Submission on the proposed National Policy Statement on Urban Design

Introduction

This submission is made on behalf of the Grey Power New Zealand Federation Inc.

The Grey Power Federation (GPF) is a non-sectarian and non-party political, advocacy organisation that aims to advance, promote and protect the welfare and well-being of older people. Made up of some 75 individual Associations with an overall membership of approximately 68,000, GPF is the premier organisation representing older New Zealanders.

Our responses in this submission are grounded in our national policy on housing. Relevant sections can be summarised as follows:

- The housing needs of older New Zealanders are not currently reflected in the typology of housing being built. There is little provision of small, high quality, low maintenance housing units suitable for elderly residents living outside retirement villages.
- Neither the current standard and quantity of housing provision, nor the planned level of provision by Government and Local Bodies meets the projected demand or the requirements of the Universal Declaration of Human Rights.
- Urban development currently fails to consider social, cultural and environmental costs to the community.
- A compulsory household warrant of fitness with an emphasis on energy efficiency and sustainability should provide a minimum standard at point of sale and for new builds. NB This places the emphasis on liveability rather than the hard infrastructure requirements of the Building Act.
- Mixed development including high quality smaller housing units available in a mixture of tenure types are essential to a sustainable community.
- Supply side costs should be addressed through the use of Government purchasing power and the Public Works Act.
Summary – addresses Questions 1 & 2

We fully concur with the statement that urban planning decisions have significant impacts on the well-being of people and the environment and fully support the over-arching objective for urban design as the delivery of high-quality, liveable urban environments that foster the well-being of people and the natural environment. To these criteria we would also add affordable, and consider that the NPS-UD has a key role to play in this area by addressing supply side issues.

We recognise that the proposed National Policy Statement on Urban Design (NPS-UD) forms part of an integrated set of policy initiatives, but are concerned that there seems to be limited connection or acknowledgement of the impact of other national direction statements on the current document. As an example, we consider that a primary failure of the current regulatory regime is not giving due consideration to cumulative effects, and that in particular, the proposed requirements for district councils to address the cumulative effects of land use on waterbodies (from the proposed NPS-FM) needs to be given support in this NPS.

We understand that if our growing population is to be housed, employed and have the ability to lead lives fully engaged with others and the natural environment, the current planning environment is inadequate and has demonstrably failed to provide urban environments that are capable of meeting current and future expectations of quality, being based largely on physical criteria and outputs rather than the four wellbeings and outcomes.

We understand that a primary purpose of the NPS-UD is to address the lack of acknowledgment in current legislation that the quality as well as capacity of the built environment is a nationally important consideration. We fully support this intent, noting in particular the importance of quality design in housing to the long term wellbeing of occupiers, especially the elderly and the very young. We also recognise that research is equally consistent in its findings that access to and engagement with the natural environment plays a major, and largely under-recognised, part in mental wellbeing, as well as providing opportunities for physical activity and wellbeing.

We are concerned therefore that the concept of a ‘quality urban environment’ as set out in the consultation document fails to address these key factors. Rather than an emphasis on physical layout, type and number of homes and businesses we consider that the document should embrace the concept of liveable cities, and ensure that future structure and design of urban areas should be based on facilitating the interaction of people with others and with the natural world.

In particular we fully support the considerations set out in the preamble but we understand that the preamble has no legal weight in decision making. We consider therefore that these principles should be incorporated in policies directly, or by reference to documents which describe other aspects of a quality urban environment so that they have full weight in any decision process.

We are similarly concerned that the document also fails to acknowledge major aspects of sustainable urban development both in terms of the physical development but also in the context of the four well beings. In particular we are concerned at the lack of acknowledgement of the need to embrace concepts such as water sensitive urban design, low carbon, climate-resilient building
methods and sustainability principles in line with the currently proposed legislation on carbon emissions.

We agree that in principle the development of green field sites has many negative consequences, loss of highly productive agricultural and market garden land, increased infrastructure costs and encouragement of urban sprawl to the detriment of social cohesion and minimising transport emissions being foremost amongst them.

