Christchurch City Council

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Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

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Christchurch City Council submission on the Urban Development Bill

Introduction

1. Christchurch City Council (the Council) thanks the Environment Select Committee for the opportunity to provide comment on the Urban Development Bill.

2. The Council previously made a submission on the Kāinga Ora-Homes and Communities Bill, which the current Bill is intended to complement. Key submission points on the Kāinga Ora-Homes and Communities Bill urged the Crown entity proposed by the Bill to take strong account of the following matters when undertaking urban development:

    a. Effective, localised engagement and decision-making with councils and their communities.
    b. A human rights based approach that prioritises affordable housing provision.
    c. Existing local planning policies, strategies and documents relating to urban development.

3. These matters remain of high priority to the Council, however they do not appear to have been considered to any great degree in the Urban Development Bill. While acknowledging the purpose of the current Bill, which is to provide Kāinga Ora with certain development powers, functions, rights and duties powers that override current planning provisions, the Council wishes again to highlight the importance of taking a partnership approach with territorial authorities and local communities. Benefits of this include buy-in at the local level, local knowledge, ongoing support, and ensuring that the Specified Development Project (SDP) matches with the outcomes desired by the Council and the community for their city.

Submission

4. This submission is separated into general submission points (below, and grouped by topic) and specific submission points with recommended amendments/clarification sought in Appendix A.

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5. Additionally, the Council would like it noted that it supports the general comments made in the SOLGM submission.

6. ***General comments about the document***
   Overall, the Urban Development Bill is a rather convoluted document, which at times is difficult to follow and could be better structured. While recognising that it is a large piece of work, an effort should be made to improve the cross-referencing and the lack of definitions.

   The interpretation sections are not helpful in the way that they cross reference other parts of this and other Acts. We acknowledge that this is a sound drafting technique, however the sheer number of cross references make the document difficult to follow. The terms in these sections should be clearly stated and explained in plain English, making for easy interpretation.

7. ***Purpose of this Act***
   The purpose of this Act is stated to be the facilitation of urban development that contributes to sustainable, inclusive, and thriving communities. However, the unfortunate reality is that this Bill has been drafted solely as the facilitating Act for Kāinga Ora and little attention has been given to achieving good urban design outcomes for the urban developments facilitated by the Bill.

8. ***Partnership***
   There is an opportunity here to do something transformative for urban development in New Zealand and develop true partnerships with communities, the development sector and local government. By seeking a wide range of support and developing a truly pluralistic institution with powers devolved in a partnership model, success may be possible.

   In this Councils experience, good outcomes are a result of partnership approaches where communities are actively encouraged and involved in decision making processes. For example, the Aranui Community Trust Incorporated Society (ACTIS) works in partnership with Council to identify and provide for community needs, as well as to ensure that the Aranui community has a voice.

   However a top-down approach which excludes partnership with communities and local authorities may result in detrimental effects and a dissatisfied community. This is demonstrated through the closure of Phillipstown School; a decision that was not supported by the community or Council, and which had a consultation process that failed to provide the community with all the information required to respond meaningfully to the proposed closure. At the same time, Housing New Zealand was proposing more housing in the area, which resulted in more school children living in a location with no local school. A more whole of government approach would have been preferred, and could have identified the conflict between the two proposals.

   To this end, we would implore that the government seeks out an alternative to current proposition and develop a partnership model for the urban development projects undertaken by Kāinga Ora.

Further points of submission should not be seen as support for the Bill as proposed, but rather as means to address the more concerning matters in the Bill.

