Planning for successful cities - a proposed National Policy Statement on Urban Development

Submission Reference no: 172

Upper Hutt City Council
Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt
Greater Wellington
New Zealand

Submitter Type: City/district council
Source: Web Form
Overall Position: Support in part

Clause
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?
Position
Yes
Notes
As Plans will take time to give effect to NPS-UD Policies, it is anticipated that urban development may override District Plan controls that would otherwise define quality outcomes. A measure of what “quality environments” should entail is therefore important. This could also expedite the policy development process for District Plans when creating rules to manage the urban environment.

Clause
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?
Notes
Councils often use the Local Government Act (LGA) process to establish strategies to set outcomes prior to undertaking a District Plan review, such as the Upper Hutt Land Use Strategy. This can set expectations for the community and assist with the Schedule 1 process. The LGA is also used to establish Bylaws that can control certain aspects of living, such as nuance effects in urban environments. The Building Code also has measures for living standards, sunlight access, insulation, etc. which are all measures of quality housing. These are quite effective as Building Consent cannot be obtained without meeting requirements. The Land Transfer Act also retains the ability to set covenants over land, which can be onerous and have the potential to be in conflict with NPS direction, as well as enhancing private quality outcomes.

Clause
Question 2. Do you support the approach of targeting the most directive policies to our largest and fastest growing urban environments? Why/why not?
Position
Somewhat
Notes
Having an external qualifier means the longevity of the policy is enhanced, while defining specific metropolitan areas does not consider areas that may unexpectedly grow. This does however make it clear in terms of knowing which areas are within scope. By defining areas, the policy assumes that the urban environment across this area is uniform, when this is not the case. The Wellington residential area is different to the likes of Kapiti or Upper Hutt. As such, community expectations for how these areas would be developed are not uniform and may lack acceptance through the District Plan review process to give effect to the NPS.

Clause
Do you support the approach used to determine which local authorities are categorised as major urban centres? Why/why not?
Notes
Somewhat. It was a surprise not to see the likes of Dunedin identified, however the removal of remaining areas is understandable (Table 3). It seems that the logic behind removing Dunedin may have been around the lack of demand for
Clause
Can you suggest any alternative approaches for targeting the policies in the NPS-UD?

Notes
Linking growth rates to Territorial Authority boundaries (rather than across MUC boundaries) may be a more targeted approach. This ensures that areas with different urban environments are treated differently and are reflective of local context, while the overall HBA is still conducted at a regional scale.

Clause
Question 3. Do you support the proposed changes to FDSs overall? If not, what would you suggest doing differently?

Position
Yes

Notes
This is an approach that is far more integrated with other planning and local government statutory systems. It is also good to have the option to do an FDS through an LGA process, rather than an RMA process. This means that the integration through Council is enhanced as this legislation is generally better understood, meaning it is easier for Council officers to implement. It is also likely that the LGA process will be more efficient at delivering an outcome in circumstances where larger urban areas (crossing multiple TA boundaries) lack the current basis for regional spatial planning. It would be useful to have clarity on what Central Government involvement there will be regarding the production and completion of the FDS. The FDS approach appears to have a good level of integration with HBAs. However, through the FDS process it may be challenging to identify growth areas where growth crosses multiple Territorial Authorities (for residential and business areas), as well as identifying development avoidance areas. Very good to only have an ‘update’ option as this recognises the significant degree of time and resources that can go into creating initial plans/strategies. However, clarity is firstly needed to detail the breadth of this update, and secondly, the NPS needs to recognise that an update may not be necessary, given the short cycle of reporting. An evaluation report could supplement any update where an evaluation shows that anticipated growth is still meeting expectations set in the most-recent FDS. Density targets are an effective means to address housing supply and provide clarity and certainty on development outcomes. Undertaking a Cost Benefit Analysis (CBA) for scenarios could become costly and timely (depending on the scope) when multiple TA interests are at play and when trade-offs are difficult to reconcile. It would be useful to have guidance state the expected level of detail any CBA should have (i.e. is this like s32 of the Act?).

Clause
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?

Notes
Yes, this is reflective of their urban scale and the growth issues they face. No, other local authorities should not be required to undertake an FDS as it may become overly costly and ineffective at a smaller urban scale. This should remain voluntary.

