Waitematā Local Board submission on the Urban Development Bill

The Board are supportive of the Government looking for new or adapted tools to increase the supply of housing in a strategic approach to remove barriers to coherent development and construction and the provision of affordable housing, given the significant housing supply issue across Tamaki Makaurau.

In relation to the Bill, we acknowledge the critical housing shortage in Tamaki Makaurau. However, the proposed bill is blunt, loses too much of the opportunity for good sustainable design and community participation and for the wider Local Government voice to be heard.

Local Government NZ has been working to ensure localism is a focus of the Government and, wherever possible, decisions are made locally, and that appropriate Central Government roles are devolved to, or retained with, the local. This new Act will undermine the local, in the planning and development of a city.

Issues that should not be progressed in the Bill:

Kāinga Ora and the Independent Hearing Panel should not be able to set the rules for development. At least for Auckland the Auckland Unitary Plan (AUP) should be adhered to, in setting the rules for all Specified Development Projects (SDP). The AUP already sets the rules to ensure economic and housing needs are met. The process included a comprehensive decision-making process after very many submitters were heard. Another body should not be able to set the planning rules for Auckland without full and proper process.

An individual Government Minister or two should not be able to make the decision whether to accept the recommendations of the Independent Hearing Panel (IHP).

Local authorities should retain the consent monitoring and enforcement functions for the development.

Kāinga Ora should not be empowered with the ability to process, and veto, all other consent applications within their area, and especially when it is not related to the development. A landowner may be at risk of being vetoed from constructing a garage or undertaking house modifications, that has no relevance to the development.

Kāinga Ora is proposed to have powers similar to the Public Works Act. Land should only ever be taken under the PWA for significant local or central government infrastructure projects. It is appropriate that substantial housing or urban redevelopment projects could legitimately be considered as meeting the infrastructure development test in some circumstances This PWA type power could apply to privately owned housing for new housing and urban development projects but only after carefully defined criteria are applied, including robust public consultation and where a small proportion of landowners would otherwise veto a project of major public benefit.

Property taken under the PWA should be offered to original owners should it not be used. The Bill proposes that is not required. Land that is taken under the PWA cannot be transferred or on-sold to other parties, including private developers

Kāinga Ora or their developer should not have the ability to set, change or suspend bylaws in their area. For example, a suburb with its own specific speed limit, alcohol ban or rules regarding animal welfare is inappropriate. A city should be able to set regionally applicable rules so all residents understand the bylaws in place. Another issue that comes out of this, is who will enforce the bylaws. Will Kāinga Ora or future owners employ its own compliance teams to enforce the bylaws?

Kāinga Ora should not be able unilaterally to revoke, reclassify and reconfigure reserves, although it could seek appropriate land swaps with local authorities to provide reserves that appropriately enhance a development.

Kāinga Ora should not be able to determine the overall level of open space. This is a role for local authorities in determining the provision and service level required in its areas. The Bill proposes that Kāinga Ora will be able to determine that there are adequate reserves in the area or that provision is impractical. They may then use a development contribution for reserves for other purposes. We disagree.

Amendments that should be made to the Bill:

Extend the 10-day timeframe for feedback from the Local Authority in the initial proposal phase. Those most knowledgeable about local areas and challenges are local boards and 10 days is insufficient time for feedback to be provided. In Auckland, local boards should be part of that engagement given their significant powers and their local focus.

Greater emphasis should be given specifically to good sustainable urban design. Low carbon, energy efficient designs are required close to public transport networks with accessible active transport and with quality social infrastructure.

Provisions for the inclusion of infrastructure, such as new stormwater connections, must consider the impact on the wider infrastructure network and any network upgrades required as a result.

Local Boards hold landowner status for the majority of parks and reserves in Auckland. Local Boards must be consulted to ensure approval will be forthcoming, should any new connection or infrastructure impact on Local Board-governed public open space.

If Kāinga Ora do retain the power to revoke, reclassify and reconfigure reserves, that should only be undertaken once the approval of the body that maintains and governs reserves in the local area is secured. In Auckland, reserves managed by Local Boards must have Local Board approval to be changed.

Categories of reserves that should be “absolutely protected” should be extended to include historic and scientific reserves.

Land that has been gifted to local authorities should be protected to the extent currently applying to ensure the gift that was intended to be a legacy is enduring for future generations.

In Auckland, Local Boards must be able to submit on the SDP.

With regard to roading, the design standards of the local authority must be applied to the design and construction of footpath and roads.

The creation of cycleways, pedestrian ways or shared-access ways should not be considered ‘betterment’ but as part of the transport network and should not attract betterment revenue.

At least two representatives from the Local authority should sit on the Governance Team for the SDP.

The Independent Hearing Panel (IHP) is only required to give 10 days’ notice for the hearing. This should be extended to 20 working days to enable submitters to be able to organise themselves to attend and participate.

New matters for inclusion in the bill.:

Iwi Management Plans should be given weight in the consenting process.

Existing Integrated Area Plans or Spatial Plans should be planning tools that have weight in the consenting process.

All applications should have a timeframe at least as long as that which applies to Resource Consents. However, given the extent of planning required for a SDPs, a longer timeframe before the consent

expires should sit at 5 years. This is requested as communities and environments change with time especially in rapidly expanding urban environments.

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