressed through development control criteria (Punter & Carmona, 1997).

Providing for urban morphology is essential to achieve a sustainable city, and forms a basis for the other elements, and thus is included as the fifth urban element considered as part of this thesis. The 'morphology words' counted as part of the content analysis are grids, block size, grain, layout, permeability, accessibility, connectivity, shape, space network, street patterns, lot size, infill, grain, height width ratio, nodes, route, setback from street, site coverage, and site shape. Their use is analysed in terms of how the various District Plans are dealing with urban morphology.

#### **4.6 Conclusions**

Amenity, the public realm, a sense of place, density and urban morphology are the five urban elements considered throughout this thesis. They are all inextricably linked and, in achieving sustainable residential environments, provisions should be made for them in district plans. By doing so it could be expected that residential environments with higher levels of diversity and vitality could be achieved, places that engender feelings of belonging and attachment, as opposed to unremarkable places that could be in any city. The following chapter looks at the remit of providing for these five urban elements under the RMA 1991 – an Act that allegedly fails to refer to urban environments in any way, shape or form. Or does it?

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## 5 Legislative Context

Having identified five elements of urban planning that should be provided for in district plans (amenity, density, the public realm, sense of place and morphology) this chapter looks at whether there is a remit to institute them under the Resource Management Act 1991. This Chapter relates to the second prong of this research and is achieved through a combined approach of a review of literature about New Zealand planning legislation together with interpretive analysis of the RMA and the various Acts preceding it.

The current New Zealand planning system has been described as '*essentially permissive and applicant led, subject to an environmental baseline*' (Jackson & Dixon, 2007); this would make it seemingly contrary to the basic tenet of town planning as identified above, which is to strategically allow interventions to create environmental outcomes for the public good. This chapter therefore seeks to understand if, and how, provisions for elements of urban planning are included in operative district plans. It begins with a brief examination of the legislation that predated the RMA. In particular the purpose and content requirements of town-planning/district schemes are reviewed. This understanding of the preceding legislation enables a comparison between it and the operative RMA. Throughout this section particular regard is given to how they provided for the five elements of urban planning.

- The rationale behind the RMA and its evolution in the global context is explored below, before an examination of specific provisions within the Act. The relationship between District Plan provisions and provisions contained within Long Term Council Community Plans (LTCCP), prepared under the Local Government Act 2002, is also explored briefly. This sets the context for the content analysis undertaken as part of the third prong of this research.

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## 5.1 The development of planning policy in New Zealand

This section reviews the legislation that pre-dated and led to the RMA. It focuses solely on the purpose of district schemes, and their statutory content requirements. This section does not examine the political or economic context in which they were adopted, nor does it examine the statutory procedure required in adopting district schemes. It is considered that neither of these aspects of the evolution of planning policy and law would contribute to the overall purpose of this thesis.

The purpose of looking at these precursors to the RMA is to understand the historic role that urban planning had in New Zealand.

### 5.1.1 The Town-planning Act, 1926

The Town-planning Act 1926, was the initial piece of legislation legitimising the planning profession in New Zealand. It required every borough with a population of 1000 people or more to prepare a town-planning scheme, the purpose of which was to ensure the development of the city or borough was undertaken in such a way as would *'most effectively tend to promote its healthfulness, amenity, convenience, and advancement'* (Section 3(1), Town-planning Act, 1926 – refer Appendix One). Miller describes this as a *'neat combination of a new concept of town planning as a tool to secure an efficient and progressive urban system, and the old concept of town planning as the answer to urban ills'* (2000; 385). In the framework of this thesis, and the five urban elements being explored, it is interesting to note that amenity is directly referred to, and morphology is alluded to (through reference to promoting healthfulness and convenience – both of which are attributable to the layout of a town).

These elements are reflected in those listed matters to be provided for within town-planning schemes which included tangible infrastructure items such as roading, and water / waste systems, as well as the intangible items such as 'amenities' (refer Appendix One). Further references to 'building lines' or 'harmony in design of facades' or 'with

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reference to their position on allotment' indicate that the morphology element had a central role under the 1926 Act. Density of buildings was also listed as a matter to be provided for within town-planning schemes.

A key requirement under this Act was that town-planning schemes had to define areas to be used exclusively, or principally, for specified purposes (or classes of purposes), in other words – zoning. In thinking about the five elements considered throughout this thesis, this requirement to zone could potentially be argued to have had a negative effect on both the public realm and sense of place elements – both of which rely on diversity of land use to some extent.

Interestingly, from the point of view of understanding the background to the RMA, the concept of sustainability is not new as indicated by the provisions of this Act. In particular Section 15 required that every town-planning scheme prepared pursuant to this Act make provision for the matters referred to in an attached schedule, *'having regard to the present and future requirements of the borough'*. It is also interesting to note that the intention was that this Act empower rather than direct local authorities (Miller, 2000), and hence the devolvement of power sought under the local government and environmental law reform process in the 1980's was also not a new concept. The relevance to this research is that, together with the direct references to urban amenity and morphology, it implies the need at this very early stage in New Zealand planning history for sustainably managing our urban environments.

### **5.1.2 The Town and Country Planning Act 1953**

A few notable changes occurred with the enactment of the 1953 Town and Country Planning Act, including a change of name from town-planning schemes to district schemes, the inclusion of a definition of 'Amenities', and a slight amendment to the wording of the purpose of district schemes (refer Appendix One). This Act expanded the scope of planning to include both urban and rural areas.

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The term 'amenities' was defined in the 1953 Act as meaning *'those qualities and conditions in a neighbourhood which contribute to the pleasantness, harmony, and coherence of the environment and to its better enjoyment for any permitted use'*. Whilst an advance on the 1926 Act which referred to amenities but did not define, this is still somewhat of a catch-all phrase. It represents an attempt to define amenity and therefore the matters that the district scheme should provide for.

The purpose of town planning schemes was expanded, as follows:

*'Every district scheme shall have for its general purpose the development of the area to which it relates (including, where necessary, the re-planning and reconstruction of any area therein that has already been subdivided and built on) in such a way as will most effectively tend to promote and safeguard the health, safety and convenience, and the economic and general welfare of its inhabitants, and the amenities of every part of the area'*.

The purpose of district schemes clearly envisages intervention to ensure quality urban outcomes as indicated through its reference to urban regeneration.

Under the 1953 Act, the matters to be dealt with in district schemes became more detailed (refer Appendix One), and included the need to preserve places (as well as objects) of historical interest or natural beauty, and consideration of connectivity, and scale (with regard to the relationship between roads and land uses). Density of buildings was also listed as a matter to be dealt with in district schemes. Thus again the morphology, density and amenity elements continued to be provided for under this Act.

### **5.1.3 The Town and Country Planning Act, 1977**

The purpose of District planning under the 1977 Act was to provide for *'the wise use and management of the resources, and the direction and*

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*control of the development, of a district in such a way as will most effectively promote and safeguard the health, safety, convenience, and the economic, cultural, social, and general welfare of the people, and the amenities of every part of the district'* (Section 4, TCPA, 1977). This purpose changes the focus from the *development* of an area to the *management* of resources, and *directing and controlling* development within an area.

Again, in considering how the various elements of urban planning are provided for in this pre-RMA legislation a significant change in the 1977 Act included the introduction of 'Matters of National Importance'. One such matter stated the need to recognise and provide for the conservation, protection, and enhancement of the physical, cultural, and social environment, which could be inferred to mean 'the public realm'.

The 1977 Act retained the definition of amenities, with one amendment, replacing 'neighbourhood' with 'area'. Planning for amenity and morphological elements of urban areas was still a key component of this Act as indicated through the Second Schedule (refer Appendix One). This set out the matters to be provided for in district schemes, and included provisions:

- for social, economic, spiritual, and recreational opportunities and amenities appropriate to the needs of present and future inhabitants of the district, including the interest of children and minority groups (Clause 1, Second Schedule, TCPA 1977); and
- relating to the movement of people and goods included a requirement to avoid conflict between transport and the use of land/buildings (Clause 4, Second Schedule, TCPA 1977); and
- for the preservation or conservation of buildings, objects and areas of architectural, historic, scientific or other interest or of 'visual appeal' (Clause 5(i), Second Schedule, TCPA 1977).

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Clause 1 of the Second Schedule could also infer the need to consider an area's sense of place – particularly through its reference to 'spiritual' opportunities and amenities – which as Carmona et al (2003) contributes to its *genius loci*.

With regard to the design and arrangement of land uses and buildings changes to the 1977 Act included the replacement of 'density' of buildings with the design and arrangement of land uses and buildings, including the size, shape, and location of allotments, and the size shape, *number*, position, design, and external appearance of buildings. Thus the 1977 Act still maintained a clear focus on morphological and amenity elements of planning, but less of the density element.

#### **5.1.4 Conclusion**

Reviewing the pre-1991 planning legislation has established that consideration of all five urban elements under consideration in this thesis was required to be had at some point in time, albeit to varying degrees of comprehensiveness. For example, providing for amenity, morphology and density was established in the 1926 Act, and continued through until the 1977 Act. Providing for the public realm and sense of place was less explicitly required – however it could be inferred that there was a requirement to consider these elements. The references to these elements were largely contained in the Schedules to the Acts, which set out what had to be covered in a scheme. It was this prescriptive legislative environment, together with other factors such as the number of institutions responsible for the planning and management of various natural and physical resources, that led to the process of both local government reform and resource management law reform in the late 1980s.

## **5.2 The Emergence of the RMA in a Global Context**

To understand the environmental law reform process which affected New Zealand's planning legislation it is necessary to look first at the

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influence of the global environmental movement, the roots of which can be traced to the earlier conservation movement.

The 'first wave' of conservationism occurred in the late 19<sup>th</sup> century. Early conservationists emphasised the wise management of natural resources primarily for continued human use, although a faction of this group sought the preservation of nature for its own sake (Dunlap and Mertig, 1993).

A second wave was experienced following World War I and a number of environmental disasters such as the period of severe dust storms in American prairie lands between 1930 and 1936, and the Depression of the 1930's. This second wave emphasised the mitigation of resource problems as well as the development of resources to stimulate economic recovery (Dunlap and Mertig, 1993).

The third wave of conservationism was experienced following the Second World War where more emphasis was placed on preservation of areas of natural beauty and wilderness for public enjoyment. It was around this time when Rachel Carsons (1962), wrote her book *Silent Spring* (Dunlap and Mertig, 1993). She wrote about a number of issues, with a broader focus than just conservationism. She recognised that *'environmental problems tended (a) to be more complex in origin, often stemming from new technologies; (b) have delayed, complex and difficult-to-detect effects; and (c) have consequences for human health and well-being as well as for the natural environment'* (Mitchell, 1989, as quoted in Dunlap and Mertig, 1993). Hence the emergence of the environmental movement in the 1960's and 1970's.

During this time in New Zealand the environmental movement really came to the fore following a huge public petition in the 1970s seeking to preserve the level of Lake Manapouri against the construction of a hydro-electric dam (Downes, 2000). This was followed by a Campaign for Non-nuclear Futures, leading to the abandonment of nuclear power proposals Downes, 2000: This period also saw the inception of the

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world's first 'green' party in New Zealand – the Values Party, which *'provided a broader ideological critique of the state's preoccupation with materialist concerns'* (Buhrs and Bartlett in Downes, 2000: p474). It was at this time, in response to the 1970's energy crisis, that the New Zealand government excluded environmental interests from energy and environmental policy making (Downes, 2000).

In response to concerns from this first wave of environmentalists various governments attempted to deal with the upsurge in environmental demands in different ways (Buhrs and Bartlett, 1993). With the exception perhaps of the establishment of National Parks in the US, these governmental responses *'failed to bring about the changes required to deal with, or at least ally, the environmental concerns ...'* (Buhrs and Bartlett, 1993). That failure, together with the occurrence of a number of events of global concern such as the Chernobyl disaster, oil spills, and the discoveries of the ozone hole and global warming, led to a second wave of environmentalism in the 1980's. In New Zealand, the exclusionary approach to environmental interests in the 1970s encouraged the development of new environmental groups such as the Native Forests Action Council and the Environmental and Conservation Organisations of New Zealand, with the remit to build up public pressure on decision makers (Downes, 2000).

In this context the World Commission on Environment and Development (WCED) was set up by the United Nations in 1983. The colloquially called 'Brundtland Report' (formally titled 'Our Common Future'), was the report of the WCED in 1987; its purpose to establish a global agenda for change through long-term environmental strategies for achieving sustainable development by the year 2000 and beyond, and looking at ways of working together globally to achieving or address concerns (WCED, 1987).

The Commission concluded that environmental protection and economic growth would have to be tackled as one issue in order to meet the needs of the present and future generations (WCED, 1987).

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The Brundtland report quite clearly records the importance of cities, and refers to this epoch being *'the century the 'urban revolution''* (WCED, 1987: chapter 9) and argued that governments need to take a broader view of environmental problems and policies and to do so must consider other dimensions, e.g. ecological, economic, trade, energy, agricultural, and industrial dimensions, at the same time (Buhr and Bartlett, 1993).

It was in this global political climate that the NZ government undertook its local government and resource management law reform process in the 1980's. The New Zealand environmental movement 'came in from the cold' and was incorporated into policy as evidenced through a new institutional framework and the enactment of the Resource Management Act 1991 with sustainable management as its guiding principle for making decisions relating to resource use and allocation. In the 1990's the RMA *'represent[ed] the strongest national scale institutional commitment to the guidelines contained ... in the Brundtland report'* (Furuseth & Cocklin, 1995; 181). Yet, interestingly, the purpose of the RMA focuses on sustainable *management* of resources – which is quite different from the concept of sustainable development which is defined as *'a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development; and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations'* (WCED, 1987: Chapter 1). Sustainable management under the RMA retains the balance of power between present and future generations but, in contrast to the definition of sustainable development, it requires all resource use decisions to consider active protection of the environment.

The resource management law reform process of the 1980s, and the subsequent RMA, did stem from the rising global awareness of environmental concerns, but in addition it was intended to overcome the *'dissatisfaction with a system of land-use planning that rested on zoning maps and rule books designed primarily for neighbour protection purposes'* (Barton, 1998; 453). The basis for the RMA was a move away

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from what the government of the day deemed to be overly prescriptive regulation of activities, under more than 60 separate statutes, and a move towards an effects based policy requiring individuals or groups to internalise the environmental costs of resource use (Baehler, 2005). One of those statutes revoked was the Town and Country Planning Act 1977, which in a time of rapid change was deemed by Parliament to be unworkable and hostile to innovation (McShane, 1998). Interestingly these complaints are now being applied to the RMA some 17 years after its enactment.

So the RMA was not only a product of the environmental movement but also of the 'radical monetarist' programme of reforms driven through almost all sectors of New Zealand by the Labour Government post 1984 (Millar, 2000). Influenced by both movements, the RMA has been described as embodying two seemingly opposing directives, the advancement of a *'market-based neo-liberal planning paradigm; and the promotion of a socially equitable planning system and environmental values'* (Bauer 2006; 35). It is this dichotomy that has implications for planning for urban areas. The place for urban planning under the RMA is further explored through interpretive analysis of Sections 5 to 8 below.

### **5.3 The RMA – Its Purpose, Principles, and other Matters**

#### **5.3.1 Section 5(1) – The Purpose of the RMA**

The purpose of the RMA is to promote the sustainable management of natural and physical resources (Section 5, RMA, 1991).

Planning under the preceding legislation specifically targeted physical resources and systems that make up an urban area including roads, water, and waste infrastructure, and the intangible matters such as open space and amenities that contributed to an area's 'sense of place', and to its social and economic well being.

Following the local government and resource management reform, Lindsay Gow, the then Deputy Secretary for the Environment (1991),

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stated *'the Resource Management Act accepts that social and economic and health and safety objectives can be achieved, but it is not necessarily the role of central or local government to plan for them ...'* (Grundy and Gleeson, 1996; 199). There was a perceived separation of biophysical environmental matters and social, cultural and economic environmental matters. As noted by Barton *'the job of the local authorities is to manage biophysical assets so as to achieve intergenerational equity, safeguarding life-support systems and minimising adverse environmental impacts. The job of 'people and communities' (i.e. in practice, the market) is to define and provide for their own social, economic and cultural well-being'* (1998: 454-5). Traditionally town planning encompassed both of these tasks and this perceived separation has resulted in a prevalent feeling that the RMA has superseded town planning, as evidenced by its lack of reference to town, city, or any other term relating to urbanity.

Indeed, the purpose of the RMA, and the Act in its entirety, makes no specific reference to either of the terms 'urban design' or 'town planning'.

*'In essence, the 'urban' is present in the new Act only to the extent that it represents a spatial concentration of externalities that must be managed in order to ensure sustainability'* (Grundy and Gleeson, 1996; 203).

In comparison with its predecessors the RMA *'reduces the emphasis on social equity in planning and shifts the policy stress to both biophysical sustainability and economic efficiency'* (Grundy and Gleeson, 1996; 198).

Grundy and Gleeson who describe the Act as being anti urban, argue that this *'failure to recognize the urban environment as a locus of complex socio-economic and cultural interactions raise[s] the possibility of regressive socio-economic outcomes'* (1996; 198).

As a result of this, and the devolvement of responsibility for social, economic and cultural well being of people and communities, it would be understandable if many first generation District Plans had abstained from

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providing sufficient policy direction to matters associated with comprehensive town planning.

Under the RMA social issues, such as urban decay and the quality of housing, *'have not been adequately addressed, let alone made the subject of anticipatory policy making'* (Burh and Bartlett, 1993). Anticipatory policy making stems from the 'elitist planning paradigm of public policy-making', whereby deliberate choices from a range of available options are made by designated decision-makers on behalf of a group (Manzer, 1984). In Burh and Bartlett's opinion, the RMA's focus on effects, and the lack of an overarching government policy relating to human settlement means that urban issues are unlikely to be dealt with by reactive measures. This lack of anticipatory policy is surprising given that the purpose of the RMA is the *sustainable* management of natural and physical resources and that the word 'sustainable' implies strategic thinking and anticipates future outcomes. Section 5(2) *'makes it plain that the Act requires a forward looking perspective'* (Wilson v Selwyn District Council, 2005: paragraph 64), yet without providing for the complex relationships of urban areas through anticipatory policy, they will be doomed to the possibility of regressive socio-economic outcomes (as predicted by Grundy and Gleeson, 1996) and therefore unsustainable as an entity in their own right.

The RMA does not categorically define 'natural and physical resources'. Instead they are interpreted in the RMA as including *'land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures'* (Section 2, RMA, 1991). This reference to 'structures' is *'the nearest the RMA gets to explaining how the built environment is part of its subject'* in the opinion of Rae (2009: 16).

But in this non-exhaustive list of resources the urban built form is neither specifically mentioned, nor excluded. Arguably the urban built form could be considered one of New Zealand's most important physical resources – particularly as 87% of New Zealand's population live in

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towns and cities (Urban Design Protocol, 2005). On this basis, despite not being spelt out in black and white, the urban built form is an important physical resource, and therefore in achieving the purpose of the RMA, there is a role for ensuring its sustainability under Section 5(1).

### **5.3.2 Section 5 – The principles of the RMA**

Section 5(2) of the RMA sets out the meaning of sustainable management and these clauses are referred to as the Act's principles. It reads:

*In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment'.*

(Section 5, RMA 1991).

This section explores the concept of sustainability principles, and examines in more detail the concept of 'environment'. Key terms in these underpinning principles of the RMA include 'to sustain', 'to safeguard', and 'to avoid, remedy or mitigate'. Considering each in turn, their inclusion in predecessors to the RMA is examined.

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The first principle of sustaining the potential of resources to meet the reasonably foreseeable needs of future generations is echoed in Section 15 of the 1926 Act, which required that every town-planning scheme make provision for the matters referred to in a Schedule to the Act, having regard to the present and future requirements of the borough. It is noted that the matters listed in this schedule included providing for many physical resources that made up the built form. This was carried over to Section 21 of the Town and Country Planning Act 1953, extending the area to which regard must be had, not only to the district but also to any neighbouring area. Section 36 of the Town and Country Planning Act 1977 echoed this provision. Additionally Clause 1 of the Second Schedule to the Town and Country Planning Act 1977 required that provision be made for amenities appropriate to the needs of the *present and future inhabitants* of the district, including the interests of minority groups.

The second principle of safeguarding the life-supporting capacity of air, water, soil, and ecosystems, is also reflected in previous legislation, albeit obscurely. The Town and Country Planning Act 1953 refers to the purpose of district schemes as being to promote and safeguard the health, safety and convenience, and the economic and general welfare of its inhabitants, and the amenities of every part of the area.

Amenities were defined under this Act as meaning *'those qualities and conditions in a neighbourhood which contribute to the pleasantness, harmony, and coherence of the environment and to its better enjoyment for any permitted use'*. The evolution of town planning, and its early *raison d'être* was *'the amelioration of urban living conditions, in accordance with certain precepts of design and layout, so as to provide for health, beauty and convenience'* Cherry (1996). Intervention was needed to reduce the level of pollution in the late 1800s and early 1900s brought on by the rapid industrialisation of much of Europe. Pollution such as discharges to air and land, and the unsanitary disposal of human waste make urban living untenable. It is reasonable to assume

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that this principle of safeguarding life supporting capacities of resources is also not a new one.

The third principle to avoid, remedy or mitigate any adverse effects of activities on the environment could also be argued as being not unique to the RMA. Seeking to avoid, remedy or mitigate adverse effects, could feasibly be re-interpreted as meaning to promote good outcomes, and this formed part of the purpose of the original town-planning schemes under the 1926 Act, i.e. to ensure development was undertaken to promote the 'healthfulness, amenity, convenience, and advancement' of a borough. Again this was reiterated in each successive piece of planning legislation. This third principle is critical for plan makers who must determine whether the provisions of a plan will promote the sustainable management of physical resources, where the meaning of sustainable management includes avoiding remedying or mitigating any adverse effects of activities on the 'environment' (RMA 1991; Section 5(2)(c)).

To understand the place of provisions in district plans relating to amenity, density, sense of place, morphology and the public realm, it must be established that these urban elements 'fit' within the RMA definition of environment. This justification is necessary in understanding the results of the content analysis.

The RMA interprets 'environment' in a non-definitive way, as including:

- (a) *Ecosystems and their constituent parts, including people and communities; and*
- (b) *All natural and physical resources; and*
- (c) *Amenity values; and*
- (d) *The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters:*

This definition includes physical resources, and having established that New Zealand's built form is an important physical resource that must under the purpose of the RMA be sustainably managed, there is a remit for urban planning under the RMA. Yet the urban environment is a complex structure, comprising much more than just the structures that make up the physical resource, and this is recognised in the RMA through its broad definition of the term 'environment'. In relation to the five urban elements being considered through this research amenity is specifically provided for under clause (c) and as such there is a clear place for provisions in district plans relating to amenity. Less obviously the public realm, sense of place, morphology and density elements are also included. 'Environment' is a *'comprehensive concept, covering potentially everything'* (Buhrs and Bartlett, 1993; 38). To avoid 'environment' becoming a meaningless term Buhrs and Bartlett (1993) focus on three dimensions of the term – ecosystems, natural resources and the quality of life; noting that environmental policies generally address one or more of these interconnecting dimensions. Policies addressing urban development would relate primarily to the quality of life dimension. It would be fair to say that the quality of life dimension of the term environment is the most neglected under the RMA, given that in the political climate of the late 1980's, when the RMA was enacted, urban growth and the pattern of regional, demographic and economic growth was seen *'as an essential expression of sound economic ('market') mechanisms with which the central government should not interfere'* (Buhrs and Bartlett, 1993).

Yet this 'quality of life' dimension of the 'environment' is gaining prominence as indicated by recent government publications. In 2003 the New Zealand Government released the 'Sustainable Development for New Zealand - Programme of Action'. In relation to sustainable cities this document noted that the overarching goal is that *'our cities are healthy, safe and attractive places where business, social and cultural*

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*life can flourish'* (Department of Prime Minister and Cabinet, 2003; 19). It notes that over 85% of New Zealanders live in towns and cities, and that New Zealand's large urban communities face increasing challenges over the sustainable production and consumption of energy, water and other resources; and that they have a large impact on the physical environment. The Government considers that a more integrated approach is needed to tackle these issues.

The Government's Programme of Action includes promoting cities as centres of innovation and economic growth. One of the key deliverables of the Sustainable Cities Action Area in the Programme of Action is the Urban Design Protocol (UDP). This document '*calls for a significant step up in the quality of urban design in New Zealand and a change in the way we think about our towns and cities ... and aims to ensure ... [they]... are successful places for people'* (UDP, 2005; 7). This document, along with other work by the government, including the establishment of an urban intensification taskforce, whose aim is to propose a way forward for achieving better urban intensification outcomes for New Zealand and, in particular, the Auckland Region, came about after the enactment of the Local Government Act 2002 (LGA). Unlike the purpose of the RMA which promotes the sustainable management of natural and physical resources, the purpose of the LGA is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, the LGA provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a *sustainable development* approach. Certainly it is expected that many of the urban environment outcomes sought through the UDP and other such initiatives will be achieved through tools such as Long Term Council Community Plans, but other options are also under consideration enacting legislation to require greater co-ordination between central, regional and local planning instruments (DIA, 2008). Additionally as part of phase two of the government's current resource management reforms, new approaches to the planning and design of

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urban environments will be investigated including ways of achieving better co-ordination between local authorities, government agencies and the private sector and examining the effectiveness and efficiency of options to manage urban growth and achieve better urban planning and design outcomes. In light of this discussion planners need to think about how the urban environment is provided for in second and third generation district plans, and how it can be sustainably managed.

In thinking about the purpose of a district plan, being to assist a Council to carry out its functions in order to achieve the purpose of the Act, the 'environment' it is not intended through its definition to be '*some kind of static snapshot*' (*Wilson v Selwyn District Council*, 2005: paragraph 63). Instead it recognises through clause (d) that 'conditions' will change, community expectations will change, and land uses will change over time (*Wilson v Selwyn District Council*, 2005). This recognition of changing conditions is further emphasised when interpreting the concept of environment consistently with the purpose and principles of the Act. In taking a future oriented perspective under S5(2) it is essential that district plan provisions do not solely look at the urban environment as it is, but rather how it could be. In doing so all elements of the urban environment should be provided for – morphology, sense of place, density and the public realm - and not just amenity which is the element explicitly referred to the definition of environment.

The point of this discussion is to show that planning for sustainable urban areas is as relevant now under the purpose and principles of the RMA as it ever was under the more prescriptive Acts pre-dating it. Whilst there is not a schedule to the RMA containing a list of specific urban matters to be addressed in a district plan, this does not mean that they cannot also be addressed by way of objectives, policies and methods in a district plan. The urban environment, and all that that entails, i.e. providing for the public realm, amenities, infrastructure, connections, etc, is the foremost physical resource that a local authority

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will have to sustainably manage and planners have the remit to attempt to do this through district plans pursuant to Section 5 of the RMA.

### **5.3.3 Sections 6 & 7 – Matters of National / Other Importance**

In the policy hierarchy of the RMA, beginning with its purpose and principles, the next most important sections of the Act for town planning are the matters of 'National Importance' (S6) and 'Other Matters' (S7). Section 6 requires all persons exercising functions and powers under the RMA to recognise and provide for a number of matters of national importance. Of these only one is relevant to urban planning, and that is the protection of historic heritage from inappropriate subdivision, use and development (S6(f), RMA 1991).

Historic heritage is defined in the RMA as meaning those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures. Given the broad definition of historic heritage, this could potentially be interpreted to include morphological and public realm elements (such as our street layouts).

With regard to S7 of the RMA – Other Matters, Rae (2009) observes that of these only three relate indirectly to the quality of the built environment and therefore town planning, those being (b) the efficient use and development of natural and physical resources, (c) the maintenance and enhancement of amenity values, and (f) maintenance and enhancement of the quality of the environment. Yet following on from the discussion about the principles of the RMA and the definition of environment, it can be argued that two more of these matters are also relevant to town planning: (a) Kaitiakitanga, and (aa) the ethic of stewardship.

Kaitiakitanga is defined as meaning the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself (Section 7, RMA, 1991). Kaitiakitanga is a Maori concept yet its use in the RMA makes it relevant to all New Zealanders, and in particular those administering the RMA. The purpose of the Kaitiaki system in its broadest sense *'is to attempt to ensure the*

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*harmonious relationship of all taonga (including land, fisheries, forests, water, air, animals, people, plants)[Nganeko Minhinnick in New Zealand Planning Council, 1990, p62]' (Laituri, 1996; p332).*

The concept of kaitiakitanga and stewardship is not too dissimilar to the original *raison d'être* for both planning and urban design, and they concepts explicitly referred to in the RMA. The point of this discussion is that the sustainable management of towns and cities is inherent within the RMA, and everyone operating under the RMA has to adopt this holistic approach to environmental management – caring not only for the biophysical, but also for the other elements of our environment. Indeed, *'whilst the legislature's intention may have been to restrict the scope of the legislation by setting a relatively narrow objective, the Environment Court holds a different view. The Court refers to Section 5(2) of the RMA, which reveals that the legislation is not only concerned with bio-physical aspects of environmental planning, but also addresses anthropocentric aspects'* (Bauer, 2006). Planners should be the guardians of the urban environment, and in doing so through district plan provisions, they need to adopt a forward looking approach – not just looking at the environment as it is now, but how it could be.

#### **5.4 District Plans**

One of the key differences between the RMA and its predecessors (refer Appendix One) relates to the *purpose* of the district plan. Prior to the RMA the purpose of district schemes was to provide for the development of an area. In contrast Section 72 of the RMA states that the purpose of a district plan is to assist a territorial authority to carry out its functions in order to achieve the purpose of this Act. These functions include:

- Establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;

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- The control of any effects of the use, development, or protection of land;
  - The control of the emission of noise and the mitigation of the effects of noise;
  - The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes;
  - Any other functions specified in this Act.