9. ***Extent of the powers given to Kāinga Ora***
The Urban Development Bill proposes to give Kāinga Ora a wide range of largely unfettered powers in order to support the urban development functions provided for through the Bill. These powers go well beyond the remit of the housing-specific agencies being replaced and what is required to support community-focussed housing development. While this is presented by the Ministry of Housing and Urban Development as a means to address housing challenges facing New Zealand, and Council can see some efficiencies in one entity having the authority to carry out these functions, we echo the sentiments of our submission on the Kāinga Ora-Homes and Communities Bill:

> *"...The structure and powers of the proposed Crown entity, and the use of those powers, needs to be carefully considered in terms of how the legislative and the ensuing governance and partnership structures will work in the future in Greater Christchurch and elsewhere to avoid duplication and fragmented decision-making. The Crown entity will also need to balance community wellbeing and ssaspirations with the need to respond decisively on key challenges, such as affordable housing, to enhance community participation and cohesion. The emphasis needs to be on collaboration, building relationships, and strong partnerships and interagency communication rather than any heavy handed intervention..."*

While there are both advantages and disadvantages in using specific powers and expedited planning and development processes, care is needed so as to not disenfranchise our communities after many efforts to re-engage with them. If the full range of powers is to be given to Kāinga Ora, there needs to be a stronger emphasis on engaging with communities, obtaining local support and partnership with territorial authorities when undertaking urban development projects.

Conclusion

10. In summary, it is imperative that the Select Committee propose changes to the Bill, so that:

- Kāinga Ora is required to take a genuine partnership approach with stakeholders when developing urban development projects, with open lines of communication and consideration from both parties to ensure the best possible outcomes for all;
- The proposed powers that Kāinga Ora will have (particularly around consenting and rating) do not result in inefficiencies and additional costs for Kāinga Ora and/or territorial authorities; and
- The importance of working with and undertaking meaningful engagement with local communities, so as to understand their aspirations for their community, is recognised.

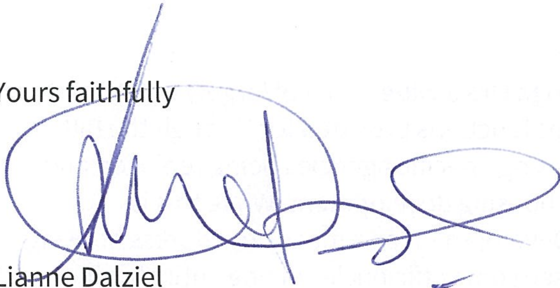
These points are particularly pertinent given the current Government's focus on working with local government on community wellbeing and the future role of local governance.

Thank you for the opportunity to provide this submission. The Council wishes to be heard in support of this submission.

Christchurch City Council

For any clarification on points within this submission please contact Alison Outram, Policy Planner, at alison.outram@ccc.govt.nz

Yours faithfully



Lianne Dalziel
Mayor of Christchurch

Christchurch City Council

Appendix A - Specific submission points and recommended amendments

Part 1 - Preliminary provisions

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
Subpart 1—Purpose and principles	*Purpose and principles*	Clause 3 Purpose of this Act	The purpose of this Act is stated to be the facilitation of urban development that contributes to sustainable, inclusive, and thriving communities. However, the unfortunate reality is that this Bill has been drafted solely as the facilitating Act for Kāinga Ora and little attention has been given to achieving good urban design outcomes for the urban developments facilitated by the Bill. For example, specific reference should be made to urban renewal, and remediation of contaminated urban land, and retrofitting existing urban areas including brownfields sites. There is also an opportunity here to do something transformative for urban development in New Zealand and develop true partnerships with communities, the development sector and local government. By seeking a wide range of support and developing a truly pluralistic institution with powers devolved in a partnership model, success may be possible. To this end, we would implore that the government seeks out an alternative to this proposition and develop a partnership model for the urban development projects undertaken by Kāinga Ora.	Amend the Clause 3(1) so that specific reference is made to facilitating urban development which achieves good urban design outcomes as well as urban renewal, remediation of contaminated urban land and redevelopment of brownfield sites. We implore the government to seek out an alternative to this proposition and develop a partnership model with communities, the development sector and local government when undertaking urban development projects enabled through this Act.
		Clause 5(1)(a)	The principles for specified development projects completely	Amend the principles for specified

