

Thoughts on implementing the *intensification* policies of the NPS-UD

October 2020 (v2)



The intensification policies in the National Policy Statement-Urban Development - Policies 3 to 5 and clauses 3.31-3.33 - must be given effect to by Tier 1 and 2 councils no later than August 2022, and before that date when councils and private interests are preparing plan changes. Tier 3 urban councils must change their plans as soon as practicable.

Irrespective of whether the applicable district plan has sufficient capacity to meet future housing needs, if demand assessments suggest limited demand for apartment living or if current (or future) spatial strategies point in a different direction, the NPS-UD requires that additional capacity must be provided in identified areas in Tier 1 areas

In Tier 2 and 3 council areas, planned capacity must provide for relative demand and areas of high accessibility by foot, bike or bus.

Responding to the NPS-UD is likely to involve a substantial project involving a range of assessments and trade-offs, only some of which are addressed directly by the Statement.

We have given a bit of thought to the process to inform the plan changes required under the NPS-UD.

Identifying possible Intensification Areas

- Aligning existing zones to the City Centre and Metropolitan Centre zone equivalents if required

Step 1: Identification of possible Intensification Areas under Policy 3 and 5

- 'City Centre' zones, 'Metropolitan Centre' zones, Walkable catchments of the edge of these zones and existing / planned rapid transit stops (Tier 1)
- Any other areas with high accessibility and/or high demand (Tier 1, 2 and 3)

Step 2: Identification of Carve Out Areas subject to qualifying matter under Policy 4 (Tier 1 only)

- matters of national importance under section 6 RMA
 - giving effect to any other NPS
- ensuring the safe or efficient operation of nationally significant infrastructure
 - open space provided for public use
 - land that is subject to designation or heritage order
 - implementation or consistency with iwi participation legislation
- provision of sufficient business land suitable for low density uses to meet expected demand

Step 3 Identification of 'any other matters' making high density inappropriate under clause 3.32 (h)

- justify specific characteristic that makes the level of development inappropriate
- carry out site-specific analysis and evaluation of options

Step 4: Determine appropriate alternative building heights and densities for identified carve out areas under clause 3.33

Assess costs and impacts on development capacity, and more broadly

Step 5: Development of required changes to plan provisions and zoning maps

Preparation of s32 report

- Developing criteria for key terms like: “high demand”, “high accessibility”, “range of commercial activities and community services”
- Developing criteria and GIS input parameters for defining a walkable catchment
- Consideration of what is ‘as much as possible’ development capacity in city centres.



In all urban areas, identifying ‘high demand’ locations will likely be an area of substantial debate. Any location within 10 minutes walk of a beach or lake edge is likely to be in ‘high demand’. But how should factors like coastal inundation and flood hazards be taken into account? While high land values may be a signal of high demand, this may not coincide with good accessibility to jobs and services. For many mid sized urban areas, demand for intensive housing may be greater on the fringe than the centre. Meanwhile, taking a 30 year view of demand is never easy.

Carve Out Areas

Defining preliminary criteria for the listed qualifying matters and possible ‘discretionary’ carve out areas, including linking qualifying matters to existing data will be important.

The listed exceptions (qualifying matters) provided by 3.32 appear to be only available to Tier 1 Councils, but are equally applicable to all Councils. Many of the mandatory section 6 matters will already be mapped, as well as open space and designations. These tend to be site specific matters and may not make that much difference at a spatial level (except perhaps sea level rise). Demand for low density business uses may be harder to judge (and it is questionable whether these types of activities deserve a degree of ‘protection’ from urban change when big investments in transit are made).

It is the ‘other factors’ (3.33.(3)) that may come into play that will need careful consideration. For example:

- a) Determining where factors like special character areas, view shafts and relationships to blue/green corridors sit in the hierarchy of trade offs
- b) The extent to which factors like access to adequate open space should influence densities
- c) Determining whether infrastructure constraints provide a reason to exclude some areas
- d) Should factors like exposure to air pollution and noisy environments along busy arterial roads also influence density?

