

2 October 2019

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Dear Ministers,

Thank you for the opportunity to comment on the proposed National Policy Statement on Urban Development.

Kāpiti Coast District Council generally supports the overall intent and direction of the proposed NPS-UD. Like other urban areas, Kāpiti has experienced an increase in housing demand and prices which is creating pressure on housing affordability and limiting people's choices for living and working in the District. Understanding demand, development capacity and the factors affecting them provides us with a better understanding of how to help manage and address these pressures. This is vital if we are to achieve the NPS-UD's aspirations of high quality, liveable urban environments that foster the well-being of people and the environment.

While we support the range of tools and processes proposed by the NPS-UD to help inform how we manage growth in our district, we have concerns about the focus of competitive land markets as the sole means to achieve all the goals of this document. An example of the complexities that need to be worked through is in our recent HBA analysis, which indicates greenfield development in some areas may be counter-productive to intensification around our centres and points of high amenity.

We believe a range of measures are needed to address varied incentives that impact on business and residential developments and to provide sufficient choice in the market to meet the needs of our community into the future. It is encouraging to hear that a number of additional tools are being developed under the Urban Growth Agenda to help manage and respond to these growth pressures.

Councils cannot achieve these outcomes singularly through the control of development. Tools need to also focus on incentivising landowners and developers to develop land in optimal locations in optimal ways. Many Councils, including ours, have long had planning provisions that encourage intensification and further development in our centres, but these opportunities are often not maximised by developers who see innovative or more intensive solutions as risky developments, and single storey, detached housing as a guaranteed return. We hope that a number of the tools in development may help address these 'non-market' issues and help realise greater levels of existing potential instead of unnecessarily expanding our urban areas quicker than we might otherwise need to, creating reduced densification of urban areas. This is particularly important as we look to

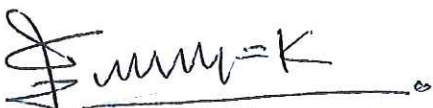
balance decisions of expansion with the benefits of intensification, efficiency of infrastructure provision, optimal use of our productive lands, reducing our carbon footprint and the sustainability of our environment.

While the grouping of regions in the NPS-UD is helpful in that it allows a greater visibility of regional markets, it also creates some challenges for those smaller centres. Many of the provisions within the NPS-UD are designed to help metropolitan urban centres function and deliver the development needed where space for development is highly constrained and infrastructure provision (such as public transport) is efficient and available. For smaller districts on the periphery such as ours, particularly commuter hubs and those which are collections of smaller towns and settlements rather than cities in their own right, some requirements are likely to have negative unintended consequences. We seek some flexibility in the way the provisions are applied to the margins of growth areas to ensure that 'big city' provisions are not being applied across the board to the detriment of our local communities.

Given the significance and impact the NPS-UD will have on the district and iwi, we are disappointed that the timeframes provided for consultation has not enabled Council to engage with iwi in preparing its submission. Providing enough time to consider and discuss proposals is important if the shift around engagement is to be meaningful and achievable given the capacity requirements it will place on iwi and Council.

The following submission provides further details on potential impacts and opportunities to achieving the outcomes of the NPS-UD. We welcome your thoughts and feedback, and Council officers are happy to share their thoughts and experiences with the team developing the NPS-UD.

Yours sincerely



K. Gurunathan JP, MA  
**MAYOR, KAPITI COAST DISTRICT**





## NPS UD Consultation Questions

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?

Yes. We support the overall intent and direction of the proposed NPS-UD to support and shape processes and decisions to make room for growth and quality urban environments. However, we have a number of concerns around elements of the proposal that we address throughout the submission.

While we recognise the role for Councils under the NPS-UD to enable and manage development and quality urban environments, the NPS-UD needs to recognise that Councils don't build residential dwellings or commercial buildings. The type and nature of housing is largely determined by the market/developer. The way the NPS-UD is currently framed requires Councils to respond to market-led factors that are beyond their control. In effect, this could lead to Councils being required to provide development capacity and infrastructure investment beyond practical levels, which still would not resolve issues such as land-banking affecting competitive land markets, but would potentially be at the cost of ratepayers.

