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Environment Committee
Parliament Buildings
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Christchurch City Council submission on the *Kāinga Ora-Homes and Communities Bill*

Key Submission Points

1. Christchurch City Council (the Council) thanks the Environment Select Committee for the opportunity to provide comment on the *Kāinga Ora-Homes and Communities Bill*.
2. To achieve its noteworthy objectives, the Crown entity being proposed by the Bill needs to take strong account of the following matters when undertaking urban development:
 - (i) Effective, localised engagement and decision-making with councils and their communities.
 - (ii) A human rights based approach that prioritises affordable housing provision.
 - (iii) Existing local planning policies, strategies and documents relating to urban development.

Purpose and Objectives of the Bill

3. The Council supports the Bill's intent of achieving more diverse, accessible mixed housing communities as reflected in its objectives. A greater range of tenure and typology models, connected to other forms of urban development, are clearly needed to overcome the outdated development models in the housing system that are contributing to household stress.
4. For more comprehensive housing outcomes to be achieved, these will need to occur through locally driven partnerships and decision-making processes with the proposed Crown entity. These are some of the clear learnings to date from Auckland residential developments in Tamaki and the Waimahia Inlet. To be given effect, the Bill's objectives will need to recognise existing communities and their connections within them, i.e. the security of both people living there and of the community itself.
5. Analogous to the related issue of climate change which the Bill wisely recognises, urban regeneration will be most effective when addressed and responded to at the local level rather than a one size fits all approach. The Bill's operating principles in Clause 14 should be strengthened to recognise this desired and required 'localism' approach to collaboration and partnerships.
6. The Bill correctly recognises the centrality of Maori interests in housing, with much research occurring in this area. Among other reasons this is appropriate given that the Council, like many

others, is grappling with how to make papakāinga housing developments easier to carry out. Addressing these issues would also have benefits in developing other papakāinga-style housing developments generally (e.g. co-housing) to contribute to a broader range of housing options. The Crown entity should be a leader in innovative forms of housing provision models to meet a greater range of, and changing, housing need.

7. The Council agrees with the four wellbeings approach in the Bill's objectives, which to its mind suggests a long overdue change in conceiving of housing as a merit good rather than a market one. How housing is framed and discussed is important for identifying a broader set of responses to the housing challenges noted in the Bill's explanatory note. To strengthen this view, it is recommended that the human right to housing, based on the premise of the seven dimensions of 'housing adequacy', is more explicitly noted in the Bill, e.g. within the Government Policy Statement clauses.
8. However, the Council considers that the objective of the proposed Crown entity should be to enhance overall well-being, not just sustain it as currently a permitted outcome in the objective. The projects it undertakes should deliver a public good to the community as a whole.
9. The Council also notes the references to ancillary employment, amenities and services, which appears to recognise that urban redevelopment and regeneration needs to occur in a holistic, joined-up way.

Scope and Functions

10. The Council broadly supports a new agency such as the Crown entity being proposed in the Bill that will have powers to unlock current barriers to urban development and growth, in particular the challenges to deliver affordable housing across all tenures. Given the housing challenges facing New Zealand that impact on wellbeing, whilst not losing sight of restoring public housing provision the principle focus of the Crown entity should be on affordable housing, i.e. both rental and owner-occupied.
11. Notwithstanding this support, the Council echoes the comments of SOLGM that it is difficult to comment on this Bill without sight of how it will be given effect to by the 2nd piece of legislation still to be introduced that sets out the new powers of the Crown entity.
12. Most councils have undertaken, with their communities, considerable assessment, planning and investment for housing and urban development as directed by a number of statutes and National Policy Statements. These are intended to enhance the social, economic, environmental and cultural well-being of their communities, including integration between local authority districts at regional and sub-regional levels. They include Future Development Strategies, Regional Policy Statements, Regional Land Transport Plans, and Long Term Plans.
13. These council driven plans and policy documents, and the commitments made to achieve those outcomes, should not be lightly set aside. In the carrying out of its functions, Kāinga Ora—Homes and Communities should be required to either be consistent with, or at least have particular regard to the plans, policy documents and commitments made by local authorities relating to housing and urban development in accordance with statutory requirements. This will provide an appropriate linkage between this legislation, and its wide ranging powers, and other legislation such as the National Policy Statement on Urban Development Capacity which directs high growth councils to prepare a Future Development Strategy for their areas, based on robust evidence and in collaboration with partners, other agencies and the community.