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			omit the enhancement of urban environments, high quality urban design and liveable neighbourhoods. The principles also need to better reference housing, ideally reinforcing the notion of housing adequacy.	development projects to include enhancing urban environments, high quality urban design, liveable neighbourhoods and housing adequacy (i.e. housing that is secure, affordable, habitable, accessible, well located, and culturally appropriate).
		Clause 5(1)(a)(i)	There is no context for determining what 'integrated', 'effective use' or 'land and buildings' are. The intent would be clearer if the clause was written as 'development is integrated with the surrounding environment'. The other sub clauses (ii) – (v) complement this principle. Regard should also be given to potential development opportunity (thus preventing under-development).	Amend Clause 5(1)(a)(i) to 'development that is integrated with the surrounding environment, and has considered potential development opportunity…'.
		Clause 5(1)(a)(ii)	The types of amenities and infrastructure provided for in this clause should be defined, and these should provide for not only community needs but also their aspirations. I.e. Does this include community facilities for entertainment, health care, entertainment, safety and welfare, spiritual or cultural purposes? Or community infrastructure such as community halls?	Provide definitions for the types of amenities and infrastructure being referred to in Clause 5(1)(a)(ii). These definitions do not need to be exhaustive, but could indicate the broad range of amenities and infrastructure that will be provided or enabled.
		Clause 5(1)(a)(iii)	Transport systems should be accessible by all, however there is no mention of universal access or equity of access.	Amend Clause 5(1)(a)(iii) to include a reference to universal access or equity of access.
		Clause 5(1)(a)(v)	'Low impact urban environments' would be a better term to use as this encompasses storm water as well. This clause could be further modified to include 'sustainable urban environments' to demonstrate greater awareness of	Amend Clause 5(1)(a)(v) to say 'low impact and sustainable urban environments' instead of 'low-emission urban environments'.

			climate change issues.	
		Clause 5(1)(b)	Adverse effects of urban developments on climate change do not appear to be considered in the principles for specified development projects. This should be one of the principles of the Bill.	Amend Clause 5(1)(b) by adding 'and take into account the effects of urban developments on climate change'.
		Clause 5(1)(b) (iii) 'recognise that amenity values may change'	The Council has serious concerns with Clause 5(1) (b) (iii) as it potentially provides Kāinga Ora with an 'open cheque book', particularly for intensification. Urban amenity is constantly changing but the issue for communities is the rate, scale and intensity of that change at the neighbourhood level. Some neighbourhoods are better located, and are more ready for redevelopment and renewal than others for a number of reasons, including environmental qualities. While the Council understands the issues around NIMBYism, this Council's experience is that communities are more accepting of change if they are not surprised by unanticipated environmental outcomes.	The Council seeks that Clause 5(1) (b) (iii) be removed because it fails to provide decision makers with any assistance in determining whether or not a project in in accordance with the Act's purpose.
Subpart 3— Interpretation and application	*Interpretation and application*	Clause 9 Interpretation	'Acquired by Kāinga Ora' - The definition of land (acquired) as per section 248 that has been chosen here is potentially too restrictive.	Consider using the definition of 'land' as in the Land Transfer Act 2017 which encompasses a broader definition.
			'Community facility' - The definition of community facility is not explicit enough regarding inclusions and exclusions. The implied exclusion of some potential project elements, for instance retailing activities or social services (e.g. homeless shelter), may limit the success of any given project in the future, with funding mechanisms unable to be provided to develop these types of activities as part of an SDP and its targeted rate. The narrow definition of community facility does not fully grasp the varied elements that are required for the servicing of truly walkable, and functioning communities.	Amend the definition of 'community facility' to clearly define inclusions and exclusions.