The NPS-UD needs to be part of a package of measures which includes responses to other non-RMA related factors. It is noted that the challenge of getting this balance right is not just an issue for NZ. This point was recently recognised in the UK by the National Audit Office, whereby the design and assessment of Councils performance against housing targets identify significant levels of non-compliance due to factors and design of a system and measures that lay largely beyond their control.

– 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?

Further discussion on links to other RMA and non-statutory tools are discussed in response to questions later in this submission.

2. Do you support the approach of targeting the most directive policies to our largest and fastest growing urban environments? Why/why not?

Yes. We recognise and support Kāpiti Coast District Council's inclusion as part of the Wellington main urban centre given its interconnections and the level of growth across the Wellington urban area.

– Do you support the approach used to determine which local authorities are categorised as major urban centres? Why/why not?

See previous comment.

– Can you suggest any alternative approaches for targeting the policies in the NPS-UD?

While the grouping of regions in the NPS-UD is helpful in that it allows a greater visibility of regional markets, it also creates some challenges for those smaller centres. For smaller districts the requirements of the NPS-UD may have negative unintended consequences. We would seek some flexibility in the way the provisions are applied to the margins of growth areas to ensure that 'big city' provisions are not being applied across the board to the detriment of our local communities.

### Future Development Strategies

3. Do you support the proposed changes to future development strategies (FDSs) overall? If not, what would you suggest doing differently?

We support the introduction of an FDS for the Wellington MUC. This builds on the joint work the Wellington medium growth Councils have undertaken to develop the HBA under the current NPS-UDC. We also support the flexibility to include an FDS as part of another suitable document. This provides the potential to align the development of an FDS as part of current work to develop a Wellington Regional Growth Framework.

- Do you support the approach of only requiring major urban centres to undertake an FDS? Would there be benefits of requiring other local authorities to undertake a strategic planning process?

No comment.

- What impact will the proposed timing of the FDS have on statutory and other planning processes? In what way could the timing be improved?

We agree in principle behind the intention to sequence the update and review of HBA and FDS's to inform LTPs and subsequent changes (where necessary) to district plans, and the provision of more flexibility for how and when Councils do this.

As Wellington councils were not previously required to prepare an FDS, we understand that Greater Wellington Regional Council is looking at developing an FDS as part of the Wellington Regional Growth Framework (RGF), and that it may intend to release a draft for consultation mid-2020. This creates doubt that the RGF will be completed in time to inform our next LTP.

We are also conscious of how frequent a three-year review of a strategic document is, and that previous plan changes to address previous FDS may still be in process when that review is underway.

As an alternative, we propose that the FDS should require 'an assessment of the need to review' every three years, and where necessary, a review/update to be completed at least every 6 years (or sooner where indicated by an HBA or significant monitoring findings). This approach would provide more flexibility to align reviews with other process such as the Regional Land Transport Strategy and with the availability of Census data (which is the basis of most population and demand projections), while still being responsive through any changes identified through monitoring and HBA's. This additional flexibility also provides further scope to avoid overlaps with District Plan changes (i.e. so that plan changes can be completed before another one is required to start) and aligns with LTP processes. Potential risks from an out of date FDS are also balanced under the ability to directly consider the NPS-UD policies and recent HBA results.

### Making room for Growth

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?

Somewhat. We support the intent of the NPS-UD to describe features of a 'quality urban environment' for consideration in policy and resource consent processes. However, the description as currently provided through the Objective appears incomplete and by leaving out key elements, such as amenity and urban design, creates uncertainty and has the potential to be used to litigate decisions (see further comments below).

- Do you support the features of a quality urban environment stated in draft objective O2? Why/why not?



The current features defined in the 'quality urban environment' description reflect a range of functional elements, but do not include any amenity aspects that are often associated with urban design and 'place-making'. Some of these elements might be necessary to balance and qualify the use of 'quality'. We note the intention is to include additional context to this effect in the preamble. Our view is that this context must be included in the provisions of the NPS-UD to afford it some legal weight.

Clarification of the ongoing role and fit of the Urban Design Protocol has been identified as a gap in relation to this matter, and through appropriate reference in the provisions, may reduce uncertainty. A refresh of the Urban Design Protocol may also be timely.

