

Proposed Change 6 (NPS-UD) to the Regional Policy Statement

Tauranga City Council Submission to Hearing Panel: Speaking Points



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1 Introduction:

- 1.1 My name is Simon Banks. I am a consultant planner with WSP, and an Intermediate Member of the New Zealand Planning Institute.
- 1.2 I am appearing today on behalf of Tauranga City Council. I was previously an employee of Tauranga City Council (TCC) until February 2023, and during that time was responsible for drafting the submission on Proposed Change 6 (PC6) in September 2022.
- 1.3 As outlined in the submission, TCC worked closely with the Regional Council on the development of PC6 and is broadly supportive of their approach to implementation of the National Policy Statement on Urban Development (NPS-UD) through the Regional Policy Statement (RPS).
- 1.4 TCC's approach to PC6 focussed on the matters required to be included by the NPS-UD, as informed by the Ministry for the Environment's 'Understanding and implementing the responsiveness planning policies' guidance. In the submission, TCC made several suggestions to clarify and improve the wording of the change to ensure ease and consistency of implementation, most of which I am delighted to see have been accepted in the Regional Council staff recommendations.
- 1.5 The focus of this presentation is therefore to reiterate TCC's broad support, clarify some points in its original submission that have perhaps been misconstrued, and respond to matters raised in further submissions and the Regional Council staff recommendations. These include:
 - a) Reference to all transport modes - Policy UG 7Ax
 - b) Clarification of the application of a 5ha threshold to development of Māori land - Policies UG 7A and UG22B, so as to avoid unintended restrictions on the development of Māori land
 - c) Urban environments and the "soft" urban limit - Policies UG 7A, UG 14B and UG 18B
 - d) Alignment of text with the NPS-UD - Policies UG 13B(b) and UG 18B
- 1.6 I will speak to each of these points in turn.

2 Reference to all transport modes - Policy UG 7Ax

- 2.1 TCC agrees with the staff recommendations that the transport mix appropriate to each development is best determined at the local authority level. However, TCC is concerned this ability could be restricted if, as worded, Policy UG 7Ax refers only to public transport.
- 2.2 As per TCC's submission, this policy should refer to promoting increased density in urban environments that are well served by "multi-modal transport corridors" rather than just "public transport" as proposed. "Multi-modal transport" is used in Policy UG 7A (clause (b) and explanation), so it is unclear why the staff recommendations have rejected the suggested use of it in Policy UG 7Ax.
- 2.3 Alternatively, if the panel prefers, the suggestion of "multi modal transport corridors" could be substituted for "public or active transport", which is the wording used in Policy 1(1)(C) of the NPS-UD.
- 2.4 Walking and cycling (i.e. active transport modes) are critical elements of a well-functioning urban environment, as acknowledged in the explanation to the policy, and should be considered as part of

integrated multi-modal corridors. The text of the policy itself should reflect this, and not be seen to favour any particular transport mode.

3 Application of 5ha threshold to development of Māori land - Policies UG 7A and UG 22B

- 3.1 The staff recommendations confirm that a 5ha threshold for determining whether urban development is “large-scale” under Policy UG 7A will apply to unanticipated or out-of-sequence development of Māori land. TCC maintains that this may place restrictions on development of papakāinga under 5ha within the Tauranga City and Western Bay of Plenty District urban environments (i.e. Greater Tauranga).
- 3.2 TCC’s submission point was rejected on the basis that “Māori aspirations for urban development should firstly be considered within an iwi or hapu resource management plan, FDS or similar territorial authority endorsed process”. TCC interprets this statement as meaning that a development would need to “become anticipated” to be considered.
- 3.3 However, there will inevitably be occasions where seeking to have a proposed development included in a local authority process is not seen as desirable or efficient, nor is it likely to be responsive. Alternatively, to progress a development owners would have to seek a resource consent which may conflict with the underlying zoning and as a result be difficult for a consent authority to support.
- 3.4 TCC therefore asks the panel to further consider whether the application of Policies UG 7A and UG 22B in relation to Māori land, as proposed, would place unintended restrictions on the type of development that Policy UG 22B seeks to enable.

