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

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Submitter Type: Planning/urban design professional
Source: Web Form
Overall Position: Oppose 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
Yes in principle, subject to strong directives about what is defined as a ‘quality urban environment’. The method of engagement on this NPS is unhelpful. It would have been far better to present a complete draft for comment, rather than to scatter the draft objectives and policies throughout a discussion document. I think the leading questions are also unhelpful and will not assist with receiving well considered feedback.

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
The RMA has severe limitations in its ability to the actual delivery of urban development. One of the key issues is integration of land use, transport and other infrastructure. Simply zoning land for urban intensification or expansion does mean it can be delivered. A major overhaul of the LGA and other legislation is needed to enable funding of infrastructure to support urban development. Other areas that need review are the financial services sector and out of date, stringent lending criteria that perpetuate low density, conventional urban development. Changes are also required to give the public confidence in the new higher density urban development. Currently developers can incorporate a new company for each successive development, leaving the council as the last

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
All cities should have directive policies to achieve quality urban development. There is a risk that inefficient urban development will occur in cities that are not currently medium or high growth areas, but will be in the future. Who would have predicted 15 years ago that Tauranga would grow to the extent they have? What barriers and issues does the existing low density urban form in Tauranga present to achieving higher density development (e.g. fragmentation of land, inefficient road network patterns etc.)

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

Position
No

Notes
This is a significant piece of work to have to do every three years. Particularly when considered in the context of councils having to prepare an annual plan, long term plan, regional land transport plan. It would be more efficient for the FDS to be incorporated within these requirements. I question whether councils will have access to the relevant information needed to do this effectively e.g. in Auckland light rail has been taken on and off the table for the last five years. If this ever happens it would have a major
influence on planning decisions about development. An FDS will only be as good as the inputs and from that one example, it must be questioned whether central or local government agencies are capable of committing to infrastructure projects with the level of certainty to achieve optimal planning.

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
There will be consultation fatigue for communities trying to respond to multiple strategies and plans (annual plan, long term plan, regional land transport plan, Future Development Strategy and Plan Changes to give effect to the NPS). These processes should be rationalised to make reduce the burden on councils and their communities of interest.

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
Yes

Notes
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
No. It is too vague. What is ‘responding to changing needs and conditions’? It doesn’t recognise constraints and the need to consider these when assessment appropriate locations for urban development. How will this be traded off against other NPS policies such as the proposed NPS for Highly Productive Land?

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
As drafted, these will result in confusion for decision makers and more work for the courts. For example, what is a ‘positive contribution to a quality urban environment’? Some people will argue having low rise apartments will have a negative impact on a quality urban environment, because they are concerned about overlooking/privacy etc. On the other side, other people will argue having low rise apartments will have a positive contribution to a quality urban environment, as it may enable more frequent public transport. It’s subjective. The objectives need to articulate what kinds of things are a positive contribution e.g. well designed terrace housing and apartments near town centres, social infrastructure (e.g. schools) and public transport routes. I strongly oppose P2A(b) and (d) “limiting as much as possible adverse impacts on the competitive operation of land and development markets.” This implies a laissez faire approach, where any landowner will be able to argue that planning policy is impacting on their ability to bring sections and/or development to the market. Planning necessarily results in some winners and losers. What is needed is strong policy guidance about what land and development opportunities are to be prioritised. Again, P2B is ambiguous and poorly worded. It does not specify what the ‘positive impacts’ are. The objectives and policies need to specify what kind of things make up a ‘quality urban environment’ and what the ‘positive impacts’ are. For example (not an exhaustive list): 1. people and communities have a choice of housing, including affordable housing 2. people and communities have easy access to social and community amenities such as schools, parks, sports and recreation facilities, libraries, healthcare 3. people and communities have access to a range of services and businesses, including retail, entertainment and other services 4. people and communities have a choice of active transport and public transport options 5. Businesses have a choice of locations to operate from 6. Businesses have access to labour markets 7. Businesses have access to reliable infrastructure I oppose P2B(b) placing a requirement for decision makers to consider benefits and costs of urban development at national, inter-regional, regional, district and local scales is unworkable. This type of decision making needs to be addressed at the policy level in regional and district plans.

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

Position
Yes

Notes
This is a fact and doesn’t help decision makers in any way. The main reason most consents proceed to a hearing is because there is groups hold different expectations over ‘amenity values’. It is stating the obvious. We need to be more explicit about what change is planned and what it will look like e.g. 3-5 storeys, more low-rise apartments, more terrace housing, smaller lot sizes etc.

