Introduction

Thank you for the opportunity to provide feedback to the discussion document ‘Planning for Successful Cities’. Responding readily and effectively to growth demands in the Western Bay is a major consideration both for the District Council in its own right, and through its role in SmartGrowth, the sub-regional growth strategy. We note that the first SmartGrowth Strategy in 2004 addressed the need to embrace intensification and urban design. However little has happened with regard to implementation of such policies in the sub-region for a range of reasons. We see the NPS playing an important part going forward because of its role in mandating certain actions that need to occur.

There is overall support from the Western Bay of Plenty District Council for the NPS –UD. However, we seek some changes and refinements to better enable delivery of successful urban environments. Although we are classified as a high growth urban area, we are not a metropolitan area and will never be. As a predominantly rural Council facing high levels of population growth, the Western Bay is in a fairly unique situation with an urban/rural population percentage split of 45/55. Surrounding Tauranga City, the District also has its own urban settlements ranging from small harbour-side and rural settlements of a few hundred people to a new town being developed at Omokoroa which will grow from its current population of 3,210 to 12,000 over the next 20-30 years. Accordingly, we consider it important to address issues of particular importance to Western Bay, and this submission looks at the NPS from both the perspective of being adjoining to a major urban centre, and with regard to how our own urban centres may be affected.

The following submission points generally follow the structure of the discussion document. Where appropriate the specific questions are addressed.

3. Overview of the NPS-UD

- **Replacing the NPS-UDC:**
  We support in principle the NPS-UD as it provides clear direction, and signals clear intent about how local authorities need to provide for growth. It also signals greater collaboration between central and local government to deliver quality urban environments.

- **Other tools:**
  Frequently there are larger parcels of land that are zoned and serviced for residential development, but are not released by the owner for a number of reasons. While the Local Government Rating Act allows Councils to charge a residential rate, this only applies to the unimproved value. If Councils could charge the full residential rate (as if the land was subdivided) this would encourage the landowner to develop.

- **Targeting cities that would benefit most:**
  We support the approach of targeting New Zealand’s largest and fastest growing urban environments. However, it should be acknowledged in policies that stem from this targeting approach that not all of the major urban centres are uniform. In the Bay of Plenty, intensification policies may be wholly appropriate for Tauranga City, but inappropriate for smaller towns such as Katikati (population 5,010) or Te Puke (8,688)
that are not planned to have a population larger than 10,000. While some modest levels of intensification may be achieved over time, higher levels are not considered practical or achievable. These small towns are identified by their residents as rural service towns for the local community as opposed to being part of a large metropolitan area and all that entails. These towns also contribute to the variety of living environments that people can choose from, ranging from apartment dwellings in the city through to city suburbs, small towns, lifestyle and rural. One policy approach does not fit all. The NPS raises in a number of places the notion that policies should apply to settlements that are, or planned to be, greater than 10,000 population. This is supported, however needs to be clarified.

4. Future Development Strategy

- We support the proposed changes to Future Development Strategies. We consider the FDS process is the best process to identify how growth and infrastructure will be addressed and to consult on this with our communities. It is critical however that the timing for the development of our FDS enables alignment with updating our HBA and input into the Long Term Plan. It is our view that the timing for the FDS is wrong. It is correct that the FDS will be a major contributor to the LTP, however under the proposed NPS, Councils will have to prepare and consult on the NPS before the LTP. The information from the FDS that goes into the LTP will then be subject to further consultation. This gives people the opportunity to re-litigate the FDS through the LTP process and there is a danger that the outcome of the LTP process could be contrary to the FDS. For example, the timing of growth areas in the FDS could be completely changed through the infrastructure provision in the LTP by challenges from the community (or parts of it). It is preferable for the FDS to be undertaken as part of the LTP to ensure integrated planning is achieved. From a community perspective, such an approach is also preferable to avoid consultation fatigue and repetition.

- Related to the above point is P1H. If local authorities are only “encouraged” to use the FDS to inform LTPS etc., then why should they bother to prepare an FDS? If the approach to combine the FDS and LTP is taken, then P1H is redundant.

