10 October 2019

NPS-UD Submission
Ministry for the Environment
PO Box 10362
Wellington 6143

Via email: nps-udconsultation@mfe.govt.nz

Dear Sir / Madam,

Re : Submission on Proposed National Policy Statement on Urban Development

Please see below and attached our submission on the Proposed National Policy Statement on Urban Development (NPS-UD).

Background

Ford Land New Zealand own land at:

1. Papamoa East – Te Tumu (Ford Land Holdings Pty Ltd) in the Tauranga City Council Local Government Area.
   This land is Zoned Future Urban and is currently going through a Council lead Plan Change to rezone the 760ha future Urban Growth Area for Urban uses – see attached plan.
   The Papamoa East Te Tumu Area is identified in:
   a) The Western Bay of Plenty SmartGrowth Strategy as a Future Urban Growth Area; and
   b) The Bay of Plenty Regional Policy Statement as an Urban Growth Management Area.
   The Ford Land Te Tumu interests are approximately 240 ha and will significantly contribute to the proposed baseline Te Tumu population of 15,500.

2. Work Road, Katikati (Ford Pastoral Company Holdings (NZ) Ltd) in the Western Bay of Plenty District Council Local Government Area.
   This land has an approximate area of 300ha and is Zoned Rural.

Our Submission

Please see attached our detailed submission on the NPS-UD.
Please forward all correspondence regarding this submission to:

Ford Land Holdings Pty Ltd

Attention: [Redacted]
Ph: [Redacted]
Email: [Redacted]

Yours faithfully,

per

GEOFFREY P. FORD

Encl
Ford Land New Zealand: NPS-UD Submission

Te Tumu Future Urban Zone & Urban Growth Management Area

Kaituna Link
Ford Land Submission on the Proposed National Policy Statement on Urban Development (NPS-UD)

Intent of NPS-UD

The intent of the NPS-UD is supported for many of the reasons detailed within the Discussion Document.

Submissions on Questions (note not all questions have been submitted on)

Question 1

Do you support a National Policy Statement on Urban Development that aims to deliver quality urban environments and make room for growth? Why/Why not?

- Are there other tools under the RMA, other legislation or non-statutory tools that would be more effective in achieving a quality urban environment and making room for growth?

Submission

We support an NPS-UD that aims to deliver quality urban environments and make room for growth for the many reasons in the Discussion Document and to ensure that there is much improved urban land use and infrastructure planning that enables urban growth and provides a much greater level of certainty for Central, Regional and Local Governments together with the Private Sector in providing the services and quality urban environments that are sought.

In our opinion for the NPS-UD to be successful the following is required:

1. The RMA needs to be amended and strengthened to clarify and provide increased direction and certainty with regard to how the NPS-UD and other national direction instruments work together in an integrated manner that takes into account the differing environments and challenges across the Country. Currently there are competing interests between the national direction instruments which will lead to further uncertainty and increased costs to both the public and private sectors. An example of this is Proposed Policy 6: Consideration of requests for plan changes in the National Policy Statement on Highly Productive Land (NPS-HPL), this includes consideration of urban expansion which is at odds with the section in the NPS-UD Providing for further greenfield development.

2. For the reasons above, we request that the proposed NPS-HPL is not progressed and the overall objectives are included within the NPS-UD. Please see attached our submission on the NPS-HPL.

3. There is currently a large gap and significant issue in implementing the proposed NPS-UD in that there is no connection between the NPS-UD and the funding of infrastructure to deliver Urban Growth. Local Government is unable to fund all required infrastructure, and this creates a significant funding gap and in turn uncertainty. The NPS-UD and accompanying Future Development Strategy (FDS) prepared by the Major Urban Centre Councils’ together with their infrastructure strategies need to feed into a National Urban Growth Implementation Plan (NUGIP) that provides certainty and support for the FDS’s, by adopting the FDS’s and providing Central Government Support and Funding for
the implementation of the NPS’s as negotiated between the Major Urban Centre Councils’ and Central Government.
The NUGIP would be very similar to the current Government Policy Statement on Land Transport.

4. The NPS-UD and accompanying FDS’s require commitment and ‘buy-in’ from other Government Agencies / Ministries in particular the:
   a) New Zealand Transport Agency;
   b) Ministry of Housing and Urban Development;
   c) Ministry of Education;
   d) Ministry of Health; and
   e) Ministry for the Environment.
This commitment could be through the NUGIP and would considerably assist in planning and investment alignment across Government that would overcome the significant uncertainties that exist across the Country in this regard.

**Question 2**

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

- Do you support the approach used to determine which local authorities are categorised as major urban centres? Why/why not?
- Can you suggest any alternative approaches for targeting the policies in the NPS-UD?