(Section 31, RMA 1991)

As a result of the light handed approach to planning and development as sought through the introduction of the RMA, S72 of the Act lacks any of the detailed content requirements as seen in its predecessors. It also has a strong emphasis on biophysical concerns rather than the urban matters, other than the reference to noise.

This lack of specificity as to the actual matters to be addressed in district plans was exacerbated following the Resource Management Amendment Act 2003, which repealed the original Second Schedule to the Act (Matters that may be provided for in Policy Statements and Plans: Part II Matters related to Districts). The content clause 1 of this repealed schedule was not too dissimilar to the content of Section 31 of the RMA, but repealed clauses 2 to 6 which included references to the inclusion within district plans of:

- matters relating to the management of effects on the community, natural and physical resources, and heritage sites; and
- the scale, sequence, timing, and relative priority of public works, goods, and services for which the territorial authority has financial responsibility.

These matters clearly related more to elements of urban planning as opposed to the biophysical effects.

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However, in light of this discussion above, there is a remit to sustainably manage the urban environment, and to that end it would seem imperative that district plans provide for those matters that traditionally have been encompassed by town planners, as opposed to taking an envirocentric view of the world.

Under the RMA local authorities are required to have a district plan at all times (section 73(1), RMA 1991). There are certain contents of district plans that are non-negotiable and must be stated within the district plan. These are:

- the district's objectives; and
- the policies to implement them; and
- the rules (if any) to implement the policies

(Section 75(1), RMA).

District plans must also give effect to any national policy statement; any New Zealand coastal policy statement, any water conservation order, and any regional policy statement or regional plan (Section 75(3), RMA).

The non-mandatory or 'optional' provisions, as stated in Section 75(2) of the RMA, include the significant resource management issues, methods to implement policies, other than rules, the reasons for adoption the policies and methods, and the environmental results anticipated.

Whilst being prescriptive about the elements of a district plan in terms of what must or may be included within a district plan, there is massive scope to ensure that the provisions relate to the local context. This is an important point as the success of a place is dependent on a clear policy framework, understanding and responding to the local context (DETR and CABA, 2000), and was the clear message for each of the urban element descriptions. What is needed in district plans is a clear definition of what amenity, sense of place, or the public realm means in a local context.

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Generally, as a minimum, district plans include a discussion on the district's issues, followed by the objectives, policies, methods (rules and other methods) related to that issue, and subsequently any the environmental results anticipated as a result of the provisions. MfE (2003) consider these provisions give the plan credibility and ensure it is consistent with the RMA. The District Plan provisions form the basis of all development control decision-making, and guides decision making under the RMA. They can also provide certainty or clarity to resource owners or users, and the community. The objectives and policies of district plans are particularly important for local authorities when considering non-complying activities, in that it can only grant consent if it is satisfied that either the adverse effects of the activity on the environment will be minor; or that the application is for an activity that will not be contrary to the objectives and policies of the district plan (S104D, RMA, 1991).

Whilst the objectives and policies and any other element that a territorial authority may choose to include in its district plan can relate to any aspect of the promotion of the sustainable management of natural and physical resources, the district plan rules must be made having with regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect (Section 76(3)). The term 'effect' is defined in the Act as including:

- (a) Any positive or adverse effect; and*
- (b) Any temporary or permanent effect; and*
- (c) Any past, present, or future effect; and*
- (d) Any cumulative effect which arises over time or in combination with other effects, regardless of the scale, intensity, duration, or frequency of the effect, and also includes*
- (e) Any potential effect of high probability; and*

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(f) *Any potential effect of low probability which has a high potential impact.*

Rae observes that *'nowhere in the Part II of the Act ... is there any inclusion of the consideration of positive effects on the environment, although the well being of people and communities could imply positive effects on them'* (2009:17). Yet the discussion above concludes that the purpose and principles of the RMA can be interpreted as including the need to sustainably manage the urban environment; and taken with the broad definition of environment, which requires a forward looking perspective, it is hard to see how district plan provisions could not be planning for positive effects associated with elements of urbanism. Any other outcome would clearly be an adverse effect.

Thinking about the relative importance or weighting that can be given to the mandatory provisions within district plans, it is useful to look at S32 of the Act which requires that prior to their adoption the Council must be satisfied that each objective is the most appropriate way to achieve the purpose of the Act, and that the policies, rules or other methods, are the most appropriate way of achieving the objectives having regard to their efficiency and effectiveness. Thus already indicating a hierarchy of provisions whereby the objectives are the driving force behind implementation of the plan.

This was recognised in *Suburban Estates v Christchurch City Council* (C217/01), the Environment Court reinforced the role of objectives and policies in assessing the need for rules. It also supported the view that objectives and policies drive methods, not the other way around. In that case the Court stated that *"the purpose of objectives and policies is to give guidance as to how the purpose of the Act is to be achieved"*. Further emphasising the importance of objectives and policies was the ruling in *Nugent Consultants Ltd v Auckland City Council* (A033/96). In this instance the Environment Court acknowledged that rules follow from objectives and policies, and should link directly to them. Rules can be found unnecessary if they cannot be shown to have a clear relationship

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to objectives and policies. This further implies that objectives and policies are the power house of a district plan, and rules secondary to them. The relevance of this is cannot be underestimated, and the provisions of the sample district plans are investigated through the content analysis to determine whether or not elements of urban planning are being provided for within the power house of a district plan, or whether they are provided for in potentially unsupported and perhaps 'unnecessary' rules, or whether they are within the non-mandatory sections of the plans.

Turning now to a discussion on the relevance of non-mandatory provisions of district plans, do references to urban planning have any weight if they are contained within the provisions referred to in Section 75(2) of the RMA?

An examination of case law indicates that the non-mandatory sections within district plans have little or no weight for decision making under the RMA. For example, in *Sloan v Christchurch City Council [2008]* the Court ruled that an explanation has no statutory role as it is not required by sections 74 to 76 of the RMA. In another case the Environment Court indicated concern about the potential for ambiguity and uncertainty that vision statements and principles could potentially create (*Hawkes Bay vs St Columba's Environmental House Group* (W085/94)). This case refers to the proposed inclusion of a chapter in the Hawkes Bay Regional Council's Regional Policy Statement entitled 'Vision for Hawkes Bay, Principles for Sustainable Management'. Clause 3.3 of this document set out 13 "criteria" promoting sustainable management and stated that these were derived from the purposes and principles contained in Part II of the Act. Following submissions on the proposed document Council's decision was to retain part of the vision chapter but to delete the criteria. The reasons for doing so it gave as follows: *"It is considered appropriate that the Regional Policy Statement include a 'Vision' for the Region. This 'Vision' does not purport, however, to be a Policy to override the specific policies elsewhere in the document. In this regard, the inclusion of*

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*'criteria' in the original Chapter 3 are seen as unnecessarily confusing and are therefore not included in the redrafted Chapter 1" (W085/94)).*

The appellant submitted that these criteria, or principles as he referred to them, had been derived from the purposes and principles in Part II of the Act and also from the Rio Declaration from the United Nations Conference on Environment and Development held in Rio in June 1992. He argued that such provisions could be included pursuant to S62(1)(k) of the Act which provides for *'such additional matters as may be appropriate for the purpose of fulfilling the Regional Council's functions, powers and duties under this Act'*. The Court held though that the appellant's proposed principles were confusing and in conflict with the Resource Management Act 1991 and that they did not have legal validity and were ambiguous and uncertain. The appeal was disallowed.

Hence, it has been established that there is a clear policy hierarchy within district plans with a corresponding level of importance. Objectives, policies and rules are at the top of the hierarchy and it can be inferred that references to elements of urban planning will be most effective within these provisions. In contrast the non-mandatory provisions have little or no weight for decision makers under the RMA, and it can be inferred that references to elements of urban planning will be least effective if contained within these provisions.

## **5.5 Non RMA Mechanisms Influencing Urban Environments**

The Government acknowledges that in order to realise the vision of quality urban design, which contributes to good town planning under the definition posited earlier, local government needs to develop appropriate statutory policies, rules and guidance (UDP, 2005).

Local government has two legislative directions available to do this – through their Long Term Council Community Plans prepared under the Local Government Act 2002 (LGA), and through District Plans prepared under the RMA 1991.

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The LGA and its implications are discussed further below in so much as they overlap with the concept of town planning, and its potential relationship with the RMA. The purpose of the LGA, in contrast to the RMA, is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, the LGA:

- (a) states the purpose of local government; and
- (b) provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and
- (c) promotes the accountability of local authorities to their communities; and
- (d) provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a **sustainable development** approach.

Under Section 93 of the LGA every local authority is required to have a long-term council community plan (LTCCP). Its purpose is to describe the activities of the local authority, describe the community outcomes sought, and provide for integrated decision-making and co-ordination of the resources amongst other matters. It is a document to provide a long-term focus for the decisions and activities of the local authority, where the community has the opportunity to participate in the decision-making processes regarding activities to be undertaken. It is within an LTCCP that the more traditional strategic elements of town planning are embedded.

There is a need for district plan objectives and policies to relate back to the community outcomes sought as part of the Long Term Council Community Plan process, as evidenced through the number of initiatives, such as growth strategies or structure plans, that have

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emerged through the LTCCP processes and subsequently been given 'teeth' through District Plans (often by way of plan changes).

A robust logic linking the LTCCP and district plan will ensure that the latter will benefit from the more visionary role of the LTCCP. In the UK *'the community strategy and core strategy in the local development framework represent the appropriate vehicles through which to establish such a vision and to establish what sort of place the authority wishers to see in the future ... once established, the vision and policy objectives provide the appropriate hooks on which to hang more detailed policy in the range of action plans...'* (Carmona et al, 2002). If planners are to assist in achieving the purpose of the Act, in terms of sustainably managing the urban environment, then New Zealand would benefit from similar links between a district plan and the corresponding LTCCP. This would clearly benefit the district plan in terms of making it relevant to the local context, as recommended by Leggett (1996: 5).

However, before the community outcomes in an LTCCP might percolate down to specific district plan provisions, it is critical *'to appreciate that urban design [and planning] operates at and across a variety of spatial scales'*; and that *'urban designers [planners] need to be constantly aware of scales both above and below that at which they are working'*, and they must be aware of the relationships between the various levels (Carmona et al, 2003).

Currently there is a tendency for community outcomes under the LTCCP to be broad, generic statements – and these have a remarkable similarity not only throughout New Zealand, but also internationally. For example, Table 3 below shows the community outcomes sought in Palmerston North (as identified in the PNCC LTCCP 2006) and the key aims of the London Borough of Camden's community strategy. They are remarkably similar yet the urban environments to which they relate are incomparable in terms of scale.

To make these community outcomes relevant at a district plan scale, and to make them actionable by way of district plan provisions, they need to be more specific in the context of the location they are for. These outcomes clearly relate to what the community attributes to its 'sense of place'.

**Table 3: A Comparison Of Community Outcomes Sought**

Palmerston North City Council	London Borough of Camden
<ul style="list-style-type: none"> <li>• people feel safe</li> <li>• businesses grow here and people have lots of job opportunities</li> <li>• Palmerston North's physical infrastructure is reliable</li> <li>• Palmerston North is attractive, clean and green</li> <li>• the community is supportive and people and organisations work together</li> <li>• people are well-housed and healthy</li> <li>• people have lots of learning opportunities.</li> <li>• people have lots of fun things to do</li> <li>• people can move easily around Palmerston North</li> </ul>	<ul style="list-style-type: none"> <li>• a safer place</li> <li>• an economically successful place</li> <li>• a place with excellent services.</li> <li>• an attractive and environmentally friendly place</li> <li>• a place with stronger communities</li> <li>• a healthier place</li> </ul>
(Source: PNCC LTCCP, 2006)	(Source: Carmona et al, 2002)

**5.6 Conclusion**

This chapter sought to address the second theme of this thesis, that is, to understand the remit of planning for urban areas under the RMA. It also discussed the need for anticipatory objectives and policies for the

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urban environment, and to establish a foundation for referencing the results of the content analysis against. Those objectives have been achieved, as summarised below.

Every local authority must have an operative district plan, the purpose of which is to assist it to promote the sustainable management of natural and physical resources. Every district plan must contain objectives, policies and rules. Of these the RMA requires that any rules within a district plan must be made having regard to the actual or potential effect of activities on the environment. Objectives and policies, on the other hand, have no such restriction – their remit being the broader focus of Part II of the RMA, its purpose and principles, of which the adverse effects of activities is only one part. This challenges the ‘effects based’ premise of the RMA to which authors such as Baehler (2005) and Jackson and Dickson (2007) refer. The purpose of the RMA clearly states that sustainable management means managing the *use and development* of resources, as well as managing their protection, and it is in this respect that urban environments can be addressed.

Although New Zealand’s urban environments are not specifically referred to in the RMA, they are nevertheless an integral element requiring sustainable management. The definition of ‘environment’ in the RMA goes some way towards recognising the immensely complex nature of urbanism through its reference to the social, economic, aesthetic and cultural conditions which affect amenity values, physical resources (i.e. the built form), and people and communities; and case law indicates that planners should be making forward thinking provisions for urban environments.

Thus there is a remit within district plans for anticipatory policies relating to the use and development of urban areas. Whilst such a remit may have been more obvious under the Acts preceding the RMA, there is no clear reason why such policies cannot be included in district plans of today. Particularly given that the principles of sustainable management are echoes of past provisions under those Acts.

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The key to preparing anticipatory policies for urban areas is to understand matters such as kaitiakitanga – a concept that not too dissimilar to the original raison d'être for both planning and urban design, and one which all practitioners under the RMA must take on board. As in earlier planning statutes, and the purpose of the RMA, planners are the guardians of, and have a stewardship role over the urban environment, and therefore district plan provisions must attempt to manage the built form and all that that implies for the reasonably foreseeable needs of future generations.

Such objectives and policies should not be developed in isolation under the RMA, but should draw on a local authority's responsibilities under the Local Government Act relating to community outcomes. In this way, through a truly integrated policy framework and with anticipatory objectives and policies for the urban environment, the legacy of district plans will be more aligned with the purpose of the RMA – the sustainable management of natural and physical resources – as opposed to the prevailing view that they are retrospective, seeking only to avoid, remedy or mitigate the adverse effects of activities on the environment.

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## **6 Content Analysis**

Having established the role of planning for urban areas in New Zealand, and identified elements of urban planning that could be considered within this remit, this section will focus on how this is reflected in District Plans. Of a total of 74 territorial local authorities within New Zealand, eleven district plans were chosen for analysis on the basis of their population.

This chapter briefly summarises the characteristics of each of the districts included within the research. Such characteristics include the population of the district, and where available, statistics relating to the growth in residential dwellings. A brief description of each district's District Plan format and layout is provided, detailing the specific sections of the District Plan subject to the content analysis. This information sets the context of residential growth and development in each location and the policy basis within which the development occurs. Areas of commonality between the district plans are also identified in this section. This background and comparative information about the sample districts is later used to interpret the results of the content analysis, in particular to determine if certain features of a district are causal factors in terms of the way they provide for urban areas.

### **6.1 District Profiles**

The local authorities, subject to the content analysis, are not too dissimilar in terms of their characteristics in that they are generally provincial cities servicing a rural hinterland, with one or more significant industries. Table 4 sets out some basic facts relating to each of the sample districts. Unsurprisingly the general trend shown in Table 4 is that as population increases so too does the number of households, the rates income, and the total operating income. Relative to their population size Franklin District and Rodney District authorised the greatest number of new dwellings over this time, possibly reflecting that their projected population growth is underway, not surprising given their proximity to Auckland.

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**Table 4: A Snapshot of each Sample District**

(Statistics New Zealand, 2006)

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	New Dwellings Authorised Aug 07 – Jul 08	No. of Households	Population	Projected Population <sup>2</sup>	Rates Income (Year Ended June 08)	Total Operating Income (Year Ended June 08)
Franklin	527	20,211	58,932	86,200	\$42,972	\$63,827
Rotorua	205	23,220	65,901	71,300	\$58,726	\$87,520
New Plymouth	421	26,508	68,898	72,200	\$48,491	\$89,153
Hastings	355	25,155	70,842	81,100	\$52,067	\$84,534
Whangarei	640	27,618	74,463	91,600	\$57,865	\$110,284
Palmerston North	360	27,513	75,543	93,600	\$53,467	\$81,851
Rodney	807	32,910	89,562	136,200	\$88,263	\$121,273
Hutt City	150	35,364	97,701	104,000	\$72,711	\$106,104
Tauranga	843	39,954	103,635	154,800	\$68,924	\$119,378
Dunedin	357	44,394	118,683	129,000	\$83,534	\$165,664
Hamilton	821	45,726	129,249	177,400	\$92,245	\$138,881

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A key point regarding Franklin District relates to its potential demise. The Select Committee, currently reporting to Parliament on the Local Government (Auckland Council) Bill, has recommended that the southern boundary of the new Auckland 'supercity' run through the middle of Franklin District – effectively meaning that, if approved, Franklin District Council would cease to exist. The reasons for this are listed as being because the northern parts of Franklin have clear commuter and public transport links with urban Auckland, and are

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<sup>2</sup> Area Unit Projected Population Characteristics by Territorial Authorities, 2006(base)-2031 (Statistics NZ).

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already within the Auckland Region, and are part of the Manukau Harbour catchment rather than the Waikato River catchment (Auckland Governance Legislation Committee, 2009).

Appendix Two provides details of which sections of the sample districts plans were used in the content analysis. With regard to district plan provisions for residential dwellings, it is interesting to note the similarity amongst the various sample District Plans. Often these common standards relate back to the set of model ordinances, published in 1941, in which bulk and location controls took a central place (Miller, 2006). As to why these standards, developed in the early 1940s, have stood the test of time, Miller believes it is because they are *'largely effects based [in a New Zealand context], were well tested and provided a quick and cheap means of achieving both on-site and intra-site amenity'* (2006:17). The commonality of standards is shown in Appendix Three.

#### **6.1.1 Franklin District Council**

The Franklin District Plan (FDP) provides for residential development via a single set of rules within one Residential Zone.

The Residential Zone rules permit a new dwelling house per site, subject to standards (refer Appendix Three). Multi-unit housing involving not more than three (3) attached on a site is also a permitted activity subject to compliance with standards, see Appendix Three.

One of the main issues that the FDP's objectives and policies seek to address is the protection of its versatile and valuable soil resources. The policies have a strong focus on urban containment and the direction of urban growth, and zoning and structure plans are tools used to implement this policy, along with non-statutory tools such as the 'Urban Design Action Plan' and an 'Urban Residential Design Guide'. The district plan, in relation to these, states *'while these are not formal assessment criteria, they nevertheless provide guidance as to how some of the structure plan policies and assessment criteria could be implemented'* (FDP, 2000; p19-7).

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The examination of Part 54 of FDP was considered necessary given that they are a tool being used by Franklin District to provide for future residential growth.

### **6.1.2 Rotorua District Council**

Similar to other plans, Rotorua District Plan has adopted a regulatory approach using zoning. Its provisions seek to allow for a range of residential opportunities within the zoned urban area, and identifies 5 residential zones as follows:

- Residential A – Kainga Maori Zone
- Residential B – Low Density Zone
- Residential C – High Density Zone
- Residential D – Residential / Office Zone
- TD – Transitional Development Zone

One household unit per lot is a permitted activity within all the residential zones subject to compliance with a set of performance standards (refer Appendix Three). A comprehensive residential development (meaning a residential development including more than five household units) is a discretionary activity in Residential A, B, C, and D zones, and a non-complying activity in the Transitional Development zone.

The objectives for the residential zone recognise the sense of place afforded to Maori villages within the residential zone, and predominantly seek to maintain amenity values, particularly when from higher density residential activity. They also seek to ensure that the urban environment does not result in the loss of rural character or land with high productive potential. To this end the district plan refers to the 'Urban Fence', a line delineating the limits of urban expansion.

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### **6.1.3 New Plymouth District Council**

Within the New Plymouth District Plan it is Council's policy to locate activities in areas where their effects are compatible with the character of the area. This is achieved through zoning or as it is called in this plan 'environment areas'. There are three residential environment areas – A, B and C. Each residential environment areas has a slightly different character, with Residential A Environment Area being representative of the typical allotments found in developed residential areas where connection to reticulated sewerage is available. Many homes are set back from boundaries, well landscaped and are one or two storeys in height. The Residential B Environment Area is described as having a more dense character, capable of absorbing and integrating denser development without adversely affecting their existing residential amenity, and are predominantly located close to local shopping areas and the central business district. Again, sites tend to be landscaped and of a consistent height. The Residential C Environment Areas are characterised by those existing residential areas where there is a need to ensure that there is sufficient space available for the on-site treatment of sewage effluent. This includes areas such as Oakura, Lepperton, Onaero, Urenui, Okato and Egmont Village. The built form and scale of the dwellings in these areas are very similar to those located within the Residential A Environment Area.

Unlike other district plans which have the number of allowable dwellings per site clearly included in the rule, New Plymouth District's District Plan does not have a maximum number of dwellings per site, relying instead on performance conditions to ensure the effects of dwellings are avoided, remedied or mitigated. There is however a performance condition restricting the maximum number of habitable buildings on a site accessed via a right of way, refer Appendix Three.

The objectives for urban areas within New Plymouth district seek to maintain and enhance amenity values, and their character and coherence. They also specifically seek to ensure that sufficient space is

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available to protect residential amenity, that visual and aural amenity is protected, and that traffic generation is consistent with the character of the residential area.

#### **6.1.4 Hastings District Council**

The residential provisions of Hastings District Council's District Plan stem from the Hastings Urban Development Strategy (HUDS), the purpose of which was *'to establish an Urban Development Strategy that will enable high density and low density residential areas within Hastings District, over the next ten, fifteen, and twenty five year horizons'* (Interim Hastings Urban Development Strategy Demand Review, 2005; p2).

Four residential zones are provided for within the District Plan. The General Residential Zone for the major urban centres of Hastings Flaxmere and Havelock North, and to secondary centres of Whakatu and Clive. This Zone provides for a mix of compatible land uses as well as the desire to provide for a variety of housing forms, and it also provides for denser development in close proximity to nodes of public open space (Hastings District Plan, 2003).

The Deferred General Residential Zone covers areas identified as part of the HUDS study and where Council has completed infrastructure (Hastings District Plan, 2003). The rezoning of this to General Residential Zone depends on market demand and the availability of land elsewhere in the District (Hastings District Plan, 2003).

The Plains Residential Zone covers the small plains settlements of Paki Paki Bridge Pa and Omahu. Whilst somewhat similar to other suburban residential centres *'they also have special function and character focused on existing Marae'* (Hastings District Plan, 2003; p8.0 - 6).

The Coastal Residential Zone applies to the residential centres of Haumoana, Te Awanga, Waipatiki, Whirinaki, Waimarama and Tangoio, which *'have special character a sense of place satisfying niche residential markets'* (Hastings District Plan, 2003; p8.0 - 6).

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Residential activities are permitted activities within all the zones, with the exception of the Coastal Residential Zone at Tangoio, subject to general performance standards and terms (refer Appendix Three).

Key objectives for the Residential Zones seek to enable a diverse range of housing demands, preferences and lifestyles while ensuring that adverse effects of residential use, development or subdivision are avoided, remedied or mitigated. They aim to promote the development of sustainable urban forms while accommodating a variety of compatible land use activities in residential areas, and to recognise and promote the special urban character of the major settlements and the unique sense of place existing in the plains and coastal settlements. One objective ensures that residential development does not occur unless adequate levels of infrastructural services are in place. Finally, they seek to maintain and enhance environmental quality by facilitating a reasonable balance between development intensity and achieving high standards of residential amenity – a somewhat ambiguous objective.

#### **6.1.5 Whangarei District Council**

The Whangarei District Plan has provisions for three Residential Zones – the Living 1, 2 and 3 Environments. Whilst little commentary is provided as to how they differ the plan notes that living environments tend to be passive environments with high levels of amenity as a result of a combination of characteristics ranging from a high degree of privacy to low levels of vehicular traffic to landscaped frontages and street set backs.

Within the Living 1, 2 and 3 Environments residential units are permitted subject to compliance with rules (see Appendix Three).

The objectives are non 'environment' (zone) specific and pertain mainly to the maintenance and enhancement of amenity values.

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### **6.1.6 Palmerston North City Council**

The Palmerston North City District Plan uses zoning to '*group and allocate areas of the city for generic activities with similar effects*' (PNCC District Plan, 2006; p1-3). There is a single residential zone within which new dwellings are permitted subject to compliance with performance standards (Appendix Three).

The main means of achieving the objectives and policies of the Residential Zone is through a regulatory approach, which has been deemed as being the most cost efficient and effective way to achieve the outcomes sought. The District Plan does also refer to methods of implementation such as public education, in the form of landscape and building design guides, as a means of achieving some of the amenity and design concerns of the objectives and policies – however there are no operative guidelines available for residential developments.

Council's objectives seek to promote the efficient use of the urban infrastructure and other physical resources, and to recognise the range of activities which are complementary to and compatible with residential development. It is under this objective that Council has a specific policy relating to infill. Council's objectives seek to secure and maintain a high standard of amenity within the Residential Zone, and to reinforce the predominant character of the Residential Zone; and recognition is also given to the significant cultural heritage values associated with the Savage Crescent Conservation Area.

### **6.1.7 Rodney District Council**

Rodney District Council is part way through reviewing its District Plan. The Proposed District Plan provides for a six residential zones to recognise the differences in types of residential environments anticipated, and to provide for the various effects that can be '*tolerated or are acceptable in different areas*' (Proposed District Plan, 2009; paragraph 8.6.1.1).

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The use of buildings for residential purposes that comply with the activity and density rules is a permitted activity. The density rules allow a single household unit per site as a permitted activity, subject to compliance with development controls and performance standards specified in the Plan.

A minor household unit requires consent of varying degrees from controlled to non-complying depending on the zone in which it is proposed. Multiple household units are a permitted activity in the High Intensity Residential Zone, but non-complying in all other zones. The relevant performance conditions are set out in Appendix Three.

Integrated residential developments or cluster housing requires resource consent in each residential zone.

The objectives within this plan also seek to maintain and enhance residential amenity, but interestingly, given their projected population, this plan also has objectives enabling higher intensity development around town centres or in other appropriate locations supported by alternative modes of transport such as passenger transport, walking and cycling.

#### **6.1.8 Hutt City Council (Lower Hutt)**

The City of Lower Hutt District Plan has five residential activity areas (zones) each of which has its own set of issues, objectives, policies and rules.

Dwellings are permitted in the General Residential Activity Area, the Special Residential Activity Area, the Hill Residential Activity Area, and the Landscape Protection Residential Activity Area, whilst in the Historic Residential Activity Area residential activities are permitted. The difference being that in the Historic Residential Activity Area the use of land and buildings for domestic/living purposes is permitted, but the use of a building for home occupations or non-residential activities is not.

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The permitted activity conditions vary for each zone. Appendix Three includes the conditions for dwellinghouses in the General Residential Activity Area – which has the most performance conditions.

The objectives of this Plan for residential areas also seek to maintain and enhance the amenity values and residential character of the General Residential Activity Area of the City. Similarly to Rodney District the plan contains objectives relating to higher density residential development around some commercial centres, along major transport routes, and where amenity values will not be affected adversely. It also has a specific objective to avoid, remedy or mitigate adverse effects caused by building height, intensity and location on the amenity values of adjacent residential sites and the residential character of the surrounding residential area.

#### **6.1.9 Tauranga City Council**

The approach of Tauranga District Council's urban form is to address it as a physical resource, and this is interesting as it supports the conclusions of Chapter 5 that although New Zealand's urban environments are not specifically referred to in the RMA, they are nevertheless an integral element of our environment requiring sustainable management.

The Tauranga District Plan has one main Residential Zone (Residential A) to encourage consolidation of existing residential areas, and two other residential zones – the Residential H Zone which allows high-density residential development at the western end of Mount Maunganui, and the future urban zone (applied to land suitable for conversion to residential within the 20 year Plan period). There are also Marae Community Zones which recognise marae as a focus and integral component of the kainga (village). The provisions of this District Plan as they apply to the Residential A and H zones are examined in this research. Residential activities are permitted within the Residential A

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and H zones as long as they do not contravene any permitted activity conditions (refer Appendix Three).

It is Council's objective to enable a pattern of urban development in which environmental values of importance to the community, including urban amenity values, rural landscape values and versatile soils, are maintained and enhanced, and the costs of new urban development are met by resource users.

#### **6.1.10 Dunedin City Council**

The Dunedin City District Plan has six different residential zones as follows providing for low density suburban areas to areas catering for students, to higher density suburbs. A Residential Activity is a permitted activity (at various density levels) in each of the zones.

Council's objectives for these zones seek to ensure that any potential adverse effects on amenity values are avoided, remedied or mitigated. They recognise that certain areas have specific character or amenity warranting protection, and they seek to ensure that the existing infrastructure servicing residential areas is sustained for the use of future generations.

#### **6.1.11 Hamilton City Council**

The Hamilton City Proposed District Plan provides for a single Residential Zone, however within that zone three distinctive areas have been identified, each of which has different amenity values. These areas are the High Density Area, the Visitor Facilities Area and the Claudelands West Special Character Area. With the exception of the latter, one detached dwelling is permitted per site in the Residential Zone, subject to compliance with standards (refer Appendix Three).

The Council's objectives seek to enable a diversity of living environments which meet the differing needs of the city's population, while protecting residential amenity values. They seek to maintain and enhance character and amenity values of residential areas by ensuring a level of

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onsite amenity for residents and ensuring that neighbouring properties are not adversely affected by development, and they recognise and seek to enhance the distinctiveness and special character of the Claudelands West Special Character Area.

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## 7 Content Analysis – Results & Discussion

This chapter presents the findings of the content analysis in relation to the purpose of this research; to understand if, where and why elements of urban planning are being provided for in residential provisions of district plans. Analysis of this data is undertaken in three ways.