- The FDS needs to also have support from other infrastructure providers, including Government. We have a situation with one of our towns (Omokoroa) whereby the decision to make it an urban growth area was based on NZTA having all the designations in place at the time to upgrade SH2. However Government priorities changed, which puts the growth of Omokoroa in doubt, with severe financial consequences for the ratepayers for the funding of the Council-provided infrastructure.
5. Making room for growth

- **Describing quality urban environments:**

  It is critically important that there is a robust and clear articulation of what constitutes a 'quality urban environment' and that this has legal weight. This goes to the heart of this NPS-UD, as in the past Councils have struggled to advance intensification due to community (and political) concerns that density delivers poor urban environments. A clear definition will greatly aid plan making and subsequent consent decisions.

  While we seek high level guidance, we acknowledge that every location will vary and Councils should, therefore, have some room to determine what a quality urban environment looks like in their location.

  It is similarly important that there is some clarity around how urban development contributes to a quality urban environment, especially how density contributes.

  We are also keen that there be something in the definition or explanation about urban development at a scale that is appropriate to the existing urban environment. Eight story apartments may be appropriate in some major urban centres, but not in smaller urban centres, or rural towns within the wider major urban centre.

  Objective 3 is questioned. Negative effects should not be minimised but avoided, otherwise the development has not been adequately designed.

  In answer to the question about the impacts of the draft objectives and policies, the only real impact will be typologies, as the others are not new.

- **Amenity values in urban environments:**

  We support proposals to clarify that amenity values can change and still contribute to quality urban environments. However, it will be insufficient to simply acknowledge amenity can change over time. The component parts of ‘amenity values’ should be identified – sense of space, complexity of built form, differing shapes and sizes, old and new, sense of safety, etc. These should be built into a redrafted O4. The point is that changing urban form may alter the built form, yet still deliver these core amenity values, but in a different form.

  Greater identification is needed about what are the amenities that communities value. What are the things that those communities hold near and dear to them – are there enduring amenity values that can be reflected in a variety of housing/urban developments? It is also about taking a long term view, as opposed to being locked into the present.

- **Enabling opportunities for development:**

  We support diversity of development opportunities over ‘sufficient capacity’.

  The requirement to notify the Minister provides an opportunity to discuss the real costs of development, including infrastructure, and where this cost rightly lies.

  The ability to meet demand is overstated. Councils, through their plans, can influence locations and housing types, but not range of prices – this is largely an income matter. It has been shown a number of times that affordable housing is not solely about land supply as implied in the document.
The question of capacity that is likely to be taken up is not straight forward. Landowners can and do regularly change their minds about their intentions.

With regard to Appendix 3, the following comments are provided:

- AP3 is unrealistic, particularly with the monitoring that is now required to assess availability. Ongoing monitoring will ensure shortfalls can be avoided. To include such margins has significant implications for planning for landuse and infrastructure. The percent figure is considered to be inappropriate. Growth rates are generally “arithmetic”, whereas the percentages used in the NPS are “geometric”. A more sensitive approach would be to use a defined number of years (say five) that allows time for a plan change, resource consent process and civil works to enable new houses to be constructed.

- AP6. Councils cannot realistically “affect” the build price of dwellings. This is a construction issue relating to labour and materials, and is more in the hands of Central Government.

- AP7 is also somewhat unrealistic. The implication is that if the supply in a particular location is short, then more should be supplied. This is artificial, for example everybody wants to live at the beach, but there is only so much land available to be used.

- In response to the Questions in Appendix 3, Council’s view is that the changes are not generally supported as they are theoretical and will not have any impact on planning and urban outcomes.

- **Ensuring plan content provides for expected development**

  Support clear zone descriptions (P5A) and consistency of plan provisions to deliver objectives and policies (P5B)

  We seek an additional policy that provides for ‘minimum development’. This is so a zone for medium density in a plan change cannot be met by low density/stand-alone housing that is at odds with the zone description/intent, as this would deliver less than the capacity (and diversity of development) that is required. Councils are unlikely to get sought after urban density without clear minimum development policies that can be enforced.

  P5C(b). What is the response if it is the market’s inability to deliver such as because of cost of infrastructure or cost of multi-level construction?

  Question 7 raises amenity values, but these are not covered in the objectives and policies.

