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Committee Secretariat
Environment Committee
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WELLINGTON

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Tēnā koutou katoa

Waimakariri District Council submission on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill

1. Waimakariri District Council (the Council) thanks the Environment Committee for the opportunity to submit on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (the Bill). The Council understands the Government's aims to address New Zealand's housing shortage and enable the delivery of a wider range of housing options.
2. The Council notes the bipartisan support for the Bill and commends the Government and opposition for its commitment to address the "housing crisis". However, the Council suggests that while the purpose and outcomes sought by the Bill fit within the Government's work programme, it appears inconsistent with other central government agencies' work programmes such as the Government Policy Statement on Housing and Urban Development (GPS-HUD); work toward the Emissions Reduction Plan; and the National Policy Statement on Freshwater.
3. The Council is disappointed by the lack of engagement with local Government on the Bill to date (including Councils that have an Urban Growth Partnership with Central Government). The Bill, as proposed, will have significant impacts on councils' land-use and infrastructure planning work, as well as on our local communities.
4. While our work to give effect to the National Policy Statement on Urban Development (NPS-UD) is well under way, including as part of the Proposed Waimakariri District Plan which was notified on 18 September 2021, the Bill adds additional work for councils and will require elements of the NPS-UD to be reworked. This is frustrating when there are already resourcing issues in the sector and while other significant reforms are taking place. This approach will risk increased costs for councils and potential sub-optimal outcomes for our communities. The Government should provide funding assistance to help councils implement these changes and to run the Intensification Streamlined Planning Process, particularly as this has come part way through a financial year.
5. The Council is also concerned by the apparent haste of this Bill, and notes that the constrained period for submissions has limited our ability to engage with our communities meaningfully with the preparation of this submission and its impacts for submitters on the Proposed Waimakariri District Plan (with submissions closing on 26 November 2021).

Key submissions points

6. The key points of our submission are as follows:

- That the spatial extent that the MDRS applies to is limited to a 1km radius from the Town Centre Zone¹ in the Waimakariri District (amend section 77F of the Bill).
- That robust design standards should be introduced. The urban design standards developed by Kāinga Ora could be used to modify the MDRS in the Bill (amend New Schedule 3A, Part 2 Building Standards).
- That the timeframe for the Intensification Streamlined Planning Process should be adjustable to suit councils already committed to their District Plan process to help the Council meet its obligations to complete the whole of the District Plan Review within the two years of notification, i.e. September 2023 (amend Part 4 inserted into Schedule 12).
- That the timing of Financial Contributions provisions needs to align with the other aspects of the Bill that will have immediate legal effect from August 2022 so that Financial Contributions can be collected from the date when development is enabled (Subpart 4, amend section 86B, clause 3A).
- That the Bill be amended to ensure that private covenants cannot preclude the outcomes in the Bill being achieved (new amendment).

Structure of our submission

7. This submission is presented in three main parts. The first part is framed around the recently released GPS-HUD, which includes in its vision the comment that 'places should be accessible, connected, well designed and resilient'.² The following sections of this submission use these four pillars as headings. Our suggestion by using this structure is that the Government considers more closely aligning the Bill with the place-related vision of the GPS-HUD.
8. The second part of our submission discusses the Bill's impact on the Waimakariri District Proposed Plan and the ramifications of withdrawing it in part or in full on both Council and submitters.
9. The third part of our submission comprises technical matters that we believe require further clarification and development.

PART ONE

Places should be accessible

*Everyone is living in communities that meet their needs. The places where people live are accessible and connected to employment, education, social and cultural opportunities.*³

10. The Council considers that the township-wide application of the MDRS is problematic. It is likely to result in increased residential density in locations not accessible for our communities, such as areas that are not well-served by public transport or areas where local schools and other social and community infrastructure are lacking. The Council supports targeted intensification in accessible locations. **We request that the spatial extent that the MDRS applies to is limited to a 1km radius from activity centres, such**

¹ Defined in the National Planning Standards and based on a multi criteria-analysis for the District.

² GPS-HUD, p.23

³ GPS-HUD, p.24

as Town Centre Zones⁴ in the Waimakariri District. We acknowledge that increased density should not be constrained to this one area and note that the Council will provide for medium density residential developments in other areas within and adjacent to other centre zones to implement the revised Policy 3d in the Bill.