We support the aim of intensification and the wide adoption of medium and high density development with integrated commercial and retail around existing and planned transport hubs. We consider that this approach not only maximises the efficiency of land use in terms of the built environment, but also facilitates the integration of public spaces and green ‘corridors’ to minimise the fragmentation of ecosystems to the benefit of both the natural environment and the human population.

We support the concentration on the major urban centres, as the most cost effective method of achieving the highest level of conformance with the overarching objectives and the four well-beings. We also fully support the development of spatial plans at a regional level and consider that these should form the basis of formal Future Development Strategies. We suggest that the ‘halo’ effect of change in the major urban centres should not be underestimated, and consider that demand for similar quality urban design may well drive uptake in smaller centres.

**Future Development Strategy – Addresses Question 3**

We support the basic provisions outlined in this section. In particular we fully support the requirement for spatial planning at a regional rather than TLA level. We consider this approach has been well proven overseas and in Auckland, and that it is a *sine qua non* if the other objectives of protecting highly productive land, areas of significant indigenous biodiversity, and sites of cultural and historic significance are to be achieved.

We consider that a regional scope for planning is essential around major urban areas to avoid fragmentation of development and to identify the best opportunities for integrated development and land use. We have a particular concern that if planning is not conducted at regional level, the three waters infrastructure capacity will not be fully considered at a whole of system level with detrimental effects on both the natural environment and ultimately human health.

We concur that the aspirations of tangata whenua, and the principles of Matauranga Maori should be given equal consideration in urban planning if truly liveable cities and towns are to be achieved through the NPS-UD.

We support the emphasis in Objective 1 on the quality of urban development. However we are concerned that the policies, in particular policies 1A, 1C and 1D, to the extent that they incorporate any concept of quality at all, continue to measure it in terms of hard infrastructure, development capacity and financial cost benefits. We consider that to truly achieve the stated objective, these policies should be grounded in the four well-beings and long term sustainability for social and environmental outcomes.
We agree that a three year review of FDS in line with LTP reviews is sensible and provides the best method of ensuring public capacity to engage with and critique changes.

**Making room for growth – addresses Question 4**

We support the intention stated in the summary to this section but have concerns over the subsequent dot points.

Whilst we agree that a non-exhaustive definition of a quality urban environment is sensible, we consider that the more comprehensive description of one should not appear in the preamble where it has no legal weight. We also consider that the statement ‘ensure planning decisions consider whether quality urban environments can be achieved’ is ambiguous. Unless this is clarified to ensure a go/no go decision point based on the result, it will have no worthwhile effect.

Despite the note that the considerations in the document have been broadened, we consider that objectives and policies are still too narrowly focused on development capacity. Since the NPS is focussed on the urban environment it is quite logical that the factors considered should apply specifically to these. However we would argue that other criteria that are key to a quality of life whilst not specific to urban environments, are equally essential within that space. In particular we consider that minimising the impact of any urban development on the natural environment, using ecologically sensitive design, enhancing safety and good health, promoting resilience to the impacts of natural hazards, providing a range of transport options, and reflecting historical and cultural heritage in the urban environment should all be given full weight in determining the place and form of any proposed development.

We again emphasise the importance of these criteria being within the body of the document rather the preamble to ensure that they are fully considered and that TLAs and other regulatory bodies are required to give effect to them.

We fully support the objective 2 as stated and that it should be universally applied with immediate effect.

Whilst we support the intent of P2A and in particular the requirements of P2 b, we have concerns at the requirement in P2 c regarding ‘adverse impacts on the competitive operation of land and development markets.’ We contend that the problems of capacity, quality urban design and affordability in that the NPS seeks to address has been created and exacerbated by laissez faire economic policies and light handed regulation that have created perverse incentives for piecemeal development and an emphasis on large high end cost dwellings. We further note that these perverse incentives continue to drive house prices and encourage ‘land banking’ should prices actually fall. We consider that within the standard economic model there is no incentive for private land owners or developers to meet current, nor projected future demand since scarcity will always increase profit.