14. The Crown entity's powers will also need to follow through to the funding of the necessary infrastructure (and other tools) to support well established growth strategies (e.g. the Greater Christchurch Settlement Pattern) that focus on community wellbeing through well designed urban developments. The Council hopes that the necessary resourcing will also follow through into the strategic direction to be outlined in the first General Policy Statement-Housing and Urban Development.
15. In terms of local democracy, in the Greater Christchurch context there has been growing disquiet over the inefficiency and confusion of having multiple regeneration agencies with urban planning and development functions. Christchurch has of course had many years of having heightened central government involvement in our planning and development, and decision making processes with mixed results.
16. Experience indicates that there are both advantages and disadvantages in using specific powers and expedited planning and development processes, with care now needed not to disenfranchise our communities after recent efforts to re-engage with them. Community engagement and participation processes will need to be well thought through with strong emphasis on what will work well at a local level. There are past (e.g. the Aranui public housing renewal) and present (e.g. natural hazards community engagement) models in Christchurch that can also be drawn upon.
17. In terms of Greater Christchurch, there is potential for considerable overlap of the functions and powers of Regenerate Christchurch and Ōtākaro Limited with those of the new Crown entity proposed. It will be important to clearly resolve those overlaps. It would be preferable to avoid having another planning and development delivery agency operating in the sub-region.
18. 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 aspirations 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.
19. At a more general level, the extent of the Crown entity's urban development role and the urban development being proposed (housing, urban environments, related commercial, industrial and community infrastructure, services and amenities) is very broad. It goes significantly beyond the remit of the housing-specific agencies being replaced and what is required to support community-focussed housing development. The Crown entity having both wide-reaching planning and consenting powers in order to achieve pace and scale also presents a conflict of interest.
20. There is therefore a risk that achieving mixed, connected, affordable housing developments could be compromised if too much focus is given to other potential housing and urban development. This could be mitigated by emphasising in Clause 13(f) that the primary purpose of the urban development activities to be carried out by the Crown entity should be the provision of affordable housing. Further, the affordable housing developed should remain so, both for its ongoing supply and so that mixed housing and communities are maintained.

21. However, the Council also recognises that the Crown is in a position to incentivise and facilitate urban development, so as to remove barriers that are hindering appropriate development, in ways that are difficult or not possible for local authorities to achieve. This could include such things as incentivising site amalgamation and the upfront funding of infrastructure.

Operating Principles

22. Given that the powers of the Crown entity are yet to be specified, sections of the Bill such as its operating principles assume high significance, and presumably indicate some form of accountability.
23. Several areas of the principles section need highlighting given the issues highlighted in this submission. These relate to security of tenure, an emphasis on retaining affordability as its core focus, and recognising and partnering with local authorities.
24. In addition, the Council believes that recognition needs to be given to adaptation as well as mitigation when taking into account the effects of climate change.

Government Policy Statement

25. The Council supports the Bill's requirement for a Government Policy Statement (GPS) on housing and urban development. To be more effective the GPS should take into account the following matters.
26. Firstly, it should recognise housing as a human right. The GPS will then have the opportunity to make it clearer what such a right to housing means so as to operationalise it, and by extension develop accountability for it.
27. The phrase 'good quality' is at the moment a somewhat vague term use in the objectives section of the Bill. To ensure developments are of a high standard, rather than for example the minimum required under the Building Code, quality could be defined more clearly, and should be further elaborated upon as a key focus in the GPS.
28. In order for the affordable housing being developed to remain affordable, the GPS provides a good opportunity to elaborate on the general means for doing so.
29. Given the strong link between housing and transport, it is preferable if the GPS requirements for each were timed to coincide with each other, so as to contribute to council long term planning.
30. Greater clarity is needed when referring to 'other agencies' that the Government expects to support the GPS.
31. Lastly, In terms of aligning the GPS to other legislative and planning instruments when it is being developed, the Council supports the recommended changes to Clause 23 being put forward by Society Of Local Government Managers in its submission.

