

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT RANGIORA / WAIMAKARIRI**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI RANGIORA / WAIMAKARIRI**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions and further submissions on the **Proposed Waimakariri District Plan**

HEARING TOPIC: Stream 7B

MEMORANDUM FOR KĀINGA ORA – HOMES AND COMMUNITIES

23 SEPTEMBER 2024

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MEMORANDUM FOR KĀINGA ORA – HOMES AND COMMUNITIES

1. As requested during the Stream 7B: Variation 1 – Housing Intensification Hearing, Kāinga Ora provides further information relating to:
 - a. Copies of Council Submissions on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill
 - b. Consideration of Sunlight effects through the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill process
 - c. Examples of other broadly applied Qualifying Matters (QMs) in IPI processes across the country.

CORRECTION TO STATEMENT MADE AT HEARING STREAM 7B IN RESPONSE TO QUESTION BY COMMISSIONER RAE.

2. Please note a correction from Mr Neville in response to a reply provided to a question Commissioner Rae asked during the hearing on 17 September, which was in respect to the number of hours of sunlight access to a dwelling. The correct response should be that the Kāinga Ora internal design standard (reference 6 below), states that minimum sunlight hours is three hours, between the hours of 9am and 3pm during winter months, as opposed to the two hour response provided at the hearing.

COPIES OF COUNCIL SUBMISSIONS ON THE RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT BILL

3. Attached to this Memo is submissions from:
 - a. Waimakariri District Council¹ (Appendix A)
 - b. Christchurch City Council² (Appendix B)
 - c. Selwyn District Council³ (Appendix C)
 - d. Greater Christchurch Partnership⁴ (Appendix D).

¹ [f29368d7baed24815609212fe12483deaa0fb9fb](https://www.parliament.nz/bills/50-2019/29368d7baed24815609212fe12483deaa0fb9fb) (www.parliament.nz)

² [Christchurch-City-Council-submission-on-the-Resource-Management-Enabling-Housing-Supply-and-Other-Matters-Amendment-Bill.pdf](https://ccc.govt.nz/assets/Uploads/Christchurch-City-Council-submission-on-the-Resource-Management-Enabling-Housing-Supply-and-Other-Matters-Amendment-Bill.pdf) (ccc.govt.nz)

³ [d75b1f8444ba055516051509d1b4036098fbc956](https://www.parliament.nz/bills/50-2019/d75b1f8444ba055516051509d1b4036098fbc956) (www.parliament.nz)

⁴ [FINAL-GCP-Submission-on-the-RM-Amendment-Bill.pdf](https://greaterchristchurch.org.nz/assets/Uploads/FINAL-GCP-Submission-on-the-RM-Amendment-Bill.pdf) (greaterchristchurch.org.nz)

e. Kāinga Ora⁵ ⁶ (Appendix E)

4. These submissions demonstrate evidence of the potential for some consideration of matters pertaining to sunlight access in the Canterbury context as part of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (**Amendment Act**) process. This is referenced in contrast to statements made in the Section 42a analysis that sunlight access in Canterbury was not considered.

CONSIDERATION OF SUNLIGHT EFFECTS THROUGH THE RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT BILL PROCESS

5. Sunlight access and effects of sunlight loss through the implementation of Medium Density Residential Design Standards (**MDRS**) was considered as part of the Amendment Act process
6. The originally proposed MDRS were proposed with a restriction on height in relation to boundary (**HIRB**), of 6m + 60°⁷ recession plane. Part of the rationale for this provision was to provide sunlight access to neighbouring properties. Through the Select Committee process, this HIRB standard was considered further. The Select Committee report dated 21 December 2021, reduced the HIRB standard to 5m + 60°.⁸ This report went on further to state:

“Some of us consider that a further reduction of height in relation to boundary (or a change in the recession plane) may improve the balance between the desire for additional housing and provision of sunlight and amenity. However, we wish to better understand the impact any reduction would have on the number of units per site, prior to recommending any further reduction.”⁹

7. The Departmental Report on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill¹⁰ further discusses the concerns raised by various submitters on the bill, including sunlight and amenity.
8. Through the Second reading of the Bill, the HIRB was further reduced to 4m + 60°. With then Deputy Leader of the Opposition stating: “...and—critically—a reduction in

⁵ [7105248ada01f90fef5e08e1193bcdd00655777b \(www.parliament.nz\)](https://www.parliament.nz/en/parliamentary-affairs/committees-and-subcommittees/committees/committees/7105248ada01f90fef5e08e1193bcdd00655777b)

⁶ [4e08ea8a1eb292b924820face254b2dfc25b7816 \(www.parliament.nz\)](https://www.parliament.nz/en/parliamentary-affairs/committees-and-subcommittees/committees/committees/4e08ea8a1eb292b924820face254b2dfc25b7816)

⁷ [Resource Management \(Enabling Housing Supply and Other Matters\) Amendment Bill 83-1 \(2021\), Government Bill Schedule 1 New Schedule 3A inserted – New Zealand Legislation](https://www.parliament.nz/en/parliamentary-affairs/committees-and-subcommittees/committees/committees/resource-management-enabling-housing-supply-and-other-matters-amendment-bill-83-1-2021-government-bill-schedule-1-new-schedule-3a-inserted-new-zealand-legislation)

⁸ [Final report \(Resource Management \(Enabling Housing Supply and Other Matters\) Amendment Bill\).pdf](https://www.parliament.nz/en/parliamentary-affairs/committees-and-subcommittees/committees/committees/final-report-resource-management-enabling-housing-supply-and-other-matters-amendment-bill)

⁹ [Final report \(Resource Management \(Enabling Housing Supply and Other Matters\) Amendment Bill\).pdf](https://www.parliament.nz/en/parliamentary-affairs/committees-and-subcommittees/committees/committees/final-report-resource-management-enabling-housing-supply-and-other-matters-amendment-bill)

