

Proposed National Policy Statement on Urban Development Capacity

SUBMISSION FORM

The Minister for the Environment and for Building and Housing invites submissions on the proposed National Policy Statement on Urban Development Capacity.

Details of the proposal are in the *National Policy Statement on Urban Development Capacity* consultation document.

Submissions close at 5pm on Friday 15 July 2016.

Making a submission

There are three ways to make a submission

1. **Use our online submission form** mfe.govt.nz/consultation/proposed-nps-urban-development-capacity (we recommend this option).
2. **Use this form** and send it by email or post.
3. **Write your own submission** and send by email or post.

If you want to send us a submission please send it in Microsoft Word document format (2003 or later version).

Email submissions to: npsurbandevlopment@mfe.govt.nz.

Post submissions to: NPS Urban Development Capacity, Ministry for the Environment, PO Box 106483, Auckland City 1143.

Publishing and releasing submissions

Your submission (or part of it) may be published on the Ministry for the Environment website www.mfe.govt.nz. You must state if you do not want some or all of it published.

Submissions are subject to the Official Information Act 1982 (OIA). If you would like any content withheld, please let us know. This will be considered if we receive an OIA request.

Your submission is also covered by the Privacy Act 1993. Any personal information in your submission will only be used by the Ministry for the purposes of the consultation. Please state in your submission if you do not wish your name to be included in related Ministry publications or on our website.

Submission form

We have included suggested questions below to help guide your submission. You do not have to answer these, and you are welcome to comment on other matters or concerns. Please give a rationale and supporting evidence for your responses.

Contact information

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*fields must be completed

1. Will the proposed NPS improve decisions made about urban development under the RMA?

We largely support the proposed NPS and its requirements for councils to consider demand and to monitor market conditions. The requirement to consider the regulatory process itself (including the consenting process) and to consider the requirements of the business and industry sectors is also supported. However we do have some concerns about how “urban areas” are defined and potentially applied. We elaborate on this further later in our submission.

2. Will the proposed NPS support greater understanding of the demand and supply of development capacity?

If applied and administered correctly, the NPS should lead to a greater understanding of the demand and supply of development capacity. We support the proposal to make the monitoring surveys public so that others can review the councils’ decisions. We think the scope of these assessments should not be limited to the scheduled “urban areas” when business and industry zones also occur outside these areas. [Refer to point 7 below for further detail].

3. Do you think the proposed NPS will contribute to:

- a better understanding of how planning interacts with the market?
- The ability for councils to plan for and respond to changing demand?

The NPS should lead to a better understanding of how planning interacts with the market, provided that the tools are used as a suite rather than as a further reason to exclude the zoning of additional areas outside the scheduled urban areas.

The NPS will provide the ability for councils to plan for and respond to changing demand, but the interpretation and application of the policy will ultimately determine this.

4. Would the policies in the proposed NPS support better coordination in regard to land use planning and infrastructure provision?

The requirement for Council to consult and work with utility providers will help coordinate the provision of services. But this should not be limited to Council Controlled Organisations (CCOs). Enabling 3rd party infrastructure service providers to offer solutions will avoid monopoly situations. Provision for non-council controlled infrastructure operators (such as private water companies and cooperatives) should also be made more specific.

5. The NPS proposes timeframes and frequencies for assessments, targets and monitoring. Are these reasonable? Are they appropriate?

Councils are notoriously slow when it comes to gathering data and then acting on that information. The market reacts much faster than councils do, so a tight and regular timeframe put an appropriate amount of urgency to the monitoring. More stringent requirements to publish the collected information in a timely manner will also enable 3rd party analysts to keep watch of how the councils respond to the data.

6. What will assist councils to implement the proposed NPS?

Placing stringent monitoring requirements on councils will help the situation where the elected members would prefer to spend money on things that are highly visible such as large construction projects.

7. Do you have any further comments on the Government's proposal?

We have concerns about how the NPS might be applied in relation to residential and business activities that are within a High Growth Area council jurisdiction but outside the "Urban Area" boundaries.

We own land immediately adjacent to the existing urban zoned land in Waiuku, and adjacent to the Glenbrook Steel Mill in Glenbrook. Both the town of Waiuku and the Steel Mill site in Glenbrook have "urban" zones, but are not within the Auckland Council's "Rural Urban Boundary" (RUB). We have made submissions to the Proposed Auckland Unitary Plan for these areas to be included in the RUB. Our experience through the council hearing process has been that the council selectively defines these areas as "rural" for the purposes of the RUB, yet "urban" villages for the purposes of rural subdivision.