**Submission**

We support the focus of the more directive NPS-UD Policies being on the Major Urban Centre Councils’ as these are the areas where there is the greatest growth and pressure.

As the Country grows there should be a simple Gazette process identified to allow other Urban Areas to be added to the Major Urban Centre grouping of Council’s.

**Question 3**

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

- Do you support the approach of only requiring major urban centres to undertake an FDS? Would there be benefits of requiring other local authorities to undertake a strategic planning process?
- What impact will the proposed timing of the FDS have on statutory and other planning processes? In what way could the timing be improved?

**Submission**

We support the approach taken to initially only require the Major Urban Centres to undertake and FDS; this shouldn’t however preclude the opportunity for neighbouring Council’s to join a Major Urban Centre grouping should there be a consensus between the Council’s to do this.
The other Urban Areas should also be encouraged to produce an FDS, however they could do this on a longer initial timeframe and with longer review periods.

A key issue for the timing of producing FDS’s is Council resourcing and alignment with implementing the other national direction instruments together with the new National Planning Standards and the 10-year regulatory planning instrument review cycles. 

It is essential to ensure that the next generation of planning instruments for each Regional Council and Territorial Authority are properly coordinated and implemented as efficiently as possible to avoid out of sequence roll-out of the regulatory planning instruments which creates additional costs and uncertainty for both the public and private sector.

In this regard, it is suggested that there is direction provided in the NPS-UD with regard to coordinating FDS’s with regulatory planning instrument updates.

Question 4

Do you support the proposed approach of the NPS-UD providing national level direction about the features of a quality urban environment? Why/why not?

- Do you support the features of a quality urban environment stated in draft objective O2? Why/why not?
- What impacts do you think the draft objectives O2–O3 and policies P2A–P2B will have on your decision-making?

Submission

We submit that quality urban environment descriptions and accompanying draft objectives/policies are sound aspirations; however, they should not be a national direction they should rather be national guidance for the following reasons:

1. The ability to deliver these aspirations is contingent upon large scale developments which enables choices and alternatives to be delivered, particularly with regard to housing/dwellings.
2. Applying such aspirations across all development and consents will not be enabling.
3. Many of the draft objectives/policies are subjective and change from centre/area to centre/area; again, this is not enabling.
4. There needs to be a clear recognition that the desired outcomes detailed within this section cannot be achieved ‘up-front’ and require time and population to be planned and initiated.
5. Having a prescriptive direction in an NPS does not accommodate changing economic conditions, differencing markets across the country and the flexibility needed within a fast-changing world.
**Question 5**

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

− Do you think these proposals will help to address the use of amenity to protect the *status quo*?
− Can you identify any negative consequences that might result from the proposed objective and policies on amenity?
− Can you suggest alternative ways to address urban amenity through a national policy statement?

**Submission**

We submit that the way these proposals are drafted fails to provide for the changes in amenity that occur through urbanisation particularly the provision of *urban amenity* as opposed to just amenity and amenity values, which are generally associated with the natural environment.

We seek that *urban amenity* be defined and included in the proposed objective/policy wording.

We suggest the definition of *urban amenity* includes:

- Multi-use parks and reserves.
- Community plazas.
- Retail Convenience Centres.
- Walking and cycleways (on and off road).
- Sporting facilities.
- Surf Clubs.
- Boat Ramps.
- Jetties and Marinas.
- Community Centres.
- Libraries.
- Educational Facilities including Childcare Centres and Kindergartens.
- Urban Artwork.

**Question 6**

Do you support the addition of direction to provide development capacity that is both feasible and likely to be taken up? Will this result in development opportunities that more accurately reflect demand? Why/why not?

**Submission**

We support the intent of this section as it recognises that not all development opportunities will be taken up within pre-allocated time frames.

We submit that in order for the proposed objectives/policies outlined in this section to be effective:

1. Local Authorities should have to work with the local property and development sector to ensure that development capacity is realistically measured and assessed; and that the financial feasibility of proposed development options that form development capacity are realistically determined.
2. Increased infrastructure planning and funding certainty is enabled through the establishment of a National Urban Growth Implementation Plan (NUGIP) as detailed above; in our opinion, this is the greatest ‘gap’ in the proposed NPS-UD to enable Urban Development to be efficiently planned and delivered in our Major Urban Centres.

3. The proposed objectives/policies in the NPS-UD need to be separated into:
   a) Directive objectives/policies that are applicable across the Country and that are enabling and measurable; and
   b) Guidance objectives/policies that are more aspirational, subjective and difficult to measure.

**Question 7**

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

- Do you think requiring zone descriptions in district plans will be useful in planning documents for articulating what outcomes communities can expect for their urban environment? Why/why not?
- Do you think that amenity values should be articulated in this zone description? Why/why not?