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

Notes
Aligning with LTP processes is logical. It is unlikely that the 2021 LTP will be informed by the next FDS as projects usually need to be identified one year prior. The FDS is also likely to take some time to develop and unlikely to align with the LTP development time. Subsequent LTPs should be able to give effect to the most-recent FDS at the time of development.

Clause
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?

Position
Somewhat

Notes
Setting an environmental quality is important in light of enabling intensified development. The Upper Hutt City Council is very supportive for the preamble (page 27) to have legal weight, as this will be more effective at setting bottom lines for quality. We believe that the intention to use ecologically sensitive design is important. Knowing what is ‘off limits’ is important in the face of intensification. The quality urban environment should incorporate the availability of affordable housing. Wordings in Objective O2 should be amended to replace ‘demands’ with ‘needs’ in order to provide an avenue to consider the needs of local people.

Clause
Do you support the features of a quality urban environment stated in draft objective O2? Why/why not? (see discussion document, page 26)

Notes
Somewhat. This objective is very similar to the outcomes sought under the current NPS-UDC (choices, efficiency,
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**Clause**

What impacts do you think the draft objectives O2-O3 and policies P2A-P2B will have on decision-making (see discussion document, page 26)?

**Notes**

Changes to outcomes will be limited when compared against current outcomes likely under the NPS-UDC. Under P2A, Consenting authorities will be able to accept a greater diversity of housing typologies, despite potentially not meeting performance standards of the current District Plan. This may increase housing choice, remembering that Plans are unlikely to set a mandatory quota of certain typologies. Councils are required to give effects to objectives of an NPS through the RMA, therefore P2B is unlikely to add much additional weight when drafting District Plan policy and only be beneficial for consenting decisions.

**Clause**

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

**Notes**

Yes, however it is likely that this will take some time to develop assessment procedures for local councils to evaluate development proposals. There is a potential that litigation is increased through this measure due to a lack of clear definition.

**Clause**

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

**Notes**

Without clear guidance, it is likely that this will increase the resourcing required to process consent applications and slow the consenting process due to s95E thresholds being met, where otherwise they may not have. This will however depend on how much weighting is given to ‘future amenity’ in an effects assessment and how this is defined in the NPS. It is recommended that strong guidance is produced to help define future amenity and the clarity of objectives and policies is increased.

**Clause**

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

**Notes**

Setting of basic urban design principles which should be achieved (or addressed / evaluated against) to be stated in the NPS. This provides clarity to both applicants and council and provides a degree of certainty for how urban environs may change in light of greater enablement. This also ensures a degree of comfort from an applicant’s perspective in terms of whether a proposal is in fact feasible to develop. The concept of future amenity should also be included in zone descriptions.

**Clause**

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? (see questions A1 - A5 at the end of the form for more questions on policies for Housing and Business Development Capacity Assessments)

**Position**

Somewhat

**Notes**

This is something that was implemented in the Wellington HBA (realisation), so Council has a degree of familiarity. It is helpful to assess the relative competition between developments (greenfield vs infill) when there is an imbalance in development capacity opportunities. Greater direction on the scope of ‘likely to be taken up’ is needed. For example, if there is a local preference for a larger typology (influencing likely take-up), but developing a smaller typology would ensure long-term development, how should a District Plan drive change? Does ‘likely to be taken up’ negate or conflate capacity targets for density established through the NPS? Does this also come in conflict with the future amenity principles? Policies P4D and P4E are somewhat at conflict with one another: territorial authorities are required to set bottom lines, and regional authorities must incorporate bottom lines in their RPS documents, but territorial authorities must then also apportion part of the bottom line in accordance with the FDS. These polices need to be better articulated and defined, and seems to go against the cascading...
hierarchy principle of the RMA. Additionally, the 12 month timeframe set under P4D for local authorities to give effect to HBA results in the District Plan could be challenging to implement, depending on how it is implemented. For example, if this applies to HBAs already completed, one would expect bottom lines to be incorporated into Plans within 12 months from gazettal. However, if these are implemented from when an updated HBA is completed under the NPS-UD, it may take some time for this to be seen in Plans. The former is potentially quite challenging given its misalignment with Councils current work programme to review the District Plan, whilst giving effect to National Planning Standards.

