

Memorandum

18 February 2020

To: Planning Committee and all Local Board Members

Subject: Urban Development Bill Submission process

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Purpose

1. To notify Planning Committee and local board members that the Auckland Council submission to the Urban Development Bill is complete.

Summary

2. The Auckland Council submission to the Urban Development Bill was submitted on 14 February to the Environment Committee.
3. The submission was approved by delegation, as agreed by Planning Committee on 5 December 2019.
4. A request has been made to be heard at Select Committee along with Auckland Transport and Watercare. Dates are yet to be determined.

Context

5. The Bill was introduced to Parliament on 5 December 2019 and had its First Reading on 10 December 2019. The Bill sets out the functions, powers, rights and duties of the Kāinga Ora Homes and Communities (Kāinga Ora) to enable it to undertake its urban development functions.
6. The Bill gives Kāinga Ora access to a ‘tool box’ of development powers. Most of these powers can only be used within a specified development project but some are also available for use in business as usual developments that Kāinga Ora undertakes. Each of the powers has been designed to address a specific barrier to development. Not all powers will be needed by every project.
7. Submissions on the Bill closed on 14 February 2020. Delegation as approved by the Planning Committee on 5 December 2019 included the Chair and Deputy Chair of the Planning Committee and an Independent Māori Statutory Board member, Tau Henare.

8.

Discussion

7. A Political Working Group (PWG) workshop was held on 20 January 2020. Representatives on the PWG included; Councillor Darby, Councillor Bartley, Councillor Dalton, IMSB Member Tau Henare, Troy Churton (Orakei Local Board), Danielle Grant (Kaipatiki Local Board), Margi Watson (Albert-Eden Local Board).
8. At the PWG workshop staff reiterated that council has supported in principle the establishment of an urban development agency in the Auckland Council submission to the Kāinga Ora – Homes and Communities Bill. However, our submission also highlighted the need to see the detail of how the new urban development entity, Kāinga Ora, would operate and what powers would be afforded to it.

9. From the PWG workshop and feedback from staff there was general agreement, that whilst not challenging council's previous position of support, concerns be raised in the submission across a number of areas including impact on decision making, duplication of roles, impact on reserves, ongoing operational costs, impact on Auckland Council group infrastructure provision, alignment with the Auckland Plan and Auckland Unitary Plan, alignment with other legislation changes and consultation processes.
10. A workshop was held with local board members on 31 January in which similar concerns were raised to that those in the PWG workshop. There was also a strong theme around localism and need for the Bill to recognise Auckland Council's governance structure and in particular local boards.
 - a) At Planning Committee on 4 February 2020, the Committee approved the approach to the submission that maintains support for Kāinga Ora to undertake urban development within Auckland but has real concerns with a number of the provisions and therefore requests that the Bill be amended to:
 - i) adopt a partnership approach between central government, local government and mana whenua to avoid unnecessary duplication
 - ii) align with the Auckland Plan 2050 to provide certainty to our communities, infrastructure providers, and funding and implementation in the long-term plan
 - iii) ensure that appropriate safeguards are put in place in relation to social and physical infrastructure networks
 - iv) integrate this Bill with the other national directions and/or initiatives
 - v) acknowledge that Auckland Council has a different governance structure, as established under the Local Government (Auckland Council) Act 2009 and ensure that ample time and opportunity is provided for input.
11. A copy of the draft submission was provided to all members of the Planning Committee and the PWG members for comment at the request of the Planning Committee.
12. Thirteen local boards provided submissions to the Urban Development Bill which were appended to the final submission.
13. The final submission was approved by the Chair and Deputy Chair of the Planning Committee and an Independent Māori Statutory Board member, Tau Henare and submitted on 14 February 2020.

Next steps

14. An article was posted on Our Auckland which summaries the key changes sought in the submission - <https://ourauckland.aucklandcouncil.govt.nz/articles/news/2020/02/auckland-council-seeks-changes-to-urban-development-bill/>.
15. We are now waiting on the date for the Select Committee to speak to the submission.

Attachments

Attachment 1 – Auckland Council submission to the Urban Development Bill