			'Infrastructure' is not defined, although Nationally Significant Infrastructure' is. It would be helpful to know whether 'infrastructure' is tightly limited to local horizontal infrastructure as suggested in Clause 7(2)(c) or whether there are other types of infrastructure that are covered. (E.g. social infrastructure). Council is aware there is a definition of 'non-roading infrastructure' referenced in cl9 (and defined in clause 147). Also of note is that the 'infrastructure operator' definition includes network utility operators, which has a broader definition than the narrow definition of infrastructure that is suggested in Clause 7(2)(c).	There should be a separate definition of 'infrastructure' added to Clause 9 notwithstanding the apparent limitations in Clause 7(2)(c).
			Clause 10 refers to 'urban environment', however there is no such definition in Clause 9.	A definition of 'urban environment' should be added to Clause 9.
		Clause 10 (1) Meaning of urban development	Is urban development deemed to only be that which occurs within a recognized framework? I.e. an area identified in a District Plan that is zoned for urban use? Or, for example, does it also means the use of rural land for urban development?	Amend Clause 10(1) to specify that urban development projects can only occur within zones that have been identified for urban use.
		Clause 10 (1)(a)	The Bill states that urban development includes affordable housing, however there is no definition of what constitutes affordable housing. This leaves the meaning of affordable housing open to interpretation which could become an issue when trying to ensure that developments meet this requirement. For example, section 6 of the *Riccarton Racecourse Development Enabling Act 2016* identifies the threshold for affordable housing as the HomeStart grant house price caps,	Recommend including some kind of definition or method to determine what is considered to be affordable housing. In addition, recommend referencing security of tenure (especially for public housing) and retaining affordable housing.

			or as properties costing less than $450,000 (only relevant for Christchurch). The house price caps allow for the fluctuation in house prices and affordability nationally which will allow affordable housing to be achieved in each development. This method could be applied to the Bill. Ensuring that affordable housing remains such in the long term is also a priority in urban developments, as is continued access to public housing for current communities. Both are important for community cohesion and stability.	
Subpart 4—Restrictions on developing certain land	*Restrictions on developing certain land*	Clause 20 Protected land	Clause 20 defines where land is protected from urban development, however there should be some protection for land that has not been identified in Regional Policy Statements and District Plans for development, particularly as greenspace areas are valued by communities. Clause 20 (2)(a) protects 'land classified as a nature reserve or a scientific reserve under the Reserves Act 1977'. Hagley Park in Christchurch is classified as 'recreation reserve' rather than a 'nature or scientific reserve'.	Recommend adding a sub clause to Clause 20 that restricts development on land that has not been identified in Regional Policy Statements and District Plans for urban development. Urban parks/reserves of a certain size should also be protected. Require clarification as to how Hagley Park is protected from urban development under the Urban Development Bill.
Subpart 5—Miscellaneous	*Miscellaneous*	Clause 25 (2)	This clause requires Kāinga Ora, relevant local authorities and infrastructure operators to 'give reasonable assistance to each other to enable each to perform and exercise their respective functions, powers, rights, and duties under this Act'. However, the term 'give reasonable assistance' does not provide much guidance on what assistance is actually anticipated. This is further complicated by the proposed development powers overriding some of the duties and powers of local authorities, so there may be confusion over who does what.	Recommend clarifying what is anticipated by the term 'give reasonable assistance', and how this works when duties and powers that are usually performed by local authorities are now performed by Kāinga Ora. Greater clarity in this section would be useful given that Kāinga Ora may act and then bill territorial authorities if they

				require information and we cannot provide it. Is community consultation and unreasonable delay for instance?

Part 2 – Specified development projects

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
Subpart 1— How specified development projects are established	*General provisions and project selection* *Project assessment and project assessment report*	Clause 28 (3)	Clause 28 (3) does not require the area or areas of land within the project area to be contiguous. If no limitations apply, there could in theory be a situation where the entire city is considered to be a 'project area'. Notwithstanding this point, there may be advantages in non-contiguous areas, e.g. separate areas of local authority land or housing, which could be alluded to.	Limitations and/or purposes should be placed on the extent to which a project area can apply where land is not contiguous.
	Joint Ministers' decision *Specified development project established*	Clause 30(e)	Clause 30(e) should be extended to more practically define the boundaries of a project area.	Amend clause 30(e) to read 'are satisfied that the boundaries of the project are (…); **and where possible are along parcel boundaries or natural features**; and'.
	Hearings commissioners *Amendments, transfers, and disestablishment*	Clause 30(h)	Territorial authority support should be paramount and not simply be an option that can be overridden, if the Ministers consider that it is in the national interest.	The bill needs to require that Kāinga Ora work in partnership with relevant territorial authorities, and obtain support from territorial authorities. Amend Clause 30 (h) to remove the reference that allows 'national interest to override the support of territorial