Clause
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?
Position
Somewhat
Notes
It is difficult to see how requirements under P5B differ from any other plan change and the requirements of s32 to evaluate the provision framework. Both P5C and P5D could be resource heavy and add a large degree of additional resourcing need on local councils. In some cases it may be difficult for consenting authorities to be able to process consents within the 20 working day period. Policies should be updated to reflect this high resource cost, with the ability to extend processing time in order to achieve positive, well considered, outcomes. P5Db appears to miss reference O1, where this should be O2.

Clause
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?
Notes
Yes, this can be an empowering tool to set the vision or future state of an area. Legal weighting of such a statement needs to be clear to ensure it can be adequately relied upon through the consenting process. As previous, it would be useful for this to include the future amenity state.

Clause
Do you think that amenity values should be articulated in this zone description? Why/why not?
Notes
Yes, this could assist in setting and identifying outcomes and assist with the determination of consenting decisions.

Clause
Question 8. Do you support policies to enable intensification in the locations where its benefits can best be achieved? Why/why not? (for more detail on the timing for these policies see discussion document, page 53)
Position
Yes
Notes
This will support the enablement of dwellings where District Plan provisions may otherwise not achieve this currently, or in the interim period before policies are given effect to. The timing does align with work UHCC currently has underway, through our review of rural and residential chapters.

Clause
What impact will these policies have on achieving higher densities in urban environments?
Notes
The Upper Hutt City Council strongly objects to the density proposed under Option 2. At a scale of 800m from transport nodes and 1.5km around CBD areas, the entire residential area of Upper Hutt is covered, including some rural areas. This would likely have a drastic impact on our built environment and is more suited to core urban centres (like Wellington City or Auckland), rather than regional centres. Community expectations in Upper Hutt are generally for a looser urban form. Our current average residential allotment is about 720 sqm. The Upper Hutt suburban density is about 15-16 dw/ha, with newer housing developments being between 20-25 dw/ha. Therefore an increase to 60 dw/ha would be a drastic departure from Upper Hutt’s current urban form. When changes to the residential environment may be pronounced and highly visible, the most significant effect may in fact be on the CBD. By introducing a mixed-use area at 1.5km around the CBD, the economic centre of our CBD could become diluted and threaten the economic viability of the CBD. The wider Upper Hutt CBD area currently measures approximately 0.9km by 0.4km. Having a concentrated economic centre is far more effective in Upper Hutt and reflects the local centre that Upper Hutt represents within with wider the Wellington Major Urban Centre. Additionally, as ‘frequent public transport stops’ have not been defined, it will be difficult to define the scope of transport nodes that would need to be considered for increased density.

Clause
What option/s do you prefer for prescribing locations for intensification in major urban centres? Why?
Position
Option 1 (the descriptive approach)
Notes
As it is currently worded, Option 1 is preferred; however, a prescriptive approach is likely to be more effective at delivering
Clause
If a prescriptive requirement is used, how should the density requirement be stated? Please provide a suggestion below (for example, 80 dwellings per hectare, or a minimum floor area per hectare).

Notes
The metric used should be more bespoke in order to reflect local urban environs. This could be achieved through an assessment of existing urban density, with a range of corresponding density targets which apply as a consequence. Floor area per hectare metric should be avoided as this could have unintended consequences whereby larger dwellings are simply constructed, rather than increasing the number of dwellings. Household size is also anticipated to reduce over the coming years, therefore any metric should focus on simply increasing dwelling numbers.

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

Notes
This would override current District Plan controls prior to an update to give effect to the NPS directive. Council may therefore require applicants to provide an independent assessment of quality urban design outcomes, in the face of a desire for quality outcomes under the NPS and the lack of a policy basis through existing District Plan controls (since density of this scale would not be anticipated by the Plan). The clarity Council is also able to provide regarding notification would also be more difficult to assess in lieu of any District Plan update. There would also likely be an additional cost to applicants to produce additional reports to demonstrate quality urban environments, as well as increased costs for Council to process such reports and peer-review material.