– What impacts do you think the draft objectives O2–O3 and policies P2A–P2B will have on your decision-making?

There are a number of impacts objectives O2–O3 and policies P2A–P2B could have on decision making.

Policies P2A/B should reflect consistent wording and references. P2A refers to 'planning decisions' which is defined as policies, plans or strategies, whereas P2B directly references policies, plans and strategies. Also grouping relevant P2A/B into policies reflecting plan making and resource consent considerations could make the policies more user friendly.

The link between P2A c) and d) and the FDS/District Plan is unclear, in particular, whether this is intended to take precedence over the FDS and District Plan. This causes the potential for confusion and risk of overriding and potentially compromising the FDS and District Plan land-use/subdivision objectives via ad-hoc consent decisions, and needs to be made clearer when and how policies apply e.g. is weight provided when a FDS and DP are not reflective of a recent HBA?

P2A b) and d) are unclear and should identify what adverse effects on competitive land markets are to be avoided.

Objective 3 and P2B b) and d). It does not clearly articulate what the benefits and costs of urban development are. This section might be relevant to referencing potential constraints on land-use and making links such as to highly productive land, and/or could be better achieved by 'having regard to' the FDS which is required to look at constraints and other matters. The need to have particular regard to the scale of costs and benefits also appears to extend beyond section 32 requirements for plans, and would be a new requirement for applicants. This is likely to introduce additional requirements on Councils and applicants and could add further grounds for legal debate and delay.

P2B c) raises questions over how decisions can be made in regards to 'quality urban environments' against current District Plan provisions, before they have the opportunity to be reviewed and updated to reflect the NPS-UD. Further information or guidance will be needed for decision makers on how this is applied in the interim to District Plan provisions being reviewed.

#### **Amenity values in urban environments**

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

Yes. Indicating changing amenity values over time would be useful provided that the concepts of "diversity" and "change over time" are further explained through the policy.

–Do you think these proposals will help to address the use of amenity to protect the status quo?

Policy P3A currently restates the Objective and misses the opportunity to be bolder and expressly define how Councils and communities should use and interpret the Objective to identify variances

and changes over time as part of developing the FDS, and District Plan provisions. This could include clearer linkages to the use of zone descriptions reflecting pressures and changes over time (discussed later in the submission). This policy should strongly link back to the definition of quality urban environment.

- Can you identify any negative consequences that might result from the proposed objective and policies on amenity?

Failure to achieve any positive improvements to amenity values, due to a lack of clear policy about the kinds of change that the NPS-UD is seeking to achieve. Amenity is already a concept which is somewhat subjective, and adding in a temporary element to this may make it even more subjective, and therefore likely to resort in an opportunity for challenge and appeal.

- Can you suggest alternative ways to address urban amenity through a national policy statement?

Yes, by providing clear policy direction. The intent of this policy should be to assist local authorities to overcome obstacles (identified through the robust problem definition analysis which has presumably been completed to inform this discussion document) which have to date prevented district plans from suitably providing for diversity and change over time.

#### **Enabling opportunities for development**

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?

Somewhat. While we agree with the intent of providing and responding to the amount of development capacity available to meet demand, we have concerns about the implications the framing of development capacity has on subsequent requirements under the NPS-UD.

Refining analysis of factors affecting development capacity increases assumptions and reduces the amount of capacity. Some factors affecting 'feasible and likely' development capacity are beyond the influence of the resource management framework. Policy P5C enables these factors and constraints to be identified through monitoring and consideration in future plan making processes (P5D). This might enable some regulatory factors to be identified and addressed to improve development capacity, but there is no further means mentioned to further address issues outside the resource management framework.

For Kāpiti, current underlying market factors and resident's apparent preferences for housing types have been identified as favouring greenfield development over intensification. Providing more development capacity to address shortages on the peripheral areas is unlikely to change this outcome and likely continue the low take-up of medium density opportunities further, and also affect the ability to meet the requirements for providing a wider variety of housing options.