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
				authorities when making a recommendation on a specified development project.
		Clause 31	Territorial authorities should also be able to nominate projects to Kāinga Ora. Similarly other parties interested in undertaking developments in partnership with Kāinga Ora should have a means to nominate this.	Amend Clause 31 so that there is provision for territorial authorities and other parties to nominate projects to Kāinga Ora.
		Clause 35 (6)	Section 35(6) states that Kāinga Ora must allow adequate time for responses from stakeholders, but how is adequate defined? Given the timing of the submission period (over the Christmas period) for the Urban Development Bill, it appears particularly pertinent that some guidelines are provided.	Define some minimum timeframes for 'adequate time for responses'.
		Clause 36	The Council is concerned that this clause creates a loop-hole for not satisfying the duty to engage with communities throughout the development process. Development projects change over time, and if this section is acted upon, it is not known if the community will be kept up to date with the latest progress or changes as authorities can rely on previous 'early' engagement. However, the Council understands that engagement is time and resource intensive and can significantly slow or halt developments. This clause could be altered so that only early engagement a short time prior to the start of a project can be seen as satisfying the requirements to engage.	Alter the clause so that only early engagement a short time prior to the start of a project can be seen as satisfying the requirements to engage.
		Clause 43 (2)(b)	Clause 43 invites territorial authorities to indicate their support for project assessment report. It provides territorial authorities	In this matter, we support the SOLGM submission which is to amend the

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Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
			with a minimum timeframe of only 10 working days to respond. Given that elected members as well as territorial authority staff may be involved and the number of sign offs that may need to occur, 10 working days is not appropriate. Particularly as requiring authorities are given at least 30 working days to respond to Kāinga Ora on existing designations within a project area (cl67(2) and cl68(3)). If the timeframes remain as they are, any submissions will purely be staff submissions which will unlikely be able to provide any certainty in the level of support.	minimum timeframe to 20 working days.
		Clause 50	An establishment order should outline the timeframes in which further actions must occur by, and that failing to meet stated deadlines would cease the validity of the establishment order. The validity is currently specified as being five years, but this should be shortened considerably so that the situation would revert back to as if the establishment order had not been put in place. This protects the ongoing property rights should projects stall and fail to proceed in any material way.	Amend Clause 50 to provide timeframes for establishment order milestones, which if not met, result in the establishment order no longer being valid.
		Clause 55 (3)(b)	The explanatory note to the bill states that the bill recognises the essential role of territorial authorities in realising transformational urban development and provides for their partnership with Kāinga Ora. However there are few requirements in the bill that actually ensure that partnership between territorial authorities and Kāinga Ora will occur. For true partnership, territorial authority support should be paramount and not simply be an option that can be overridden, if the Ministers consider that it is in the national interest.	The bill needs to require that Kāinga Ora work in partnership with relevant territorial authorities, and obtain support from territorial authorities. Amend Clause 55 (3)(b) to remove the reference that allows 'national interest to override the support of territorial authorities when making a recommendation on a specified development project.