Firstly, a frequency analysis is undertaken looking at the total number of instances of references to the various words searched, i.e. the total count of all words for all eleven district plans, for each urban element. This is to give an indication of whether urban planning and the five urban elements are being provided for, and how many references there are to urban planning in each district plan provision. The purpose of this analysis is to develop an understanding of the relative importance of such references as indicated through whether the count is highest in the mandatory or non-mandatory provisions of the district plans.

The second aspect of the analysis examines whether there are any associations or relationships between the five urban elements, using correlation as a technique to determine the strength of such a relationship. The purpose of this analysis is to understand whether any of the urban elements are more likely to be provided for if one or more of the other elements are also provided for. The strength of any relationship is also examined in relation to the actual data – noting where any anomalies in the data may be impacting on the results, and a regression analysis undertaken to further examine the significance of those results.

The third aspect of this analysis is an examination of whether there is an association between any possible causal factors and the total word count. Again using correlation, an examination is undertaken looking at whether the total number of references to urban planning words in a district plan is influenced by independent variables such as rates income, population, the number of residential zones in their district plan, or the total number of households within a district. The purpose of this analysis is to understand if those external factors have any influence on the

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provision for urban planning elements in district plans. Where an association exists this is further explored through regression analysis.

Within each of these results sections a discussion follows the statistical analysis, and references are made to either earlier chapters or specific examples of district plan text. Inferences are then drawn from this discussion about references to various elements in district plans.

## 7.1 Frequency Analysis

This section describes the findings relating to the overall frequency of words relating to all five elements of urban planning within all eleven sample district plans.

**Table 5: Frequency of District Plans with references to Urban Planning Element Words**

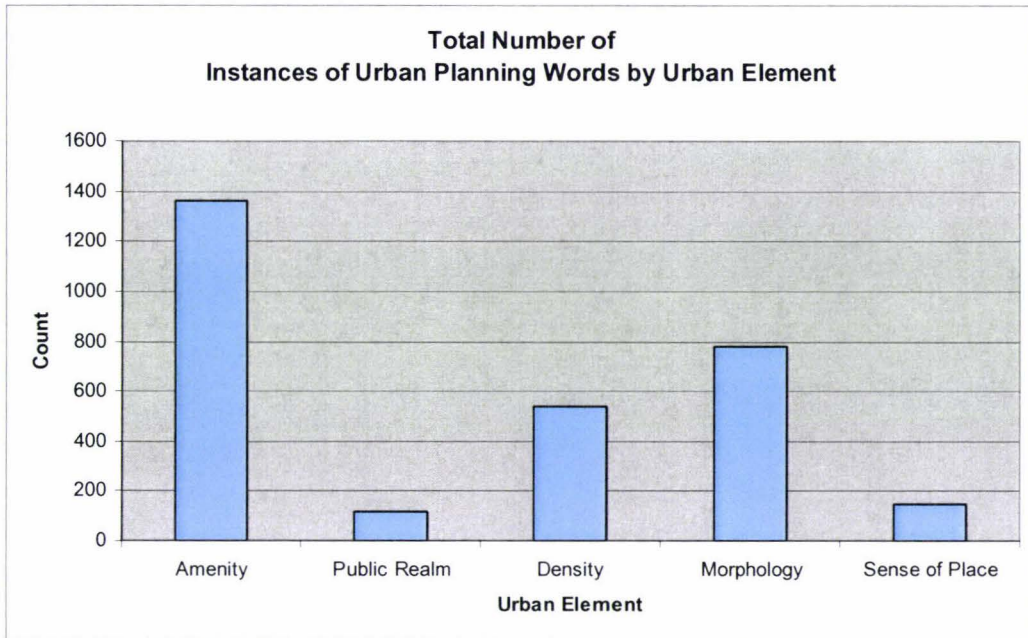
Number of Instances	Urban Elements				
	Amenity	Density	Morphology	Public Realm	Sense of Place
<20	0	2	1	9	9
21-40	0	3	1	2	2
41-60	1	3	3	0	0
61-80	0	3	3	0	0
>80	10	0	3	0	0

Table 5 indicates that urban planning elements are being provided for to a greater or lesser extent in all the district plans analysed. Of the sample plans almost all had over 80 references to the ‘amenity words’. Nine of the district plans had less than 20 instances of ‘public realm words’ and ‘sense of place words’, and the number of references to ‘density words’ and ‘morphology words’ were relatively distributed. This predominance of amenity words is not surprising given the legislative context within which district plans are written and the fact that amenity is the only urban element explicitly referred to in the RMA.

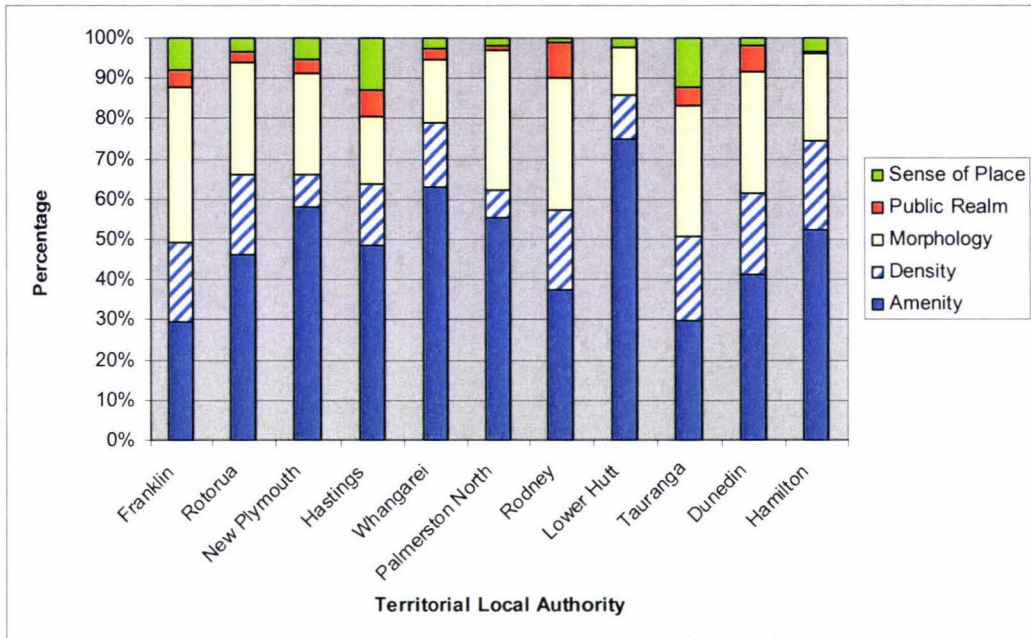
The total count for each urban element is shown in Figure 1 and is further broken down by local authority district plan (Figure 2). This

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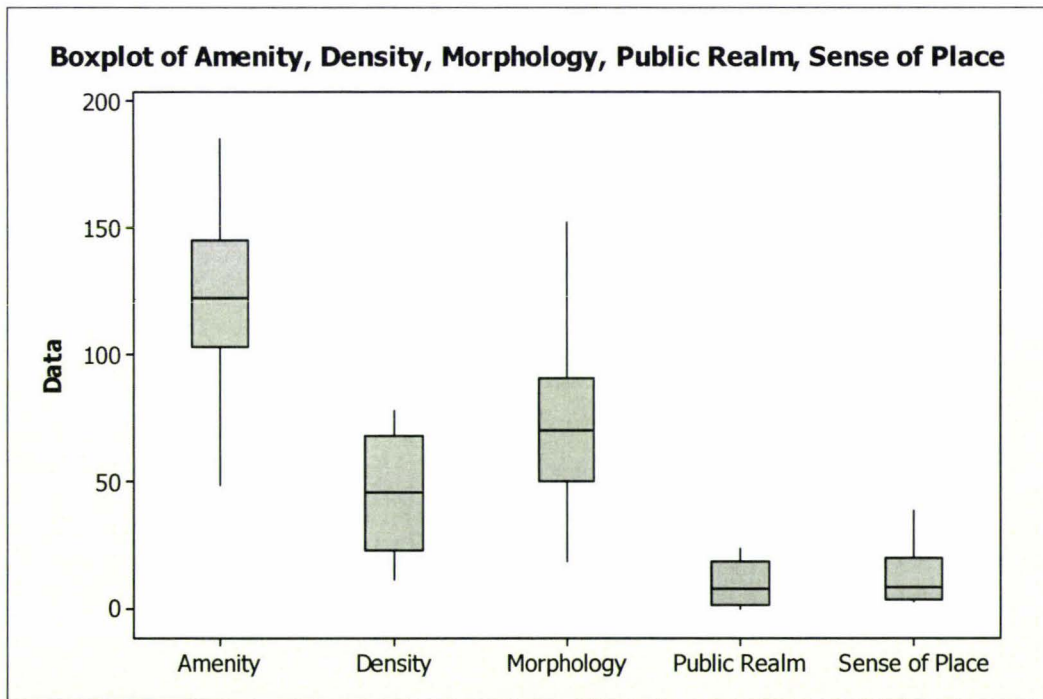
indicates that all eleven district plans use amenity words the most. The second element then most commonly provided for is morphology, followed by density, then public realm and sense of place.



**Figure 1: Total Word Count per Urban Element**

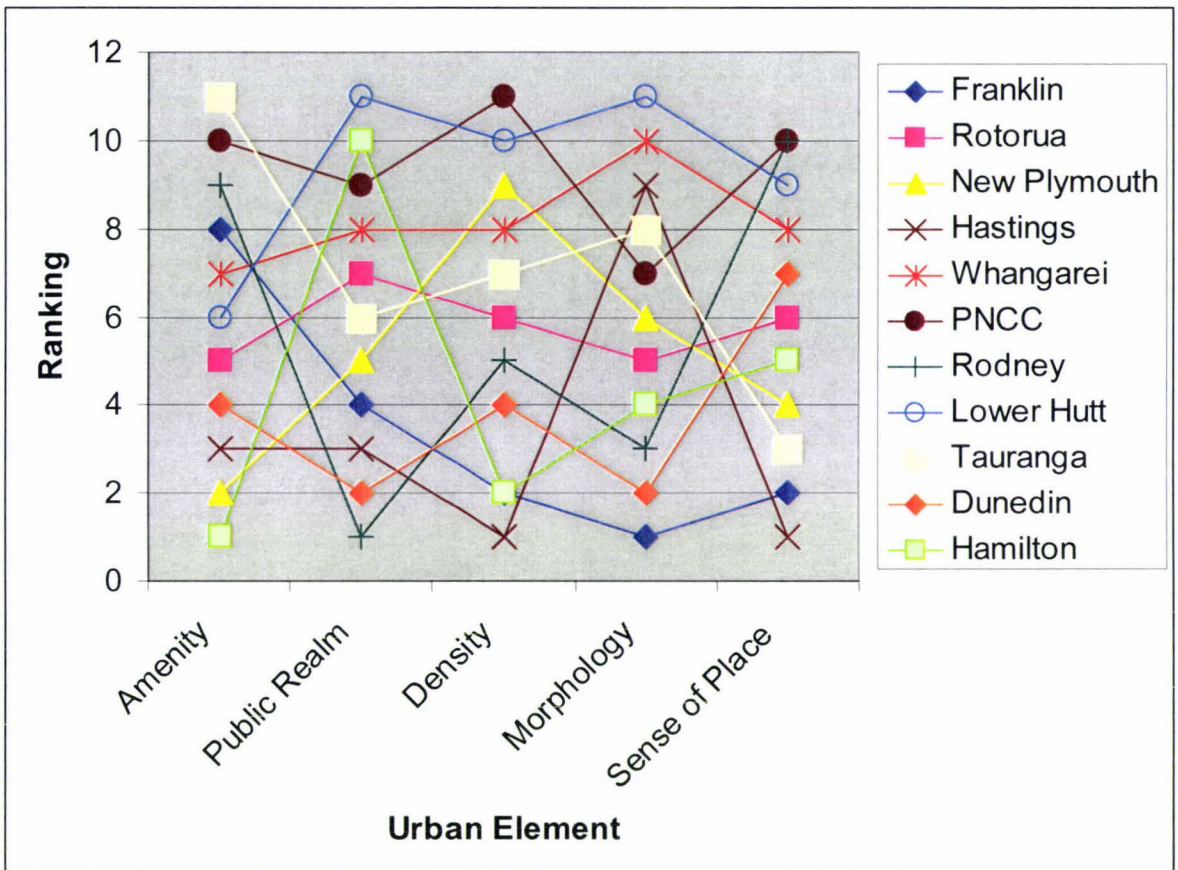


**Figure 2: Percentage of Total Word Count by District Plan**



**Figure 3: Boxplot for each Urban Element**

Figure 3 shows a boxplot for each urban element. For each element the minimum and maximum word counts are indicated, along with the median, and upper and lower quartile. That is, the box comprises the middle 50% of observations. It shows that the amenity word count has a fairly wide spread, with most district plans having between 100 and 150 words, whilst the range of data for the sense of place and the public realm elements is much less distributed.



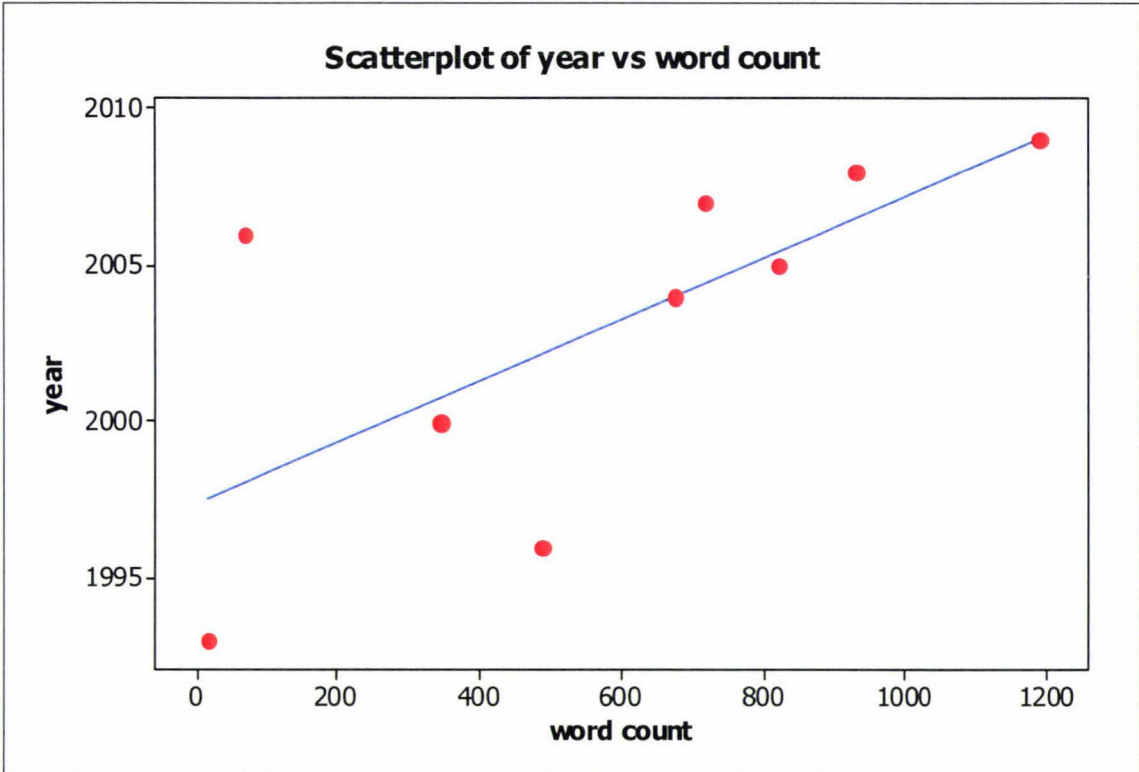
**Figure 4: Percentage of total urban planning words per District Plan**

Figure 4 shows the ranking of each plan in terms of the total number of references it has to each urban element. Each authority is ranked from 1 to 11, where 1 indicates that the authority has the most counts for that urban element and suggests that the authority generally has a high recognition of these elements. A rank of 11 indicates that the authority has the least counts per urban element. This graph shows that the Palmerston North City and Lower Hutt City District Plans generally rank

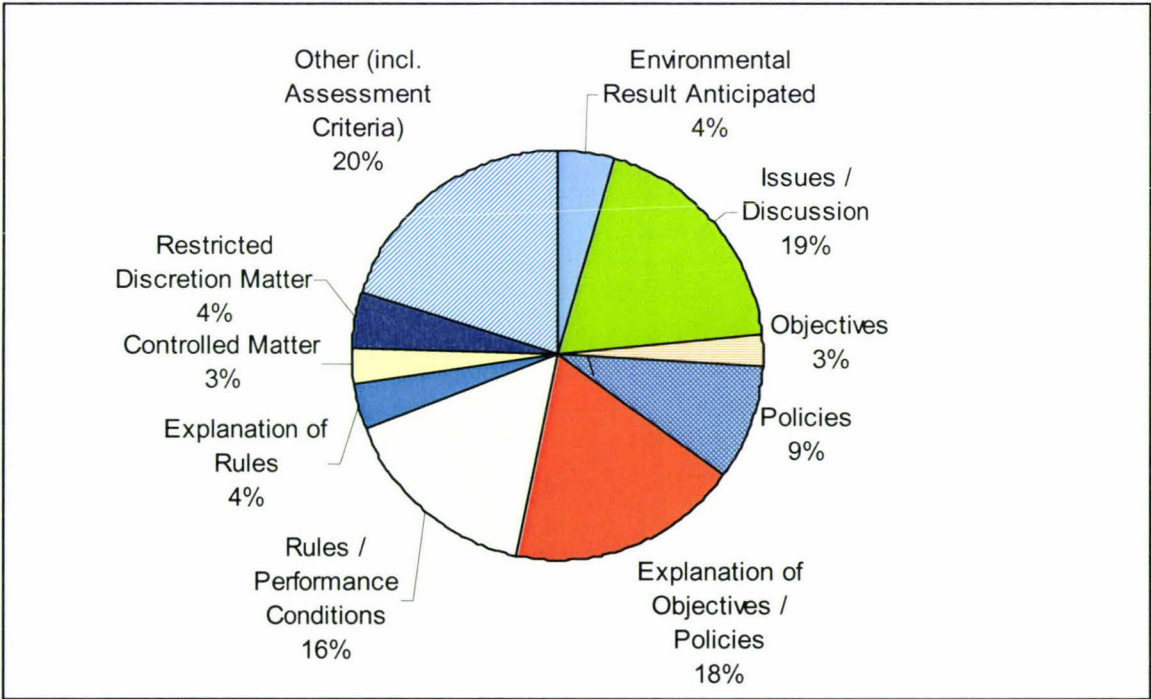
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highly for each of the five elements – indicating that they have the lowest counts. Whangarei District Plan ranks mid to low for each of the urban elements, the New Plymouth and Hamilton District Plans rank mid to high for each of the urban elements, and Rotorua and Tauranga general rank in the middle for each of the urban elements. The Franklin; Rodney, and Hastings District Plans generally have a low rank for each of the five elements – indicating that they have the highest counts. For each of these rankings however it is worth noting that there are some notable exceptions. For example, Hamilton City's Proposed District Plan has the highest count for amenity words, and the second lowest for public realm words.

In looking at the overall frequency of urban element words, it is interesting to look at the dates of when these provisions were included. The date on the footer of the district plan page on which the word was used was taken as the date it was included in the district plan. Where no date information existed the date of adoption of the entire district plan was used. On this basis Figure 5 shows that urban element words are being used more frequently in recently adopted district plan provisions. This is interesting given that although the RMA has gone through a number of amendments since its enactment there have been no substantive changes regarding how it provides for urban areas.



**Figure 5: Total Word Count by date of District Plan Provision**



**Figure 6: Total Word Count by District Plan Provision**

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In considering the overall number of references to each urban element it is useful to look at where, in the district plan provisions, these references are occurring as shown in the Figure 6.

It can be concluded from these results that references to elements of urban planning are located not within the 'power house' of district plans, i.e. the objectives and policies which set the policy direction for the plan and used as part of the consent assessment process. This indicates that the relevance of their inclusion is somewhat limited.

The data presented in Figure 6 is further broken down in a frequency table (Table 6), which shows that almost all the district plans had less than five references to sense of place words, density and public realm words in all district plan provisions. In contrast, the amenity word counts by district plan provision varied.

The frequency analysis answers the first question that this thesis seeks to determine. It shows that District Plans are providing for the five urban planning elements under consideration to a greater or lesser extent. It also begins to look at how these urban elements are being provided for, but in order to answer this fully a more in-depth analysis of each element is required.

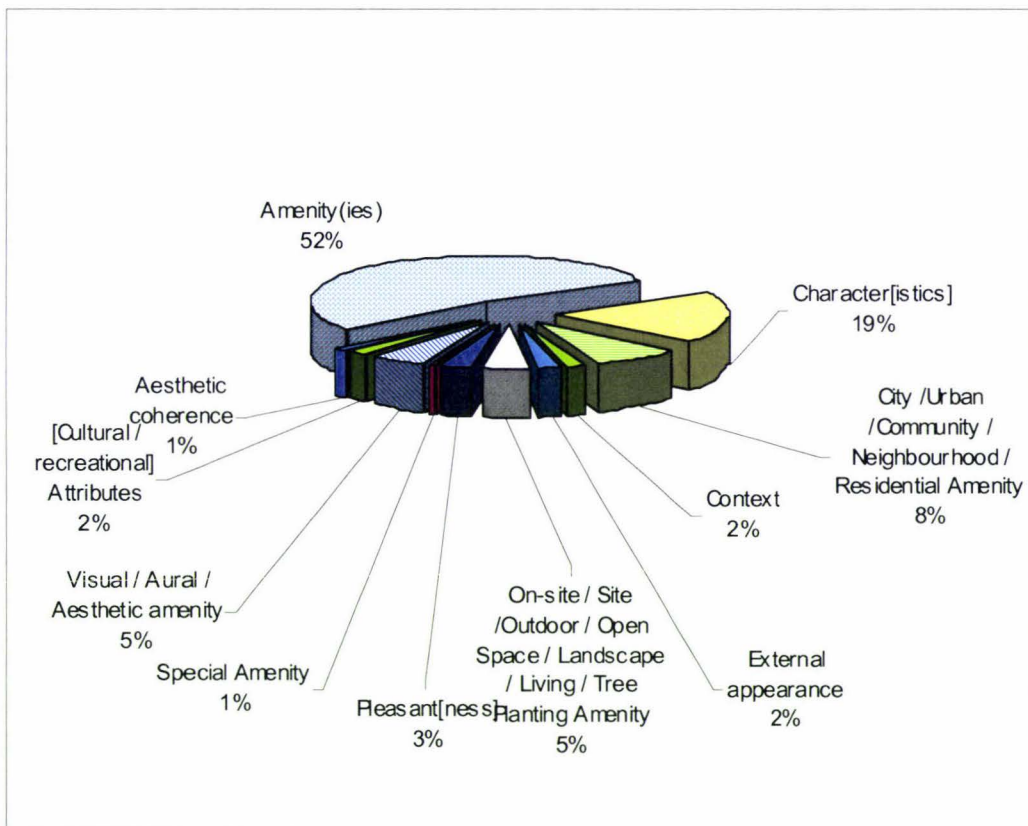
**Table 6: Urban Element Word Count by District Plan Provision: Frequency Table**

	Count of references to urban element words	Environmental Result Anticipated	Issues / Discussion	Objectives	Policies	Explanation of Objectives / Policies	Rules / Performance Conditions	Explanation of Rules	Controlled Matter	Restricted Discretion Matter	Other (incl. Assessment Criteria)
<b>Amenity</b>	<b>&lt;5</b>	5	0	7	2	0	5	6	9	7	4
	<b>6-15</b>	5	2	3	6	4	3	4	2	4	1
	<b>16-30</b>	1	4	1	3	2	3	1	0	0	3
	<b>&gt;31</b>	0	5	0	0	5	0	0	0	0	3
<b>Density</b>	<b>&lt;5</b>	11	7	11	9	4	4	11	11	10	5
	<b>6-15</b>	0	4	0	1	6	3	0	0	1	3
	<b>16-30</b>	0	0	0	1	1	4	0	0	0	2
	<b>&gt;31</b>	0	0	0	0	0	0	0	0	0	1
<b>Morphology</b>	<b>&lt;5</b>	10	4	11	9	6	1	8	8	9	3
	<b>6-15</b>	1	6	0	1	4	4	3	2	1	4
	<b>16-30</b>	0	1	0	1	1	4	0	1	1	1
	<b>&gt;31</b>	0	0	0	0	0	2	0	0	0	3
<b>Public Realm</b>	<b>&lt;5</b>	10	11	11	11	11	10	11	11	11	9
	<b>6-15</b>	1	0	0	0	0	1	0	0	0	2
	<b>16-30</b>	0	0	0	0	0	0	0	0	0	0
	<b>&gt;31</b>	0	0	0	0	0	0	0	0	0	0
<b>Sense of Place</b>	<b>&lt;5</b>	11	10	11	10	8	11	11	11	11	10
	<b>6-15</b>	0	1	0	1	3	0	0	0	0	1
	<b>16-30</b>	0	0	0	0	0	0	0	0	0	0
	<b>&gt;31</b>	0	0	0	0	0	0	0	0	0	0

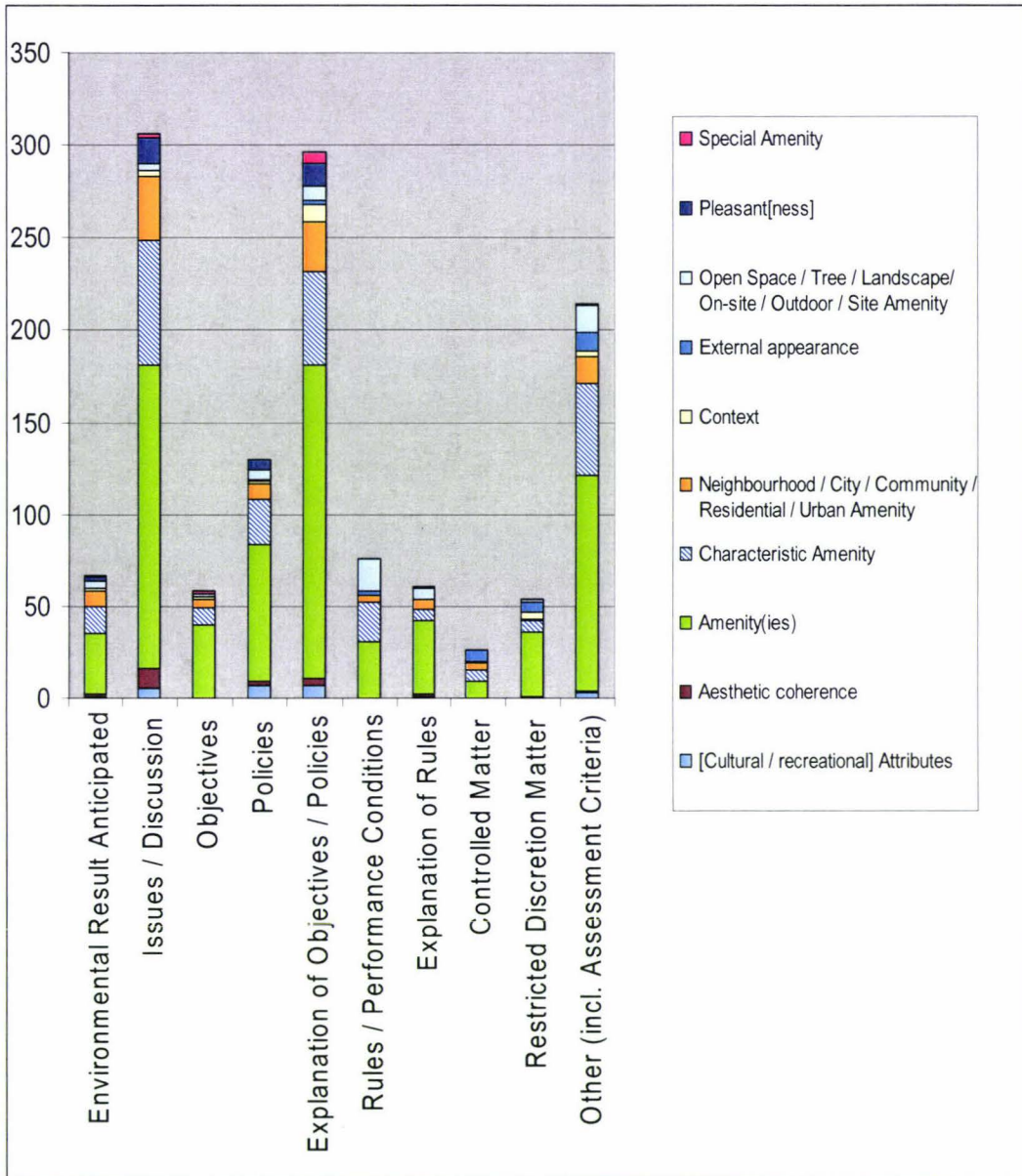
### 7.1.1 Amenity

Of all the amenity words used in district plans the word 'amenity' or 'amenities' was most common, accounting for 52% of the total word count for this element (refer Figure 7).