We consider that the policies in this area must define homes as a social right not a commodity. Effective means to fully de–commodify housing is beyond the scope of the NPS, but it should not facilitate the continuation of this state.
Amenity values in urban environments – addresses Question 5

We agree that people’s perceptions of amenities and their relative importance within an urban environment changes both with time, the age of the actor and the wider makeup of the community. We heartily endorse the requirement that amenities should meet the needs of the whole community rather than a vociferous and privileged minority.

We are concerned though that the policies as stated will have little practical effect at TLA level in the face of the implicit privileging of the status quo in the current system and in particular the wholly disproportionate effect on outcomes that a well-financed self-entitled minority frequently has whilst the voices of Maori and lower socio-economic cohorts are absent.

Enabling opportunities for development – addresses Question 6

We support the replacement of ‘Sufficient’ with the ‘capacity to meet demand’, whilst noting that if uptake of development opportunities are left to the free market, there is no incentive to allow supply to approach demand since this would effectively limit profit.

We especially support the requirement that the concept of demand must include not only the total capacity, but also a diversity of locations and housing types, at a range of prices to meet demand at different income levels and for differing housing requirements.

Whilst we consider that the direction to ‘provide development capacity that is both feasible and likely to be taken up’ provides a clearer and more realistic measure of capacity, we cannot see any direct link between perceived capacity and that actually taken up. If uptake of development opportunities is left in the hands of the free market, we repeat that we see no incentive for development to approach current demand let alone build in anticipation of future growth. At the very least, stringent financial disincentives to ‘land banking’, such as a land tax, need to be introduced if this is to be corrected.

Similarly, we can see nothing within the proposed policies that will encourage or mandate the development of the variety of housing units required in the objective. We are concerned that without appropriate regulation and financial incentives, both positive and negative, any move to require a variety of price points will lead to lower quality construction and engender social stigma.

Ensuring plan content provides for expected levels of development – addresses Question 7

As noted above, one of our main concerns is the lack of consideration given to cumulative effects in section 32 reports. We are astounded therefore to find that in this paragraph the concept of cumulative effects appears to refer to rather the burden of meeting a collection of requirements because this may inhibit development.
So whilst we support in principle the concept of zoning and that zone descriptions plus their supporting objectives and policies should not inhibit development, this must not be taken to mean a diminution of scrutiny under section 32.

We strongly urge that public amenity values, in the widest sense should be included in zone descriptions.

**Providing for intensification – addresses Question 8**

We strongly support the move to medium and high density housing in proximity to jobs, transport, shops and social amenities – schools, medical services etc. We concur with the point that high density development is also beneficial where price signals indicate a shortfall in supply, but would suggest that this phenomenon is itself dependent on the former criteria.

We agree that these polices must be directive to overcome the noted bias in the current system against change.

We therefore support Objective 7 and policies P6A and P6B.

We support the prescriptive approach, P6C option 2, whilst agreeing that the radius and density measures suggested are crude. We suggest that the explanatory note to P6C option 1 should also be included for the sake of clarity.

We also support the immediate insertion of P6D into TLA district plans as an interim measure.

Our basis for the support of these measures is twofold. First the provision of smaller high quality dwellings near amenities and transport is beneficial to the cohort we represent. We would cite the uptake of retirement home premises in excess of supply as evidence of a need and desire for these. Secondly and again citing retirement home development as well as overseas experience, we note the ability, in a well-planned urban development, to increase housing density at the same time as improving public amenity values.

Our only concern in this area is that we see nothing that will specifically encourage a ‘build to rent’ development which we consider essential if the needs of future generations of older people are to be met.

**Providing for further greenfield development – addresses Question 9**

We are very cautious about any proposal to encourage greenfield development. We appreciate the policy only concerns plan changes, but from experience we consider that a requirement simply that ‘Infrastructure to enable the long-term development of the land can be provided’ is insufficient to ensure that this will occur in an appropriate timeframe, if at all.

We have similar concerns over the robustness of the other suggested criteria, particularly (c). We are concerned here not with intent, but in the scope to circumvent that intent whilst staying within the letter of the law.
We also note that the provisions of the proposed NPS-FM will need to be fully explored and when considering the impact of any new greenfield development.