Clause
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?

Position
No

Notes
Council does not believe that this will increase the time at which scale developments will be able to be given effect to, when compared to current mechanisms to consider Private Plan Changes under Part 2 of the First Schedule of the Act. The main constraints will be around infrastructure. The example policy suggests that these developments should be enabled if infrastructure can be provided in the long term. This prerequisite would mean that the development is unlikely to be progressed in the short or medium term and therefore this policy does not reflect the intended priority of additional capacity.

Clause
How could the example policy better enable quality urban development in greenfield areas (see discussion document, page 37)?

Notes
The current example policy largely captures standard Part II matters under the Act, which would be considered for any new Greenfield site presently. The policy also adds the requirement for infrastructure to be enabled in the long term. This last caveat will likely not increase the efficiency of these new greenfield sites being given effect to. Such an enabling policy is presumably intended to provide additional capacity within the medium term where there is a need for additional capacity. The policy should instead consider whether a suitable development contributions policy exists to cater for increased development currently, and therefore whether it can make a meaningful contribution to housing supply. This ensures that the means to recoup costs already exist and the development is able to be realised sooner. Additionally, in the event where additional capacity is required, the policy should also consider a ‘fast track’ process under Schedule 1 for plan changes seeking to utilise this policy. The Schedule 1 process can be a cumbersome process, and changes should be made to Schedule 1 that considers the urgency and significance of certain plan changes.

Clause
Are the criteria sufficiently robust to manage environmental effects to ensure a quality urban environment, while providing for this type of development? (see example policy in discussion document, page 37)

Notes
Somewhat. The link to quality environment is supported; however, the quality urban environment objectives and policies need to be bolstered in order to set a clear direction (O2, O3, P2A, P3B). This needs to consider the integration of the greenfield site with the existing urban form – ensuring quality outcomes for both the future development, as well as ensuring quality in existing urban areas, reflective of FDS outcomes.

Clause
To what extent should developers be required to meet the costs of development, including the costs of infrastructure and
Notes

This will be highly dependent on the nature and scale of the development. Generally speaking, those who benefit from any proposed infrastructure works (public or private development sites alike) should be the ones who pay for works. For example, if development is proposed in an area with already sufficient infrastructure capacity and is of an anticipated scale, it would be expected that a developer would pay (as this has reasonably been anticipated by Council). However, if infrastructure capacity is already decreased, and upgrades are already required, it would be assumed this would be part of Councils regular works and Council would consider co-funding since upgrades would produce a benefit greater than the development itself. Out of cycle developments cannot feasibly be anticipated by Council, therefore the responsibility of servicing infrastructure would likely be on the developer. It is at Councils’ discretion to consider co-funding arrangements, and where the scale of the development would make a measurable contribution to housing supply, it is realistic to assume that Council would consider more bespoke funding means to help the development come to fruition. This will be no different to current controls / discretion Council has to fund development. An option also exists to introduce co-funding arrangements to fund infrastructure in a similar way to how roading is co-funded through NZTA.

Clause

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?

Notes

As previous, it would be best if this is linked to any Development Contributions Policy Council has. This would be reflective of any Infrastructure Strategy Councils’ have and also means that the development is more easily able to be realised.

Clause

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?

Position

Somewhat

Notes

There is a high chance of unintended consequences from this policy. This does not restrict market demand for parking, so while there may not be any rules for parking, there is still ability for developers to provide for them. The policy needs to be clear that District Plans can still include Performance Standards for when car parks are voluntarily included. Significant investment in public transport from Central Government is required to ensure this will be effective. This investment needs to be reflective of local context. For example, 51% of employed persons in Upper Hutt travel outside of the District for work, with most of them travelling to Wellington City. Given the proximity of Upper Hutt, railway transport, rather than bus transport is seen as the most effective public transport option. As such, investment would be best directed towards trains given our commuter profile. Investment in other areas is likely to be in effective considering the above and our existing urban form. The diminishing powers of local authorities to control parking requirements must be considered in light of (and in contrast to) quality urban environment outcomes. For example, in some cases the availability of private parking may improve overall wellbeing, but may be difficult to direct under current proposals.