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
		Clause 57	Detail should be provided about the disestablishment of projects. In any real world regeneration scenario it is likely that some of these projects will fail or only be partially delivered. In these instances, clear guidelines that protect the rights of individuals or territorial authorities in scenarios where this occurs is crucial. A tangible example of a failed urban development project by a Crown agency that was left in the hands of a territorial authority without the requisite levels of ongoing subsidy and support is Bishopdale Mall in Christchurch. The costs incurred by this project over the decades since it was constructed are significant, and this is largely the result of poorly conceived/implemented landholdings created by the Crown.	Detail on the disestablishment of projects should be provided so that the rights of individuals and territorial authorities are protected.
Subpart 2—Preparation of development plans	*Contents of draft development plan* *Preparation of development plan* *Process for finalising draft development plan* *Establishment and role of IHP* *Minister's decision on draft development plan* *Final approval and notification of development plan*	Clause 59 (c)(ii)	The definition of 'waterway' should be used in this instance to fully protect freshwater as per the proposed new National Policy Statement for Freshwater Management (NPS-FM).	Amend Clause 59(c)(ii) to use the definition of 'waterway'.
		Clause 62	A draft development plan should also include the vision or intent for the area and a design narrative. Structure plan contents should also include a context and site analysis (to identify how integration with adjacent land use/development patterns/neighbourhoods will occur) and a section on defining features of the area (natural or built that are to be retained that will contribute to the identity, character, natural or cultural values of the area). Considerations of how the relevant territorial authority	Amend Clause 62 to take into account the comments about draft development plans, structure plan contents and relevant territorial authority Infrastructure Design Standards.

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
	Appeals *Effect of development plan* *Private changes to development plans*		Infrastructure Design Standards will, or will not be met, and/or acceptable solutions (this may come further down the track in the process, but needs to be some indication of standards for infrastructure such that it is reasonable for Council to maintain in the future). How can territorial authorities be provided with the certainty that assets that come into their control have been properly designed and constructed – who monitors this through the development process? It is unlikely that Kāinga Ora will have the appropriate resource to do this.	
		Clause 65	This clause deals to the matters in setting and using a targeted rate for SDPs, however neither this section nor other sections of the Bill provide any instruction on the governance of such a rate. Consideration might be given to using a Business Improvement District (BID) model in the use of a targeted rate to ensure that such a rate is in the best interest of the community in which it serves. The SOLGM submission provides strong points relevant to this section about the use of local rates to fund central government activities and the concerns about doing so.	Add methods that will ensure a targeted rate is in the best interest of the community.
		Clause 76	Kāinga Ora should be required to contact anyone who may have a genuine interest in a specified development project.	Amend Clause 76 to require Kāinga Ora to contact by mail anyone who may have a greater interest than the general public in a specified development plan.
		Clause 96(2)	Any requests for private plan changes should require the approval of the relevant territorial authority. This ensures that plan changes occurring within a development area are able to be factored into wider regional considerations, particularly for the provision of commercial space. For example, retail	Amend Clause 96(2) so that the private plan changes to development plans require the approval of the relevant territorial authority as well as Kāinga Ora.

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
			competition and the central city not being undermined.	

Part 3 - Effect of specified development projects

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
Subpart 1—Transitional period and general	*Regional or district plan changes in transitional period* *Assistance, information, advice, and record-keeping: project duration*	Clause 99	The Bill states that 'local authorities must include map of project area, etc., in planning instruments', however Schedule 1 RMA is not used. Is there any guidance/process/direction on where the specified development project should be included? How does this fit in with National Planning Standards?	Clarify how this requirement fits with the requirements of the National Planning Standards.
		Clause 112(4)	Where a territorial authority is an entity that Kāinga Ora has requested information from, the territorial authority should be able to charge Kāinga Ora for any costs associated with responding to an information request in accordance with the usual charging policy of the territorial authority, or in accordance with the Ombudsman's guide to charging for information. There could be a large quantity of information Kāinga Ora requires for a development plan and territorial authorities should not be expected to give their time for free (and take resource away from other tasks) to provide this information.	Amend Clause 112(4) to enable territorial authorities to recover from Kāinga Ora any costs associated with an information request from Kāinga Ora.
Subpart 2—Resource consenting and designations for specified development	*Role of Kāinga Ora as consent authority* *Basis of decision making in relation*	Clause 116 (1)(a)	The Bill states that Kāinga Ora will be the consent authority for district planning matters in the SDP area. It is inefficient and unnecessary to duplicate resource consenting functions when territorial authorities already have	Amend Clause 116 so that territorial authorities retain their role as a consenting authority. This will allow integration with existing