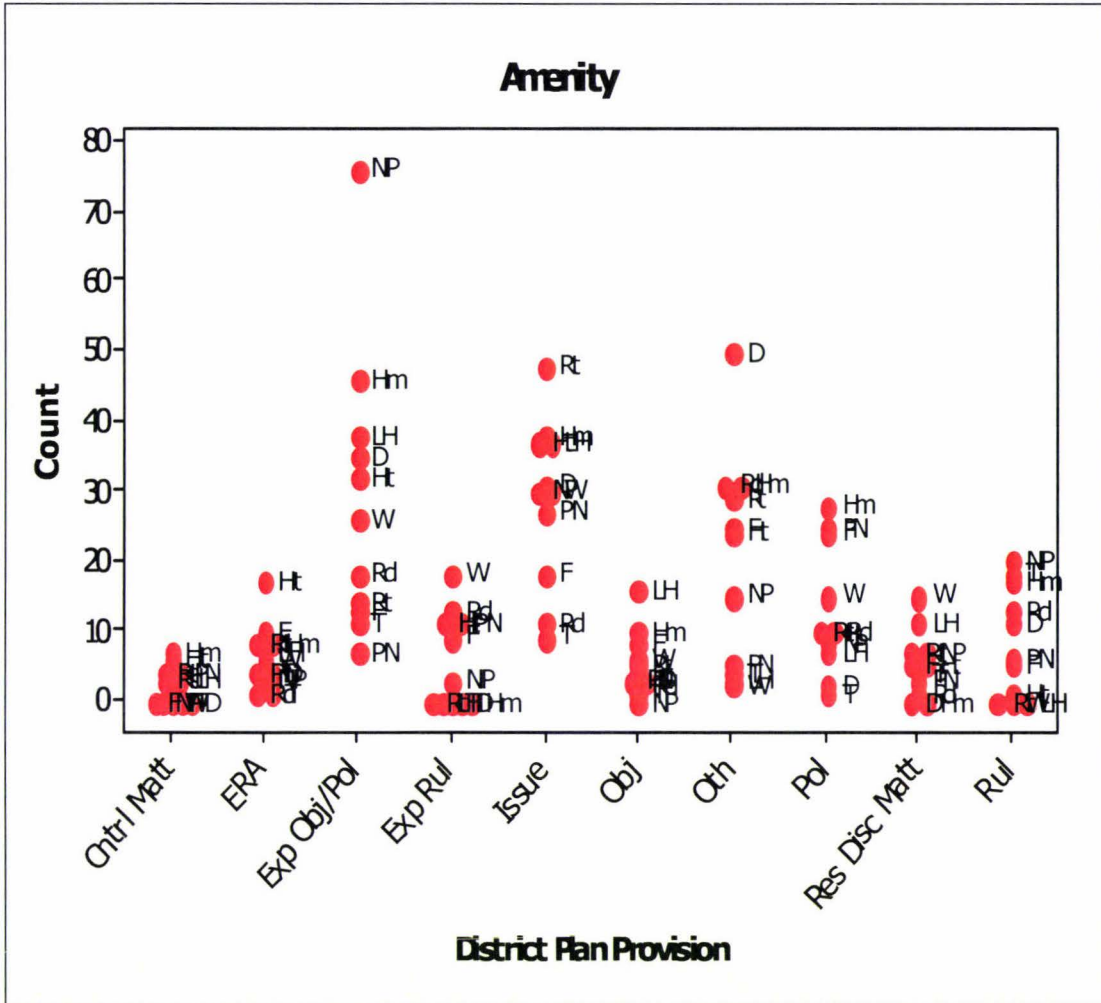
Character[istics] was the second most commonly used word accounting for 19% of the total count for this element, with all the other amenity words contributing between 1% and 8% (Figure 7).



**Figure 7: Amenity – Word Count (%)**



**Figure 8: Amenity Word Count by District Plan Provision**



**Key:**

- |                            |                            |                      |
|----------------------------|----------------------------|----------------------|
| F – Franklin District      | Wh – Whangarei District    | LH – Lower Hutt City |
| Rt – Rotorua District      | PN – Palmerston North City | T – Tauranga City    |
| NP – New Plymouth District | Rd – Rodney District       | D – Dunedin City     |
| Ht – Hastings District     |                            | Hm – Hamilton City   |

**Figure 9: Individual Value Plot - Amenity**

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Figure 8 shows the count for each amenity word by district plan provision. This graph indicates that the explanations in district plans contain the words searched for, whereas the objectives only referred to four amenity words: amenity[ies], Characteristics, Aesthetic coherence and attributes.

In terms of how district plans included references to amenity, Figure 9 is a dot plot showing the total counts of amenity words by local authority. It shows that Hutt City, Hamilton and Franklin District Plans all had high counts of amenity words in their objectives; Hamilton, Palmerston North and Franklin district plans all had a high count of amenity words in policies; and New Plymouth, Hamilton, Rodney and Dunedin all had high counts of amenity words in their rules.

Examining how the term 'amenity[ies]' was used in objectives revealed several themes. The first theme is that objectives seek to *safeguard or protect* residential amenity values while providing for urban growth, while enabling diversity of living environments, and from adverse effects of non-residential activities. This sort of objective assumes that the current amenity values are worth protecting, and as such would benefit from clear details as to what those values are comprised of – yet this did not appear to be the case.

A second theme is to *maintain or enhance* residential amenities, predominantly through ensuring on-site amenity, essentially mimicking what is in the RMA. This suggests that for first generation district plans local authorities may have taken a safe approach regarding amenity provisions, reflecting the lack of guidance/clarity in the RMA regarding urban planning and the degree to which it could be provided for in District Plans. Locality specific details would render such objective more effective, and is an example of how the RMA can enable communities to develop uniquely through local place-based solutions. FDP exemplifies this through its objective '*to enhance residential amenity in consultation with affected communities*'.

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The third theme relates to the need to provide for activities such as the road transport and higher density living without causing *adverse effects on amenity*. This theme indicates a slight hint of anti-density bias.

Many of the district plan policies also contained generic references to the word 'amenity', and tended to relate to:

- *Site Development*, for example:
  - *'ensure that the size and scale of buildings and structures are compatible with the character and amenity of the residential area'* (Hamilton City Proposed District Plan; Policy 5.1.2(a)); or
  - *'maintain and enhance a high standard of amenity in the built environment while encouraging development innovation and building variety'* (Hastings District Plan, Policy RZP7).
- *Non-residential activities*, for example:
  - *'avoid the establishment of activities which generate high volumes of traffic, pedestrian movements, noise and that create significant adverse effects on the overall amenity values of the residential environment'* (Hamilton City Proposed District Plan; Policy 5.1.3(e));
  - *'to minimise the use of the residential environment for commercial activities'* (PNCC, Policy 4.1).
- *Higher densities*, for example:
  - *'ensure that multi-storey apartment buildings are designed with residential features such as balconies and on-site amenities to ensure high levels of residential amenity are maintained'* (Hamilton City Proposed District Plan; Policy 5.1.3(i));, or

- 
- 'encourage flexibility in density, building form and site development where the development is designed with regard to the character of the area and presents a high standard of amenity for residents and neighbours' (Hamilton City Proposed District Plan; Policy 5.1.1(b)); or
  - 'manage the scale and intensity of consolidation and infill development to avoid adverse effects on neighbourhood amenity, environmental quality, community health and safety (Hastings District Plan, Policy RZP3).

There is a tendency within the policies, as with objectives, for low density residential developments to be associated with higher amenity.

It is interesting to note that many objectives and policies refer to both amenity and character; despite the latter being almost a subset of amenity under the RMA definition of amenity values i.e. *'those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes'*. What follows is an exploration of the use of the words 'character, pleasantness, aesthetic coherence, and attributes given their inclusion in this definition. The use of other words contributing to the amenity element have not been examined in detail given their limited count.

Figure 8 shows that the word 'character' is used across all the district plan provisions, and Figure 10 shows that it is a relatively common term within all the plans. Character is defined in the Dunedin District Plan as meaning the combination of traits and qualities, including buildings, the spaces between buildings, structures, trees, landforms and other elements of the natural topography, which makes one place distinct from another. It is not too dissimilar from the definition of amenity, although this definition perhaps recognises more overtly those elements that contribute to sense of place, or which avoid an area being placeless. Its reference to the space between buildings is interesting in light of Punter

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and Carmona's work, who highlight the importance of a policy on urban grain (a morphology word) in order to *'ensure that the scale of development and the relationship between building and space are appropriate to the locality'* (1997; 165).

'Character' is an important amenity word – and as noted above accounts for 19% of amenity words. There are not many references to 'character' in the objectives, but where it is used it is in a general way, for example to allow selected settlements to expand in a way which has particular regard for the character of the area and local wishes concerning development patterns and urban design (Franklin District Plan, Objective 19.2.2). Policies are similarly worded, such that they provide for residential activities as appropriate to the character, attributes and resource constraints of the locality (Franklin District Plan, Objective 19.3.1, Policy 1) – yet what are those traits and qualities that make up its character? It would appear the often the only distinction that district plans make regarding the character of an environment is between urban and rural character.

'Character' is referred to often in the explanation of the policies and rules relating to bulk and location for buildings in Residential Zones. Common generalised statements include:

- ❑ Setbacks – the space between and around buildings sets their character.
- ❑ Height – the height of buildings is a major determinant of the character of the residential environment. (NB: In FDP the explanatory notes states that three storey buildings will usually appear out of character. Although it also notes that a relaxation of the height standard may be justifiable in certain circumstances).
- ❑ Front yard – these are generally to create a visual break between buildings and the edge of the road which is characteristic of residential areas.

- Height in relation to boundary – this standard maintains the character of residential streets by ensuring that the building's bulk does not visually impose on the streetscape.
- Site coverage – these are generally intended to maintain an open character in residential areas, although in a few instances they relate the environmental effects of storm water runoff.

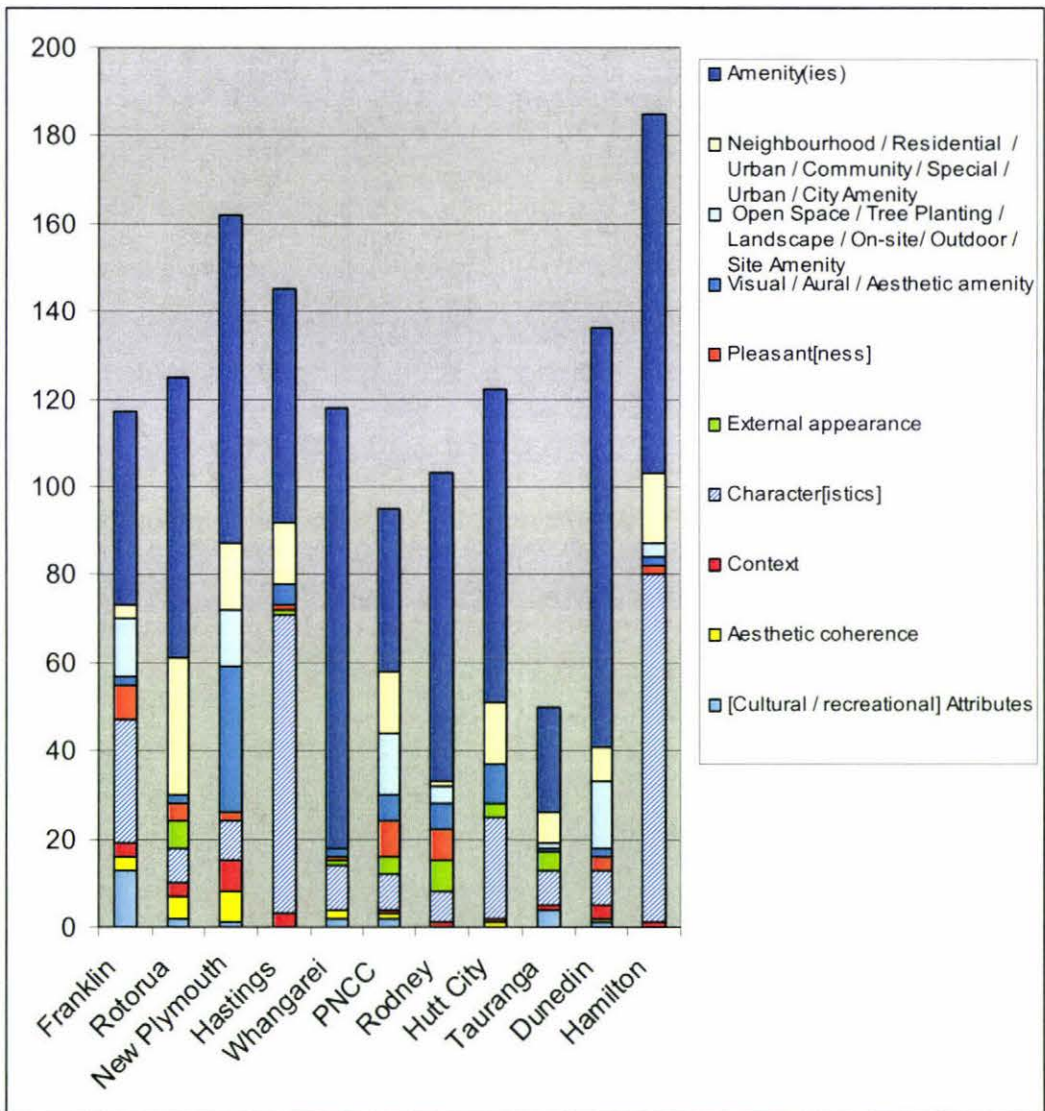


Figure 10: Amenity – Word Count by District Plan

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Unsurprisingly these references to 'character' primarily relate to low density suburban type development, and suggest a lack of consideration about the benefits of higher densities, e.g. diversity and vitality.

Figure 10 shows that there are relatively few instances of terms such as aesthetic coherence within any district plan provisions, which is somewhat surprising given its direct reference within the definition of amenity values in the RMA. Dunedin District Plan refers to the loss of buildings, sites and precincts with heritage, townscape and amenity values leading to a loss of aesthetic coherence within a residential community in its residential issues section. FDP refers to aesthetic coherence in Policy 17, which refers to Council using enforcement and abatement notices to deal with any activity which threatens to harm the aesthetic coherence of residential areas. Franklin District Plan also refers, in its explanation of its setback from water rule, that although a building set back cannot take the place of good design it can minimise the likelihood that a structure will interfere with the aesthetic coherence and natural functioning of the interface. This concept of interface is perhaps less about amenity and more about providing for the public realm, or sense of place.

'Pleasantness' is also a word used within the definition of amenity values as contained in the RMA, and again many references are direct quotes from the RMA relating to the definition of amenity values, but some plans have attempted to address 'pleasantness' as a concept. District Plans appear to suggest that pleasantness, in a residential environment, stems from the predominance of low density residential activity. For example, pleasantness in Palmerston North's residential zones is considered to stem from the dominance of dwellings, and as such it is Council's objective to reinforce the predominant character of the Residential Zone. In order to achieve this objective it is Council's policy to minimise the use of the residential environment for commercial activities, and to avoid the establishment of activities which do not maintain the overall amenity and ambience of the residential environment. Yet this fails to recognize the

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diversity and vitality that can be achieved through mixed use. This failure is a particular issue in districts where there is only a single residential zone, as it fails to provide for any differentiation between residential environments.

Pleasantness also seems to rely on front yards. It is Franklin District Council policy that new building work within the front yard and in front of an existing building be consistent with or complementary to the design and appearance of that existing building (Objective 19.3.3; Policy 9). The explanation of this policy states that *'building work in front of or attached to existing structures has the potential to detract from a pleasant streetscape'* (FDP; page 19-22). It notes that consent applications give Council the opportunity to consider the visual impact and discuss ways to avoid or mitigate any adverse effects.

District Plan text also indicates that 'pleasantness' in residential areas can also be adversely affected by non-residential activities. In the Hamilton City Proposed District Plan effects on pleasantness are anticipated from activities such as proposed parking or outdoor storage, and this is a matter against which discretionary activities will be assessed. Also attributed to impacting on the pleasantness of an area is the speed, frequency and noise of vehicles, which Rodney District Council seeks to address through Policy 8.4.4: *'activities in residential areas should be sited, designed and operated to avoid, remedy or mitigate adverse noise and traffic effects on the health, safety and amenity values of people in the area'*.

The use of amenity words is predominantly in non-statutory plan provisions indicating limited usefulness for decision making under the RMA. Additionally their use in objectives and policies is often not specific which would again limit their usefulness. Avoiding adverse effects on the amenity of an area would appear to be a somewhat 'catch-all' type of phrase, used often, but poorly explained in a statutory sense (i.e. through objectives, policies or rules). Instead much of the explanation of what contributes to an area's 'amenity' is contained within

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explanatory text, or within the discussion on issues. For example, Policy RZP7 of the Hastings District Plan seeks to maintain and enhance a high standard of amenity in the built environment while encouraging development innovation and building variety. It is in the explanation to this policy that refers to the District's amenity being dependent upon *'developments capturing the essence of the Hawke's Bay lifestyle. This lifestyle is founded on a free and open transition between indoors and outdoors and a strong relationship between built form and the natural environment'* (Hastings District Plan, 8.0-7). The Hastings District Plan, in relation to their policy seeking to *'minimise the adverse effects of developments in residential areas created by excessive building scale, overshadowing, building bulk, excessive site coverage or invasion of neighbourhood privacy'*, states in the explanation that consultation has confirmed that people's perception of the residential amenity in their neighbourhood is largely dependent upon adequate access to daylight, sunlight, private open space and outlook. Hence the reader can assume that residential dwellings with those attributes contribute to the amenity values of the area. Yet what weight can be given to these non-statutory explanations, and why is it not spelt out in the policies themselves if it is the view of the community?

Similarly in the Dunedin District Plan it is Council's objective to ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied or mitigated (Objective 8.2.1). The explanation of this objective refers to amenity being derived from housing types and urban design, and from access to sunlight, density, adequate parking, privacy, peace and quiet, landscaping and space between buildings, and suggests that it is these values that make residential areas pleasant within which to live. It refers to the maintenance of these values as being essential to sustain the efficient use of the housing resource and to contribute to the health, safety and wellbeing of the residents. Yet does it? Can higher density residential areas not also be pleasant to live in, albeit for perhaps different reasons? These types of provisions are no doubt borne out of our 'garden city'

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roots, and going forward into the 21<sup>st</sup> century perhaps such sweeping generalisations about residential environments will become fewer, or at least aligned to specific areas rather than across the board.

It is interesting to note that Hutt City (Lower Hutt) has a high amenity word count in its district plan objectives, but does not have a high count in its policies (refer figure 9). Possibly its high amenity word count in objectives is reflective of the fact that it has five residential zones and each zone has two or more objectives seeking to:

- to maintain and enhance the amenity values and residential character of the zone; and/or
- ensure opportunities are available for higher density residential development around some commercial centres, along major transport routes and where amenity values will not be adversely effected; and/or
- avoid, remedy or mitigate the potential effects of home occupations on the residential character and amenity of the zone; and/or
- avoid, remedy or mitigate the potential effects of non-residential activities on the amenity of the zone; and/or
- maintain and enhance residential characteristics and special amenity values (in relating to site development issues).

More interesting however, is that fact that following on from these objectives, the policies contain relatively low amenity word counts. On examination it would appear that the policies attempt to be more specific about what those elements or values are that contribute to the zone's amenity. For example, in Lower Hutt's Special Residential Activity Area Policy 4B1.1.1(a) seeks to maintain and enhance the distinctive characteristics and special amenity values within this zone, and it describes *within the policy* that those characteristics include low density

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residential dwellings and a predominance of mature vegetation, as well as describing *within the policy* where those areas are.

For this element of urban planning to be comprehensively planned, it is appropriate under the RMA to be specific about those physical qualities and characteristics which are sought to be protected, as Hutt City has done. This will be a challenge for those local authorities who rely on a single residential zone as it is unlikely that specific descriptions of what constitutes amenity can be given. For example the FDP has single set of rules for all residential activity and this is justified through the statement: *'there is not considered to be any residential area of such character or distinctiveness that the Plan should have a special Zone or set of controls applying to only that area'* (FDP, 2000; p18-3). Yet this 'one-size-fits-all' type policy cannot be considered anticipatory as it fails to recognise a future where there may be residential areas with a distinct amenity values. It could be interpreted to mean that the status quo is the ideal. However, to be fair to FDP, it does note in the introductory section that where a community wants a particular character to be preserved a local plan may need to be prepared. Unfortunately this reference is not echoed elsewhere in the Plan, and the District Plan is not clear on what a local plan is, or who would prepare it, it is a little unclear as to how character areas can be identified and protected. Again, to be fair to Franklin District, for new growth areas it is noted that they are taking a forward looking perspective using structure planning as a tool for guiding development, which require consideration of infrastructural matters as well as design matters.

It is interesting to note that of the eleven sample district plans, two had chapters specifically addressing amenity – Whangarei and Tauranga. One could expect high amenity word counts as a result of this – but Figure 9 shows that this is not the case. Their relatively low amenity word counts could be because they are not using the general amenity words searched through this research but rather that they are being more specific. Although the effectiveness of this approach has not been

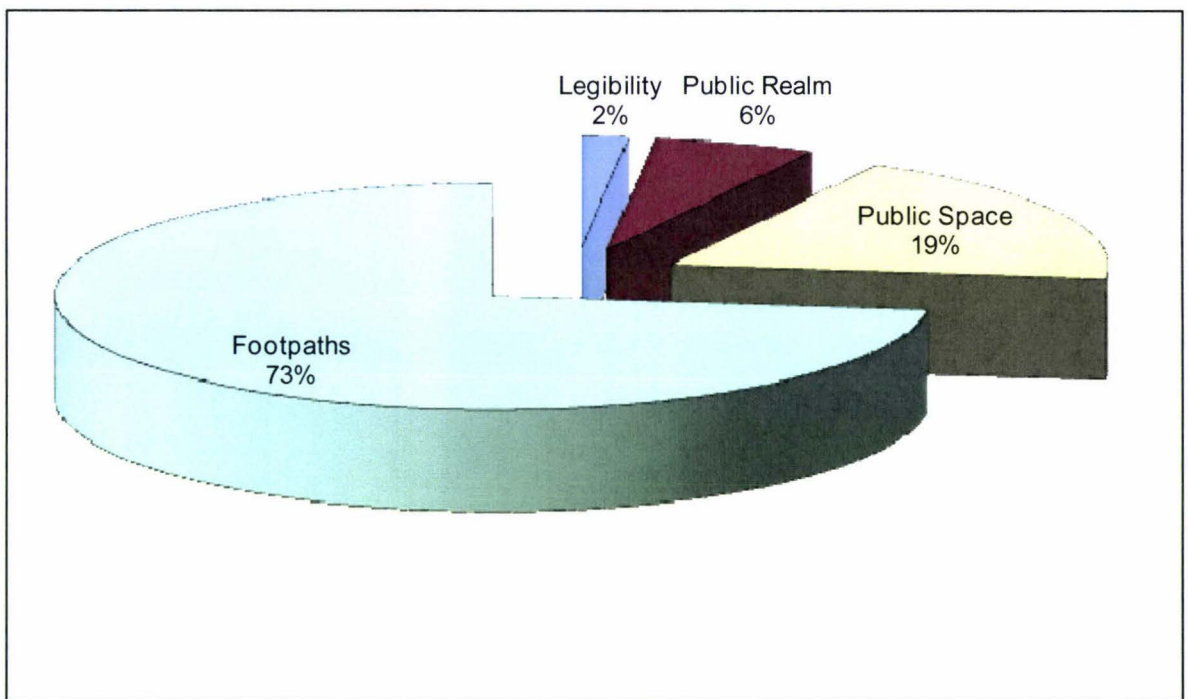
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assessed through this research, recognition of this urban element in this way should potentially be applauded as a means of focussing attention on this urban issue and could be a way of addressing all the urban elements.

### 7.1.2 The Public Realm

Despite the call for a renaissance of the public realm this is an element not often referred to in district plans. Of all the public realm words, footpaths was the most common, followed by public space, then public realm, and then legibility (refer Figure 11).



**Figure 11: Public Realm – Word Count (%)**

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Footpaths were referred to mostly in the sense of their provision and design, and in terms of the potential effects on pedestrians of vehicles crossing footpaths. There was little reference to their role, along with their users, in the 'drama of civilisation' to which Jacobs (1961) refers, although one of the best provisions relating to this role is contained within the Dunedin District Plan which includes a policy to:

*Provide for activities on roads and footpaths where this:*

*(a) Is compatible with the function of the road.*

*(b) Is safe for road users and pedestrians.*

*(c) Has no more than minor adverse effects.*

(Policy 20.3.3).

The explanation of this policy states that roads are an important public space, with a number of social and economic activities being undertaken in areas not necessary for use by vehicles, for example market days, sandwich board signage and pavement cafe dining areas, and this explanation alludes to the drama of civilisation to which Jacobs (1961) refers. This is echoed in Rule 54.10.7 of the FDP which states that all residential subdivision within the Pukekohe North Structure Plan Area (excluding the Park Frontage Housing Area) shall, amongst other things have boundary fences and hedges not exceeding one metre in height and vegetation shall not impede the ability for passive surveillance where boundaries abut public spaces.

In terms of where the public realm words were located in district plan provisions they were predominantly in rules and performance conditions (refer Figure 12), and again these related mostly to design aspects of footpaths. Figure 13 shows that more than half of the district plans had zero counts of public realm words in all provisions, and the outlying 'dots' are again explained, in conjunction with Figure 14 as being a result of a number of references to footpaths. Figure 13 shows that there were no

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public realm words in district plan objectives; indicating it is an element not well provided for in the district plan power house.

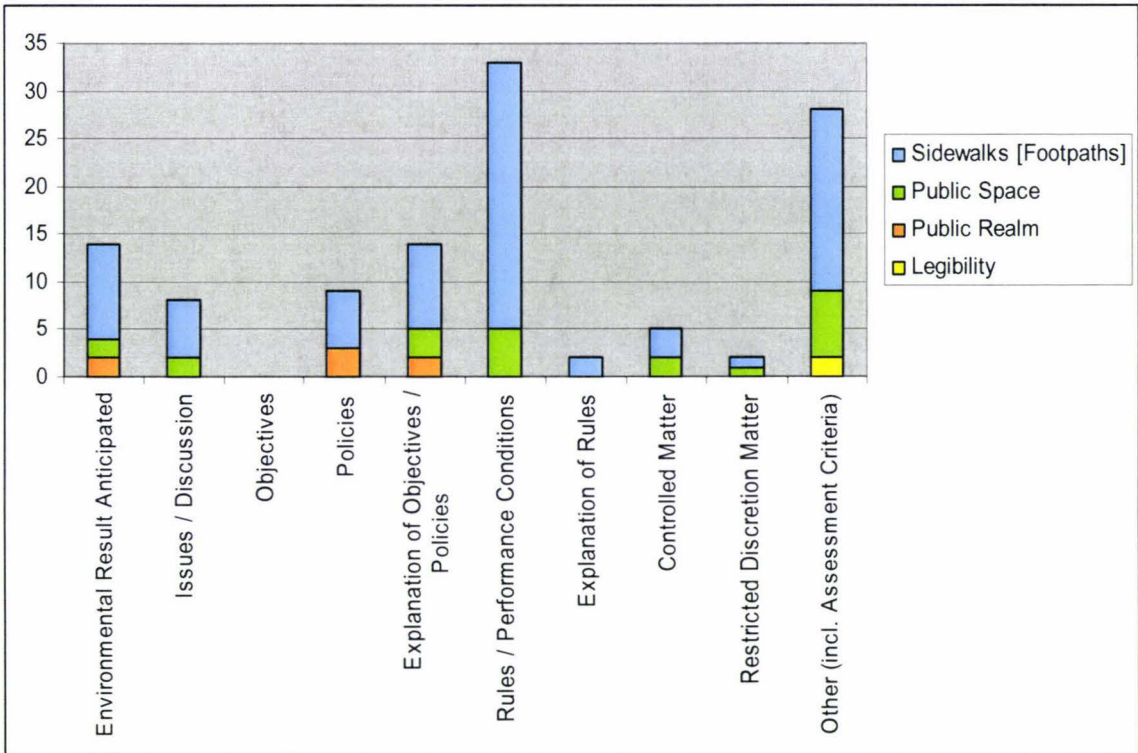
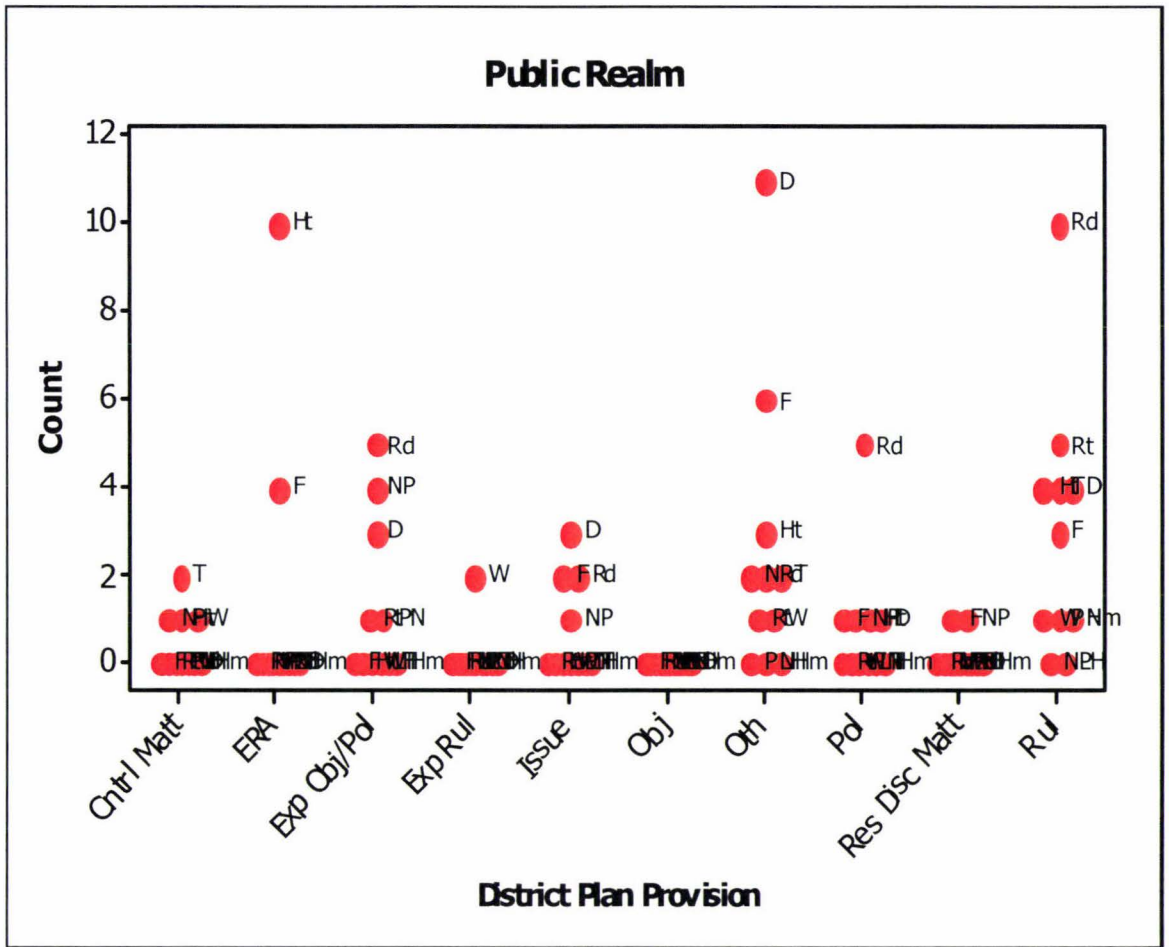