4 Urban environments and the “soft” urban limit - Policies UG 7A, UG 14B and UG 18B

- 4.1 The intent of TCC’s submission point opposing (or seeking re-wording of) Policy UG 14B and suggesting minor amendments to Policy UG 18B was not to promote unrestricted urban development in rural areas and small settlements throughout the region. Neither was it suggesting that additional restrictions should be placed on such development beyond those proposed in UG 14B. However, it seems from the further submissions and staff recommendations that the issue being raised was not clearly understood.
- 4.2 TCC’s view is that the opposition raised by others to its submission point on this matter highlights the key issue at hand, which centres on the relationship between Policies UG7A and UG 14B and their spatial application. The policies are clearly intended to work together, with UG 7A applying to urban environments and UG 14B applying “outside” urban environments.
- 4.3 The spatial application of these two policies therefore rests on interpretation of “urban environment” as defined in the NPS-UD, as follows:

“urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- *is, or is intended to be, predominantly urban in character; and*
- *is, or is intended to be, part of a housing and labour market of at least 10,000 people”*

- 4.4 Firstly, the definition specifies that an urban environment is an area of land that “is, or is intended to be, predominantly urban in character”. TCC contends that this can be defined spatially as including existing urban areas (“is”) and planned urban areas (“is intended to be”).
- 4.5 However, the issue with this interpretation is that any development which is “unanticipated” (i.e. not within an existing or planned urban area) is also, by definition, outside an urban environment. You could not have an unanticipated development which is within an urban environment.

- 4.6 Amongst other things, this renders Policy UG 7A largely redundant as if this logic is accepted, the policy effectively applies only to “out-of-sequence” development. Any “unanticipated” development would be considered as occurring “outside” an urban environment and would therefore be subject to Policy UG 14B.
- 4.7 It was on this basis that concerns with Policy UG 14B were raised in TCC’s submission. If Policy UG 14B restricts urban development on any land which is not within an existing or planned urban area, as TCC thinks it does, then this is entirely inconsistent with the responsive planning policies described in Policy 8 and Clause 3.8 of the NPS-UD. It effectively reinstates a soft urban limit.
- 4.8 Application of this policy may not directly affect TCC, given virtually all land within the city boundaries would reasonably be considered “within” an urban environment as per TCC’s interpretation of the definition. However, TCC would encourage the panel to consider how potential examples of unanticipated development might be treated.
- 4.9 By way of example, would Policy UG 7A or UG 14B apply to a private plan change for urban development greater than 5ha, on rural land not previously identified as an urban growth area, but directly adjacent to the existing urban area? This situation could occur at numerous places around Greater Tauranga - for example, at Te Puna, Pāpāmoa East, and Welcome Bay.
- 4.10 Taking account of the above, if Policy UG 14B is to be retained TCC suggest re-wording to clarify where it applies. We also suggest modification to improve ease of implementation and ensure it achieves its stated intent, which is to “restrict” urban development outside urban environments unless certain conditions are met. In that regard, the lack of detail provided in the conditions, and the use of the term “sound resource management principles” may not actually provide much restriction on development.
- 4.11 TCC suggests that the policy is amended to expand on precisely what is meant by “sound resource management principles”. For example, the explanation refers to reticulated water and wastewater services both in the positive and negative. If this is critical to the application of the policy, then it should be included in the conditions to be met rather than left to the explanation.

5 Alignment of text with the NPS-UD - Policies UG 7Ax and UG 13B(b)

- 5.1 Although many of TCC’s suggested minor wording amendments to better align the text with the NPS-UD have been accepted in the staff recommendations, there are some instances where they have not.
- 5.2 As an example, and in addition to the matters discussed in relation to Policy UG 7Ax above, Policy UG 13B(b) as proposed reads:

“The land transport system providing opportunities and integrated links for both public and private transportation modes”

- 5.3 TCC suggested amending clause (b) to read:

“The land transport system providing a range of transport mode choices to provide access opportunities and integrated links for both public and private transportation modes”

- 5.4 In TCC’s view, alignment of wording used in the RPS with that used in the NPS-UD is beneficial to enable clear and consistent application of the policy. Otherwise, readers may assume any subtle difference or misalignment is intentional, and question what is meant by the alternative wording.

6 Concluding comments

- 6.1 To reconfirm, TCC is broadly supportive of PC6 insofar as it establishes a more responsive policy framework that seeks to better enable housing and urban development in line with Policy 8 and Clause 3.8 of the NPS-UD. As with other high growth councils, TCC has experienced challenges in responding

effectively to housing and urban development pressures in recent years and therefore believes a change generally in line with what is being proposed here is appropriate.

- 6.2 However, TCC is of the view that the matters raised in TCC's submission and discussed today would benefit from further consideration, to ensure that PC6 is consistent with the NPS-UD, can be practically implemented, and is fair and equitable to all.
- 6.3 Please refer to TCC's full written submission for further details and suggested wording.