



## **AUCKLAND DISTRICT LAW SOCIETY INC**

INDEPENDENT VOICE OF LAW

15 July 2016

NPS Urban Development,  
Ministry for the Environment,  
PO Box 106483,  
Auckland City 1143

Email: [npsurbandevelopment@mfe.govt.nz](mailto:npsurbandevelopment@mfe.govt.nz)

Dear Sir or Madam

### **Submission by the Auckland District Law Society Inc – Environment and Resource Management Law Committee**

The Auckland District Law Society Inc ('ADLSi') Environment and Resource Management Law Committee welcomes the opportunity to make this submission to the Proposed National Policy Statement on Urban Development Capacity Consultation Document.

The below submissions have been approved by the Convenor of the ADLSi Environment and Resource Management Law Committee and by the President of the ADLSi on behalf of its Council.

#### ***Introduction***

The ADLSi embraces the Proposed National Policy Statement on Urban Development Capacity Development ("NPSUDC"). The ADLSi supports the underlying purpose of the NPSUDC to ensure a greater focus on enabling urban change and ensuring sufficient development capacity for housing and businesses. ADLSi also recognises that there are other significant planning reforms and processes currently underway. Nationally, these include the Resource Legislation Amendment Bill and the Productivity Commission inquiry on Better Urban Planning. In Auckland, they include the Proposed Auckland Unitary Plan.

#### ***Submissions***

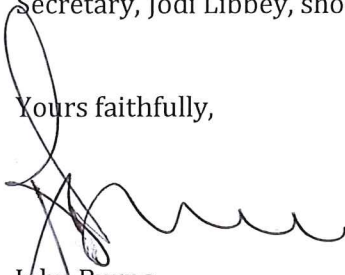
The ADLSi is generally supportive of the proposed NPSUDC, and submits as follows:

- The NPSUDC provides an additional national regulatory for managing land-use and integrated infrastructure coordination.
- The short, medium and long-term framework within the proposed NPSUDC is supported. These timeframes align with the various planning timeframes set for local authorities (e.g. the Long Term Plan (LTP) and Infrastructure Strategy).

- Nonetheless, there are concerns about the obligation on local authorities to balance flexibility with certainty particularly given the uncertainty of matters such as infrastructure funding. Within the existing local authority planning framework, lead in times for the planning and funding of infrastructure can be long, creating barriers to agile responsiveness as the NPSUDC would suggest. On the other hand, the NPSUDC also does not provide incentives for local authorities to act promptly in their response to land capacity concerns once identified.
- Robust and timely guidance from MfE and MBIE on how the NPSUDC should be implemented by local authorities will be critical to its smooth and consistent application locally. Such guidance will need to explain carefully how to practically achieve some of the policies and provide further detail on many definitions.
- Having a NPSUDC that is scalable to different localities is supported. While some areas in the country are experiencing significant growth, others are not. The proposed framework gives local authorities flexibility in meeting the objectives of the NPSUDC.
- While a key outcome for the NPSUDC is to reduce regulatory barriers to the supply of housing and achieve greater housing affordability, the link between the objectives and policies is weaker than desirable, and how the NPSUDC addresses housing affordability as opposed to simply supply. It is suggested that a broader suite of tools beyond the NPSUDC is needed to address the housing affordability gap.
- Objective OA1 clearly sets one of the outcomes of the NPSUDC as enabling “effective and efficient urban areas that provide for social, economic, cultural and environmental well-being”. However, this does not link well to other objectives or cascade down into the specific policies.
- The use of a robust, accurate, up-to-date and shared evidence base is supported to guide decision making, noting that conflicts often arise when different agencies or stakeholders use different data, evidence or assumptions to inform their views. Perhaps a consultation process to enhance this or an external review by a body of experts would help better achieve this.
- As recently recognised by the Government, infrastructure funding and provision to support land supply is a very important to what the NPSUDC is seeking to achieve. Unfortunately, the NPSUDC gives this insufficient weight and doesn’t indicate that a range of options for infrastructure provision and funding are possible.
- It will be critical to smooth and timely implementation that the definitions in the NPSUDC be clear and unambiguous. ADLSi supports greater attention being paid to ensuring the definitions used in the NPSUDC are as clear and unambiguous as possible and supports efforts by other submitters to assist with this.
- The ADLSi also submits that it is important in developing national policy that the final drafting of the NPSUDC (especially the objectives and policies) should relate to other national policy statements (including the NZCPS) so that there is a consistent and integrated suite of these national policies guiding local authorities.

The Committee hopes these comments will be of some assistance. Please contact the Committee Secretary, Jodi Libbey, should you have any queries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Burns', written over a large, vertical oval-shaped scribble.

John Burns  
Convenor  
Environment and Resource Management Law Committee  
Auckland District Law Society Inc

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