Statement of Submission of Porirua City Council
on the
2019 Proposed National Policy Statement – Urban Development

Statement of Submission

1. Porirua City Council thanks the Ministry for the Environment for this opportunity to make a submission on the 2019 Proposed National Policy Statement – Urban Development (“the policy”)

2. This submission has been set out as follows:
   a) Summary and overview
   b) Further General Comments
   c) Responses to the listed questions

3. **Summary and overview:**

   a) Porirua City Council supports national direction on urban development and is keen that this is progressed, but we have a number of concerns with the proposed approach and implementation. In particular we are concerned that the role of the wider urban area in contributing to housing supply and housing choice is not fully recognised, and that instead the NPS-UD seems to focus exclusively on intensification in defined areas.

   b) Overall we are concerned that the NPS-UD appears to adopt an overly simplistic approach to residential intensification and at worst, a risk that it will create a greater divide between areas identified for change and those that are not. In other words, it might reduce social inclusiveness by creating areas earmarked for significant change and areas where the suburban status quo will prevail. This risks the latter areas becoming locations where house prices reflect their ‘exclusivity’. In response to this we would recommend that intensification in defined areas should be combined with measures to promote consolidation in the wider urban area, to ensure all neighbourhoods contribute to the housing supply solution and provide housing choice at the local level rather than just through selective zones.

   c) We consider it important that Future Development Strategies (FDS’s) (or other spatial plans) are embedded in legislation and in particular the RMA, to ensure that they are given statutory weight in decision making.

   d) Spatial planning is best done at a regional level. It will be more efficient and effective as resources are shared, and allows a high level assessment of benefits, costs and trade-offs. The Wellington Regional Growth Framework will be an
example of this. One potential issue with regional level spatial planning is how the priorities and approval processes of each local authority will be factored in, and the ability for local authorities to have a mature discussion around regional trade-offs.

e) In support of the above, the NPS-UD could support a sequential approach to the identification of land supply; if done at regional level, optimal environmental outcomes are more likely than at a district by district level.

f) The importance of urban design in achieving the aims of the NPS-UD, as well as the Government Policy Statement for transport, is insufficiently integrated into the overall urban intensification requirements, and needs to be more integral to the guidance. The NPS-UD could start this process by referencing the New Zealand Urban Design Protocol to give it more weight.

g) We suggest that the NPS-UD needs to provide greater direction on how tensions between other national direction and RMA requirements (such as s6 matters) are to be addressed in a consistent manner to stop this being repeated and re-litigated in numerous local and regional RMA processes.

h) We recommend that in the final version of the NPS-UD, objectives and policies are redrafted in line with drafting best practise. We have concerns that the objectives are currently drafted as policies.

i) There also needs to be further acknowledgement in the NPS-UD of the broader context in relation to urban development, and that it won’t succeed in achieving the stated objectives if implemented in isolation from other measures. In particular, the high costs associated with providing infrastructure to enable urban growth, and the limited funding mechanisms currently available to local authorities to fund infrastructure mean the desired levels of intensification are currently unachievable. New infrastructure funding mechanisms must be made available to local government for the objectives of the NPS-UD to be achieved. PCC look forward to receiving details of these as part of the Government’s wider Urban Growth Agenda package.

4. General Comments

a) The narrative in the document, leading up to the draft objectives and policies, refers on several occasions to providing for development capacity but only encouraging quality urban environments. This is further exemplified by examples of evidence for good evidence making (page 11) which is all about market indicators (which can be easily quantified numerically) and nothing about built form/built environment outcomes which can’t be so easily quantified. Elsewhere, on page 13, key factors to how cities generate prosperity identify the need to provide enough housing and business space, and an effective transport system. There is only limited appreciation, however, that the built environment influences the movement network and how people will travel to access employment and education opportunities, as well as amenities and services.
b) Page 14 provides commentary on urban transport systems and how they are fostering car use. We believe this might be an overly simplistic analysis which does not reflect other influences such as the cost and reliability of public transport, the availability of integrated ticketing, whether individual transport modes pay their true costs etc., people’s lifestyles (how many parents drive because they want to drop kids off to school, after school activities etc). It also assumes that people are only choosing to drive because they have no choice due to urban form influences. Car ownership rates and increased sales of utes and SUVs do not support this assumption. It is important that this matter is given more careful consideration to avoid misguided policy approaches to urban development.

Responses to listed questions:

Question 1:
Do you support a national policy statement on urban development that aims to deliver quality urban environments and make room for growth?

