

National Policy Statement on Urban Development (NPS-UD)

Discussion paper for Trelissick Park Group

12 November 2020 From Angus Napier

RE The Urban Development Act 2020, report is below: for discussion

As the Urban Development Act 2020 is now in effect, any local reserve could be included in urban development projects currently being planned. Our local reserves are at risk.

I contacted Kāinga Ora in September to ask where projects pursuant to this new Act would be publicly notified. I was told that there are none at present and none in Kāinga Ora's current work plan. I was also told that Kāinga Ora has yet to develop protocols with local authorities on how the public will be notified when there is a proposal to include a 'reserve' in an urban development project.

Of terrestrial reserves, only 'nature' and 'scientific' reserves are protected. Only local reserves with a 'heritage order' still retain the RMA protection of having a prior designation. There are two possible protections for local reserves *before* an urban development project is publicly notified:

- The local council objects to the use of the 'reserve' and the applicant (Kāinga Ora) accepts that objection;
- The Minister of Conservation declines to release the 'reserve' for the proposed project.

After an urban development project is publicly notified there is a minimum 20 working day period to submit an objection that would be *considered* by Kāinga Ora. After the submission period, Kāinga Ora must provide all submissions together with their rationale for accepting or rejecting submitters' proposals to an Independent Hearing Panel. That panel considers the development application, submissions and other relevant information and delivers a report to the responsible Ministers.

Land subject to Queen Elizabeth II National Trust covenants can be purchased or compulsorily acquired for inclusion in urban development project areas. The Urban Development Act 2020 states that the QEII covenant remains after the land acquisition, however the Crown can then seek to remove some or all of the covenant using the Public Works Act if it wishes to use the land for any purpose permitted by the Public Works Act. In the event of a dispute, the QEII Trust could take the matter to the Environment Court and appeal to the higher courts.

I recommend that the Committee discusses this matter with our local Councillors and considers the merits of writing to Council seeking a commitment not to allow any encroachment on the park.

In the meantime, we will need to keep a watchful eye on proposed urban development projects publicly notified by Kāinga Ora and reclassification of 'reserve' land notified by Wellington City Council.