Clause

Which proposed option could best contribute to achieving quality urban environments?

Position

Option 3: removing the ability for local authorities to set minimum car park requirements in areas providing for more intensive development.

Notes

Removing the ability of local Councils to set minimum carparking standards does not reflect the current state of infrastructure options, capability, or desire for people to not to use private transport. This could have drastic effects on communities in outlying suburban areas who fall within the realms of the ‘urban environment’ but who would not be required to have car parking spaces. Option 3 is more of a logical response as denser typologies are frequently enabled through close proximity to other public or commonly owned facilities, which supplement the need for private amenity or parking spaces.

Clause

What would be the impact of removing car park minimums in just high- and medium-density, commercial, residential and mixed use areas, compared with all areas of a major urban centre?

Notes

This is unlikely to have a discernible impact since the reduction of car parks in these areas is already becoming more common place. It should be remembered that this would not prevent the ability of developers to provide for parking spaces, and for the likes of commercial developments, developers are still likely to provide for parking spaces to accommodate staff and consumers.

Clause

How would the 18 month implementation timeframe impact on your planning processes?

Notes
It is unlikely to have a great impact as the review of most of these provisions is planned to be addressed in our Rural and Residential Chapters review (Plan Change 50), set to be notified in early 2022. This may need to be adjusted to a minor degree, depending on the date of gazettal.

Clause
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?

Notes
Resourcing for an updated parking strategy. Increased funding for public transport, nationally. Updates to the Land Transport Act to boost Councils’ ability to manage alternative transport options and effects on streetscape.

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

Position
Somewhat

Notes
This could assist in highlighting some of the issues Council faces with giving effect to their obligations to review Plan provisions in accordance with s79 of the Act. It would also be useful to articulate the role of HBA documents at the Central Government level, where government sees its role in FDS reviews or enforcement, as well as iwi engagement.

Clause
Which rules (or types of rules) are unnecessarily constraining urban development?

Notes
In our current 2004 Upper Hutt District Plan, minimum site density is seldom achieved due to the current inability of Council to currently mandate minimum density targets. The ability to set these targets through the NPS-UD will assist Council in increasing housing supply. Site coverage rules can also be limiting, and can sometimes lack local context where public or common amenity spaces can be provided.

Clause
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?

Notes
Generally speaking, a well-educated/resourced development community and suitable development incentives from Council provide the ground work for enabling development. When properly utilised, Plans are currently able to provide for a good level of development capacity. However, the knowledge of some developers as to the limits of Plan controls can sometimes be limited. This is also not helped by the reluctance of some developers to go beyond ‘what sells’ and what they know. In this respect, mandating provisions under the NPS-UD to set density targets is welcomed. Additional policies addressing the financing of higher density developments (capital investment and risk assurance) and the resourcing of the construction sector should also be explored as part of the Urban Growth Agenda.

Clause
Should a minimum level of development for an individual site be provided across urban areas (for example, making up to three storeys of development a permitted activity across all residential zones)?

Notes
No, local context and effects on local character is important to consider and causes the most issues for residents. These cannot be reflected at a national level. An option could be to introduce a ‘minimum site coverage’ in urban environments to increase land efficiency. This could lead to the removal of minimum allotment sizes for comprehensive developments at a national level. This could be something for National Planning Standards to consider.

Clause
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?

Notes
There is a real opportunity to set affordable housing quota for new developments and to provide clear direction on the definition of ‘affordable’, rather than high costs on individual Councils to ‘reinvent the wheel’ on affordability. Local developers should be required to apportion an amount of each subdivision to be developed with, and co-financed by, the likes of Kāinga Ora. It may provide a real opportunity to enable the establishment of both community housing and affordable housing that is not influenced by market pricing.

Clause
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?