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Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
project	*to resource consent applications under this Part* *Application of provisions of Resource Management Act 1991* *Hearings* *Rights of objection and appeal* *Designations*		those functions established. It does not seem efficient and there is no real benefit identified in doing so. There are also practical issues in transferring consenting powers that need to be considered, such as holding of consent information and records; property file information; Land Information Memorandums; interrelationship with Council – e.g. building consents, infrastructure teams, etc. During the consenting process, consideration should be given to the use of a locally based Design Review Panel through the consent process, if the territorial authority is not to be utilised, as an independent means of design review to add in a check and balance, for example of the nature of the Christchurch Joint Management Board or Christchurch Urban Design Panel. If Kāinga Ora retains a consenting role, it should also be required to have a monitoring and enforcement role to ensure development is delivered as proposed, noting that this might be some considerable time after the start of the project.	systems, and be more efficient than duplicating functions that already exist. If Kāinga Ora is the consenting authority, add a clause that requires Kāinga Ora to monitor projects and take enforcement action if a project if not delivered as proposed.
Subpart 4—Infrastructure	*Preliminary provisions* *Roads* *Non-roading infrastructure* *Nationally significant infrastructure*	Clause 171	Any bylaw change should generally conform to, or give regard to, the matters set out under the Local Government Act 2002.	Amend Clause 171 to include a reference to the matters regarding bylaw changes set out in the Local Government Act 2002.
		Clause 175	A clear definition of an adjustment of technical or of minor effect should be explicitly stated. (I.e. A required significance and engagement policy similar to that of a territorial authority).	Amend Clause 175 to include a means of determining the nature of an adjustment to a proposed bylaw change.
		Clause 183	The requirement that a bylaw not change without the prior	Amend Clause 183 so that the prior

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
	Bylaw changes		written consent of Kāinga Ora should have a 10 year timeframe. Bylaws, once made, need to be reviewed every 10 years (or if it's a new bylaw the first review is after 5 years). Quite often there is a need to make changes 10 years after a bylaw has last been reviewed and Kāinga Ora should, after 10 years, provide their views on any proposed changes to the territorial authority (like other interested parties), rather than have a higher status of having to give their prior consent.	written consent of Kāinga Ora on bylaw changes falls away after a 10 year period.

Part 4 - Funding of specified development projects

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
Subpart 2—Targeted rates	*Liability for rates* *Authorisation, setting, and spending of rates* *Calculation and collection of rates* *Other matters*	Clause 195	The Bill requires the local council to calculate and collect targeted rates on behalf of Kāinga Ora. Clause 195 allows the rate to be set at a level that allows for the recovery of "reasonable costs" of Council in calculating, collecting and recovering the rates. It needs to be clear that all costs of doing so be recovered from Kāinga Ora, otherwise costs will need to be funded from general rates. This is not acceptable to Council. Additionally, if Council is made to recover rates on behalf of Kāinga Ora, Clause 195 should be amended so that Council costs relating to this are included in Kāinga Ora's targeted rate.	Amend Clause 195 to clarify that all costs to Council from calculating, collecting and recovering rates can be recovered from Kāinga Ora, and that these costs are included within Kāinga Ora's targeted rate (subsequent amendments will also need to be made to Clause 198 to allow revenue from targeted rates to be used towards paying the costs that territorial authorities incur from rates recovery).
		Clause 206 & Clause 208	There are a number of references to "relevant" in this subpart such as "relevant rates remission policy" (s206) and "relevant rates postponement policy" (s208). "Relevant" is defined in	Clarify how Kāinga Ora will support territorial authority rating staff – resourcing and dealing with queries from