Places should be connected

We build enough infrastructure and housing in the right places at the right cost.⁵

11. The Proposed Waimakariri District Plan and our current work under way to give effect to the NPS-UD purposefully locates increased residential development around centre zones in areas with existing or planned future infrastructure capacity, among other matters. However, the township-wide application of the Bill will enable medium density development in parts of our towns where demand for medium density housing has not occurred. Development of medium density housing in an ad-hoc or sporadic manner would mean that it is virtually impossible to try and plan for the intensification and therefore extremely hard for Council to forecast where and when upgrades would be required to our wastewater, stormwater and drinking water networks and key transport and social infrastructure. Council has worked on how to achieve this planning in targeted areas as identified in the Proposed District Plan for intensification to meet Policy 3d of the NPS-UD for the 2024-2034 Long Term Plan (aligning the Housing and Business Capacity Assessment with the next Long Term Plan). However, the Bill does not allow Council to complete this work as required in Part 4: Timing in the NPS-UD.
12. In addition, the town-wide MDRS, as proposed, will enable development in areas lacking public transport connections and potentially some distance from centre zones. However, this will risk isolating some households and will contradict other work under way to improve uptake of public and active travel options.
13. The Bill will reduce councils' ability to target specific areas for development through their district plans and will reduce the visibility of upcoming developments. Theoretically, the first Council could hear of a planned development will be a building consent application, by which time a developer will likely have already invested significantly in land acquisition and professionals' fees. If there is no capacity in the existing network, the Council will have no option but to decline the building consent application. This may bring additional consequences for potential purchasers who might have bought off the plans for a new development. As above, **we request that the spatial extent of the MDRS be limited to 1km from the Town Centre Zones.**
14. Further, Council considers that medium density residential development should be located close to zones that provide employment. This is why the Council recommends that MDRS areas be located within 1km of Town Centres. To have displaced places of medium density residential development located some distance away from employment could add to climate change effects associated with the use of private transport as the main way of travel to and from areas of work (such as Town and City Centres).

Places should be well designed

Planning and investing in our places needs to focus on ensuring land, infrastructure, good urban design, and the right types of housing supply come together in the right places.⁶

⁴ Defined in the National Planning Standards and based on a multi criteria-analysis for the District.

⁵ GPS-HUD, p.15

⁶ GPS-HUD, p.39

15. The Council considers that good urban design can co-exist with increased density and welcomes the challenge of increasing density in more liveable environments. That said, the Bill does not appear to include design standards. This may lead to poorer urban design outcomes – especially with the focus on developing affordable homes.

16. We suggest that robust design standards should be introduced that consider the following:

- Crime Prevention through Environmental Design principles that help to create safer environments.
- Solar orientation of lot placement for better liveable sections and houses.
- Building standard requiring at least a minimum of 20 percent of a site's area to be landscaped (planted), with a requirement for a specified percentage to be used for trees to support wellbeing and help to address climate change.

17. The Council notes that recent Kāinga Ora developments achieve positive outcomes in terms of design while also providing increased density. Therefore, we **suggest that the urban design standards developed by Kāinga Ora or similar are used instead of the MDRS in the Bill.**

Places should be resilient

We need to ensure that the houses we are building are resilient (including climate-resilient), healthy, universally designed and accessible.⁷

18. Wellbeing is key to resilience. Section 3 of the LGA provides for local authorities to play a broad role in promoting their communities' social, economic, environmental, and cultural wellbeing, taking a sustainable development approach. Sustainable development is defined as development that meets the needs of the present without compromising the ability of future generations to meet their needs, so this section requires us to consider long-term, intergenerational aspects of our city and district development. The Council is concerned that these wellbeing aspects have not been adequately considered through the development of the Bill and considers that the broad-brush approach to enabling intensification will not deliver well-balanced wellbeing outcomes for present and future generations. In practical terms, this may manifest via a cumulative effect that is best addressed through the **relief sought above or specific District Plan provisions and LGA policy that provides medium density development in other locations.**

PART TWO – IMPLEMENTING THE AMENDMENT BILL IN A PROPOSED PLAN (SCHEDULE 3)

19. The timing of this Bill has also presented challenges for the Council, with the likelihood of withdrawing parts of the Proposed Waimakariri District Plan that are likely to be affected. As noted above, submissions on the Proposed District Plan close on 26 November. The Council is concerned that this was not taken into account in any way as part of the Bill documentation and that Council and its communities will be disadvantaged by the introduction of the Bill. Council has worked hard to communicate with its communities on the Proposed District Plan, and the Bill will require Council to outline changes that could be perceived as complicating.