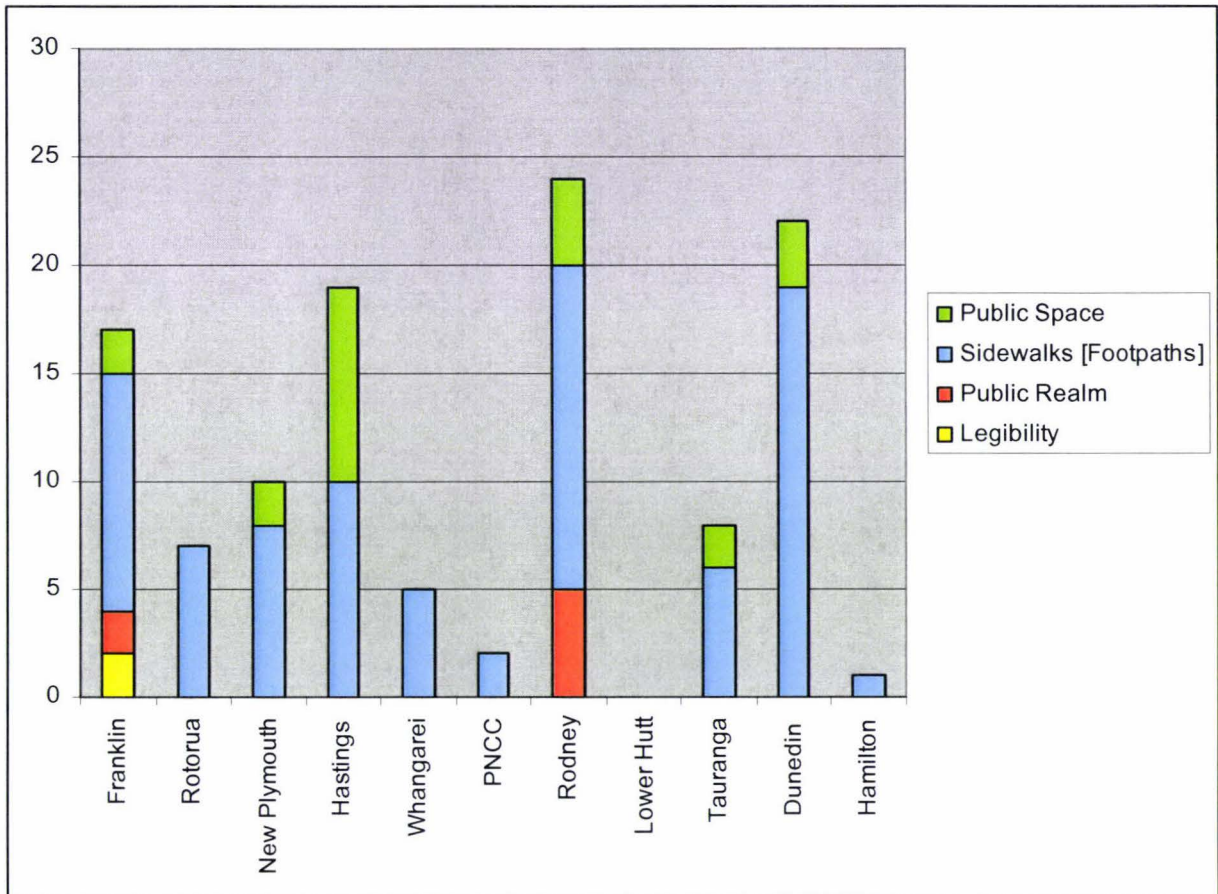
Figure 12: Public Realm Word Counts by District Plan Provision



**Key:**

- |                            |                            |                      |
|----------------------------|----------------------------|----------------------|
| F – Franklin District      | Wh – Whangarei District    | LH – Lower Hutt City |
| Rt – Rotorua District      | PN – Palmerston North City | T – Tauranga City    |
| NP – New Plymouth District | Rd – Rodney District       | D – Dunedin City     |
| Ht – Hastings District     |                            | Hm – Hamilton City   |

**Figure 13: Public Realm – Individual Value Plot**



**Figure 14: Public Realm – Word Count by District Plan**

The only district plans with specific references to the term ‘Public Realm’ were Franklin and Rodney District Plans.

Rodney District’s Proposed District Plan stands out as being exemplary in terms of its references to the public realm, and in particular through references to this element in its policies, which show the interrelationships between this element and the other elements. For example Policy 8.4.7 (Rodney District Proposed District Plan) refers to the use and enhancement of the street, streetscape or other open space environment as an outlook and pleasant public realm area as a means of mitigating the adverse effects of intensification, and to create high amenity values. Also, policy 8.4.13 refers to the form and layout of roads, walkways, cycle paths and parks/open space in promoting a safe

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and secure residential. The explanation of this policy notes that high amenity values can only be attributed to an area if it is safe and secure, not only in terms of traffic safety, but that the design and layout of the neighbourhood allows adequate surveillance of public spaces, that there is adequate street lighting, and that situations are not created where people may become unsafe in the public realm, for example, the provision of narrow or blind pedestrian walkways. This again alludes to the drama of civilisation to which Jacobs (1961) refers, and the importance of the public realm as the key to good urbanism (Murrain, in Moor and Rowland, 2006), and shows a comprehensive approach to the concept.

An example of an attempt to achieve the renaissance of the public realm is evidenced in Rodney District Council's policy to ensure that that Greenfield subdivision be designed to achieve high levels of vehicular and pedestrian connection and to enable the creation of pleasant, attractive and safe areas of public realm, amongst other things. This plan also refers in its policies to the need for an urban environment of high visual quality, and in particular managing the visual integration of buildings and structures in a way that enhances the adjoining Mahurangi River. In the explanation of this policy it recognises that design and landscaping of buildings, roading, and carparking on the site are critical in achieving a positive relationship with the Mahurangi River, and the associated public realm, in the longer term. This is evidence of what Tibbalds (2000) suggests is the first priority in achieving the renaissance of the public realm, that is to identify what is appropriate in the context of the particular area, and then to agree to these buildings development and circulation systems.

Another reference to 'public realm' in the Rodney District's Proposed District Plan is its policy requiring high intensity residential environments to consider the use and enhancement of the street, streetscape, or other permanent open spaces (not other people's backyards) as outlook areas

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and pleasant public realm in order to create high amenity values (Policy 8.4.7).

The FDP, through its structure plans, also refers to the importance of the public realm. For example as a result of its objectives and policies for the Pukekohe North Structure Plan area and the general residential zone it anticipates the following environmental results:

- Development that addresses and engages the street and public realm through quality urban design at the interface.
- Residential development that addresses and engages the street and public realm through quality urban design at the interface, and building in close proximity to site frontages.

'Public space', is considered to some extent within most of the district plans. It is considered in terms of the effects of activities on open space (such as signs and buildings causing a wind effect) as in the Tauranga District Plan, or in terms of its importance for recreation, conservation, or pedestrian/cycle access activities, such as in New Plymouth. Public space is also recognised in district plans as an important part of the public realm. In Rodney District's Proposed District Plan using public space (including the amenity value of the street and other open spaces) to mitigate the adverse effects of higher intensity development on residential sites was Council policy (Policy 8.4.3). The FDP was the only plan that referred explicitly to legibility, in relation to the street network. This was also within the provisions for the Pukekohe North Structure Plan Area, whereby the logical street patterns contributing to the legibility of the area was listed as a Subdivision Design Criteria. Overall, for an element of urban element described as the glue binding the individual components of urbanism (Murrain, in Moor and Rowland, 2006), there are few references to the public realm.

These results indicate that although there is a remit for urban planning under the RMA, the district plans are failing to provide for a 'coherent, legible and connected public realm' as Murrain suggests in Moor &

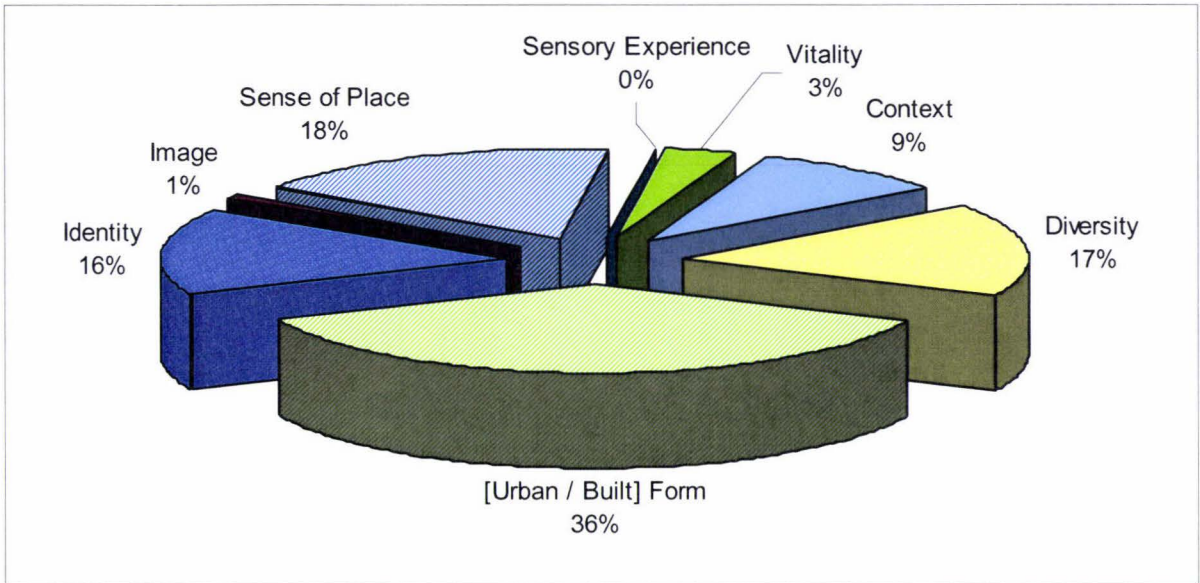
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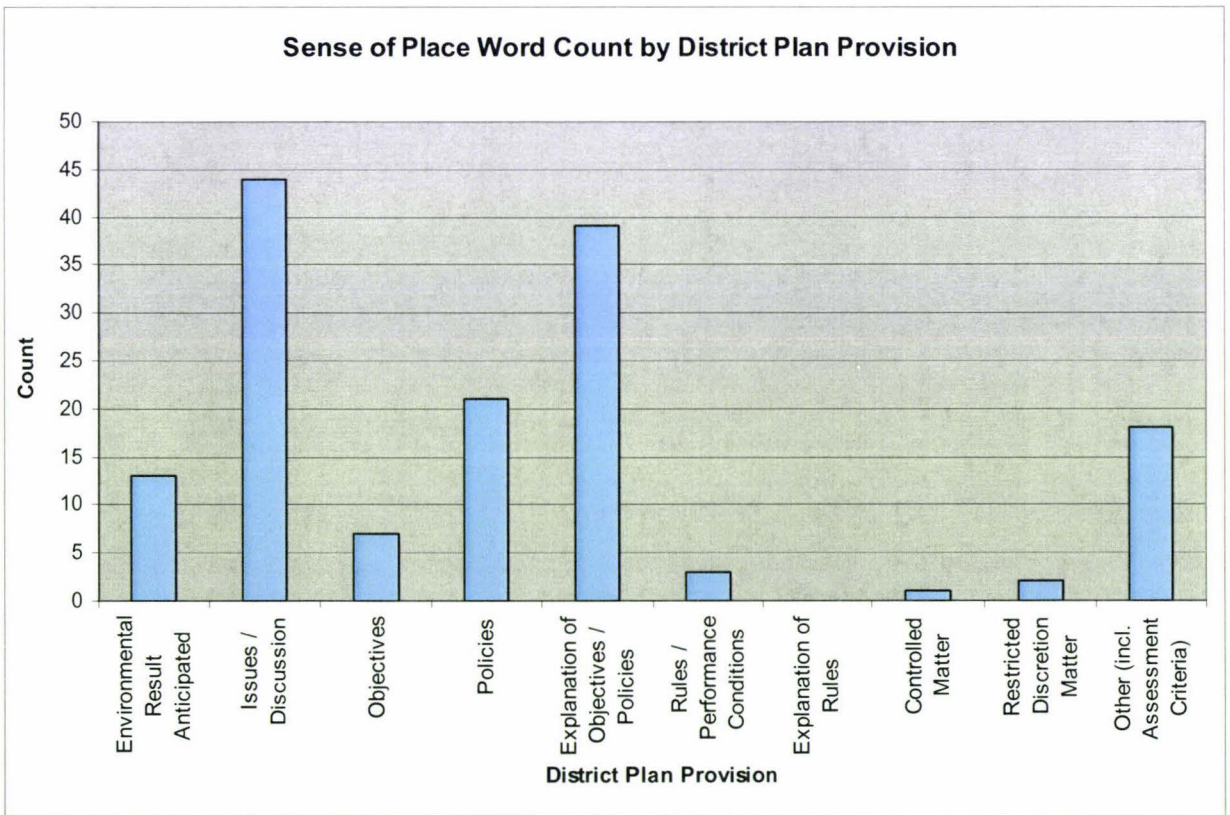
Rowland, 2006; 49). These results also indicated that improving the design and maintenance of the public realm is not yet a fundamental objective of the New Zealand planning system, and there is scope to increase references to this element so that in the future *'planning permission... should never be granted unless the proposed development clearly enhances the public realm and provides, where appropriate, facilities and amenities for pedestrians at street level'* (Tibbalds, 2000; p6). It would appear that there is a growing awareness of this element, as the references to it are generally in those district plan provisions prepared more recently.

### **7.1.3 Sense of Place**

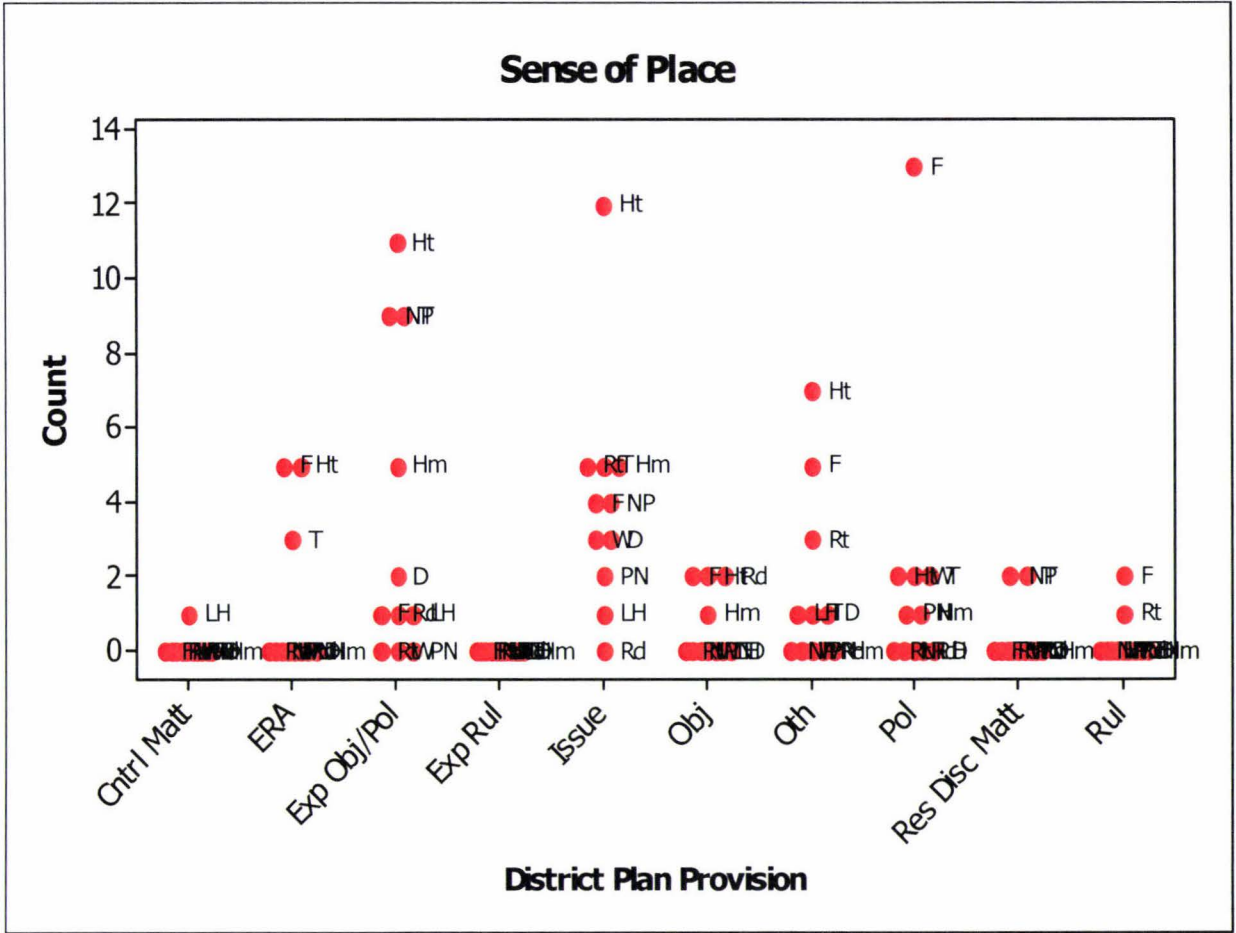
Montgomery (1988) refers to the growing number of developments that fail to achieve a sense of place, and the results suggest that this is an element not considered to a great extent in district plans. Of the sense of place words analysed, form is most commonly used, accounting for 36% of the total count (Figure 15). 'Sense of place' is the second most commonly used term (18%), closely followed by diversity (17%) and identity (16%). As with the other urban elements, references to these words are most commonly found in the non-mandatory district plan provisions (refer Figure 16). However, there are some references to sense of place words in the power house parts of district plans, and these instances are the focus of the following discussion.



**Figure 15: Sense of Place – Word Count (%)**



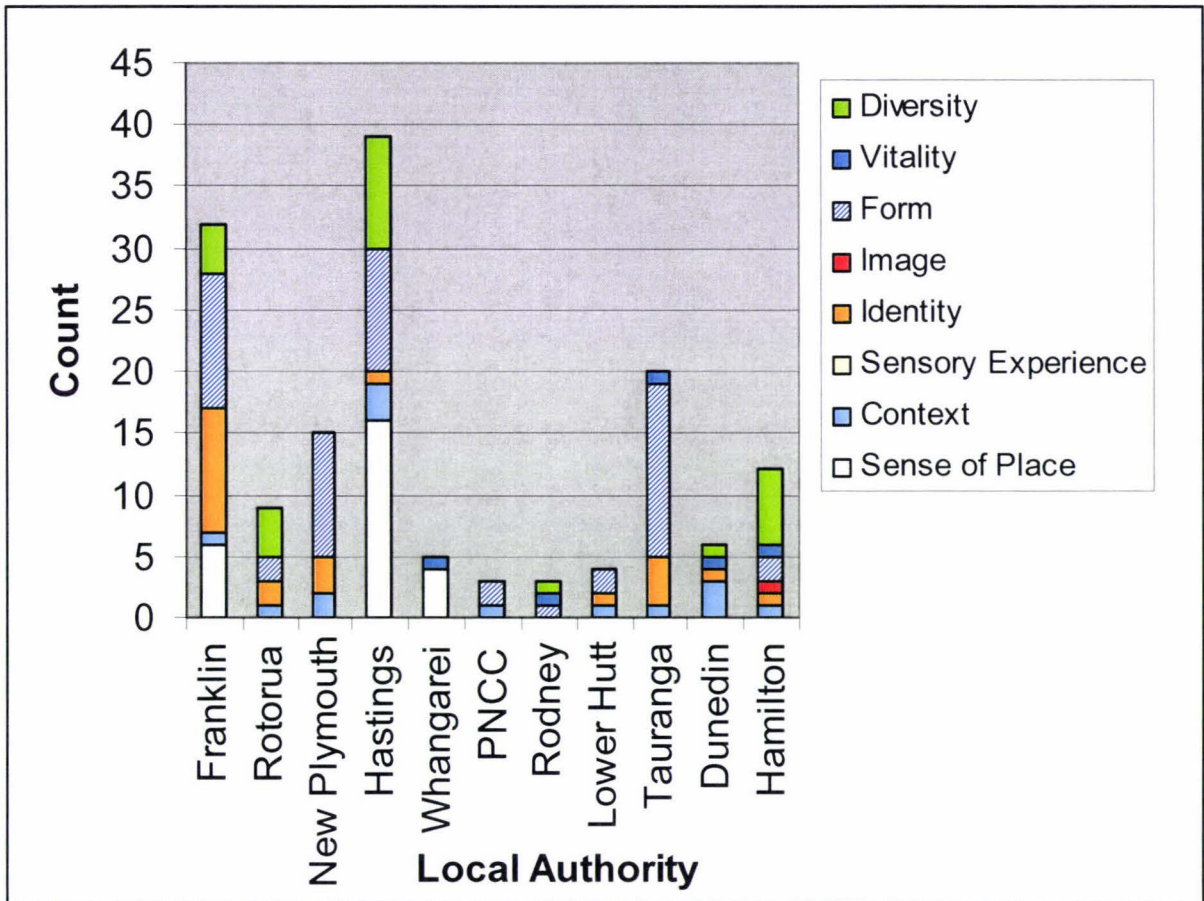
**Figure 16: Sense of Place – Word Count by District Plan Provision**



**Key:**

F – Franklin District	Wh – Whangarei District	LH – Lower Hutt City
Rt – Rotorua District	PN – Palmerston North City	T – Tauranga City
NP – New Plymouth District	Rd – Rodney District	D – Dunedin City
Ht – Hastings District		Hm – Hamilton City

**Figure 17: Sense of Place – Individual Value Plot**



**Figure 18: Sense of Place – Word Count by District Plan**

Figure 17 shows that Hastings, Franklin and Rodney District Plans have the highest counts of sense of place words in their objectives. Examples include:

- To recognise and promote the special urban character of the major settlements and the unique *sense of place* existing in the plains and coastal settlements (Hastings District Plan).
- To enable residential living at higher intensities in defined locations particularly around town centres where intensification can contribute to the *vitality* of the town centres (Rodney Proposed District Plan).

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The Hastings District Plan also has a high sense of word count in its policies, as do Tauranga and Whangarei District Plans. Such policies include:

- to ensure subdivision and development is designed and located so as to avoid, remedy or mitigate adverse effects on, and where appropriate, enhance sense of place (amongst other things) (Whangarei District Plan);
- to identify and protect resources and areas of high amenity value, environmental quality and heritage value that contribute to a diverse sense of place (including notable view shafts, notable trees, heritage buildings, areas of wilderness and sites and resources) (Whangarei District Plan);
- Maintain and enhance the special amenity, lifestyle, landscape and heritage character of the District's residential areas including sense of place and special lifestyle opportunities of the coastal settlements (Hastings District Plan).

Hastings and FDPs stand out as exemplary in terms of their references to sense of place words (Figure 18). Hastings District Plan acknowledges in its introductory section that the Marae based communities of Bridge Pa, Omahu and Paki Paki have a special character and a sense of place. This reference is supported through subsequent policies. Whangarei District Plan defines sense of place as being the feeling of attachment and belonging to a particular place or environment and is a balance of both the 'landscape' itself and the values that the community vests in these landscapes, yet does not follow through with many references to sense of place words in its provisions.

It is interesting to note the attitude of Hastings District Plan to urban intensification, in that it recognizes the positive contributions intensification can make in terms of amenity, diversity and sense of place – albeit with the proviso 'if managed carefully'. This is in contrast

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to many of the amenity provisions, as noted earlier, which appear to equate intensification with lowering amenity values.

In considering these results and the extent to which the sense of place element is provided for in district plans it is acknowledged that successful places rely on three things – physical space, sensory experiences and activity (Montgomery, 1988). It could be assumed on this basis that references to sense of place words are not as necessary as references to the other amenity words to achieve a sense of place. On this basis, those local authorities who rank highly across the board are more likely to have a greater sense of place. Referring back to Figure 4 this is likely to be particularly so for Dunedin who ranks in the top two for all elements except sense of place.

#### **7.1.4 Density**

Figure 19 shows that 'density' is the most commonly used word for this element, accounting for 52% of the total count, with privacy the second most common (19%). Figure 20 shows that the highest count of density words are in rules and performance conditions, and the lowest in objectives (2%). Several key themes within objectives existing, including the need to provide for higher density residential developments in locations close to the central city, suburban centres, tertiary education facilities, hospitals, along major transport routes, and where amenity values will not be affected adversely. One of the few references to 'vitality' in an objective was in recognition of the contribution of higher density residential development to the vitality of town centres (Rodney Proposed District Plan, Objective 8.8.6.1.1).