It is not clear if Tier 2 and 3 councils can take into account similar matters when determining what height and density is commensurate with the level of accessibility and demand. At the very least, the process under 3.33(3) should be available. A related question is whether it is necessary or possible to define areas where density could be ‘relocated to’ to make up for restrictions on capacity arising from the ‘listed’ or ‘justified’ carve out areas?

Data requirements to inform the discretionary carve out areas where GIS layers or sufficient spatial information does not currently exist may require substantial backfilling of data sets.

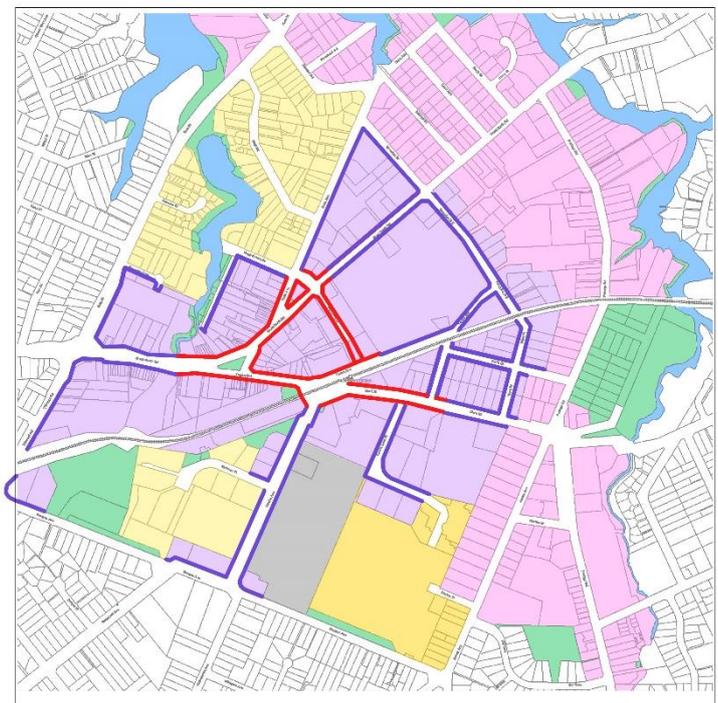
Process issues may cover:

- Collaboration with Iwi authorities who have landholdings / development aspirations not captured by market-based demand studies
- Running local workshops to test proposals and obtain local knowledge of any 'other matters'
- Briefing and managing any external technical experts that may be required e.g. development feasibility testing
- Development of criteria for the carve out areas for committee approval including indication of likely spatial extents and to what degree the intensification should be reduced by in each area.

Identifying the specific characteristic that makes the level of development directed by Policy 3 and 5 inappropriate in an area and justifying why that is inappropriate in the context of the national significance of urban development and the objectives of this National Policy Statement will take some care. The test set out by the NPS ('inappropriate in the light of..') is not a clear cut pass/fail type test.

Rezoning Details

- Working with GIS technician to spatially identify areas meeting the intensification and carve out criteria, and whether these are consistent with existing operative zoning and overlays
- Reviewing the spatial extent of required rezoning and any changes to overlays for logic and accordance with NPS-UD policies. Refining criteria and GIS inputs if necessary



Plan Provision Changes

- Drafting required changes to objectives and policies (RPS, district)
- Developing appropriate urban design criteria for the range of intensification options, e.g. more than 6 storey buildings, 4 to 6 storey buildings; terraces and town houses
- Should there be requirements for mixed uses, especially on ground floors along busy roads, and acoustic insulation?
- How to manage the transitions between zones. There may need to be a 'step up/down' zone between a 6 storey zone and a 2 storey (8m high) zone, for example. Does this transition occur on the inside or outside of the walkable catchment?

Reporting

- Site-specific reporting on carve out and 'other matters' areas where the required intensity is inappropriate
- Preparation of the s32 report supporting the plan change, including the above information, and
- S42A reporting on submissions and further submissions to the plan change.

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