Clause
Do you think these proposals will help to address the use of amenity to protect the status quo?
Clause
Can you identify any negative consequences that might result from the proposed objective and policies on amenity?

Notes
Litigation and uncertainty. As above, the objective and policies lack specificity.

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
I think it is very difficult for councils to determine what is 'feasible'. They simply do not have the knowledge of construction costs, profit margins and likely development yields. This leads to a power imbalance with market operators that have access to this information lobbying councils for what they see as 'feasible'. There is lack of transparency about how these decisions are made.

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
No

Notes
This should go in the policies for the zone so that it has weight under s104 for decision makers.

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
These should be clearly stated in the objectives and policies. Often zone descriptions that I have seen in current plans lead to confusion, as the descriptions don't accurately align with the objectives and policies.

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

Notes
See above, it should be in the policies.

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
The draft objectives and policies need refining. O7 is to 'provide for the benefits of urban intensification' but doesn't articulate what these benefits are.

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

Notes
P6A only requires one of the matters listed to enable higher density. Matter (c) is high demand for housing. This could lead to poor quality urban environments if this sole matter was relied on. For example, there is a lot of demand for housing in coastal areas, that are poorly served by public transport and have few job opportunities. For urban environments to be successful, all of the qualities in a - d should be present.

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

Position
Option 1 (the descriptive approach)

Notes
This should be refined to not just define the catchment based on proximity to frequent public transport, but also include
Clause
What impact will directly inserting the policy to support intensification in particular locations through consenting decisions have?

Notes
I support the intent, but it will not necessarily assist with determination of non-complying activities. Section 104D requires activities to have minor adverse effects or to not be contrary to the objectives and policies of a plan (the definition of which only includes a regional plan and district plan and not a NPS). It is likely that applications for higher density development may have moderate adverse effects and may also be contrary to the district plans objectives and policies.

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
Somewhat

Notes
Existing RMA plans are not effective at directing the sequencing and timing of development. Sequencing and timing is largely determined by a mixture of processes outside of the RMA (e.g. RLTP and GPS on land transport etc). I agree in principle with

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
No

Notes
The purpose of a NPS is to state objectives and policies for matters of national significance. Of all the issues preventing sufficient development capacity in high and medium growth areas, this seems very low down the ranks. The imposition of planning controls on amenity issues (such as amenity landscapes and special character areas) has a far greater impact than car parking rules. For example, the special character area overlay in Auckland accounts for roughly 1300ha (gross) of residential land within a 5km radius of the city centre or other major town centres. No higher density development can occur in these areas, yet they are the best served by public transport and have the best access to employment areas. Similar provisions apply in Wellington (blanket demolition control of pre-1930s buildings), preventing higher density residential from occurring in places like Newton, Mt Cook, Te Aro and Mt Victoria. Higher density development can occur in these areas. A further example is the categorisation of landscapes that are not outstanding as an 'amenity landscape' e.g. Waitakere Foothills zone and the Wakatipu Basin Rural Amenity Zone. These planning techniques are dishonest attempts at elevating s7 matters to s6 standing in order to prevent the efficient use of land. I agree that car parking can be an inefficient use of land, but local authorities are quite capable of determining if there is a s32 justification to not require car parking minimums and/or impose car parking maximums (e.g. Auckland Unitary Plan).

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

Notes
None

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

Position
No

Notes
The government should focus on providing clear, directive national policy and legislation. It is unhelpful that it took 25 years to do the first NPS on urban development. We need a comprehensive suite of national policy statements that clearly reconcile competing resource management issues.

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

Notes
Special character controls and pre-1930s demolition controls applied to land where there are no s6 historic heritage values. Rural amenity zones over unproductive, marginal land with no s6 outstanding natural landscape values. Height in relation to boundary and height rules that restrict residential development to two storeys.

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

P8B is missing a major indicator - the number of new dwellings that actually get built. P8B needs to specify what indicators are to be used to measure housing affordability. For example, house price to income ratio, home ownership rates, floor area per person in housing, number of homeless people, new housing units, waiting times for social housing etc.

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

Yes

Notes

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

P10B will be difficult to implement as a result of asymmetric information. For example, some infrastructure providers are privately held companies, such companies and developers may have commercial reasons to not openly share all relevant information.

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

Yes

Notes

There needs to be greater national policy direction to reconcile tensions and conflicts.