If this is not factored into the NPS-UD, Kāpiti risks undermining strategic principles guiding growth across the district and delivering poor quality urban environments and eroding productive rural areas (with exacerbation of greenfield suburban growth over intensification of high accessible centres with high levels of amenity) rather than achieving a more balanced approach. Additionally, the provision of additional capacity also requires council to nominally identify a greater extent of infrastructure investment.

While we recognise Policy P4D - F is carried over from the NPS-UDC, we wonder whether other Councils who have undertaken an FDS have indicated any potential benefits and efficiencies to be gained by including regional and district baselines in the FDS and linked through to requirement under the NPS-UD. This would still require Councils to make changes in their District Plan provisions to reflect changes/needs in the FDS, they just don't have to detail and specify bottom



line directly but refer to the FDS. The HBA and monitoring continue to identify and trigger a need for review.

**Ensuring Plan content provides for expected levels of development**

7. Do you support proposals requiring objectives, policies, rules, and assessment criteria to enable the development anticipated by the zone description? Why/why not?

Yes. We agree that this could be useful to help illustrate and understand the type and nature of development anticipated across an area. Linking this with changes of typology over time could also be helpful (links to discussion also covered below).

– 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?

Somewhat. If they are not legally binding (see below) they may have limited impact but can help manage understanding and expectations during development of plans and context surrounding the interpretation and application of rules.

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

Yes. If amenity values and anticipated changes over time can be captured into zone descriptions alongside the type of development and any changes over time, it would provide useful context to the objectives policies and rules for an area. However, the overall impact may be limited as our understanding under existing case law is that zone descriptions within district plans currently have no legal weight when making decisions as they are not one of the required components specified in RMA Section 75(1). This leads to a question whether the NPS requiring zone descriptions in a district plan can give them legal weight in the decision making process under Section 104(1) (b)(iii) and (vi), which could help provide further weight to the approach and objectives being sought by the changes.

The PDP contains zone descriptions already, which will be revisited through future plan review. However, this would require a Schedule 1 process and cannot be done immediately. A more effective approach would be to update the descriptions at next plan review or as part of implementing the Planning Standards.

**Providing for intensification**

8. Do you support policies to enable intensification in the locations where its benefits can best be achieved? Why/why not?

Yes. Achieving intensification in areas where it can best be realised is generally consistent with the approach in the Kāpiti Coast Proposed District Plan. However, the current reference to only one criteria needing to be met and the ambiguity around criteria e.g. “high demand for housing” could lead to challenge and uncertainty between applicants and consenting staff. It also has the potential to detract from the desired state of quality urban environment, with potential for fragmented subdivision and development.

Further definition, including the need to meet all, or more than one criteria and potentially linking high demand to the HBA, could help mitigate issues and provide greater clarity around the application of the provision on the ground.

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

Depending on their definition, we would expect impacts for intensification to have a limited impact unless they are able to overcome current feasibility and housing preferences. There is also a

potential for fragmented development to occur unless a cohesive approach is defined. To better understand the potential impacts a clearer definition of 'frequent transport stops' and 'centres' is needed. The potential timeframes to include PD6 could be problematic as it adds another timing requirement amongst other changes. This would be simplified if the timeframes were more flexible and enabled alignment with the next plan review or as part of implementing the Planning Standards.

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

Option 1 – descriptive approach. This is generally consistent with the approach in the Kāpiti Coast Proposed District Plan to provide for intensification around a number of key centres with good accessibility. As previously mentioned, defining 'frequent transport stops' and 'centres' are necessary to define and help implementation of the policy.

– If a prescriptive requirement is used, how should the density requirements be stated? (For example, 80 dwellings per hectare or a minimum floor area per hectare).

No comment

– What impact will directly inserting the policy to support intensification in particular locations through consenting decisions have?

We think this is likely to have a limited impact in our district. A particular challenge for Kāpiti is that a number of areas are already identified and enabled for intensification, but factors affecting current market feasibility (low comparable land costs and preferences for standalone housing) only see a small number of medium density developments come forward each year. Some medium density developments have not sold well to date. We plan to undertake further work to better understand the extent to which regulatory and non-regulatory factors affecting the feasibility of medium density development in Kāpiti to inform future growth planning processes.

#### Providing for greenfield development

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?