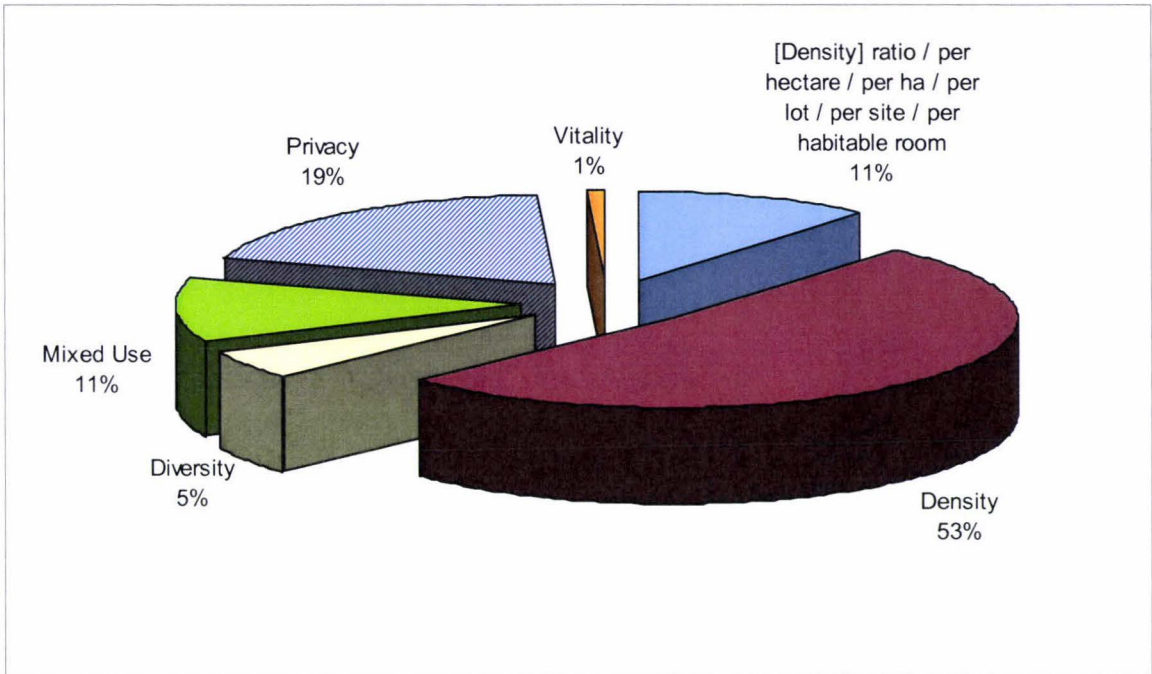


Figure 19: Density – Word Count (%)

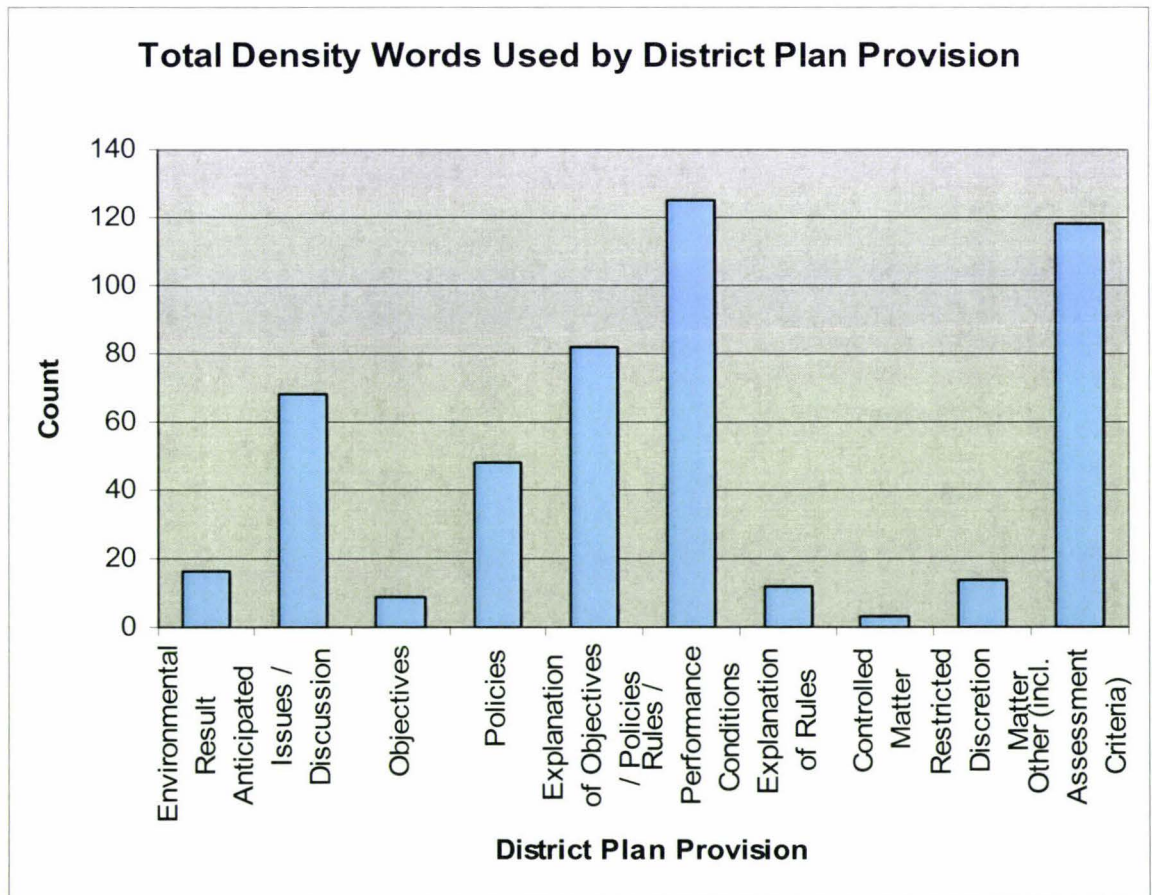


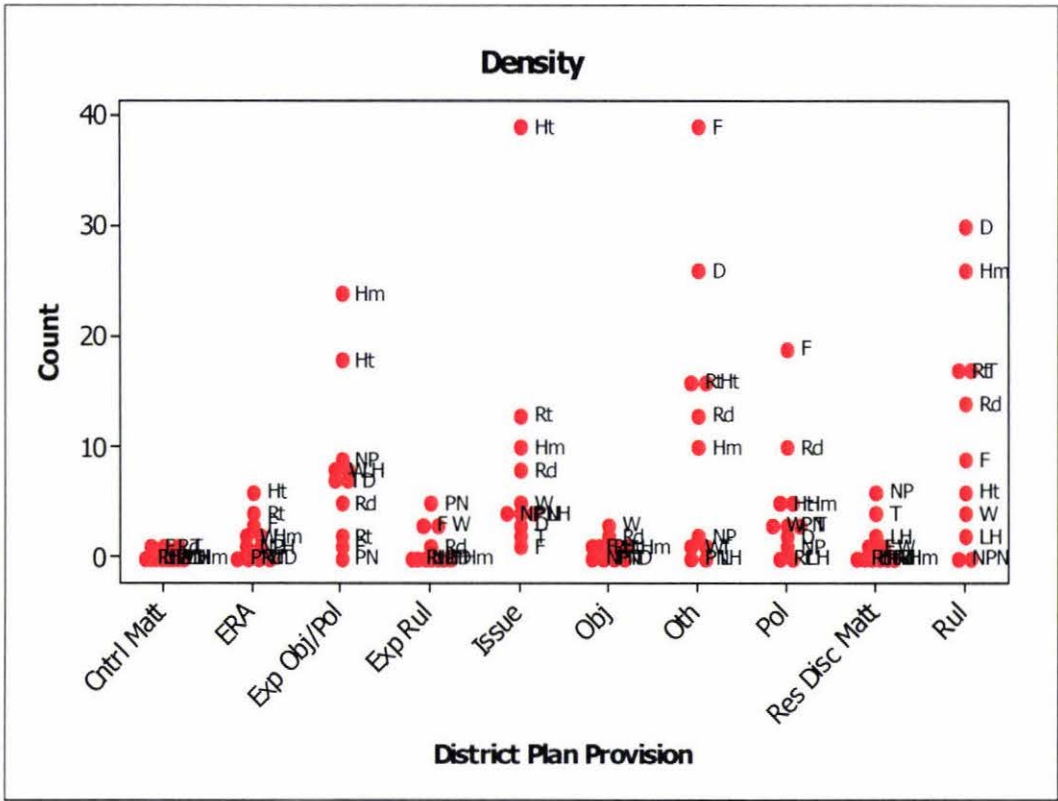
Figure 20: Density – Word Counts by District Plan Provision

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10% of instances of density words were in policies, and key themes within such policies included:

- recognition of the need for higher densities to encourage pedestrian, cycle and public transport options;
- to encourage flexibility in density, building form and site development where the development is designed with regard to the character of the area and presents a high standard of amenity for residents and neighbours;
- to avoid, remedy or mitigate the adverse effects of higher densities on the surrounding area caused by height of buildings, intensity, scale and location; or

Another approach to density is shown in the Hamilton City Proposed District Plan whose policy it is to *'provide an overall framework for future urban areas within which rural, rural residential and urban density development can take place during the transition to full urban development'* (Policy 4.1.1(a)).



**Key:**

F – Franklin District

Rt – Rotorua District

NP – New Plymouth District

Ht – Hastings District

Wh – Whangarei District

PN – Palmerston North City

Rd – Rodney District

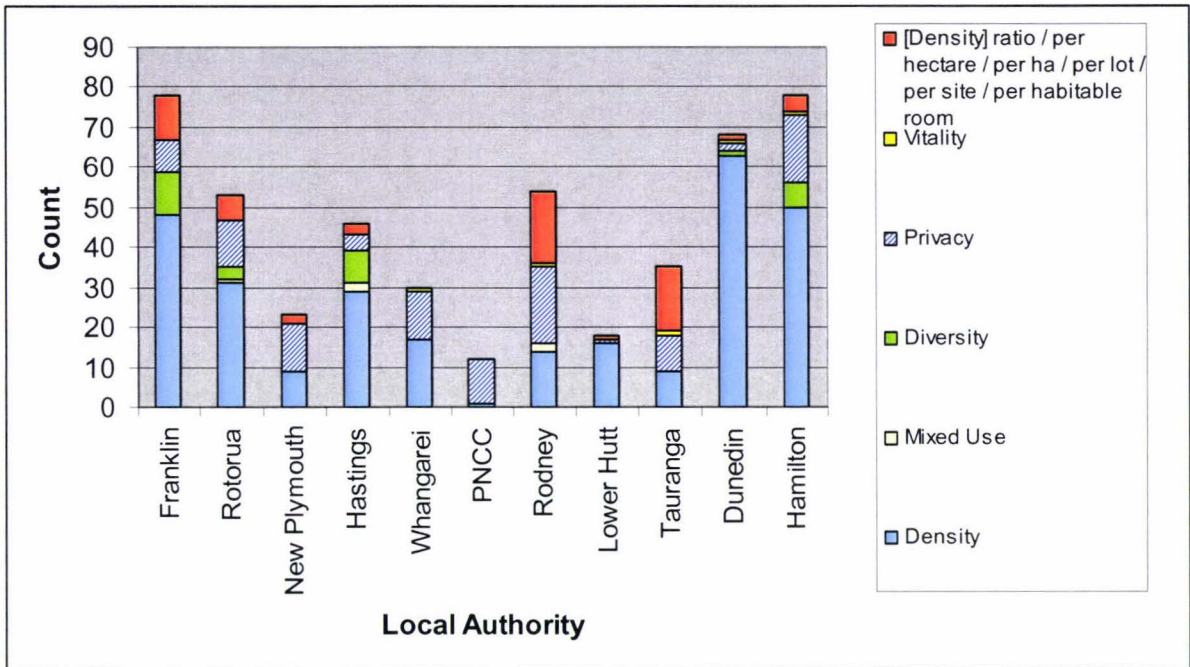
LH – Lower Hutt City

T – Tauranga City

D – Dunedin City

Hm – Hamilton City

**Figure 21: Density – Individual Value Plot**



**Figure 22: Density – Word Count by District Plan**

In terms of district plan policies Franklin and Rodney District Plans have relatively high counts of density words. Rodney's Proposed District Plan promotes neighbourhoods of generally similar dwelling density as one way of achieving high amenity values and livable neighbourhoods (Policy 8.4.3).

With regard to density providing various options (choices) is key (Hinshaw, 2007), as Franklin District does. In providing for the growth of Pukekohe, FDP has policies specifying medium and low density areas, and within general residential areas that the form of development within the residential zone be designed to minimise the amount of land consumed through urban development by maximizing residential density while recognising environmental constraints. Density is defined for areas subject to structure plans in the FDP as follows:

- Medium Density Residential – An average density of 12 households per hectare (gross)
- Low Density Residential – An average density of 3 households per hectare (gross)

- 
- Special Rural Residential – An average density of 1 household per 2 hectares (gross).

This is interesting as one of the issues highlighted through the literature review was how density is defined. As well as searching for the word 'density' this content analysis searched for a variety of words which would contribute to defining density including [Density] ratio / per hectare / per ha / per lot / per site / per habitable room, and these terms accounted for 11% of the total word count. In most of the district plans the measure of density is by way of minimum lot sizes per residential dwelling, as opposed to households per hectare as in FDP.

The complete opposite of anticipatory policy is evidenced in the Dunedin District plan in relation to density, in that one of its policies is to ensure that the density of new development does not exceed the design capacity of the urban service infrastructure. An anticipatory approach would provide for higher densities in the future, but this policy would stop this option. Given that there are mechanisms to ensure that the developers contribute to the cost of any infrastructural upgrades such a policy may be unnecessary. Although it is noted that Dunedin does provide for a range of Residential zones with varying density expectations.

Hastings District Plan has policies for both high and low density residential activities. It encourages higher density development as both a short and long term mechanism to avoid, remedy or mitigate adverse effects including the effects on high quality and versatile soils, and as a means of doing so has committed to producing a non-statutory Higher Density Residential Design Guide to assist / encourage landowners, builders, and designers to be innovative in the development of residential activities at high density. This plan also recognizes the need to provide for ongoing development throughout the Hastings District for a range of low density residential activities.

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Figure 21 also shows that Dunedin and Hamilton have incidences of density words in their district plan rules – generally in relation to the variety of words contributing to defining density.

With regard to other terms identified within this element, mixed use is a term that is rarely used, and when it is, is generally in explanatory sections. For example the Rodney District Proposed District Plan recognizes that the concentration of higher intensity living may also allow the development of mixed-use precincts where benefits can be achieved by locating services and employment generating uses together with residential activity. This is contained within the explanation of a policy relating to higher density – but it must be also read within the context of amenity word policies seeking to protect the residential environment from non-residential uses. This compatibility issue is also reflected in the Hastings District Plan which anticipates as a result of its objectives, policies and rules that there will be mixed-use residential neighbourhoods providing a variety of compatible support services, facilities and businesses – yet likewise similar amenity word policies exist relating to protecting the residential environment from non-residential uses. This reflects the need to clearly elucidate the amenity values sought, or those that are to be protected, in order that there are no mixed messages in district plans, open to interpretation depending on which side of the density debate one sits.

The word ‘privacy’ accounted for 19% of all density word occurrences. Its use was predominantly in explanations of policies and rules, or in rules relating to standards such as setbacks, or in matters over which council had retained control or discretion. This is unsurprising – particularly for those district plans that actively encouraged infill. ‘Infill’ was searched as a morphology word and accounted for 8% of the total morphology word count. Loss of privacy is an effect sought to be avoided by most district plans and generally dealt with through setback provisions. The Palmerston North City District Plan explanation of its separation distance performance condition states that ‘*where two*

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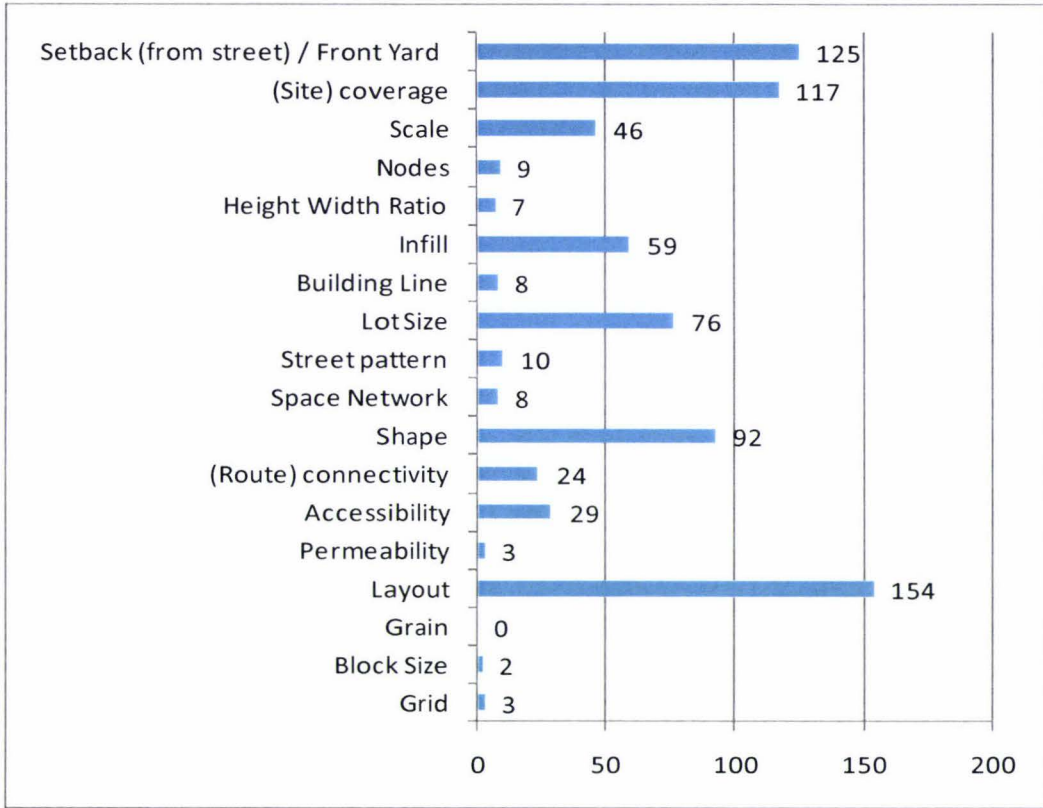
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*dwellings are built on adjoining sites, such that each is only the minimum distance from the boundary, they often appear to intrude on each other's living space and privacy', particularly where those rooms closest to the boundary are habitable rooms (page 10-17). Interestingly, the Palmerston North example implies that the minimum setback distance is insufficient, if, even when dwellings are built the minimum distance from the boundary, the potential for adverse environmental effects on privacy is high. Where the minimum setback is allowed to occur on a site by site basis there is the potential for backyards to be like fishbowls, and for wasted spaces between houses, as Chow (2002) refers.*

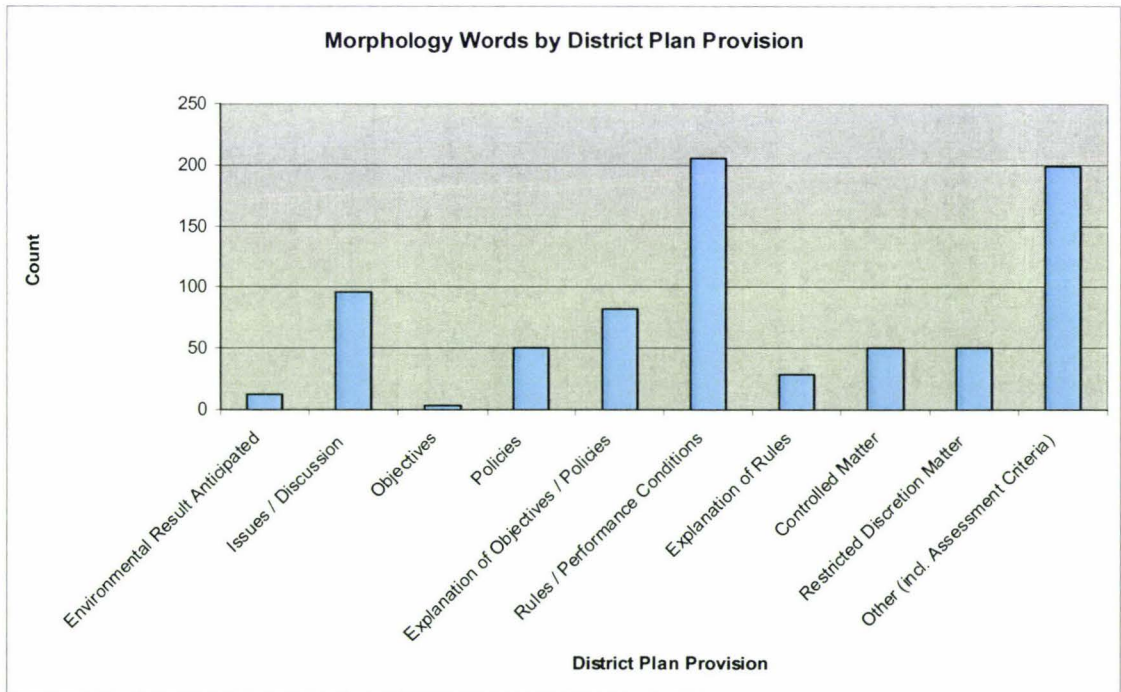
The New Zealand planning system, and in particular the role of affected party approvals, means that if effects of density are addressed solely through performance conditions relating to privacy or site coverage there is a real potential for feelings of 'town-cramming' or overcrowding. This highlights that density cannot be considered alone as a simple ratio, but rather must take into account the nature of activities in the vicinity. In particular district plans should acknowledge that the independent house does not exist as Chow (2002) notes – but rather what occurs on one site has an impact on both neighbouring private sections and also on the public realm, leading to adverse effects such as overcrowding.

### **7.1.5 Morphology**

Figure 23 shows that of the morphology words, layout (20%), setback (16%) and site coverage (15%) were the most commonly used. These references predominantly occurred in district plan rules and in 'other' provisions (generally assessment criteria for discretionary activities) (Figure 24).



**Figure 23: Morphology – Word Count**



**Figure 24: Morphology Word Count by District Plan Provision**

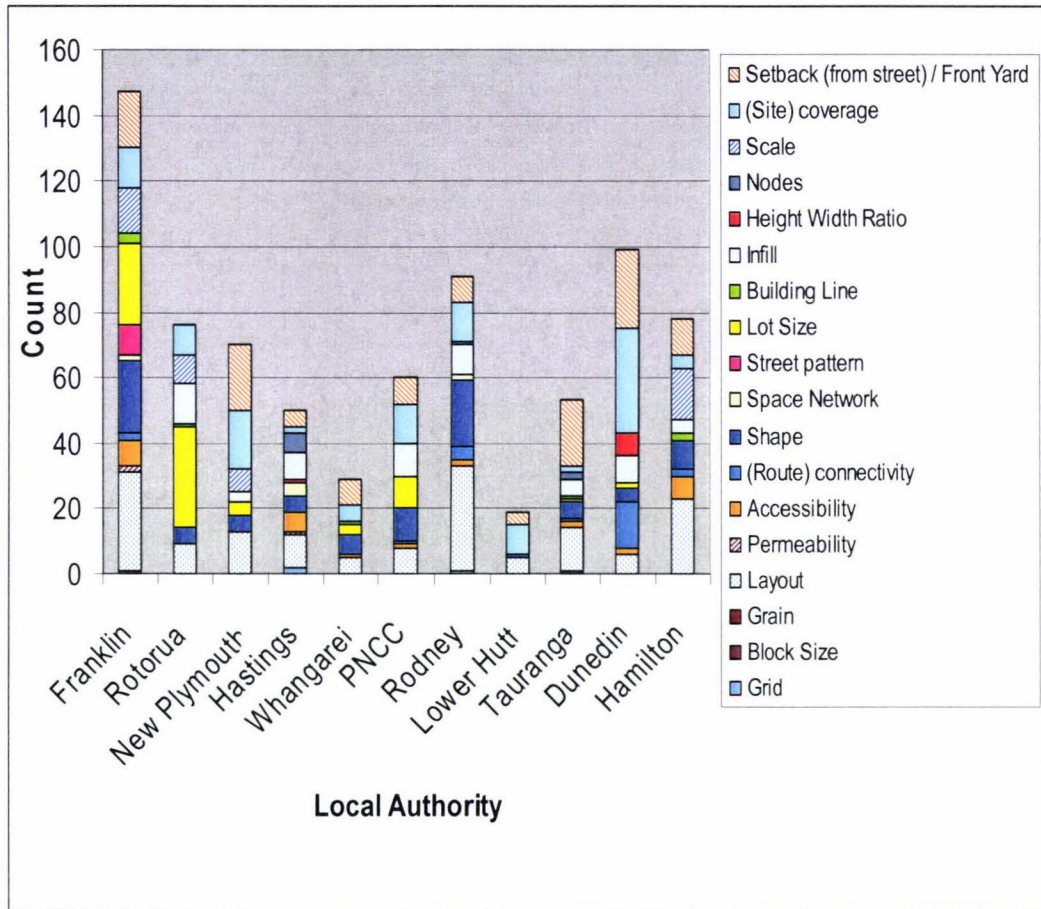


Figure 25: Morphology – Word Count by District Plan



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As with the density element, there were very few objectives containing morphology words (refer Figure 24) – they are:

- To continue to promote **infill** development and the redevelopment of existing residential areas.(Hastings District Plan, Objective UDO3). This objective was in Section 2.4 Urban Development and Strategic Urban Directions, a relatively recent district plan provision having been adopted in 2003, and amended in 2006.
- To ensure that subdivision design, including the size and **shape** of sites and site access, is compatible with the environmental quality of the surrounding land and creates a pattern of landholding which can be used and accessed without creating adverse effects on the neighbourhood or environment. (Rodney Proposed District Plan, Objective 23.3.1)

Palmerston North and Franklin both had high counts of morphological words in their policies, and Dunedin and Franklin had high density word counts in their district plan rules.

The following analysis focuses first on those words that had the highest counts (site coverage, layout and setbacks). Beginning with setback provisions, FDP had 4 policies referring to setbacks, and Palmerston North and Hamilton District Plans each having one policy. Setback / front yard policies generally seek to reduce the visual intrusion of buildings, maintain the open appearance of the area, maintain the character of the area, and to assist in minimising conflict between roads and landuse activities. There were rules relating to setbacks in ten of the eleven District Plans reviewed (with FDP being the exception), with variable explanations as to the reasons for their inclusion. The explanation of the setback provisions in the Rodney District's Proposed District Plan is that they are intended to provide for site access, building maintenance, noise reduction, '*and the like*' (Rodney District Plan; 42). The outcome that the Hastings District Plan seeks from its setback rule

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for all zones is maintenance of residential amenity. It requires a front yard of 3 metres for the general residential zone (for properties fronting local roads) and 5 metres for other properties within the General Residential Zone, and the Plains Residential Zone and the Coastal Residential Zone. Given the link to road type it would be interesting to assess the effect of the setback rule in terms of design, i.e. the street-building height ratios, and the ramifications of that, or in terms of road safety. Other plans refer to the intent of the front yard requirement being to create a visual break between the road and a dwelling, which is characteristic of some residential areas. Whangarei District Plan requires a frontage of 4.5 metres from road boundaries, or any building line restriction shown on the Planning Maps for the purpose of maintaining an open streetscape. The Hastings District Plan side and rear boundary setbacks are the same for all zones and on the understanding that each zone has different qualities and characteristics that contribute to its amenity it is difficult to see how this links to the maintenance of residential amenity.

Despite ten of the eleven District Plans having site coverage rules, (with Tauranga District Plan being the exception), only two policies had direct reference to site coverage – one of which was in relation to density, and the other being to *'minimise the adverse effects of developments in residential areas created by excessive building scale, overshadowing, building bulk, excessive site coverage or invasion of neighbourhood privacy'* (Hastings District Plan, policy RZP8). The site coverage rules varied in purpose from seeking to avoid adverse feelings of bulk, of protecting the open space nature of a neighbourhood, and protecting the *'perception of the intensity of a Living Environment'* (Whangarei District Plan, 2007; 36:20). In addition several of the district plans analysed also refer to the purpose of the rule being to manage any increase in storm water runoff from sites or to provide for adequate land for on-site wastewater disposal. The Hastings District Plan also includes a maximum building footprint per site of 110m<sup>2</sup> in the Coastal Residential – Tangoio Zone for *'retention of the compact, intimate, discrete small scale*

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*character and vernacular of a traditional seaside bach community'* (page 80-23).

Layout, accounted for 20% of the morphology word count. Policies relating to layout referred not only to on-site layouts, or practical matters such as the layout of water reticulation or stormwater systems in new developments, but also to the need to consider the bigger picture in terms of urban form. Although the effectiveness of these policies has not been considered, the text of Rodney District's Proposed District Plan stands out as an exemplary plan in this regard, and includes layout policies relating to street layout and design, safety and security and Greenfield subdivision:

- The layout and design of streets in residential areas, should be safe, efficient, and achieve highly connected pedestrian, cycle and vehicular networks (Policy 8.4.9);
- The form and layout of residential areas, should promote a safe and secure environment for residents and others (Policy 8.4.13)
- In greenfield situations, subdivision should be designed to achieve high levels of vehicular and pedestrian connection; to enable a choice of housing types and densities and to enable the creation of pleasant, attractive and safe areas of public realm (Policy 8.4.14).

Another good example of providing for urban morphology relates to the Putamahoe Structure Plan Area (FDP, Section 54.9), for which there is a policy that seeks a high degree of permeability with regard to the layout of new roads – although it would appear that permeability in this instance is defined as convenient and safe access as opposed to the extent to which there is a choice of routes within and through an area.

It is this approach to morphology that the literature suggests is important. Although not mentioned in the above policies, its emphasis on streets and movement is essential at the onset of development as this is the

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most enduring element of urban form, and contributes to a city's identity. This approach, taken by at least 5 district plans, is encouraging despite the results showing that the term 'street layout' only accounting for 1% of the total word count.

Chow (2002) and Carmona et al (2003) highlighted the importance of grain – yet it is a term not used in any of the district plans. Similarly, the concept of permeability and grids were only referred to three times respectively.

The term height width ratio accounted for only 1% of the total count of morphology words – yet building envelopes, height in relation to boundary standards and/or maximum height standards are used in all eleven district plans, warranting further discussion than it would appear from the results. Building envelopes or height in relation to boundary standards are used to manage the effects of overshadowing, privacy and bulk, and the importance of ensuring sufficient sunlight exposure must surely have gained prominence in this age of energy efficiency. It makes sense then for the building envelope type standards in district plans to be firmly enforced. This is reflected in the Franklin District Plan which states in its explanation of its height in relation to boundary rule that *'sunlight and daylight are fundamental to living amenity, and can be used in house designs to reduce reliance on reticulated energy sources such as electricity and gas'* (page 27-6). An interesting aside is whether any of the District Plans have rules in its subdivision sections relating to the layout of residential roads to ensure that dwellings can maximise solar opportunities, i.e. roads running east west so that housing can be north facing. Even in relatively high density developments it is possible to achieve high levels of natural light penetration *'but a balance needs to be struck between new development and the constraints imposed by the local setting, particularly in relation to the land use and street pattern of adjacent areas and the height and roofscape of adjacent buildings'* (English Partnerships et al, 2000; 50). The height in relation to boundary rules all seek to limit the off-site effects of building height, such

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as overshadowing, loss of privacy, and bulk. Given the explanations of the maximum height rules there is some overlap in terms of the effects they are intended to control, and it begs the question – do we need both? The maximum height rule could perhaps relate more to the effects of new buildings on the character of the neighbourhood, and could be supported by standards in the district plan requiring a character analysis for any proposal that did not fall within the boundaries of a permitted activity.

All of the District Plans have a maximum height standard for general residential development, varying from 7.5 metres in Rotorua, 8 metres in Franklin, Whangarei and Lower Hutt, 9 metres in New Plymouth, Rodney Tauranga, and Dunedin, to 10 metres in Hastings and Hamilton. For those Districts providing for higher densities (generally through zoning) the maximum height standard was increased up to as much as 13 metres. Explanations of the maximum height rules refer to the need to maintain built amenity, the need to minimise effects of bulk, overshadowing and overlooking on neighbouring properties. In the Rodney Proposed District Plan, despite having six residential zones of varying character, the explanation of the maximum height rule for all zones (except the Helensville Historic Precinct) is that it is intended *'to ensure a relatively low density residential environment'* (page 39).