⁷ GPS-HUD, p.30

20. Further, as proposed, the narrow scope of the Intensification Streamlined Planning Process will overcomplicate the District Plan Review process. District Plans work best if they are considered as an integrated package, so the entire District Plan Review should be considered consistently as there are other matters of importance to the District that will not be subject to the same approach. This includes matters to do with development on Māori land and rural productivity/character. At the very least, **we suggest that the timeframe for the Intensification Streamlined Planning Process should be adjusted for councils that have notified their Proposed District Plans to their communities and are already in the submission or decision making stage. An exemption of two years from notification would help the Council meet its obligations to complete the whole District Plan Review and validate the submissions from the community, before entering into a new community conversation on the Intensification Streamlined Planning Process.**

PART THREE – TECHNICAL MATTERS

Financial Contributions

21. The Council is broadly supportive of the provisions in the Bill to collect Financial Contributions from developers to support residential development but **requests that more clarity is provided on the framework for charging and the timing implications.** The timing of Financial Contributions provisions needs to align with the other aspects of the Bill that will have immediate legal effect from August 2022 so that Financial Contributions can be collected from the date when development is enabled.

Applicable standards

22. The Council **requests clarification of the specific standards that can be included in a District Plan.** The Bill states;
(3) There must be no other building standards included in a district plan additional to those set out in Part 2 relating to a permitted activity.⁸

23. The Bill is unclear on what constitutes a building standard, design standard, built form standard, engineering standard or subdivision standard, or if these standards are intended to be specific to a particular type of development.

24. Many District Plans include standards (such as regarding earthworks, transport matters (such as the design of safe accessways, cycle parking, accessible parking etc.), noise insulation, lighting, landscaping, setbacks from railway lines, water supply for firefighting etc.). These standards are important to ensure that houses are well-designed, safe, accessible and resilient, and contribute to a well-functioning urban environment or protect environmental values. Therefore, the ability of District Plans to provide these standards and other engineering standards must be retained. Council's position is that the NPS-US via Policies 3 and 4 provide the scope for the standards included in the Bill, i.e. focus on height and density only; however as above, this is not abundantly clear.

Covenants

25. The Council seeks **that the Bill be amended to ensure that private covenants cannot preclude the outcomes in the Bill being achieved.** For example, private covenants placed on greenfield subdivisions can prevent intensification and therefore are contrary to some of the outcomes sought by this Bill.

⁸ RM (EHS) Bill, p.28 (new Schedule 3A), clause 2 (3)

Recession Planes

26. The proposed Recession Planes in the MDRS are significantly higher than any of the Recession Planes in the existing Tier 1 territorial authorities' district plans. In most cases, they are double what is allowed in the existing district plans. This will have a significant negative impact on the shading of neighbouring properties. **Therefore, the Council suggests that Recession Planes should be lowered to be more consistent with the existing District Plans.**

Permitted Baseline

27. The Council is concerned that the height limits set out in the Bill will enable a level of development greater than intended because of the increased baseline for development. This is because the effects assessed at a resource consent over the 11m height will just be the additional effects from going above 11m rather than the effects from the entire development (i.e. the effects of four storeys compared with the effects of more than five storeys). This will compound the effects of development in inaccessible locations on the edges of the towns. In addition, the increased building height, and the number of storeys, will compound accessibility issues for people with disabilities. **Therefore, the Council reiterates its request above for the spatial extent of the MDRS to be limited to 1km from the Town Centre Zone.**

Conclusion

28. Waimakariri District Council is a provincial council of approximately 67,000 residents spread over a large geographic area. While part of our district falls within the Greater Christchurch partnership, our largest towns Rangiora and Kaiapoi currently have fewer than 32,000 people and exhibit a different urban environment to that of Christchurch City.
29. We contend that applying the same intensification provisions to different urban environments will create poor environmental and wellbeing outcomes for provincial towns. The Council asks that the Government considers applying different intensification principles to towns of fewer than 50,000 people than those of cities. Appropriate intensification of provincial towns can be better managed through resource consent and District Plan zoning provisions.
30. Finally, the Council notes that constraints on housing supply exist in many sectors and will not be solved purely with legislative reform of the NPS-UD. The building and construction sector faces serious resourcing and supply issues that pose risks to the realisation of the outcomes of the NPS-UD and the Bill. The Council requests that the Government continues to take steps to address labour shortages and issues with the supply and cost of building materials.
31. Thank you for the opportunity to provide this submission. For any clarification on points, please contact Tracy Tierney - Manager, Planning and Regulation (tracy.tierney@wmk.govt.nz).
32. The Council would also like the opportunity to speak to our submission.

Ngā mihi



Dan Gordon
Mayor