- **Providing for intensification**

  We support the approach requiring Councils to enable higher density residential development. It is important though that this residential density reflects the local context. Councils need encouragement to deliver residential density, but inappropriate height/density would be counter-productive. We suggest that O7 is amended to incorporate local context.

  Similarly, it is inappropriate for O7 to apply to all urban environments. Western Bay is within a major urban centre (Tauranga) but contains a number of local and rural settlements that are inappropriate for high density. The right location within major urban centres is important too.
• **Proposed objectives and policies:**

O7 and its supporting policies need to change from “allowing” and “enabling” to “require”. Unless they are made to, many developers (and Councils through community pressure) will stay with the current model of stand-alone 3 and 4 bedroom houses on single sections.

O7 support with amendment to acknowledge local context.

P6A - needs to be more comprehensive as well as addressing the local context as contained in amended O7.

Options for directing intensification:

There is a need to allow councils to retain some control of urban development in their local context. Each area is different and local Councils are best placed to gauge what is appropriate for their communities within the context of enabling intensification. Hence we suggest the descriptive approach contained in PC6 option 1 is a preferable approach as it allows some flexibility in application. However it should not be solely focused on transportation. Other matters to consider are employment, community facilities such as schools, hospitals and open space.

We also note that the prescriptive approach is clumsy and likely unworkable (800m up a steep hill, or over a river would be inappropriate and counter-productive), and what is determined as high density will depend upon the size of the settlement e.g. Auckland vs Tauranga vs Omokoroa.

P6D. In b) what does “more” mean? More than what – more numbers of housing, or more typologies?

Add a new c) the development positively contributes to a quality urban environment.

• **Providing further greenfield development**

Oppose the inclusion of a policy providing for private plan changes for out-of-sequence urban development. We understand why this may appear to provide greater flexibility and responsiveness to the property market. However application of this policy will be counter-productive, create market uncertainty and undermine the FDS, infrastructure strategies and local plans. It is a problematic policy because:

- Councils spend a lot of time and effort identifying growth sequencing and aligning this with significant infrastructure spend.
- If the FDS is done properly there should be no need for out of sequence development because it has already been catered for and agreed with the community (including the development sector), and is reviewed every 3 years.
- Likely to result in low density housing sprawl, as intensification policies will not apply to new greenfield areas not identified in plans.
- Is highly likely to clash with NPSs on Highly Productive Land and Freshwater Management.
o The policy does not take into account externalities of out-of-sequence development – such as increased congestion on existing motorway/roads, etc.
o Developer built infrastructure ultimately is paid for by ratepayer.
o Would tie up significant amount of Council resources responding to plan change requests.
o Disincentives’ residential intensification in urban areas as the prospect of new greenfield development is viewed as less costly.

We suggest there are too many risks and costs associated with this policy approach compared to the small benefit it might bring. This policy should be deleted and greater emphasis placed on the development of the FDS to correctly identify future greenfield growth areas.

However if it is persisted with, following changes to clauses are necessary:

a. Needs to be strengthened by changing “contribute to” to “provide”. For example, a bus stop will contribute to public transport, but will not necessarily contribute to a well functioning public transport network.
e. Add “at the developer's cost and with agreement of all parties”.
f. (new) The proposal must be consistent with the FDS.
g. (new) The proposal must be contiguous with existing urban development.
h. (new) The proposal does not impact on the provision or funding of infrastructure elsewhere. This is to avoid a proposal taking development away from other areas where infrastructure is already committed and development in that location is required to fund that infrastructure. It is not just about ensuring that development pays for itself, but the costs that can be incurred when development is redirected and does not occur in existing areas as planned and costs have to be picked up by general ratepayers.

- **Removing minimum carparking requirements:**

We are concerned that the proposed approach is a knee jerk response and likely to cause wider problems, such as congestion on local roads as parking occurs there. We are pressured by developers to reduce street widths to save land and money. This can be done only where parking is provided on-site. If parking on-site is reduced, then Councils will insist on standard road widths which will cost developers more in lost land than providing carparks on-site.

Because of scale and the rural nature, in much of the Western Bay there are relatively poor levels of public transport, so even in our urban growth areas, provision for car parking will be necessary. We suggest the removal of this policy, but allow Councils to choose to use it as a tool (as many already do), depending on local circumstances.