Yes. National direction is viewed as essential.

Are there other tools under the RMA, other legislation or non-statutory tools that would be more effective quality urban environments and make room for growth?

There needs to be a look at the Land Transport Management Act in relation to the management and delivery of public transport and associated pricing/ticketing to support delivery of the NPS-UD aims. The urban design protocol should also be referenced, given the importance of urban design to achieving quality built environments and land use/transport integration at the local level.

Question 2:
Do you support the approach of targeting the most directive policies to our largest and fastest growing urban environments?

Yes

Question 3:
Do you support the proposed changes to FDSs overall?

Somewhat

Notes:
Policy P1C: An FDS must be informed by a wider range of factors than those identified in the discussion document and should include; natural hazard risk, natural environment values, community values, transport plans, plus other service providers such as education, DHBs and emergency services.
Question 4 – Do you support the proposed approach of the NPS-UD providing national level direction about the features of a quality urban environment?  

Somewhat  

Notes:  
The O2 and O3 Objective and policy framework is overly concerned with the workings of the market and not how there also needs to be a quality built form that delivers wider outcomes such as: 

- Inclusive built environments (inclusive in terms of lifestyle choice, age and mobility of people, transport choice etc.)  
- Safety and the perception of safety deriving from the built environment  
- Land use/transport integration.  

As drafted, the objectives and policies do not appear to sufficiently understand that how urban development is done will contribute to quality urban environments, not urban development per se.  

The NPS-UD provides a key tool to integrate the urban design protocol into urban development planning. Indeed the policy is silent on the role of urban design and the urban design protocol in delivering the stated aims. It is considered that an updated New Zealand Urban Design Protocol should be provided as an assessment tool to measure built environment ‘quality’ in terms of the NPS-UD outcomes.  

Q5 – Do you support the inclusion of the proposal to clarify that amenity values are diverse and change over time?  

Somewhat  

Notes:  
It is important that the policy understands that how development is designed is key to achieving its overall aims. The O4 objectives and policies stream risk eroding existing amenity without being clear what future amenity outcomes are being sought and how they will be delivered. Here the New Zealand Urban Design Protocol provides a tool to manage a changing built environment.  

There is also a concern over how the new definition of amenity values would compare to case law and the established definition in the RMA and the National Planning Standards. A change to the definition in the RMA will be required.  

Q6 – Do you support the addition of direction to provide development capacity that is both feasible and likely to be taken up?  

Yes  

Notes:
There is a need to provide clear implementation guidelines on how to measure/determine what is ‘likely to be taken up’.

Q7 – Do you support proposals requiring objectives, policies, rules, and assessment criteria to enable the development anticipated by the zone description?

Yes

Q7 – 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?

Yes

Q7 – Do you think that amenity values should be articulated in this zone description?

Somewhat

Notes:
Amenity values need also to be articulated in objectives and policies, to ensure that they are given weight in decision making under the RMA.

It is also recommended that incentives to making required plan changes to implement the NPS-UD requirements should be provided, such as automatic Simplified Planning Processes otherwise plan changes that seek to change zones and amenity levels will simply be delayed in RMA Schedule 1 processes.

We also consider it difficult to see how Policy P5C and P5D work together?

Q8 – Do you support policies to enable intensification in the locations where its benefits can be best achieved?

Somewhat

Notes:
We have a number of reservations over the policy approach, as discussed below in Notes.

Q8 – Which option do you prefer for prescribing locations for intensification in major urban centres?

Option 1

Why?
This option allows for a more considered approach to zoning, linked to natural hazards and environmental constraints, and development feasibility considerations. In our opinion Option 2 would require a maximum lot size approach to ensure a set minimum density
was achieved, which is not appropriate in topographically challenging environments such as in Porirua.

Notes:
Overall the approach to intensification appears to be simplistic and relies on assumptions which feasibility modelling undertaken to inform Porirua’s district plan review have challenged. We are concerned that the NPS-UD approach appears to consist of:

- Intensification areas where considerable change will be enabled; and
- Non-intensification areas which appear to remain to be “protected”.

If the above is correct, then it is not clear that the following have been considered in arriving at this approach to urban development:

- Impact on social segregation and inclusiveness, and possible market distortions of having two sets of zones with such a wide disparity of environmental outcomes between them; namely those areas that will be allowed to change with only limited development controls (see later NPS-UD discussion on removal of rules) and those areas that will continue to be “protected”.
- The influence of other factors in determining where people choose to live such as proximity to schools and parks.
- The role of consolidation in the wider urban environment, outside of the intensification areas, by reducing/removing development controls in these areas to increasing housing supply and choice.