Position
Somewhat
Notes
Business land rents and sales are very difficult to obtain and can be commercially sensitive. This is not something Council has monitored with current PB6 requirements due to these difficulties. Price efficiency indicators are difficult to analyse and apply. They also don’t always work well for all wider urban environments, like the Wellington metropolitan area, and are more relative to greater urban centres. Market analysis reporting need to be clarified. For example, frequency of reporting, and also the definition of household and how household growth should be measured. There seems to be an additional cost for this with not much additional benefit above what is provided through quarterly reporting. There is an opportunity to be far more prescriptive and directive when describing the indicators of affordability and how this is regularly monitored as ‘indicators of affordability’ still remains vague. By way of example, Council considers the following factors when assessing affordability: housing supply (construction); new allotment creation; migration; mortgage rates; employment; income demographics; and changes to prices. This could also grow to include: the ease/quantum of lending; changes to salary; housing mix on offer. There remains a high level of detail required at quarterly intervals. It would be more appropriate for this to be conducted at six month intervals. Other monitoring reporting to conceptualise uptake of demand and its influence on overall development capacity can still be undertaken ‘live’ by council to assist with decision making. They could also be published every six months to assist applicants. The current monitoring requirements and evaluation reports proposed under the NPS-UD will place an increasing burden upon Councils’ limited resourcing. It is likely that additional staff will be required to fulfil requirements.

Clause
Question 13. Do you support inclusion of policies to improve how local government works with iwi, hapū and whānau to reflect their values and interests in urban planning? Why/why not?
Position
Somewhat
Notes
This is similar to other Schedule 1 requirements to engage with iwi authorities, but expands this to include hapū and whanau. It may be challenging for council to engage with hapū directly and confront any issues between hapū and iwi entities. It would be clearer to simply engage with iwi authorities and for them to engage with hapū and whanau directly to seek their interest. This is particularly true, given that these iwi authorities are often, by way of the treaty claims process, the mandated representatives of their respective hapū and whānau groupings and should, unless any legal action has been taken by tribal members (which has happened in the past), be the only voice needed to represent their people. This truncated process could slow the overall consultation requirement.

Clause
Do you think the proposals are an appropriate way to ensure urban development occurs in a way that takes into account iwi and hapū concerns?
Notes
Yes, as previous, it would be more efficient to use iwi authorities as the conduit for engagement with Māori. Protocols similar to those included in Clause 4A of the First Schedule of the Act would be appropriate. This is a proposal that both Councils and Iwi will now have a degree of familiarity with and it would be worthwhile to utilise this existing framework.

Clause
How do you think local authorities should be directed to engage with Māori who do not hold mana whenua over the urban environment they are currently living in?
Notes
This would rely on having a database of those Māori who live in a territorial boundary, but who may not be associated with their relevant iwi or hapū. This targeting of such a population presents some challenges. A possibility would be to utilise the Māori electoral roll, however this assumes that all Māori are all present on the roll. Targeted consultation could be achieved through engagement with urban mātāwaka marae would do not hold any tribal affiliations with mana whenua. This would allow for a broader consultation process, whilst still targeting a uniquely Māori perspective. Overall, this requirement lends itself to public notification, which somewhat defeats the purpose of a policy requiring targeted consultation.

Clause
What impacts do you think the proposed NPS will have on iwi, hapū and Māori?
Notes
Potentially introducing policy that reflects housing typologies that better reflect their cultural needs and worldview, as well as a greater understanding of housing issues faced by Māori. Whilst Council sees the need to engage with Māori who are living outside of their tribal boundaries, we do not envisage a positive response from mana whenua. Mana whenua who are acting in accordance which with the tikanga of manaakitanga have a duty of care to any Māori living in their catchment, regardless of whakapapa. This proposed NPS could, by rights, be seen as a challenge to the mana & status of the iwi authorities that operate in these areas, in that they are being seen to be neglecting their responsibilities as a host. In the past, this would have been an act of war.

Clause
Question 14. Do you support amendments to existing NPS-UDC 2016 policies to include working with providers of development and other infrastructure, and local authorities cooperating to work with iwi/hapū?
Position
Somewhat
Notes
This could potentially ‘double-up’ some of the other consultative requirements to engage with tangata whenua through other legislative requirements. This can result in consultation fatigue and an under-resourced iwi authority. If pursued, it would be best if this could be addressed in one process, rather than re-litigating an issue and potentially slowing down the process.

Clause
Question 15. What impact will the proposed timing for implementation of policies have?
Notes
This may expedite Councils current work programme and rolling review, but perhaps by no more than six months. Plan Change 50 is reviewing our rural and residential chapters. This is scheduled to be notified in early 2022.