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
			clause 186(1) as meaning 'the policy set out in the development plan for the specified development project'. This implies that each SDP may have a different policy which would increase the cost to Council of calculating and collecting target rates, and require detailed knowledge of each by Council rating staff. It is not clear whether Kāinga Ora would have (or make available) resources to support Council rating staff, or to deal directly with queries from the public. Levies are to be collected via rating invoices – despite being clearly identified as to what it is on the invoice, ratepayers really only look at the bottom line (rates total) on the invoice. Council is already under pressure regarding rate increases and any levy charged will be seen as a "rate increase" of Council regardless of the level of detail in the invoice or rate assessment.	the public.
Subpart 3— Development contributions	*Development contributions*	Clause 220(1) (c) (ii)	The Bill is not clear on whether Kāinga Ora is required to pay development contributions to the relevant local authority or not. Sub-clause 220(1) (c) (ii) states Kāinga Ora may require development contributions if Kāinga Ora is liable to pay a development contribution to a relevant territorial authority. This implies Kāinga Ora is liable to pay development contributions rather than being exempt as a Crown entity as provided for in clause 8 of the Local Government Act. However there is no reference in the Bill to Kāinga Ora not being exempted (or being treated as though it is a non-Crown developer) with respect to development contributions.	The Bill needs to be clear that Kāinga Ora is liable to pay development contributions as if it were a private developer.

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
			Housing New Zealand was not established as a Crown entity and therefore was required to pay development contributions where applicable. If Kāinga Ora is not required to pay development contributions for its own developments then the development contributions lost will need to be funded from council rates. This is not an acceptable arrangement.	
Subpart 4—Betterment payments	*Betterment payments*	Clause 235	The betterment provisions in the Local Government Act 1974 only apply when a road is widened. There should be some provision made in this Bill for betterment to be required as a consequence of any work undertaken to improve a road (such as creation of a living street) rather than widening only.	Amend Clause 235 to require betterment payments as a consequence of any work undertaken to improve a road.

Part 5 - General land acquisition powers

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
Subpart 1—Preliminary provisions	*Preliminary provisions*	Clause 248 Interpretation for this part (land)	Land should have the same meaning as provided for in Part 5 of the Land Transfer Act 2017 rather than that of Section 2 of the Public Works Act 1981. The Land Transfer Act definition provides a more inclusive and all-encompassing definition.	Amend the definition of 'land' in Clause 248 to refer to the definition in Part 5 of the Land Transfer Act 2017 rather than Section 2 of the Public Works Act 1981.
		Clause	What does the Bill mean by 'crematorium'? Is the definition	Clarify what the Bill means by

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
		249(1)(b)(I)	consistent with the definition in the Burial and Cremation Act 1964? This is not an activity that fits in with the other types of specified work in Clause 249. Is it necessary for Kāinga Ora to have powers relating to the location of a crematorium?	'crematorium'. If the definition is consistent with the definition in the Burial and Cremation Act 1964, remove this from being included in the types of specified work.
Subpart 3—Transfer of land to developer	*Transfer of land to developer*	Clause 260	The use of companies/private entities in urban development projects are a concern. This is in effect an enabling legislation for potential privatization of development rights in existing urban areas. We believe that communities may be comfortable with the Crown undertaking this work but will feel this is a breach of the social contract and the New Zealand constitutional framework if the Crown passes development rights as enabled by this legislation off to a private company. The governance should therefore always include a representative of the Crown.	Remove the ability for Kāinga Ora to transfer land to a private developer, or amend this section so that there is a requirement for Kāinga Ora to remain involved in a governance role.

Part 6 - Powers of entry, governance, and delegation

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
Subpart 2—Project governance	*Project governance*	Clauses 280 - 283	Governance of projects undertaken by private companies should be required to include a Crown representative. There also exists a lost opportunity to involve communities in project governance. Governance of projects should include avenues in which the community can make petition to and be required to hold	Amend the project governance section to include: A requirement to include a Crown representative in governance of projects undertaken by private companies;

Subpart	Topics	Clause	Submission points	Recommended Amendments / Clarification
			public forums on an at least biannual basis. Youth membership to project governance board should also be considered. This brings a different perspective coupled with extending and providing experience for the next generation of governance individuals.	A requirement to involve communities in governance of projects and in regular public forums; and The consideration of youth membership on project governance boards.