Policy P6D seems to rely on intensification zones being identified but not yet in a district plan. We would recommend that it would be better to provide for a fast track process by which intensification zones can be introduced into a district plan, rather than a generic policy.

Q9 – 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?

Somewhat

Notes:
This must be linked to evidence that sequencing in a FDS is out of date, or that the out of sequence development would better meet the objectives of the FDS. Chapter 6 to the Canterbury Regional Policy Statement includes a monitoring/sequencing policy which could be looked at to see how it has worked out in practise in managing this issue.

Q10 – Do you support limiting the ability for local authorities in major urban centres to regulate the number of car parks required for development?

Yes
Q10 – which proposed option could best contribute to achieving quality urban environments?

Option 2

Why?
This refers to minimum parking requirements. Where car parking is provided, it must continue to be laid out and constructed to accepted standards to ensure the safety of users of the transport network, particularly cyclists and pedestrians who are the most vulnerable to death and injury. As such layout and construction standards need to be retained in district plans.

Notes:
The above must be linked to the discussion document’s proposal for central government assistance to local authorities for developing parking strategies.

Q11 – do you think central government should consider more directive intervention in local authority plans?

Somewhat

Notes:
Each rule or standard must be carefully considered and understood before this is done.

Q11 – which rules are unnecessarily constraining urban development?

Areas that particularly could be looked at include:
- Outdoor living space requirements
- Controls restricting density to one dwelling per lot. This should be regardless of whether a site is located in an intensification area or not (see discussion point about the need for the wider urban area to provide greater housing opportunities).
- Minimum lot sizes beyond what is required to allow for anticipated development

Q11 – Should a minimum level of development for an individual site be provided across areas?

No

Why?
If a site cannot achieve a three storey building (the example mentioned in the discussion document) or the cost is too high due to factors such as foundation designs, then it might not come forward for development at all.

Q12 – Do you support requirements for all urban environments to assess demand and supply of development capacity, and monitor a range of market indicators?

Somewhat
Notes:
We would recommend that there is a need to include feasibility assessments of different typologies, as part of evidence base to inform policy options. Porirua has undertaken these as part of its district plan review and they demonstrate that there are feasibility issues for delivering medium density typologies in the City. In simple terms they show that market demand is not yet strong enough for these forms of development to come through where site amalgamation costs are involved.

Q13 - Do you support inclusion of policies to improve how local government works with iwi, hapu and whanau to reflect their values and interests in urban planning?
Yes

Notes:
It is unclear how this will work alongside the 18 month time limits applied to the intensification requirements.

Q14 - Do you support amendments to the existing NPS-UDC 2016 to include working with providers of development and other infrastructure, and local authorities cooperating to work with iwi/hapu?
Yes.

Q15 – What impact will the proposed timing for implementation of policies have?
This will have significant impact on the Council’s planning activities including LTP and infrastructure strategy work, as identified in the LGNZ submission.

Q16 – What kind of guidance and support do you think would help with the successful implementation of the proposed NPS-UD?
Whilst recognising the document’s opening statement about the need to reform the RMA to better incorporate spatial planning, then other guidance and support should include:
- Providing standardised examples of objectives, policies and rules to deliver the NPS-UD
- Providing standardised templates/assessment methods for evidence gathering and assessment, plus a clear requirement for Councils to join together when commissioning/undertaking this work to ensure more efficiency and better use of rate payers’ money, rather than each effectively commissioning the same thing several times over.

Q17 & Q18 – Alignment with other national directions, and RMA requirements
The NPS-UD should articulate how increasing housing and business land development capacity is to be balanced against a range of factors such as natural hazards and
environmental values. If not, then it should direct that this is done at the city-wide/regional level by Councils in a joint FDS.

There will be tensions between the NPS-UD and other national directions and RMA requirements, but the issue is that the NPS-UD needs to direct a consistent approach on how these will be balanced.

It could also introduce a sequential approach to land identification at a city wide level (i.e. Wellington region) rather than at the local level. In other words the use of a sequential approach at the city wide level, might identify land in one district that is less affected by constraints than in another, and support this land to come forward for development. If done at district level, the process can result in less optimal land coming forward and less efficiency in infrastructure and transport planning, as well as delivery of key services such as education and health. Of course this will require a different approach to planning and funding infrastructure

Hearing of submission

If there is to be a hearing of Submissions, Porirua City Council wishes to be heard in support of its submission.

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