If Government decides to retain this policy approach, we prefer P7A option 3, as it allows greater flexibility. It is also stated that Government will support local authorities, but no detail is provided. Knowledge of this support is required before the policy is introduced.
• **More directive intervention to enable quality urban development:**

We support Central Government encouraging planning to enable urban development. However we want to ensure local conditions can be reflected in planning provisions – otherwise we end up with cookie cutter housing throughout New Zealand that does not reflect unique urban contexts.

We suggest greater direction about ‘why’ a planning provision is valid. For example, direction on the use of height controls would be useful, but this should not be a directive policy that tells Councils that they cannot have height restrictions in urban density zones. Again Western Bay, while in the Tauranga major urban area, has a range of towns and rural centres. In such places greater density can be delivered while also meeting community expectations of building height. Height controls are wholly appropriate.

It is our view that not many rules are unnecessarily containing urban development. There is more of an issue in that district plan rules can sometimes cumulatively act against the policy intent of the zone. A careful review of the appropriateness of the rule framework against sought after residential density is a preferable approach. We note also that other NPS UD provisions will be sufficient to incentivise councils to advance appropriate planning provisions that enable intensification.

Enabling development (page 45) is not adequate to achieve change. It may work in a more mature market such as Auckland, but not in the conservative markets such as Tauranga where there is resistance to change.

6. Evidence for good decision making

• **Using Market information to make decisions:**

We support the need for councils to use evidence in planning decisions. This is business as usual for Western Bay of Plenty. We note however that this takes considerable resource and effort, and that HBAs developed under the NPS-UDC contained some variable data. It is our belief that some of the data being required is of limited use, many are considered “interesting” information and theoretical, but not of a practical nature that Councils can do a lot with. Greater Government input and collaboration to help with evidence building would be appreciated.

7. Engagement on urban planning

• **Taking into account issues of concern to iwi and hapū:**

We support this proposal. There are 6 iwi and 73 hapu in our District and it is vitally important to work closely alongside them on urban development. We support the inclusion of P9B as it allows a richer and more comprehensive conversation on Maori aspirations that can be addressed, at least in part, through urban development (and is not just a RMA issue).
• **Coordinated Planning:**

We support this proposal. The Western Bay of Plenty District Council works collaboratively managing growth with adjoining Councils (Tauranga City and Bay of Plenty Regional Council) under SmartGrowth. However, greater clarity is required in O10, about how far that coordination goes. For example, does it include all adjoining Councils? For us that includes Hauraki, Matamata/Piako, Rotorua and Whakatane District Councils, whereas the growth management issues centre on Tauranga and Western Bay.

8. **Timing**

• **Timing of intensification policies:**

It is critical that HBAs and FDSs inform LTPs and infrastructure strategies. There is a need for urban development outcomes and aspirations to be realised through funding and infrastructure roll out. It is questionable though that an updated FDS can be developed, consulted on, completed and subsequent plan changes developed within 18 months. There is also the need to ensure Long Term Plans can include the funding required to deliver the urban development outcomes identified in the FDS and plan changes. Timing should also include the development and roll out of the proposed National Planning Standards.

For Councils it is preferable that their plan changes be co-ordinated. This is to not only ensure integration of the various policies and rules, but is more efficient and cost-effective from an administration perspective with regard to RMA Schedule 1. A more realistic timeframe for plan changes to be notified is 2024. This would coincide with the changes that Councils will have to make to implement the National Planning Standards.

9. **Guidance and implementation support**

• **Support:**

Western Bay of Plenty District Council is keen to work alongside Government officials as changes are made to its District Plan to meet NPD-UD requirements. We suggest regular Government-led workshops, alongside other Councils, to discuss common approaches, potential solutions to problems, and that cover practical examples. The provision of monitoring data by Central Government is also essential.

10. **Alignment with other national direction under RMA**

• **NPSs:**

There is a plethora of national direction for Councils to consider. There needs to be careful consideration of the interactions between NPSs, especially the NPS-UD, NPS-HPL and NPS-FM. For clarity, Government should be clear on what the hierarchy is and what objectives and policies Councils need to prioritise. The Western Bay of Plenty District Council's view is that the NPS HPL has priority over the NPS UD. Any tensions should be worked through the Regional Policy Statement as provided for in the NPS HPL.