In some instances the council sees these areas as “car dependent dormitory suburbs” of Auckland, and in others the council sees them as a self sufficient sub-regional service centre. In the case of Glenbrook, the council recognises the role that the Steel Mill has on the regional and national economy.

While being located within the Auckland administrative area, the council does not appear to place much emphasis on the role that these centres play in the regional economy. We are concerned that the NPS may have the potential to perpetuate this issue. Our specific comments in relation to the proposed policies are outlined below:

Preamble

The preamble states that the NPS will place a greater emphasis on monitoring what is happening on the ground, and responding to that. It will also place a strong emphasis on planning coherently across urban housing and labour markets. However these aspects do not present themselves in the policies as matters of particular emphasis, yet are critical to the economic viability and functioning of sub-regional service centres such as Waiuku, and even larger centres such as Pukekohe.

Definitions

The definition of **Business Land** means land that is zoned for productive economic activities in urban areas. There are examples of business land that lay outside **urban areas** (defined as having urban characteristics *and* a high concentration of population). This could create a situation where some often significant activities (such as the Glenbrook Steel Mill and associated business activities) are not taken into account. For example, the “**Main Urban Area**” for Auckland does not take into account major sub-regional centres like Pukekohe, Warkworth, or Wellsford.

The definition of **Demand** in relation to business land requires regard to be had to the demands of land extensive and intensive activities, and the demand for different locations within the urban area. Once again, this definition does not contemplate situations where business activities may be functionally dependent on resources that lay outside the urban area.

The definition of **Development capacity** takes into account any relevant management plans and strategies prepared under other Acts. In the case of Glenbrook, the area was identified as a future growth area in the Auckland Plan prepared under the Local Government (Auckland Council) Act 2009. Despite this, the council to date has not placed any significant effort on the forward planning of these areas, as has been our experience through the Proposed Auckland Unitary Plan (PAUP) process.

PA3

PA3 requires decision-makers to have particular regard to the positive effects of urban development at a national, regional and district scale, as well as its local effects. “Urban development” is not defined in the NPS, and it is our concern that this will be interpreted as meaning “development within urban areas”.

PB2

PB2 requires local authorities to have regard to future changes in the sectoral composition of the “local economy” and the impacts that this might have on residential and business demand. The term “local economy” is not defined, but it is likely intended to make the policy relevant to all councils. In the Auckland context however, it is not clear whether “local economy” is one of a regional scale, or whether it relates to local service centres such as Pukekohe or Waiuku.

PB3

PB3 requires that local authorities estimate the sufficiency of development capacity having regard to the likelihood of opportunities for development being taken up. While there is an explanation of this notion on page 31 of the consultation document, it is also stated that “Government intends to provide guidance for local authorities on options for assessing the feasibility of plan-enabled capacity”. We suggest that this guidance should include a requirement for the land owners to declare an ability and willingness to proceed with land development (say within a 3 year period).

PB4

PB4 requires local authorities to consult with infrastructure providers, the property development sector, and any other stakeholders as they see fit. We suggest that this should specify a requirement to consult land owners that have declared an interest in contributing to the supply of urban development.

Providing for business needs

In the section entitled “Providing for business needs” (page 23) it is stated that local authority planning should provide enough development capacity for both employment and housing close to each other in ways that make efficient use of land and services with as few conflicts as possible. It notes that an oversupply of some kinds of business land can lead to underfunded infrastructure and struggling town centres. It is for this reason that the NPS policies should make explicit reference to the need to consider *all* urban land within the local authority, and not just those within “urban areas” or “high growth areas” as defined in the Appendix.

The discussion on page 23 also makes specific mention of the capacity needs for some sectors to be aligned with business needs for type and location. Heavy industrial activities that are vulnerable to reverse sensitivity effects are singled out as one such example. It is stated that the “complexity” of this issue, has led to the topic of reserve sensitivity being left out of the NPS due to insufficient analysis. Because of this recognised “gap” in the NPS we feel it is even more critical that the councils are required to assess all existing business activities in their administrative area, regardless of the existing zoning.

Publication and Official Information Act requests

If requested, we may release your submission under the Official Information Act 1982. We may also publish all or some of it on the Ministry website.

Please check this box if you would like your name, address, and any personal details withheld.

Note that the name, email, and submitter type fields must be completed.

Send us your submission

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