The eight metre maximum height limit in Franklin seeks to provide for *'two storey structures which are typical of residential areas and which are a significant determinant of residential character. It would not allow three levels except in unusual circumstances or areas of steep terrain. Higher structures need to be assessed in terms of visual, shading and view-blocking effect'* (Franklin District Plan, 2000; 27-6). In not meeting the maximum height standard a proposed three storey dwelling would fall into the category of restricted discretionary activity. What is interesting about this District Plan is that the matters over which discretion is *restricted*, some 29 bullet points, includes *'the reason and explanations given for those standards'*. Yet the legality of this (given

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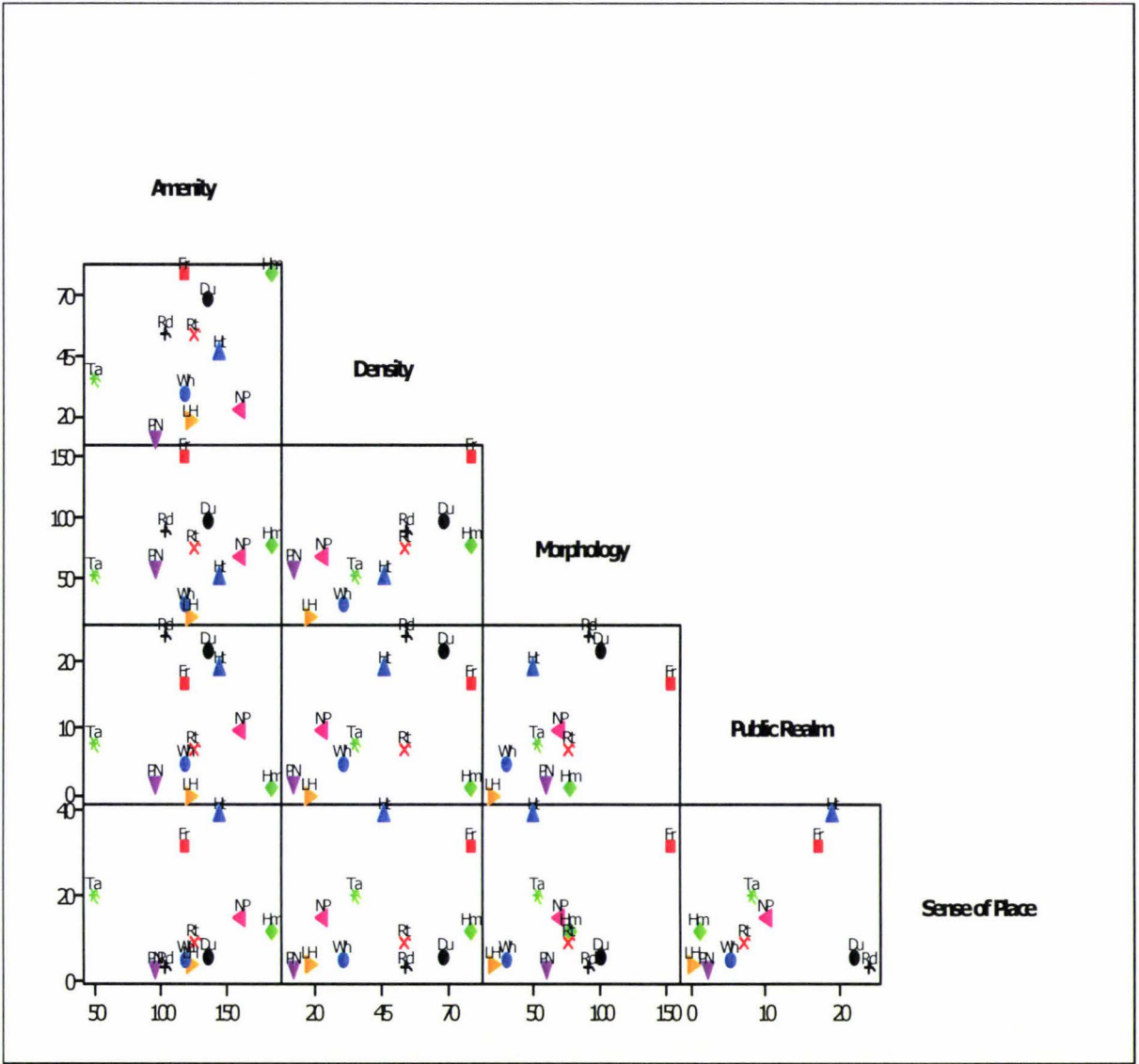
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case law on the non-mandatory sections of district plans) is questionable. In thinking about urban planning and the more traditional low density suburban residential developments and their potential for adverse cumulative effects of 'sameness' (placelessness) it would be useful for District Plans to recognise that there is a place for higher buildings, unlike the Hastings District Plan, whose height rule seeks to maintain the amenity of the residential area by preventing tall obtrusive structures or buildings. As noted in the Urban Design Compendium *'it is desirable to place higher buildings in key locations such as on corners, along principal routes, the end of vistas or around parks. Decisions about building height should also be made in relation to creating street-building height ratios creating good enclosure'* (English Partnerships et al, 2000; 93). This suggests that the height aspect of morphology requires more consideration.

Indeed, with so few instances of morphology words in the objectives and policies, these results would indicate that morphology is an element that is not being comprehensively provided for in residential district plan provisions.

## **7.2 Association Analysis between Elements**

This section looks at whether there are any relationships between the various variables analysed. Its purpose is to describe how urban planning elements are being used within the residential provisions of district plans, and whether it is fair to assume that if one of the elements is provided for then it is likely that another will also be provided for. Correlation is used to analyse all the various combinations of the elements, and each pair of elements is shown by way of a matrix plot and a scatter plot (refer Figures 27 and 28).



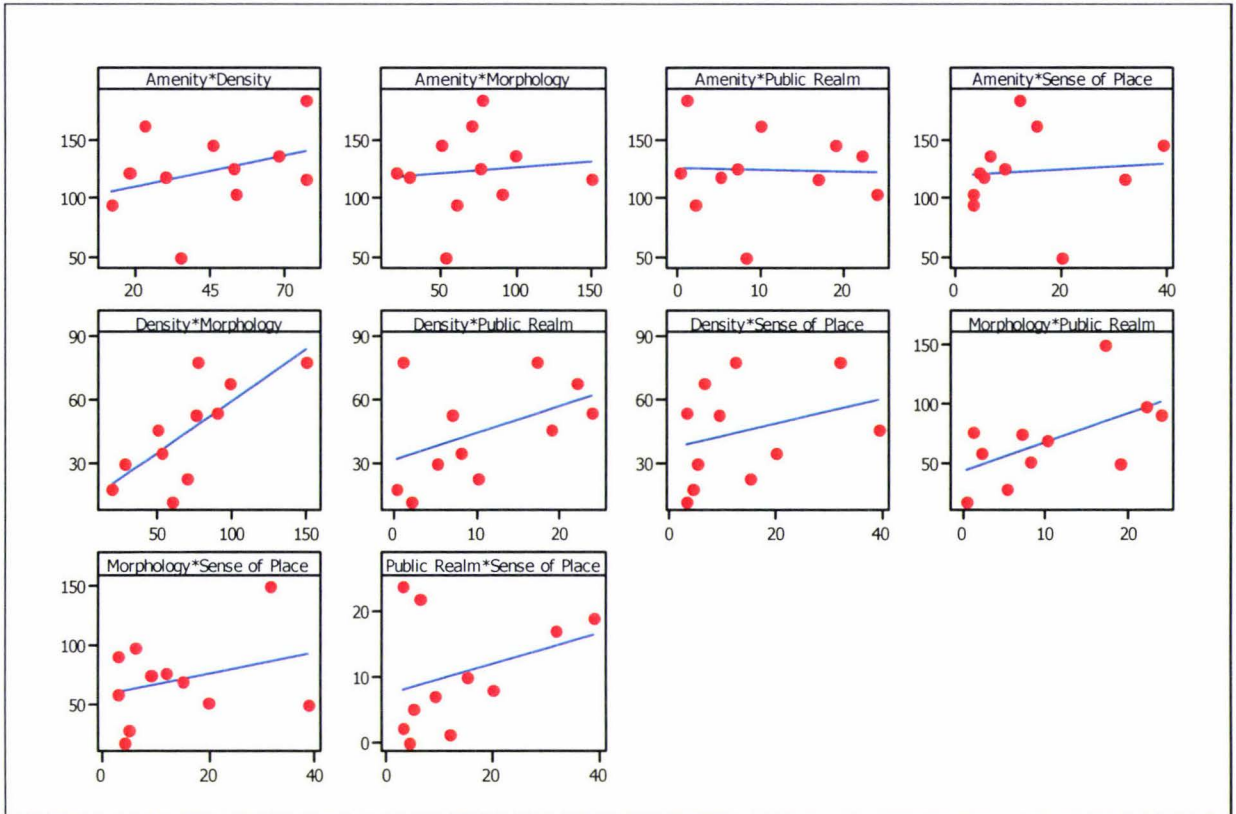
**Key:**

- |                            |                            |                      |
|----------------------------|----------------------------|----------------------|
| F – Franklin District      | Wh – Whangarei District    | LH – Lower Hutt City |
| Rt – Rotorua District      | PN – Palmerston North City | T – Tauranga City    |
| NP – New Plymouth District | Rd – Rodney District       | D – Dunedin City     |
| Ht – Hastings District     |                            | Hm – Hamilton City   |

**Figure 27: Matrix Plots for all Combinations of the urban elements**

The matrix plot (Figure 27) is a two dimensional matrix of the separate scatter plots for each pair of variables. Its usefulness lies in the fact that each of the results is labelled by way of local authority, thus enabling comparisons between them. For example in looking at the potential relationships between amenity and density the matrix plot shows that

Hamilton City Proposed District Plan best provides for both of these elements, whereas the Palmerston North City District Plan shows the least association between these two elements.



**Figure 28: Scatter Plots for all Combinations of the urban elements**

These potential associations are further examined in scatter plots (refer Figure 28). Through simply looking at these scatter plots it would appear that the relationship between amenity and morphology appears to be the weakest, and the relationship between density and morphology the strongest. Extrapolating this information further, Table 7 shows the Pearson Correlation Co-efficient for each combination of variables.

**Table 7: Pearson Correlation Coefficient for each Combination of Elements & Strength of Relationships**

	Amenity	Density	Morphology	Public Realm
Density	0.349 Weak			
Morphology	0.102 Weak	0.747 Strong		
Public Realm	-0.041 None	0.468 Moderate	0.563 Moderate	
Sense of Place	0.088 None	0.320 Weak	0.306 Weak	0.337 Weak

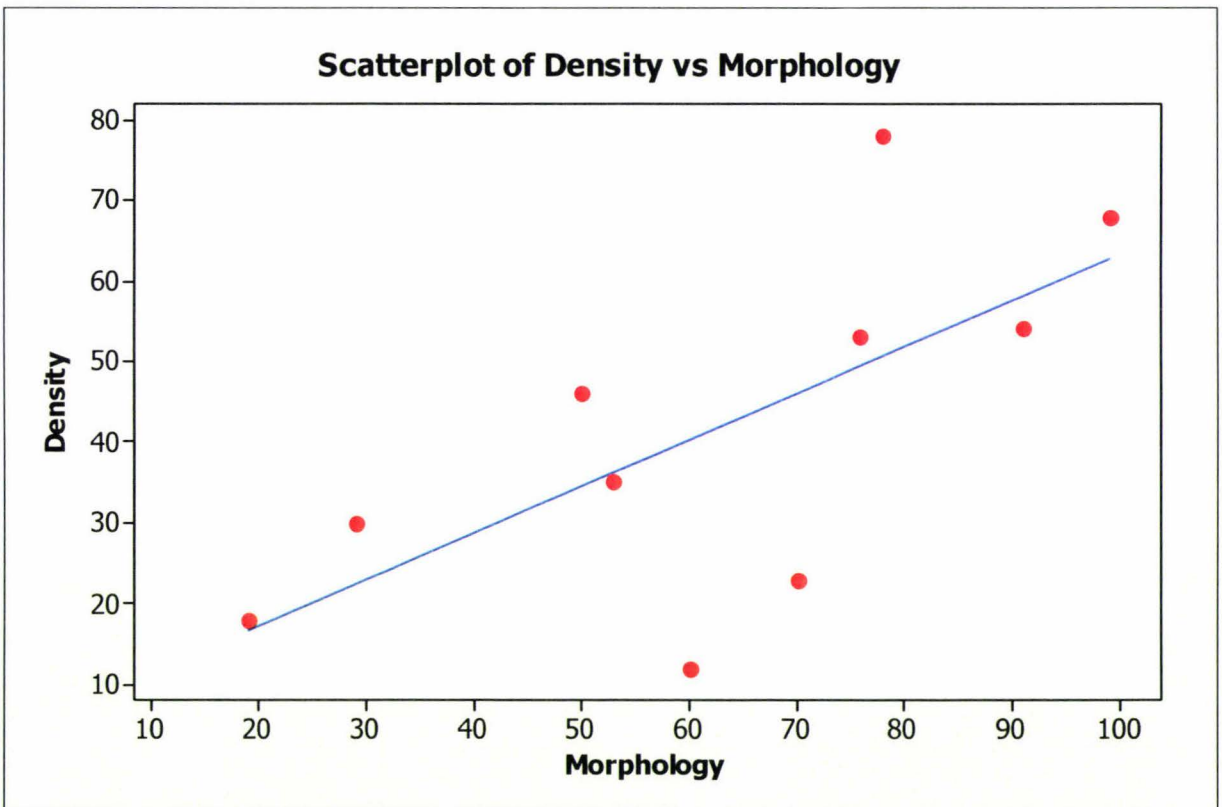
It is noted that a correlation coefficient of +1 indicates a perfect positive relationship between two variables (i.e. as one variable goes up so does the other), and -1 indicates a perfect negative relationship. Thus in interpreting this data the following applies:

- values between -0.2 and +0.2 indicate no relationship;
- values between 0.2 and 0.4 (and -0.2 and -0.4) indicate a weak relationship;
- values between 0.4 and 0.6 (and -0.4 and -0.6) indicate a moderate relationship;
- values between 0.6 and 0.8 (and -0.6 and -0.8) indicate a strong relationship; and
- values between 0.8 and 1 (and -0.8 and -1) indicate a very strong relationship.

(Garner, 2005).

---

On this basis, and as shown in Table 7 there are generally weak or no relationships between most of the urban elements considered as part of this research. Although there are three exceptions – the relationship between density and the public realm is interpreted as being moderate as is the relationship between morphology and the public realm; and the relationship between density and morphology is interpreted as being strong. As shown in the Matrix Plot (Figure 29) there were significant outliers in all three of these scatter plots – so the relationships were reconsidered excluding these outliers in order to examine the effect they were having on the relationship.

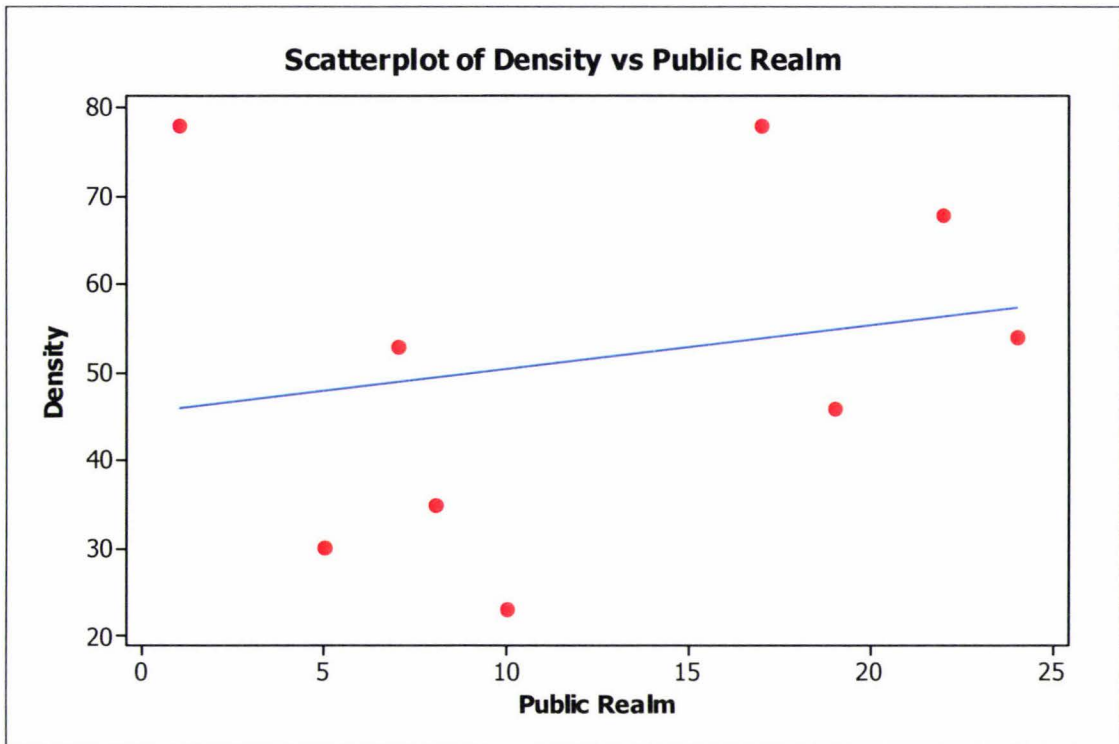


**Figure 29: Scatter Plot of Density and Morphology (excluding Franklin)**

One of the significant outliers in the density/morphology scatter plot was FDP. Excluding the data from Franklin gave a correlation co-efficient of

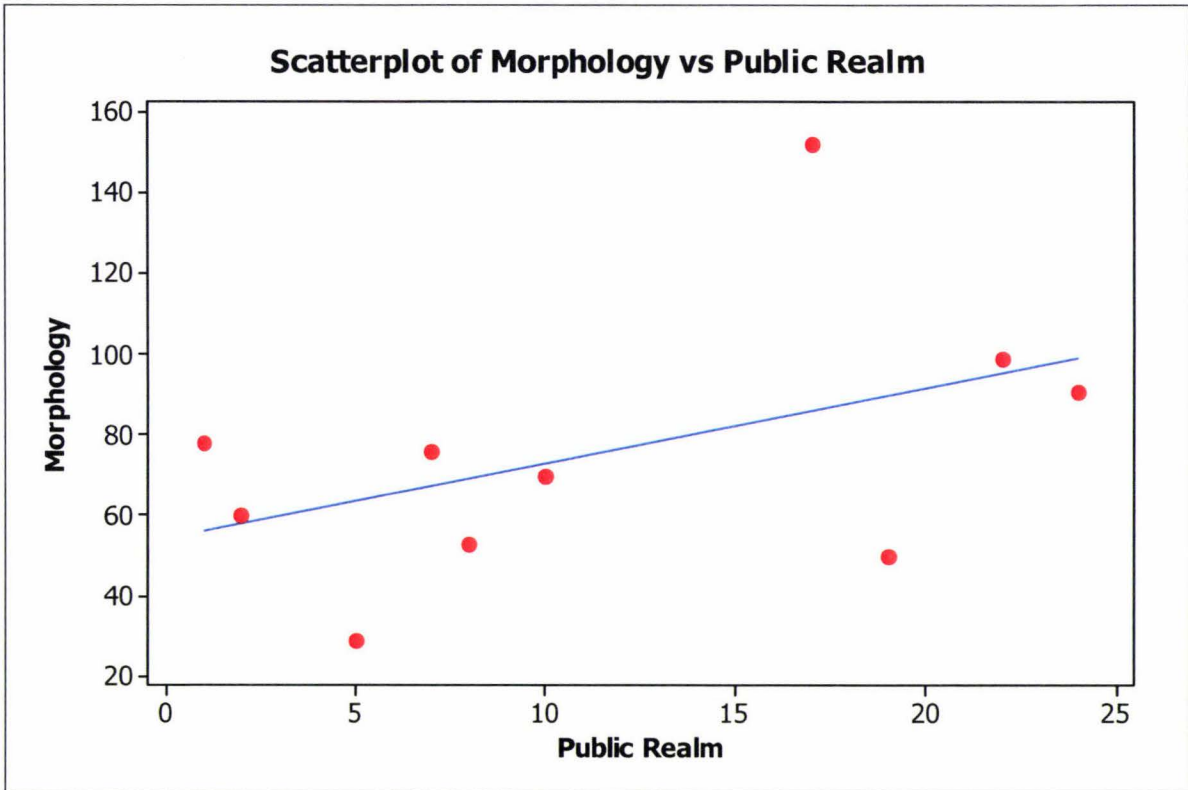
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0.675 – thus still indicating a strong relationship (as shown in Figure 29)  
– and this is further explored by way of regression analysis.



**Figure 30: Scatter Plot of Density and Public Realm (excluding Lower Hutt)**

One of the significant outliers in the density / public realm scatter plot was the Hutt City Plan – which had zero public realm words. Excluding this data from the correlation coefficient returned a value of 0.2 – thus indicating no relationship, or a very weak relationship at best (refer Figure 30).



**Figure 31: Scatter Plot of Morphology and Public Realm (excluding Lower Hutt)**

Again, the influence of the zero word count (for Hutt City) on the relationship between morphology and the public realm was tested by way of excluding this result. Excluding this data from the correlation coefficient returned a value of 0.464 – thus still indicating a moderate relationship at best (refer Figure 31).

Thus through excluding outliers there are two potential relationships to explore further – between the public realm and morphology, and between density and morphology. Regression analysis was used to further examine these relationships (refer Tables 8 and 9).

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**Table 8:**

**Regression Analysis: Public Realm and Morphology**

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	<b>Coefficient</b>	<b>SE Coef</b>	<b>T</b>	<b>P</b>
Constant	0.953	5.171	0.18	0.858
Morphology	0.13	0.06574	2.05	0.071
<b>S = 7.55</b>	<b>r<sup>2</sup> = 31.7%</b>		<b>r<sup>2</sup> (adj) = 24.2%</b>	

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The  $r^2$  figure 'tells us how well we can use the independent variable to predict variation in the dependent variable' (Garner, 2005;176).

In looking at the association between the number of public realm words and the number of morphology words, it would appear that the assumption that as one increase so too does the other is not true, given that only 32% of the variation in public realm word counts can be predicted from morphology word count.

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**Table 9:**

**Regression Analysis: Density and Morphology**

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	<b>Coefficient</b>	<b>SE Coef</b>	<b>T</b>	<b>P</b>
Constant	10.97	11.24	0.98	0.355
Morphology	0.48	0.14	3.37	0.008
<b>S = 16.4</b>	<b>r<sup>2</sup> = 55.8%</b>		<b>r<sup>2</sup> (adj) = 50.9%</b>	

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In looking at the association between the number of density words and the number of morphology words, it would appear that the assumption that as one increase so too does the other is true 50% of the time, as indicated by the  $r^2$ .

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In both instances the result is not statistically significant, and therefore we cannot accept the assumption, that as the word count for one element increases so too does the other.

### **7.3 Associations between Potential Causal Factors & Total Word Count**

The five urban elements being considered throughout this thesis are provided for in district plans, as shown through the frequency analysis, and there appears to be some relationship between various combinations of the elements, as shown through the association analysis. The purpose of this section then is to look briefly at what, if any, aspects of the district profile contribute to the corresponding district plan having a higher word count for all elements.

The possible causal factors identified are:

- The rates income of the local authority – this tests the assumption that ‘wealthier’ local authorities can afford to consider the urban elements – which may potentially be thought of as an optional extra.
- The total income of the local authority – similarly this tests the assumption that wealthier local authorities have the resources to provide for elements of urban planning – but is more reflective of an authority’s wealth as it identifies their total income and not just the rates income.
- The number of residential zones contained within the district plan – this tests the assumption that those authorities with more than one residential zone are more likely to provide for elements of urban planning.
- The population of the local authority – this tests the assumption that a higher population may prompt the need for urban planning. (Although it is noted, given the method of choosing the sample population of district plans the usefulness of this may be limited given the small spread of population data. Additionally the

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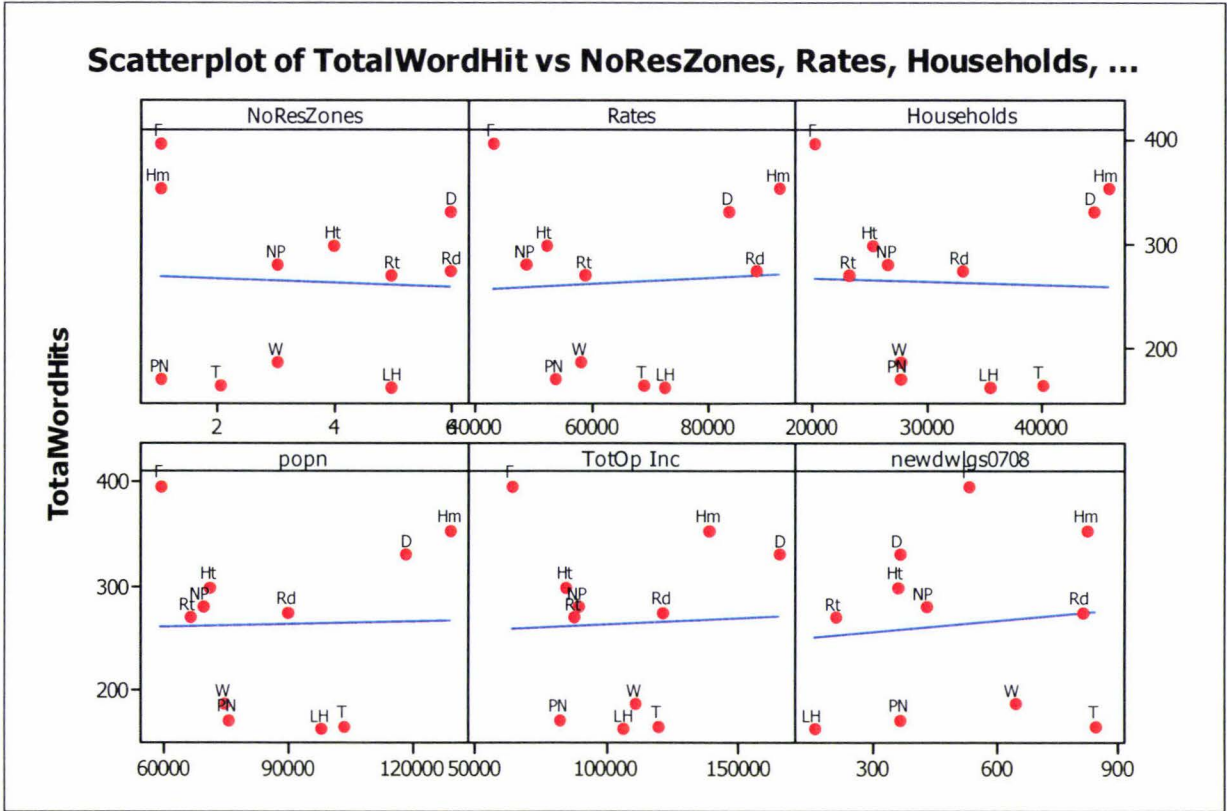
usefulness of this may be limited given that it includes both the rural and urban population).

- The total number of households per local authority – similarly this tests the assumption that a higher number of households indicated a greater need for urban planning and that this will be reflected through the total word count. Again, however, the usefulness of this may be limited given that it includes both the rural and urban population.
- The number of new dwelling units per year – this tests the assumption that the more new dwelling units per year indicate a greater need for urban planning and that this will be reflected through the total word count.
- The proximity of the main urban area within each local authority to Auckland – this tests the assumption that local authorities in close proximity to Auckland would have a greater awareness of the need for urban planning, as a result of initiatives such as the Sustainable Programme of Action (2003) and its focus on Auckland.

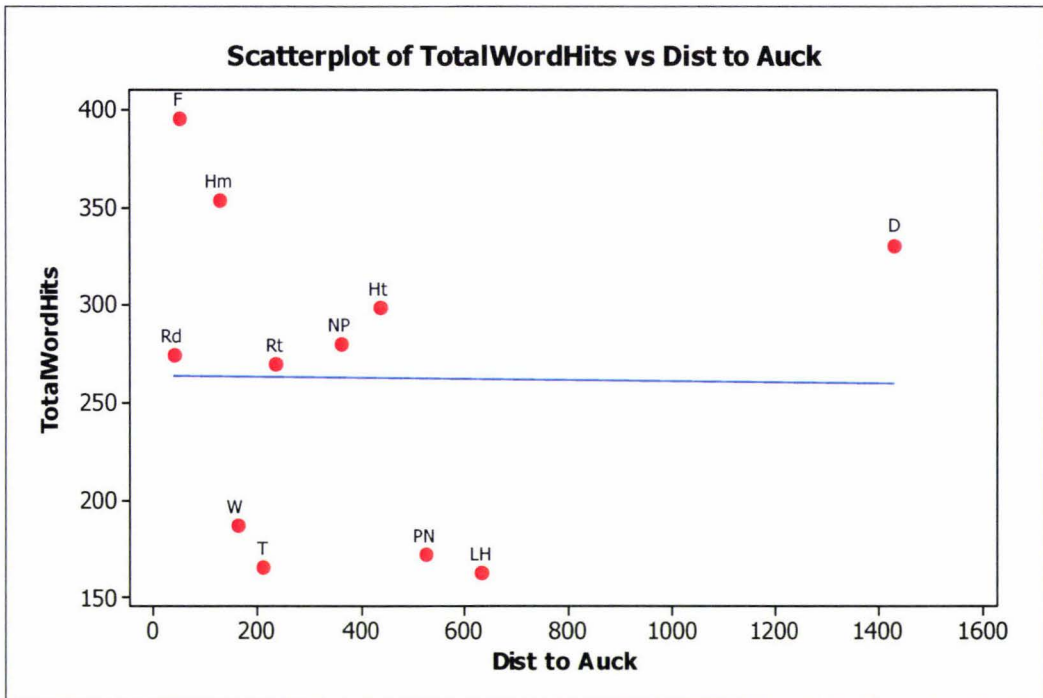
As with the association analysis the relationships between the total word count and each of the above causal factors is examined through the use of scatter plots and correlation coefficients (refer Figure 32 and Table 10).

Through simply looking at these scatter plots it would appear that there are no significant relationships between the total word count (for all urban elements considered as part of this thesis) and the potential causal factors.

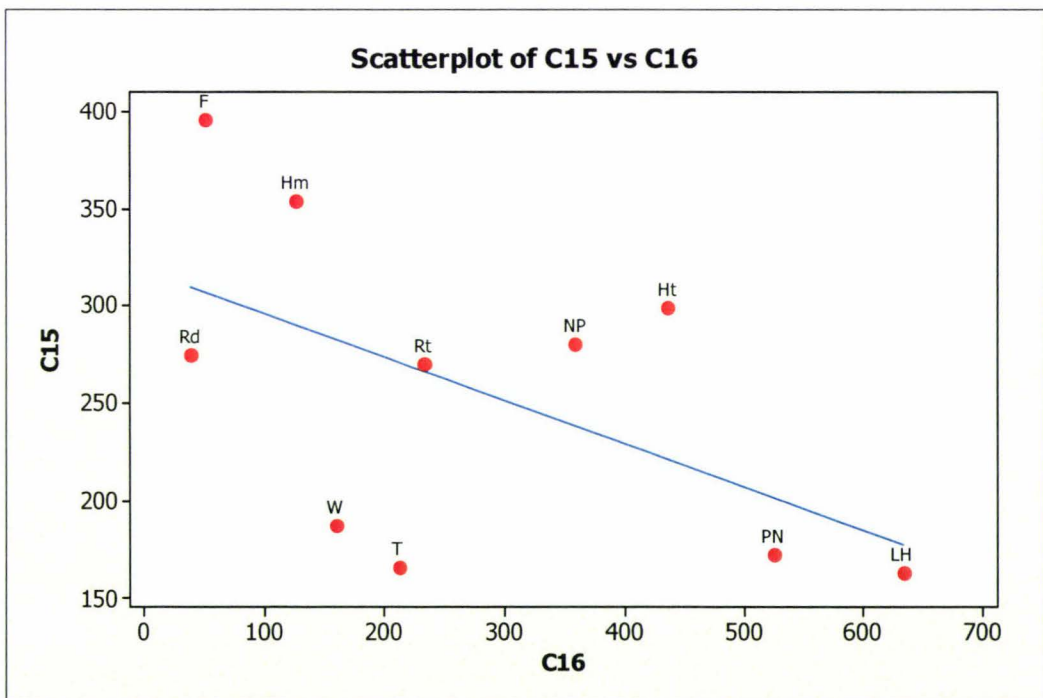
This is confirmed in Table 10, which shows the correlation coefficient for each factor and the implied relationship, using the same interpretative standards as above.