**Submission**

We support zone descriptions or urban character descriptions, being used providing that they acknowledge that, where relevant, land use and urban character will change and what change is anticipated; the absence of such acknowledgement will make it very difficult for any meaningful change to occur.

**Question 8**

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

- What impact will these policies have on achieving higher densities in urban environments?
- What option/s do you prefer for prescribing locations for intensification in major urban centres? Why?
- If a prescriptive requirement is used, how should the density requirements be stated? (For example, 80 dwellings per hectare or a minimum floor area per hectare).
- What impact will directly inserting the policy to support intensification in particular locations through consenting decisions have?

**Submission**

We do not support the prescriptive approach option as this is a far too specific approach to be implemented at a National level and will result in some existing communities being disenfranchised.

The descriptive approach is supported as it will allow for each major urban centre to work with their communities (including the property and development sector) to assess and determine for each area being considered:

1. What higher density residential activity means, looks like and is appropriate.
2. The financial feasibility of intensification.
3. What other factors may preclude or limit intensification eg natural hazards, infrastructure capacity/availability.

**Question 9**

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

− How could the example policy better enable quality urban development in greenfield areas?
− Are the criteria in the example policy sufficiently robust to manage environmental effects ensure a quality urban environment, while providing for this type of development?
− To what extent should developers be required to meet the costs of development, including the costs of infrastructure and wider impacts on network infrastructure, and environmental and social costs (recognising that these are likely to be passed onto future homeowners and beneficiaries of the development)? What impact will this have on the uptake of development opportunities?
− What improvements could be made to this policy to make development more responsive to demand in suitable locations beyond areas already identified for urban development?

**Submission**

We support the inclusion of a policy that provides for plan changes for out-of-sequence greenfield development and/or greenfield development in locations not currently identified for development as this will provide a critical enabling tool to provide land for residential development within and around our Major Urban Centres.

With regard to the proposed criteria we submit that:

1. Item a) removes the *access to transport choice* provision; as this will likely preclude the vast majority of opportunities which are typically on the fringe of urban areas where alternate transport is not likely to be available for a considerable time.
2. Item e) be amended to read ‘Infrastructure to enable the long-term development of the land can be provided or is planned to be provided.’ As this enables planned infrastructure to be brought forward through infrastructure agreements between Local Government and Development Interests.
Question 10
Do you support limiting the ability for local authorities in major urban centres to regulate the number of car parks required for development? Why/why not?

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

Submission
We submit that this should be left to Local Authorities to determine as each Major Urban Centre has differing markets and challenges with regard to parking requirements.

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

- Which rules (or types of rules) are unnecessarily constraining urban development?
- Can you identify provisions that are enabling higher-density urban development in local authority plans that could be provided for either nationally or in particular zones or areas?
- Should a minimum level of development for an individual site be provided for across urban areas (for example, up to three storeys of development is a permitted activity across all zones)?
- Given the potential interactions with the range of rules that may exist within any given zone, how could the intent of more directive approaches be achieved?

Submission
We submit that a one size fits all approach with regard to intervention in local authority plans is not appropriate due to:

1. Different markets and market drivers in each Major Urban Centre.
2. Different topography, geology, natural character, natural hazards in each Major Urban Centre.

The Government’s focus should be enabling rather than directive; the primary enabler being providing for increased infrastructure planning and funding certainty that is enabled through the establishment of a National Urban Growth Implementation Plan (NUGIP) as detailed above. This is in our opinion this is the greatest ‘gap’ in the proposed NPS-UD to enable Urban Development to be efficiently planned and delivered in our Major Urban Centres and will allow each Local Authority to work with their communities to plan and provide for urban growth appropriate for that area.
Question 12
Do you support requirements for all urban environments to assess demand and supply of development capacity, and monitor a range of market indicators? Why/why not?

Submission
We support this requirement as urban growth and the infrastructure required for urban growth can only be effectively planned from a sound evidence base.
Ford Land Submission on the Proposed National Policy Statement on Highly Productive Land (NPS-HPL)

**Intent of NPS-HPL**

The intent of the NPS-HPL is supported for many of the reasons detailed within the Discussion Document.

**Options Considered**

We do not agree or support the proposal that management and protection of Highly Productive Land be implemented through its own NPS. In our opinion this will lead to conflict between the NPS-HPL and NPS on Urban Development (NPS-UD) leading to un-necessary uncertainty, complexity and costly processes for both Local Government and the private sector.

An example of this is *Proposed Policy 6: Consideration of requests for plan changes* in the NPS-HPL this includes consideration of urban expansion which is at odds with the section in the NPS-UD *Providing for further greenfield development*.

We believe the overall objectives for the NPS-HPL should be included within the NPS-UD. With the primary issue identified in the Discussion Document, being Urban Expansion into Highly Productive Land (HPL) and the main areas where this has and will continue to occur being the *Major Urban Centres*; this will enable more efficient and balanced assessments and decision making when assessing potentially competing objectives.