Clause
Question 16. What kind of guidance or support do you think would help with the successful implementation of the proposed NPS-UD?
Notes
As stated in submission points, clarity in provisions and understanding scope is very important as this avoids ‘transaction costs’ for councils to give effect to these (legal interpretation and external expert reporting). The online dashboard could be enhanced further to provide price efficiency indicators that are more reflective of localities within an MUC, as well as introducing prices and rents for business properties. It is very important for this to be kept up to date and continued to be provided. Budget from Central Government to provide infrastructure funding support. We understand that this work is currently underway and look forward seeing proposals to this effect. Additional guidance is needed to reconcile intended outcomes of various NPS documents at the local level. This can be a resource-intensive effort for local councils, meaning that clarity and support provided through guidance could save valuable resources and budget. Additional guidance is also welcomed on how future amenity should be considered when making planning decisions. The lack of this guidance would likely result in a significant amount of resourcing on local councils in order to seek legal guidance, as well as any litigation that would occur, due to the lack of clarity in NPS-UD policies.

Clause
Question 17. Do you think there are potential areas of tension or confusion between any of these proposals and other national direction? If so, please identify these areas below and include any suggestions you have for addressing these issues.
Position
Somewhat
Notes
It is for Local Councils to reconcile potential conflicts between national policy direction (for example, between the current NPS-UDC and the proposed NPS-HPL). Additional support in understanding and guiding how best local councils should balance intended outcomes is needed. In the future, it is hoped that higher order strategic direction may be introduced to assist in the guidance of NPS direction at the local level. This work may yet come out of the RM review.

Clause
Question 18. Do you think a national planning standard is needed to support the consistent implementation of proposals in this document? If so, please state which specific provisions you think could be delivered effectively using a national planning standard?
Position
Somewhat
Notes
Policy 5A requires consideration of the rule hierarchy. It would be useful for Planning Standards to address this (as stated previous). However, it is also important for trade-offs to be reconciled at the local level, including effects and pressures. In this respect, the Planning Standards should only provide the framework for how this is set, rather than localised controls. There is a risk that zone statements could contradict Planning Standard zone descriptions. Clarity here is welcomed (PSA), for example, should this include the future amenity outcomes?

Clause
Question A1. Do you support the changes to the HBA policies overall? Are there specific proposals you do or do not support? What changes would you suggest?
Position
Yes
Notes
Overall, these will be more effective at making real change and provide for a greater level of integration in the Planning system than the current NPS-UDC. The ability to simply update larger reports is also very much welcomed as this is a significant cost to councils to initially produce. Specific proposal that could be improved upon include: P1A-P1G (cross-TA issues for FDS development); and O2 (clearly define and set quality urban environment bottom lines).

Clause
Question A2. What do you anticipate the impact of the proposed polices (and any related changes) would be on planning and urban outcomes?
Notes
Potential sudden increases in density where the community would otherwise not expect this. This could result in Council needing to deal with a greater level of complaints and appeals, due to a lack of understanding and acceptance of planning decisions. A greater quantity of housing may able to be provided at a quicker rate. It may be harder for Council to evaluate thresholds under s95E, and influences on notification triggers. There could be an increase in resource cost to council which is unable to be met due to a lack of qualified staff in the planning industry.

Clause
Question A4. How could these policies place a greater emphasis on ensuring enough development capacity at affordable prices?
Notes
Local developers should be required to apportion an amount of each subdivision to be developed with, and co-financed by, the likes of Kāinga Ora. It may provide a real opportunity to enable the establishment of both community housing and affordable housing that is not influenced by market pricing. Additionally, the quality urban environment objective (O2) should include affordable housing as an objective.

Clause
Question A5. Do you support the approach of targeting the HBA requirements only to major urban centres? Why/why not?
Position
Somewhat
Notes
This largely reflects the scale of urban issues in these centres. The option should still remain for other centres to conduct HBA reporting if they wish, and if they do, sufficient policy should be introduced to ensure this has appropriate legal weight to ensure development is sufficiently enabled in light of any projected development capacity undersupply.