No. Do not support in its current form as 'must provide for' is a high test and there are a number of concerns with the criteria and its links to the district plan and cost and implications for infrastructure investment. It also appears to override plan provisions even if there is a FDS in place.

Piecemeal development of infrastructure is often uneconomic and creates risks and costs around inefficient network design. The development and operation of third party infrastructure also creates a risk that Councils will be seen as a fall back to step in if assets or operators fail.

– How could the example policy better enable quality urban development in greenfield areas?

Currently the detail of the criteria does not accurately capture the expectation and circumstances in the preamble to the draft policy. In particular, the policy needs to make clear that a plan change could include a future development area already identified but out of sequence, or another area not currently identified for urban development. We also have concerns that the criteria as currently drafted would enable further development and loss of highly productive land in rural areas/ peripheral areas. To this effect, it is unclear what relationship and expectations would exist between this policy and other national direction and the fit with more detailed District Plan provisions, for example on natural hazards.



- Are the criteria in the example policy sufficiently robust to manage environmental effects ensure a quality urban environment, while providing for this type of development?

No. see above comment. The criteria are limited and some are open to interpretation, for example:

- what comprises 'protected areas'?
- what is 'appropriate development' in respect of natural hazards?

- To what extent should developers be required to meet the costs of development, including the costs of infrastructure and wider impacts on network infrastructure, and environmental and social costs (recognising that these are likely to be passed onto future homeowners and beneficiaries of the development)? What impact will this have on the uptake of development opportunities?

If the requirement is for Council to provide for the development that meets the criteria it provides no discretion as a starting point, so the assumption should be that developers meet the full costs. If the policy was reframed to provide discretion, there would be more opportunity for Council to enter into potential agreements (including with Government in some cases) to provide some/parts of infrastructure services on certain terms and conditions.

Even if the costs are passed on to future home owners/beneficiaries via the developer, this will make the developer more likely to consider costs of infrastructure servicing than if the costs were to be spread across all ratepayers via the Council bearing the costs.

- What improvements could be made to this policy to make development more responsive to demand in suitable locations beyond areas already identified for urban development?

The on-going development of HBA's and FDS's and district plans provides a suitably responsive framework. The HBA and FDS processes should stimulate more regular and on-going discussion between land owners and developers and Council, where necessary leading to plan changes that free up additional capacity for development (Policy P4G and P2A & B).

#### Removing minimum car parking requirements (Page 40)

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?

We support the ambition of achieving a modal shift, and we agree that carparking requirements can be an obstacle to development. However, we are concerned that the policy options provided here are not suitable in our context. Urban development in Kāpiti is spread across a number of settlements, with a high percentage of people also living in rural areas. This creates a high reliance on cars as the primary means of transport. As a result, parking is a significant issue in our district, particularly around town centres and our rail stations.

While we are working with partners to improve modal shift, further intensification and reducing or removing minimum parking requirements will further exacerbate this issue until infrastructure required for alternative modes, and modes shift is achieved. Significant additional investment in public transport frequency and coverage and other alternatives would be required.

The approach to parking and target for modal shift should be evidence based and tailored to specific local circumstances, recognising that a one size fits all approach is not appropriate and that local authorities outside the cities have a very different set of challenges and opportunities.

- Which proposed option could best contribute to achieve quality urban environments?

In Kāpiti all three options risk degrading the quality of our urban environments, at least in the medium term until modal shifts are achieved.

- What would be the impact of removing minimums in just high- and medium-density, commercial, residential and mixed-used areas, compared with all areas of a major urban centre?

In Kāpiti we consider both options may create some negative impacts. Without improvements to current public transport connections, removing parking minimums in medium density areas would exacerbate current levels of congestion. Similarly, outside key centres, policies are also likely to be limited without alternative modes and given the reliance and need for cars for residents to get around and meet their basic needs.

- How would the 18-month implementation timeframe impact on your planning processes?

It would be challenging. Kāpiti may have some flexibility to accommodate this in its new forward work programme, which will be developed after the election with a new Council. However, a six-month extension to this timeframe may increase the likelihood Council could include other urban development initiatives into that plan change. We note allowing 2 years post-gazettal would still enable notification of an urban development plan change prior to the elections in 2022.