Concerns around land fragmentation can be included in the NPS-UD without significant change to the NPS-UD purpose and framework.

**Implementation and Timeframes**

We do not agree or support the Implementation or Timeframes for Implementation as set out in the Discussion Document for the following reasons:

1. A three year timeframe for Regional Councils to identify HPL followed by a further two years for Territorial Authorities to implement these outcomes via Policies 1.2, 2, 4 and 5 is far too ambitious taking into account:
   a) The significant resourcing required to carry out this work by both Regional Councils and Territorial Authorities.
   b) The likely contentious nature of the Policy implementation and lengthy and costly RMA processes for these policies to be implemented in District Plans.
   c) The considerable workload Regional Councils and Territorial Authorities already have placed on them with regard to addressing other national direction instruments including:
      i. The proposed National Policy Statement on Urban Development (NPS-UD).
      ii. Amendments to the National Policy Statement for Freshwater Management (NPS-FM) and an accompanying proposed National Environmental Standards for Freshwater.
      iv. Amendments to the National Environmental Standards for Air Quality.
d) Coordinating the national direction instruments above with the new National Planning Standards and the 10 year regulatory planning instrument review cycles is essential to ensure that the next generation of planning instruments for each Regional Council and Territorial Authority are properly coordinated and implemented as efficiently as possible.

Any Cost Benefit Analysis needs to consider this not only for Regional and Local Government but for the Private Sector.

2. Taking into account the issues raised in Item 1 above giving the objectives and remaining polices in the proposed NPS-HPL immediate effect will result in many landowners with Land Use Capability (LUC) Class 2 and Class 3 land being inadvertently penalised and, in many cases, left in a ‘land use limbo’ for the following reasons:
   a) The lengthy timeframes in Item 1 would result in land use uncertainty and for this reason impact the land value.
   b) Some LUC Class 2 and Class 3 land will also be impacted by the other proposed national direction instruments which combined with the NPS-HPL will likely ‘sterilise’ parts of land holdings impacting the primary production viability of the land and ability to finance and invest in further primary production on the land.
   c) As demonstrated above (under Options Considered) the proposed national direction instruments are each looking to address land and water challenges independent of each other and as such are likely to contain conflicting policies, leading to regulatory and land use uncertainty that will impact the value of the land and in turn lead to increased costs to Regional Councils, Territorial Authorities and the Primary Production Sector.

Any Cost Benefit Analysis needs to consider the impact of land use uncertainty, lost land value and a loss of primary production investment.

3. The NPS-HPL applies a national policy framework and a high level LUC classification system that:
   a) Is at a large scale that doesn’t extend to cadastral boundaries.
   b) Isn’t at a scale to take into account detailed topography, land features, natural hazards and soils.
   c) Doesn’t fully consider local climate or likely climate change impacts.
   d) Doesn’t take into account recent land changes that may have occurred.

These issues combined with the issues raised in Item 1 above will create considerable uncertainty that will impact the value of the land and its viability for further primary production on the land.

Any Cost Benefit Analysis needs to consider the impact of land use uncertainty, lost land value and a loss of primary production investment.

**Submission Requests**

Our submission requests are:

1. The NPS-HPL is not progressed any further and the overall objectives for the NPS-HPL be included within the NPS-UD.

2. Timeframes for the implementation of the NPS-HPL objectives, within the NPS-UD are coordinated to take into account coordinating the national direction instruments above together with the new National Planning Standards and the 10 year regulatory planning instrument review cycles.
3. The objectives and (remaining) polices in the proposed NPS-HPL, within the NPS-UD are not given immediate effect and are only given effect:
   a) Following the completion of the detailed LUC assessment work by the Regional Councils; and
   b) The implementation of policies in City or District Plan that take into consideration local conditions.

4. Should the Ministry consider implementing the proposed NPS-HPL, we request they first carry out further Cost Benefit Analyses to include (as noted above):
   a) The impact of uncoordinated implementation by Regional Councils and Territorial Authorities of:
      i. The proposed national direction instruments;
      ii. The new National Planning Standards; and
      iii. The 10 year regulatory planning instrument review cycles.
   b) The likely conflicting policies between the proposed national direction instruments, that will:
      i. Lead to regulatory and land use uncertainty,
      ii. Impact the value of the land; and
      iii. Lead to increased costs to Regional Councils, Territorial Authorities and the Primary Production Sector.
   c) The impact of land use uncertainty, lost land value and a loss of primary production investment should the NPS-HPL policies be given immediate effect while waiting for the Regional Councils and Territorial Authorities to carry out the considerable work required to identify HPL and in turn develop and implement policies to give effect to the NPS.