Other Matters

32. Board composition – in the Council's opinion, this needs improving in two ways:

- (i) Given their key and growing role in housing it should include reference to a community housing provider, preferably registered under government regulations, as an option for board membership.
 - (ii) Given its importance as a key partner, a local government representative ought to be both a key member, and one who needs to have knowledge and experience in the field rather than 'perspectives' as currently stated.
33. Kāinga Ora will be established as a Crown entity. This will mean that Kāinga Ora is exempt from paying development contributions under the Local Government Act 2002. The cost of providing infrastructure to or for Kainga Ora initiated developments may impose a significant financial cost on the community, particularly considering that the potential scope and scale of develop could include the development of new satellite towns. The Council does not believe that its ratepayers should be required to pay for the costs of providing such infrastructure to service these developments.
34. Definitions and ambiguity – there are several ambiguous terms that need clarifying and defining, including:
- the reference to 'good quality' in the objectives clause as noted,
 - the term 'urban', e.g. as used in the term 'urban development', which should be clarified to include, amongst other things, 6 star ratings
 - clarity on the use of the term 'persons' and who it is referring to, given that it appears to refer to organisations and agencies in some places and individuals in other places,
 - clarity on what is meant in Clause 13(1)(b) by 'appropriate accommodation' for community organisations – is it supposed to mean housing that community organisations deliver?
 - defining what 'not significant' is under Clause 29 in any amending of a GPS

Recommended Amendments

Membership of board of Kāinga Ora–Homes and Communities

35. Clause 10(2)(f) – amend to read 'knowledge and experience of local government'.
36. Clause 10(2) – insert new subclause:
(j) "perspectives of community housing providers".
37. Clause 12(1)(c) – amend to read "(c) otherwise enhance the overall economic, social, environmental, and cultural well-being of current and future generations.

Functions of Kāinga Ora–Homes and Communities

38. Clause 13(1)(a) – amend to read "to provide secure rental housing, principally for those who need it the most".
39. Clause 13(1)(f) – amend to read "to initiate, incentivise, facilitate, or undertake any urban development, whether on its own account or on behalf of other persons, including ..."
40. Clause 13(f)(i) – amend to read "development of housing, with a primary focus on public housing, affordable housing, and homes for first home buyers, as well as associated market housing".

41. Clause 13(f)(ii) – amend to read “development and renewal of urban environments, ancillary to housing development”.
42. Clause 13(g)(ii) – amend to read:
 (ii) “leading and promoting good urban design and efficient, integrated, sustainable mixed-use urban development”.
43. Clause 13(g) – insert new subclause:
 (iii) “enabling the more effective uptake and adoption of evolving forms of housing”.

Operating principles

44. Clause 14(1)(b)(iii) – amend to read “to sustain secure tenancies”.
45. Clause 14(1)(f) – insert new subclause to read:
 (ii) “ensuring that the affordable housing being developed remains affordable”.
46. Clause 14(g) – insert new subclause (g) and consequentially renumber the subsequent subclauses:
 (g) “having particular regard to, and not being inconsistent with, local planning policies, strategies, plans, other strategic documents and commitments made by local authorities relating to housing and urban development in accordance with statutory requirements.”
47. Clause 14(1)(j) – amend to read “operating in a manner that recognises environmental, cultural, and heritage values and that appropriately avoids or mitigates the effects of climate change and/or adapts to its impacts”.
48. Clause 14(1) – insert new subclause:
 (n) “partnering with early and meaningful engagement and decision-making with local government and communities, in order to achieve well integrated, sustainable and efficient urban development.”

Content of Government Policy Statement

49. Clause 23 – amend to read:
 (b) “consult Kāinga Ora – Homes and Communities and persons, and representative groups of persons, who have an interest in housing and urban development in New Zealand; and”
 (c) “have particular regard to:
 (i) any national energy efficiency strategy in force;
 (ii) any National Policy Statement in force under the Resource Management Act 1991;
 (iii) any Government Policy Statement on land transport;
 (iv) the infrastructure priorities signalled in any infrastructure strategy report prepared by the New Zealand Infrastructure Commission Te Waihangā.”
50. Clause 24(1)(d) – amend to read:
 (d) “how the Government expects other agencies to support that direction and those priorities and how it will support them.”

51. Clause 24(1) – insert new subclause:

(f) “how it will provide direction to give effect to the human right to housing”

Other matters

52. That the Select Committee add a provision establishing that any development undertaken by, or on behalf of, Kāinga Ora is liable for development contributions assessed under section 198 of the Local Government Act 2002.

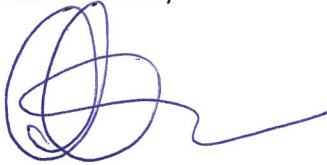
53. Clarifying and defining various terms and ambiguities as noted in paragraph 34 above.

Conclusion

54. The Council looks forward to working with Government in achieving the aims set in the *Kāinga Ora-Homes and Communities Bill*. We thank you for the opportunity to provide this submission.

For any clarification on points within this submission please contact Paul Cottam, Principal Advisor, at paul.cottam@ccc.govt.nz.

Yours faithfully



Andrew Turner
Acting Mayor