- What support should be considered to assist local authorities when removing the requirement to provide car parking to ensure the ongoing management of car parking resources?

Significant support to improve public transport in Kāpiti so that feasible alternatives are available to driving cars.

More directive intervention to enable quality urban development ( Page 43)

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

More directive intervention could be useful across local authority plans where Government seeks to achieve consistency, simplification and standardisation. The Planning Standards are one mechanism introduced to achieve this.

However, the difficulty is working out solutions that provide the right mix of prescription and direction while enabling local variation where appropriate. Changes need to be carefully considered and discussed with Councils to avoid unanticipated outcomes. For example, removing height to boundary rules in high density zones would need to be carefully considered, using a refined rather than blunt wide-ranging approach. Other countries which do not use height to boundary controls generally have other safety nets to manage potential adverse effects such as the 'right to light' easements in the UK.

Areas that may have some benefit from national direction could include subdivision and development on land subject to natural hazards. In particular, ensuring that land subdivided is feasible for building on at an affordable price. This should be considered in line with changes being proposed to the Building Act and Code e.g. liquefaction prone land.

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

We plan to undertake further work to identify potential market factors and regulatory constraints affecting the feasible development across key areas of Kāpiti Coast District following the completion of our HBA. Provisions which are intended to provide quality urban environment often impose additional costs due to lower yield being possible. Such provisions include managing stormwater, natural hazard avoidance, or mitigating boundary setbacks, sunlight access planes, protection of indigenous vegetation and parking requirements.



- Can you identify provisions that are enabling higher-density urban development in local authority plans that could be provided for either nationally or in particular zones or areas?

No comment.

- Should a minimum level of development for an individual site be provided for across urban areas (for example, up to three storeys of development is a permitted activity across all zones)?

See comments above. While there may be significant benefits in permitting increased levels of development across urban areas, care will be needed to avoid negative impacts on affordability, viability and delivery. We would also expect such a step to be inclusive of some protections for the amenity values of existing residents (e.g., shading).

- Given the potential interactions with the range of rules that may exist within any given zone, how could the intent of more directive approaches be achieved?

We have not considered this in detail, but likely options include NES or through National Planning Standards.

#### Evidence for good decision making (Page 46)

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?

While we are supportive of monitoring and developing evidence on demand/supply and feasibility to inform future growth planning and decision making, we do not support the ongoing requirement for quarterly monitoring. This requirement and ambiguity of the form this should take distracts from the overarching objective which is to develop and use evidence to inform decisions and respond early to key changes. Quarterly reporting is time intensive and lacks significant changes over the quarterly period. Additionally, many of the national data sets are not updated on a consistent quarterly basis making their coverage and inclusion moot.

The current quarterly requirement also creates expectation around this data, so not having it available on a quarterly basis undermines the benefits in developing decision makers and stakeholders understanding of the subject matter. To overcome this and achieve optimal outcomes we support an overarching principle to support monitoring with an annual report published as the most efficient and effective frequency for monitoring.

#### Engagement on urban planning (Page 49)

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?

Timeframes for consultation have not enabled council to discuss its submission on the draft NPS-UD with tangata whenua.

We are supportive of building a greater understanding of values and interests of iwi, hapū and whānau, however we have some concerns about this proposal. Any proposal which extends consultation requirements will further test scarce resources of Council, iwi, hapū and whānau. Consultation with multiple shareholders of Whenua Māori will be particularly resource-intensive for all parties, and achieving consensus across all shareholders of whenua Māori may not be possible. We are interested in how central government may be able to match increased expectations with assistance in building capacity.

- Do you think the proposals are an appropriate way to ensure urban development occurs in a way that takes into account iwi and hapū concerns?

Potentially, except to note the capacity challenges it may create for all parties.

- How do you think local authorities should be directed to engage with Māori who do not hold mana whenua over the urban environment in which they now live?

Consultation with Maori under the Resource Management Act is fundamentally based on who holds mana whenua. If there is to be a departure from that here, we simply note that may have wide-ranging consequences.

- What impacts do you think the proposed NPS-UD will have on iwi, hapū and Māori?