**Figure 32: Scatter Plots for Total Word Counts against Potential Causal Factors – No. of Residential Zones; Rates Income; Total Operating Income; No. of Households; District Population and No. of New Dwellings Authorised.**



**Figure 33: Scatter Plots for Total Word Counts against Potential Causal Factor – Proximity to Auckland (All Sample Districts)**



**Figure 34: Scatter Plots for Total Word Counts against Potential Causal Factor – Proximity to Auckland (EXCLUDING DUNEDIN)**

**Table 10: Pearson Correlation Coefficient for each Combination of Elements & Strength of Relationships**

	<b>Total Count</b>	<b>Word</b>	<b>Strength of Relationship</b>
<b>No. of Residential Zones</b>	-0.05		None
<b>No. of Households</b>	-0.033		None
<b>Total Income</b>			
<b>Rates Income</b>	0.054		None
<b>Population</b>	0.031		None
<b>No. of New Dwellings (07/08)</b>	0.109		None
<b>Proximity to Auckland – all</b>	-0.014		None
<b>Proximity to Auckland – excluding Dunedin</b>	-0.551		Moderate

From Table 10 it can be concluded that the number of residential zones, households and new dwellings of a local authority have no bearing on the number of references to elements of urban planning in their district plan. Nor does the population, or income of a local authority. However, as already noted, the non-random selection of local authorities may have affected these correlations.

Table 10 and Figures 33 and 34 show the association between the total word count and the district's proximity to Auckland. Dunedin's distance from Auckland (and from the other sample districts) had the result of considerably influencing the result – hence running the statistical tests without it. The results (excluding Dunedin data) indicated that a local authority's proximity to Auckland had a moderate relationship with the total number of urban amenity words in its district plan.

Regression analysis was used to further examine this relationship (refer Table 11).

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**Table 11:**

**Regression Analysis: Total Word Count versus Dist to Auck  
(excluding Dunedin)**

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	Coefficient	SE Coef	T	P
Constant	317.86	40.24	7.90	0.000
Dist to Auck (excl Dunedin)	-0.2228	0.1193	-1.87	0.099

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S = 72.7215

$r^2 = 30.4\%$

$r^2$  (adj) = 21.7%

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In this instance the  $r^2$  value indicates that only 30% of the variation in word counts can be predicted from the distance of the local authority from Auckland. Hence these results are not statistically significant, and do not conclusively prove that the assumption that local authorities in close proximity to Auckland would have a greater awareness of the need for urban planning, as a result of initiatives such as the Sustainable Programme of Action (2003) and its focus on Auckland is true.

This analysis could potentially have been more conclusive had the sample of district plans been more randomly selected. However it was always the intention of this research to focus on provincial New Zealand cities.

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## 8 Conclusion

This thesis sought to understand whether, under the existing legislative framework within New Zealand, district plan provisions could be made for elements of urban planning, and if so, how are they being incorporated into District Plan (residential) provisions.

It began by looking at what is meant by the terms town planning and urban design, recognising that there is confusion between them leading to what some have called an identity crisis in the planning profession. Through an examination of literature, reviewing the origin of the two terms, the difference between urban design and town planning is simple: the focus of town planners is to *intervene* in the development process to ensure quality future outcomes, as opposed to simply *designing* them – the latter having no statutory authority to influence outcomes. However, urban design is a crucial aspect of planning, the importance of which cannot be underestimated. But in the words of Gleeson and Low '*good urban design (i.e. democratic, functional, aesthetically pleasing) is a vital element of urban governance, but it in no way substitutes for urban planning ...*'. (as quoted in Punter, 2000; 18).

Drawing on the definitions of what constitutes town planning and urban design, and on the vision for planners to proactively and creatively providing for the future physical form of an urban area, five elements of urban planning were identified as being critical to the success of urban places. The five elements were: amenity, the public realm, sense of place, density and morphology. Throughout the course of this research the degree to which they are interrelated become increasingly apparent – resulting in the conclusion that none can be considered in isolation. It was further concluded that provisions should be made for these elements in district plans, as they are integral to achieving sustainable urban residential environments. By doing so it could be expected that residential environments with higher levels of diversity and vitality could be achieved, places that engender feelings of belonging and attachment, as opposed to unremarkable places that could be in any city.

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The challenge of planning for urban residential environments is exacerbated by the lack of clear government policy. The research through the second prong of this research sought to establish if there is a mandate under the RMA for urban planning. A case was made that in achieving the purpose of the RMA, a forward looking approach should be taken in objectives and policies in order to promote the sustainable management of natural and physical resources. The built urban form was identified as being the most important physical resources requiring sustainable management – not least because it is home to over 85% of New Zealand's population. Despite the fact that urban environments, and four out of the five elements critical to the success of urban environments, are not explicitly provided for in the RMA (unlike its predecessors), provisions within the RMA recognise that they are an integral element requiring sustainable management. In particular the definition of 'environment' in the RMA goes some way towards recognising the immensely complex nature of urbanism. It does this through its reference to the social, economic, aesthetic and cultural conditions that affect amenity values, physical resources (i.e. the built form), and people and communities. In this regard case law indicates that planners should be making forward thinking provisions for urban environments.

This research concludes that there is a remit within district plans for anticipatory policies relating to the use and development of urban areas. Whilst such a remit may have been more obvious under the Acts preceding the RMA, there is no clear reason why such policies cannot be included in district plans of today, particularly given that the principles of sustainable management are echoes of past provisions under those Acts. Planners are the guardians of urban areas, and as such have a legislative mandate to modify environmental outcomes through intervention, understanding that their remit extends to include urban design. One means for doing this is through district plan provisions which must attempt to manage the built form and all that that implies for the reasonably foreseeable needs of future generations.

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On this basis the third prong of this research was explored, if, how, and why elements of urban planning are being incorporated in residential district plan provisions. Using content analysis, essentially a count of various amenity words contained within district plans, and supported by interpretive analysis of district plan provisions, the results show that all five urban elements under consideration, are being considered to a greater or lesser extent. Unsurprisingly, given that it is the only element specifically referred to in the RMA, amenity words were most common. The degree to which other elements were provided for varied – but all have relatively low counts in comparison with amenity. This is perhaps a reflection of the ambiguity and uncertainty about planning for urban elements under the RMA.

The results of the content analysis indicate that district plans are not providing well for good urbanism – although attempts are being made to do so – particularly in those districts in close proximity to Auckland. There are few district plan provisions for public realm and sense of place elements, and this is potentially at the expense of good urbanism. Similarly, references to morphological elements are focusing more on practical rudiments such as dimensions and locations of crossing places, footpaths and roads as opposed to their function in supporting the public realm. It would be useful to revisit this research in time to determine whether the indications that provisions for urban elements are on the rise, as the issue becomes more topical, and as more government guidance on urban planning under the RMA becomes available.

District plan provisions should refocus on the relationship between the public and private realms, considering each of the five elements in terms of their impact on both realms. Yet in doing so, there is a trap to be avoided to which Murrain refers (in Moor and Rowland, 2000), and that is of importing a suburban mentality into our existing cities and simply making them more dense. The results of the content analysis indicate that this suburban mentality is prevalent in our district plans. This is particularly noticeable when looking at the provisions relating to amenity

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and density, as evidenced through the desire to protect and provide for low density residential environments. Borne perhaps out of the history of town planning higher densities are still inherently associated with lower amenity values.

This thesis is a call to action for planners – let’s get over our identity crisis and move on. Planners can confidently provide for elements of urban planning in district plans, and we have a mandate under the RMA to avoid adverse effects such as placelessness, or overcrowding, or lack of permeability to name a few. Such provisions should be located not in the explanatory or non-statutory sections of district plans, but rather in their powerhouses – i.e. the objectives and policies, which set the policy direction and are used as part of the resource consent assessment process. Such provisions should also be upfront about what it is that is sought to be achieved – specific characteristics or physical qualities should be referred to, such as the presence of trees, or the predominance of front yards for example, avoiding vague references to character and amenity as is currently the case.

Planning is a means of intervening in the development process, and as such the profession is always likely to be decried as causing delays, as being an impediment to innovation, and as being too costly a process – but rather than apologising for this or trying to accommodate the interests of particular frustrated parties (through many amendments to the RMA) the challenge of planning for urban residential environments is in ensuring that district plan provisions result in good (sustainable) urban environments. The time for conservative or cautious provisions is past. Rather than provisions such as ‘to protect the amenity of the area’, they should clearly state what it is that requires protection, or what outcomes are sought. In this way planners could stem the tide of placelessness, or avoid the banality of suburbia, and focus on how vibrant and diverse urban environments can be achieved, recognising that differences in character are what makes a place special and that providing for choice is

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essential. District Plans are the tools through which those enduring elements of urban form can be provided for.

Cherry suggests that intellectually planning has ground to a halt as a result of the system squeezing out qualities of imagination of what might be and the energy to pursue those outcomes (1996). Thus the challenge of planning for urban residential environments under the RMA is to ensure that collectively planners understand the remit for urban planning, and incorporating urban design as part of their tool kit, ensure creative and visionary outcomes.

## Appendix One – Comparison between NZ’s Successive Planning Legislation

TABLE ONE: PURPOSE OF DISTRICT SCHEMES / PLANS

<u>Town-planning Act, 1926</u>	<u>Town and Country Planning Act, 1953</u>	<u>Town and Country Planning Act, 1977</u>	<u>Resource Management Act, 1991</u>
Section 3: General purpose of town-planning schemes	Section 18: General purpose of district schemes	Section 4: Purpose of district planning	Section 72: Purpose of district plans AND Section 31: Functions of territorial authorities under this Act
The purpose of which was to ensure the development of the city or borough (including, where necessary, the reconstruction of any area that had already been subdivided and built on) was undertaken in such a way as 'will most effectively tend to promote its healthfulness, amenity, convenience, and advancement'	'Every district scheme shall have for its general purpose the development of the area to which it relates (including, where necessary, the re-planning and reconstruction of any area therein that has already been subdivided and built on) in such a way as will most effectively tend to promote and safeguard the health, safety and convenience, and the economic and general welfare of its inhabitants, and the amenities of every part of the area'.	The purpose of District planning – the wise use and management of the resources, and the direction and control of the development, of a district in such a way as will most effectively promote and safeguard the health, safety, convenience, and the economic, cultural, social, and general welfare of the people, and the amenities of every part of the district.	(72) The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.  (31) (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:  (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:  (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—  (i) The avoidance or mitigation of natural hazards; and  (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and  (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:  (iii) the maintenance of indigenous biological diversity;  (c) [Repealed]  (d) The control of the emission of noise and the mitigation of the effects of noise:  (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:  (f) Any other functions specified in this Act.  (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.

TABLE TWO: THE CHANGING REQUIREMENTS AS TO CONTENT OF DISTRICT PLANS

	Town-planning Act, 1926 Section 15 Contents of town-planning schemes	Town and Country Planning Act, 1953 Section 21 Contents of district schemes*	Town and Country Planning Act, 1977 Section 36 Contents of District Scheme	Resource Management Act, 1991 Section 75 Contents of district plans
Schedules	Every town-planning scheme prepared pursuant to this Act shall, having regard to the present and future requirements of the borough, make provision for such of the matters referred to in the Schedule hereto with all such particularity as the Town-planning Board may require.	(1) Subject to the foregoing provisions of this Part of this Act, every district scheme shall, having regard to the present and future requirements of the district and to its geographical and economic relationship to any neighbouring area, make provision for such of the matters referred to in the Second Schedule to this Act as are appropriate to the circumstances.	(1) Every district scheme shall, subject to section 3 of this Act and having regard to the present and future requirements of the district and its relationship to any neighbouring area, make provision for such matters referred to in the Second Schedule to this Act as are appropriate to the circumstances or as are necessary to promote the purposes and objectives of district planning set out in section 4 of this Act.	
Policy Framework & Detail		(2) Every district scheme shall be prepared in accordance with any regulations made under this Act which apply to it; and shall consist of a description of the particular purposes of the scheme, a code of ordinances for its administration and implementation, and a map or maps illustrating the proposals for the development of the area, and such other particulars and material as the Council may consider necessary for the proper explanation of the scheme.	(2) Every district scheme shall include – (g) a statement of the particular objectives and purposes of the scheme and the policies to achieve them; (h) an indication of the means by which and the sequence in which the objectives, purposes, and policies will be implemented and achieved; (i) a code of ordinances for its administration and implementation, and a map or maps illustrating the proposals for the development of the area; and (j) such other particulars and material as the Council may consider necessary for the proper explanation of the scheme.	(1) A district plan must state— (a) the objectives for the district; and (b) the policies to implement the objectives; and (c) the rules (if any) to implement the policies.
			(3) Every district scheme shall provide for such controls, prohibitions, and incentives relating to any land and buildings, or to the use and development of any land and buildings, as are necessary or desirable to promote the purposes and objectives of the district scheme.	(2) A district plan may state— (a) the significant resource management issues for the district; and (b) the methods, other than rules, for implementing the policies for the district; and (c) the principal reasons for adopting the policies and methods; and (d) the environmental results expected from the policies and methods; and (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and (f) the processes for dealing with issues that cross territorial authority boundaries; and (g) the information to be included with an application for a resource consent; and (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.

\* NB: Clauses (4) and (5) of this section have been omitted as they related to procedural matter rather than content matter.

TABLE TWO: THE CHANGING REQUIREMENTS AS TO CONTENT OF DISTRICT PLANS

	Town-planning Act, 1926 Section 15 Contents of town-planning schemes	Town and Country Planning Act, 1953 Section 21 Contents of district schemes'	Town and Country Planning Act, 1977 Section 36 Contents of District Scheme	Resource Management Act, 1991 Section 75 Contents of district plans
			<p>(4) Every district scheme may distinguish between classes of development, uses, and buildings in all or any part or parts of the district in any one or more of the following ways or any combination of them:</p> <ul style="list-style-type: none"> <li>(a) those which are permitted as of right provided that they comply in all respects with all controls, restrictions, prohibitions, and conditions specified in the scheme.</li> <li>(b) Those which are appropriate to the area but which may not be appropriate on every site or may require special conditions and which require approval as conditional uses under section 72 of this Act.</li> <li>(c) Those which are permitted subject to such powers and discretions specified in the scheme as are necessary or desirable to achieve the general purposes of the scheme and to give effect to the policies and objectives contained in the scheme relating to – <ul style="list-style-type: none"> <li>(i) Landscaping;</li> <li>(ii) The design and external appearance of buildings;</li> <li>(iii) Such other matters as may be specified in that behalf by any regulations in force under this Act.</li> </ul> </li> </ul>	
		<p>(3) No district scheme shall provide for an industrial area to be located adjacent to any residential area in another district unless the Council of that district resolves to consent to the proposal or unless the proposal is authorized by the Board on an appeal made under subsection four of this section.</p>	<p>(5) Any district scheme may confer on the Council such specified powers and discretions as are necessary or desirable to achieve the general purposes of the scheme and to give effect to the policies and objectives contained in the scheme relating to:</p> <ul style="list-style-type: none"> <li>(a) The preservation or conservation of trees, bush, plants, landscape, and areas of special amenity value;</li> <li>(b) The design and external appearance of buildings;</li> <li>(c) Such other matters as may be specified in that behalf by any regulations in force under this Act.</li> </ul>	
		<p>(6) Every public work for which the Minister or any local authority having jurisdiction within the district has financial responsibility and requires provision to be made shall be provided for to his or its satisfaction in the district scheme ...</p>	<p>(6) Any district scheme may provide for the circumstances under which, the manner in which, and the conditions subject to which, the Council may grant an application for the dispensation wholly or partly from, or waiver of, any provision of the district scheme relating to:</p> <ul style="list-style-type: none"> <li>(a) The subdivision of land permitted to be used for any urban purpose;</li> <li>(b) The height, bulk and location of buildings permitted on site;</li> <li>(c) The provision of parking and loading spaces;</li> <li>(d) The design and appearance of buildings and signs and the provision, design, and appearance of verandahs;</li> <li>(e) Landscaping; and</li> <li>(f) Such other matters as may be specified in that behalf by any such regulations in force under this Act.</li> </ul>	<p>(3) A district plan must give effect to—</p> <ul style="list-style-type: none"> <li>(a) any national policy statement; and</li> <li>(b) any New Zealand coastal policy statement; and</li> <li>(c) any regional policy statement.</li> </ul>

TABLE TWO: THE CHANGING REQUIREMENTS AS TO CONTENT OF DISTRICT PLANS

	Town-planning Act, 1926 Section 15 Contents of town-planning schemes	Town and Country Planning Act, 1953 Section 21 Contents of district schemes'	Town and Country Planning Act, 1977 Section 36 Contents of District Scheme	Resource Management Act, 1991 Section 75 Contents of district plans
			(7) any district scheme may provide for any class or classes of application for the exercise of any discretion conferred on the Council by the scheme to be made without notice...	(4) A district plan must not be inconsistent with— (a) a water conservation order; or (b) a regional plan for any matter specified in section 30(1).
				(5) A district plan may incorporate material by reference under Part 3 of Schedule 1.

TABLE THREE: THE CHANGING REQUIREMENTS AS TO THE MATTERS TO BE DEALT WITH IN DISTRICT SCHEMES

	Town-planning Act, 1926 Schedule: Matters to be dealt with in Town and Regional Planning Schemes	Town and Country Planning Act, 1953 Second Schedule: Matters to be dealt with in District Schemes	Town and Country Planning Act, 1977 Second Schedule: Matters to be dealt with in District Schemes	Resource Management Act, 1991 Second Schedule: Matters that may be provided for in policy statements and plans
Zoning				REPEALED
Iwi			Provision for marae and ancillary uses, urupa reserves, pa, and other traditional and cultural Maori uses. (Clause 3)	
Connectivity	Roads, streets, private streets, private ways, and footways, the fixing of building-lines (clause 1)	Public access from place to place, car parks, transport terminals, aerodromes, and public transport systems, including their creation, establishment, closing, removal, alteration and diversion: traffic routing; the co-ordination of street widths with land uses and population densities; off street provision for vehicles while being loaded or unloaded or standing; the fixing of building lines in relation to highways (Clause 4).	Provision for the safe, economic, and convenient movement of people and goods, and for the avoidance of conflict between different modes of transport and between transport and other land or building uses.	
Built Form	Buildings: <ul style="list-style-type: none"> <li>• their position on allotment</li> <li>• their position in relation to any road or street</li> <li>• their position in relation to other buildings,</li> <li>• their density,</li> <li>• their character,</li> <li>• their height,</li> <li>• their harmony in design of facades.</li> </ul> (clause 2)	Buildings, with particular reference to: <ul style="list-style-type: none"> <li>• their position on allotment</li> <li>• their position and in relation to any highway</li> <li>• their position in relation to other buildings;</li> <li>• their density,</li> <li>• their character,</li> <li>• their height</li> <li>• their harmony in design and external appearance;</li> <li>• their use.</li> <li>• Verandas in commercial streets:</li> <li>• Open space about buildings:</li> <li>• fixing of building lines for amenity and other purposes.</li> </ul> (Clause 8)	The <b>design and arrangement of land uses and buildings</b> , including: <ul style="list-style-type: none"> <li>• the size, shape, and location of allotments</li> <li>• the size shape, number, position, design, and external appearance of buildings,</li> <li>• the excavation and contouring of the ground, the provision of landscaping, fences, walls, or barriers,</li> <li>• the provision, prohibition, and control of verandahs, signs, and advertising displays,</li> <li>• The provision of insulation from internally or externally generated noise,</li> <li>• The location, design and appearance of roads, tracks cycleways, pathways, accesses, and watercourses</li> <li>• Access to daylight and sunlight,</li> <li>• The requirements of sections 24 &amp; 25 of the Disabled Persons Community Welfare Act 1975</li> </ul>	

**TABLE THREE: THE CHANGING REQUIREMENTS AS TO THE MATTERS TO BE DEALT WITH IN DISTRICT SCHEMES**

	Town-planning Act, 1926 Schedule: Matters to be dealt with in Town and Regional Planning Schemes	Town and Country Planning Act, 1953 Second Schedule: Matters to be dealt with in District Schemes	Town and Country Planning Act, 1977 Second Schedule: Matters to be dealt with in District Schemes	Resource Management Act, 1991 Second Schedule: Matters that may be provided for in policy statements and plans
Parks and Reserves	The reservation of land for: <ul style="list-style-type: none"> <li>• afforestation purposes,</li> <li>• for recreation-grounds,</li> <li>• ornamental gardens,</li> <li>• parks,</li> <li>• children's playgrounds,</li> <li>• and other open spaces. (clause 3)</li> </ul>	the designation of reserves and proposed reserves for national, civic, cultural, and community purposes, for recreation grounds ornamental gardens, parks, and children's playgrounds, and for open spaces (clause 3).		
		the designation of open spaces for purposes of value to the community on land not intended to be owned by the Council (clause 4).		
Historic Heritage	The preservation of objects of historical interest or natural beauty (clause 4).	The preservation of objects and places of historical interest or natural beauty. (clause 2)	The preservation or <b>conservation</b> of – <ul style="list-style-type: none"> <li>• buildings, objects and areas of architectural, historic, scientific, or other interest or of visual appeal.</li> <li>• Trees, bush, plants, or landscape of scientific, wildlife, or historic interest, or of visual appeal;</li> <li>• The amenities of the district.</li> </ul> (Clause 5)	
Infrastructure	Systems of sewerage, drainage, and sewage disposal (clause 5).	Sewerage, drainage, and sewage and rubbish disposal (Clause 6).		
	Systems of lighting and water-supply (clause 6).	Lighting and water supply (Clause 7).		
Zoning	The definition of areas to be used exclusively or principally for specified purposes or classes of purposes (clause 7).	The zoning or definition of areas to be used exclusively or principally for specified purposes or classes of purposes (clause 2)	Provision for the establishment or for carrying on of such land uses or activities as are appropriate to the circumstances of the district and to the purposes and objectives of the scheme (Clause 2).	

**TABLE THREE: THE CHANGING REQUIREMENTS AS TO THE MATTERS TO BE DEALT WITH IN DISTRICT SCHEMES**

	Town-planning Act, 1926 Schedule: Matters to be dealt with in Town and Regional Planning Schemes	Town and Country Planning Act, 1953 Second Schedule: Matters to be dealt with in District Schemes	Town and Country Planning Act, 1977 Second Schedule: Matters to be dealt with in District Schemes	Resource Management Act, 1991 Second Schedule: Matters that may be provided for in policy statements and plans
Amenities	Provision for amenities (clause 8).	Provision and preservation of amenities, including regulation and control of outdoor advertising displays (Clause 9).	Provision for social, economic, spiritual, and recreational opportunities and for amenities appropriate to the needs of the present and future inhabitants of the district, including the interests of minority groups. (Clause 1).	
		Provision and preservation of amenities, including regulation and control of outdoor advertising displays (Clause 10).		
Subdivision		Control of subdivision, including restraint upon unnecessary encroachment of urban development upon land of high actual or potential value for production of food (Clause 11).	Control of Subdivision (Clause 6).	
		Minimum site areas and dimensions in relation to uses of land and buildings (Clause 12).		
Other	Ancillary or consequential works (clause 9).	Ancillary or consequential works and all other matters involving the principles of town and country planning (Clause 13).	The avoidance or reduction of danger, damage, or nuisance caused by: <ul style="list-style-type: none"> <li>• Earthquake, geothermal and volcanic activity, flooding, erosion, landslip, subsidence, silting, and wind;</li> <li>• The emission of noise, fumes, dust, light, smell, and vibration.</li> </ul>	
			The relationship between land use and water use	
			The scale, sequence, timing and relative priority of development.	

## Appendix Two – A Snapshot of the Sample District Plans

<b>Table 1: A Snapshot of All Sample District Plans</b>		
	<b>No. of Residential Zones:</b>	<b>Sections of the District Plan used in the Content Analysis</b>
<b>Franklin</b>	1	<ul style="list-style-type: none"> <li>Part 3 – Principle Resource Management Issues, Sections 3.1 (Population distribution and land fragmentation) and 3.2 (growth of urban centres and settlements) and 3.3 (Strategic approach to 3.1 and 3.2).</li> <li>Part 9 – Transportation, in its entirety</li> <li>Part 18 – Urban Issues, sections 18.1 (Growth of main urban areas), section 18.2 (growth of small urban settlements), and section 18.4 (managing residential areas).</li> <li>Part 19 – Objectives Policies And Methods: Urban</li> <li>Part 26 – Rule 26 - Subdivision: Urban, in its entirety.</li> <li>Part 27 – Rule 27 - Residential Zone, in its entirety.</li> <li>Part 51 – Rule 51 - Parking Loading And Access</li> <li>Part 54 – Rule 54 – Structure Plans</li> </ul>
<b>Rotorua</b>	5	<ul style="list-style-type: none"> <li>Part 4 – Significant Resource Management Issues, Sections 1 (Introduction), 2 (Land use and management practices), and 4 (amenity values).</li> <li>Part 7 – Residential, in its entirety.</li> <li>Part 12 – Transportation, in its entirety.</li> <li>Part 16 – Subdivision and Development, section 1 (introduction), section 2.1 (amenity and heritage values), and section 2.3 (infrastructure and services)</li> </ul>
<b>New Plymouth</b>	3	<ul style="list-style-type: none"> <li>Volume 1 – Issues, Objectives, Policies and Rules – Management Strategy – Amenity, Health and Safety</li> <li>Volume 1 – Issues, Objectives, Policies and Rules – Management Strategy – Traffic and Transport</li> <li>Volume 1 – Issues, Objectives, Policies and Rules – Management Strategy – Works and Services</li> <li>Volume 1 – Issues, Objectives, Policies and Rules – Residential Environment Area</li> </ul>
<b>Hastings</b>	4	<ul style="list-style-type: none"> <li>Section 2.3 – General Resource Management Issues, in its entirety.</li> <li>Section 2.4 – Urban Development and Strategic Urban Directions, in its entirety.</li> <li>Section 2.4 – Transportation, in its entirety.</li> <li>Section 2.6 – Low Density Residential Strategy, in its entirety.</li> <li>Section 8.0 – Residential Zones, in its entirety.</li> <li>Section 15.1 – Subdivision and Development, including only those clauses, which relate to residential development.</li> <li>Section 14.1 – Traffic Sightlines, Parking, Access and Loading, including only those clauses, which relate to residential development.</li> </ul>

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**Table 1: A Snapshot of All Sample District Plans**

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Whangarei	3	<ul style="list-style-type: none"><li>• Section 5 – Amenity Values</li><li>• Section 6 – Urban Form and Development</li><li>• Section 8 – Subdivision and Development</li><li>• Section 22 – Road Transport</li><li>• Section 36 – Living 1, 2 and 3 Environment Rules</li><li>• Section 47 – Road Transport Rules</li><li>• Section 71 – Subdivision Rules – Living 1, 2 and 3 Environments</li></ul>
Palmerston North	1	<ul style="list-style-type: none"><li>• Section 7 – Subdivision</li><li>• Section 10 – Residential</li><li>• Section 20 – Transportation</li></ul>
Rodney	6	<ul style="list-style-type: none"><li>• Section 13 – Vehicle Parking, Loading and Access</li><li>• Section 8 – Residential, in its entirety (NB: this section also contains the subdivision provisions for the residential zones).</li></ul>
Hutt City	5	<ul style="list-style-type: none"><li>• Section 4 – Residential</li><li>• Section 4A – General Residential Activity Area</li><li>• Section 4B – Special Residential Activity Area</li><li>• Section 4C – Historic Residential Activity Area</li><li>• Section 4D – Hill Residential Activity Area</li><li>• Section 4E – Landscape Protection Residential Activity Area</li><li>• Section 11 – Subdivision</li><li>• Section 14A – Transport</li></ul>
Tauranga	2	<ul style="list-style-type: none"><li>• Section 2 – Issues, Objectives, Policies Overview</li><li>• Section 7 – Physical Resources</li><li>• Section 13 – General Amenity Rules</li><li>• Section 15 – General Physical Resource Rules</li><li>• Section 19 – Residential Activity Zone Rules</li></ul>
Dunedin	6	<ul style="list-style-type: none"><li>• Section 8 – Residential</li><li>• Section 18 – Subdivision</li><li>• Section 20 – Transportation</li></ul>
Hamilton	1	<ul style="list-style-type: none"><li>• Volume 1, Section 4.1 – Future Urban Areas</li><li>• Volume 1, Section 4.2 – Transportation and Accessibility</li><li>• Volume 1, Section 4.4 – Subdivision and Development of Land</li><li>• Volume 1, Section 5.1 – Residential Areas</li><li>• Volume 2, Section 4.1 – Residential Zone Rules</li><li>• Volume 2, Section 5.2 – Rule 5.2 Parking, Loading and Access</li><li>• Volume 2, Section 6.3 – Rule 6.3 Subdivisional Standards for Individual Zones</li></ul>

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