We believe that the costs of development, including downstream network costs for infrastructure development should be borne by the developer.

**Removing minimum car parking requirements – addresses Question 10**

We support the removal of regulations defining minimum off road car parking as a requirement for an activity. However we note that to be effective in reducing the dominance of cars within an urban environment this must be supported by complementary policies, primarily the provision of accessible, convenient and cheap public transport, plus safe and convenient provision for active mode and micro mobility options. Providing this criteria are met we note that the active removal of on road parking together with congestion and time of use road pricing have proved very effective overseas whilst, contrary to their fears, also increasing retail spend within the areas affected.

Whilst we note that option 3 would be the easiest to integrate with other complementary policies the retention of the rules elsewhere militates against the intended change away from car dominated urban design by retaining an expectation of car ownership. We therefore favour P7A option 2 with the provisos noted above.

**More directive intervention to enable quality urban development – addresses Question 11**

In considering this policy area we are concerned to ensure that proposed changes facilitate a diversity of typology, price and tenure type in the provision of housing. Though we again emphasise that smaller size must not be allowed to equate to poor quality. We consider that this area has an essential role to play in the widespread adoption of factory built housing units of all sizes and that central government’s role in setting national standards is pivotal.

We consider that these national standards should include, but not necessarily be restricted to, setting national rules which mandate, or remove restrictions on, height and height to boundary rules which militate against efficient land use. We do have concerns however as to how these national standards would be applied to specific zoning definitions. We assume that it is intended that they apply only to zones defined by policy P6c, but this needs to be clearly stated.

We consider that rules around minimum floor area / apartment size need to be reviewed and that this could usefully be done at a national level.

We are however concerned that surface water neutrality should also be a national requirement for all development sites. We prefer the concept of water neutrality for two reasons. First the current method of requiring a maximum site coverage on the assumption that the remainder is pervious is frequently negated by subsequent creation of driveways hard standings etc that do not fall within the requirement for consents. Secondly we consider that the current approach again preferences
conventional in fill housing and inefficient land use. This approach also preferences consideration of private amenity space over public which we feel is counter to the intent of the policy.

We consider that a minimum level of development for a particular site or zone is an appropriate and logical tool in the regulatory arsenal.

We also agree that a national direction on baseline development requirements would be beneficial.

Overall however our concern is that national direction and standards should focus on ensuring that any development enhances the overall quality of the urban space, not just aspects specific to individual sites.

**Using market information to make decisions – addresses Question 12**

We are concerned that Objective 8 and the associated policies appear to continue to treat development and housing development in particular solely as a commodity. We recognise the importance of financial considerations but believe that any viable evidence base must give equal weight to social, cultural and environmental factors.

We recommend that the requirement for a robust evidence base be retained but that this be defined in terms of the four well-beings in line with the requirements of the LGA.

**Preparing a Housing and Business Development Capacity Assessment (HBA)**

We lack the technical expertise to comment on this.

**Taking into account issues of concern to iwi and hapū – addresses Question 13**

We fully support the requirement to engage with iwi, hapu and whenua in urban planning but consider that the form and extent of the engagement should be determined by tangata whenua directly with the relevant TLA.

**Coordinated planning – addresses Question 14**

We fully support co-ordinated planning for urban development across TLA boundaries and, as noted above, consider that development of spatial plans is the most effective way to facilitate this. We note that co-operation is mandatory in P10B but discretionary elsewhere. We would suggest that P10A should also be mandatory.
Timing – addresses Question 15

We lack the data and knowledge to add a meaningful comment.

Guidance and support – addresses Question 16

We lack the data and knowledge to add a meaningful comment.

Alignment with other national direction under the RMA – addresses Questions 17 and 18

We lack the resources to address question 17 at this time.
We consider a national planning standard would be beneficial and assist not only in the consistency of implementation, but would also have the ability to reduce compliance costs by reducing regional variation.
We do not however have the expertise to suggest specific provisions that would benefit from this approach.