The NPS-UD will create additional and new demand on iwi and hapū that will compete for their limited capacity to engage. This will require additional resourcing to support over and above existing iwi relationships and engagement. Further support and resource from Government would aid developing work in this area.

#### Coordinated planning (Page 52)

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? Why/why not?

Yes.

#### Timing (Page 55)

15. What impact will the proposed timing for implementation of policies have?

Implementing the requirements will add significant additional resource costs. Current timings prevent options for Council to align and integrate changes in a more flexible and efficient way. This is important when considering the need to implement and make changes immediately, in 18 months and then (where necessary) following completion of an HBA and FDS. This creates a continuous schedule without yet taking business as usual requirements for updating and maintaining other aspects of the District Plan and the implementation of the proposed HPL and National Planning Standards into account.

#### Guidance and implementation support (Page 56)

16. What kind of guidance or support do you think would help with the successful implementation of the proposed NPS-UD?

The need for various areas of guidance and support to enable implementation of the NPS-UD have been discussed elsewhere in this submission.

Government funding and support to help further develop, refine and adjust development models to achieve the NPS-UDC with Councils would be welcomed. This would be a more efficient and effective use of resources rather than officers developing technical expertise around data and IT processes. Support would help focus capacity on delivering and achieving the outcomes of the NPS\_UD and could contribute significantly to faster reviews, more consistency and agreement around methodology and the ability to use modelling as a part of mainstream planning processes.

Detailed guidance on how to fulfil the price point information for demand and capacity, including how this can be generated and applied. Similarly, clear guidance on how proposals around the size and tenure for demand and capacity of business can be achieved in HBAs.

Central government funding for the additional infrastructure planning and delivery required by NPS UD as identified as part of work relating to the Urban Growth Agenda.



**Alignment with other national direction under the RMA**

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 and include any suggestions you have for addressing these issues.

The link to and balance between the NPS-HPL is quite weak. Stronger wording in the NPS-UD means this will likely end up taking precedence in practice and higher measures of interim protection should be afforded to these areas to offset a gold rush.

It should be made clearer which national directive has precedence, or there is potential for tension with Regional and District planning documents leading to increased risk and challenge and associated legal costs.

18. Do you think a national planning standard is needed to support the consistent implementation of proposals in this document? If so, please state which specific provisions you think could be delivered effectively using a national planning standard.

References made in previous comments in this submission.

**Questions from Appendix 3**

- A1. Do you support the changes to the HBA policies overall? Are there specific proposals you do or do not support? What changes would you suggest?

AP15 – It is unclear how information on tenure and size can be meaningful captured and analysed to support this policy. Further guidance would be useful.

- A2. What do you anticipate the impact of the proposed policies (and any related changes) would be on planning and urban outcomes?

In general, the benefits of the HBA, when simplified, is that it creates awareness and evidence to build understanding around the current state of residential and business development and capacity and other factors of change including rate of uptake, changes in use and activities and movement within areas over time. This also supports more informed discussion with developers.

- A3. Are the margins proposed in policies AP3 and AP12 appropriate? If not, what should you base alternative margins on? (e.g., using different margins based on higher or lower rural-urban price differentials).

No. Using a baseline and higher growth scenario for modelling demand provides for a range of growth. Having two scenarios removes the need to use an additional margin (or you could qualify this approach provided the two scenarios are at least 20% difference). This would help simplify the HBA process and also avoid confusion between population/demand/capacity figures used in the HBA with other projections used in other Council planning processes including the LTP and infrastructure planning.

- A4. How could these policies place a greater emphasis on ensuring enough development capacity at affordable prices?

It is unclear and potentially difficult for Councils to meaningfully contribute to the affordability of development capacity. While modelling can identify feasibility at different margins, it is ultimately the market providers and developers who set the price and availability of housing to the market. Providing capacity and monitoring sales and build process of the types of housing may help indicate any changes but ultimately it is landowners and developers who choose when and how to bring development to the market and at what price point.

Further guidance on how to achieve this and its fit to affordability would be welcomed in finalising the final NPS-UD.

A5. Do you support the approach of targeting the HBA requirements only to major urban centres? Why/why not?

See comment to question 2.