¹⁰ [94bf0dbf9e2d16f16000308f6e54d250937b7540 \(www.parliament.nz\)](https://www.parliament.nz/en/parliamentary-affairs/committees-and-subcommittees/committees/committees/94bf0dbf9e2d16f16000308f6e54d250937b7540)

*height in relation to boundary of new dwellings from what had been proposed in the original bill at 6 metres down to 4 metres. That is a pragmatic decision by the committee to make that recommendation. It recognises those who had concern about loss of sunlight and loss of amenity, but it does so in a way that will still allow more dwellings to be added much more easily than they can be today.*¹¹

EXAMPLES OF OTHER BROADLY APPLIED QUALIFYING MATTERS

9. A number of Qualifying Matters (**QMs**) were proposed in other District Plan Change and Review processes that sought to impose a broad spatial restriction on the full implementation of MDRS.
10. These QMs are not as expansive in the proposed limitation as the QM proposed in the S42a report of Mr Wilson for Waimakariri, however they are relevant for the panel where considering the application of the Amendment act and required assessment for the 'justification' of a new QM.
11. Some examples of these QMs include:

Local Authority	Process	Qualifying Matter	Proposed Purpose
Auckland Council	PC78	Ridgeline protection overlay ¹²	Proposed to control the visual effects of buildings on ridgeline by implementing a height control on new buildings
Hamilton City Council	PC12	Te Ture Whaimana ¹³	Proposed to give effect to Te Ture Whaimana, and manage the adverse effects of development, including those associated with Three Waters infrastructure, by implementing restricting locations for infill
Hamilton City Council	PC9 and PC12	Historic Heritage Areas ¹⁴	Proposed to control development within special character and historic heritage areas through the use of built form controls.
Waipā District Council	PC26	Stormwater Constraint Overlay and	Proposed to give effect to Te Ture Whaimana, and manage the adverse effects of development,

¹¹ [Resource Management \(Enabling Housing Supply and Other Matters\) Amendment Bill — Second Reading - New Zealand Parliament \(archive.org\)](#)

¹² <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/25-pc-78-section-32-ridgeline-protection-overlay.pdf>

¹³ <https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-12/>

¹⁴ <https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-9/>

		Infrastructure Constraint Overlay ¹⁵	by implementing restriction on building coverage and density of development
Kāpiti Coast District Council	PC2	Coastal Qualifying Matter Precinct ¹⁶	Proposed as an interim measure intended to maintain the status-quo level of development currently provided for by the District Plan until further Coastal Planning work occurs
Hutt City Council	PC56	Residential Heritage Precinct ¹⁷	Proposed to limit building heights and density to protect the historic heritage values of the identified residential areas
Wellington City Council	PDP	Character Precincts and Mt Victoria North Townscape Precinct ¹⁸	Proposed to protect the character values of areas, and restrict demolition of existing buildings whilst requiring new buildings respond sensitively to neighbourhood character

12. Kāinga Ora has not provided examples from the Christchurch City Council's Plan Change 14 process at the direction of the chair.
13. Kāinga Ora welcomes any further questions on the matters covered in this Memo.

Dated 23 September 2024

Mr Joshua Neville
for Kāinga Ora – Homes and Communities

¹⁵ <https://www.waipadc.govt.nz/our-council/waipadistrictplan/waipadistrictplanplanchanges/current-publicly-notified-plan-changes/proposed-plan-change-26-residential-zone-intensification#toc-link-3>

¹⁶ <https://www.kapiticoast.govt.nz/media/4ygh5npm/ward-by-ward-summary-final.pdf>

¹⁷ <https://www.huttcity.govt.nz/council/district-plan/district-plan-changes/completed-district-plan-changes/implementing-government-requirements-for-housing-intensification>

¹⁸ <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/reports/section-32-part-2-character-precincts-and-mount-victoria-north-townscape-precinct.pdf?la=en&hash=A8C2B4988367011ECE57B23804683964B1265BA5>

Our Reference: DDS-06-05-06-12: 211103176903

16 November 2021

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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

16 November 2021

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Tēnā koutou katoa

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

1. Christchurch City 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). I request that the Christchurch City Council has an opportunity to present orally to the Select Committee.
2. The Council is supportive of the Government's aims to address Aotearoa New Zealand's housing shortage and enable the delivery of a wider range of housing options.
3. The Council notes the bipartisan support for the Bill and commends the Government and Opposition for their commitment to addressing the housing crisis. At the same time, though, we do emphasise that there is no single solution to ensuring housing sufficiency and we urge the Government to look more widely than the legislative lever of this Bill with its focus on accelerating medium density housing, and consider the likes of financial tools to support home ownership and addressing supply chain issues. Also, the Council suggests that while the outcomes sought by the Bill fit within the Government's work programme, the provisions are incongruous with other key Government work programmes¹ and the outcomes anticipated to result from these.
4. The lack of engagement with local government and residents of Tier 1 cities to date is incredibly disappointing. The Bill, as proposed, will have significant impacts on councils' place-making, land-use and infrastructure planning work, as well as on our local communities and neighbourhoods. A collaborative partnership between local and central government would bring better housing outcomes than a blunt, one-size-fits-all, legislative approach.
5. Since the 2010/2011 Canterbury earthquakes, there has been significant movement in the population both within and outside the Greater Christchurch sub-region. As Ōtautahi Christchurch has recovered, the city's population has grown. Despite the growth, our housing remains the most affordable of Aotearoa New Zealand's main centres. Our pre-earthquake planning documents such as the 2007 Urban Development Strategy (UDS) have served us especially well, and enabled residential land to be made available for housing comparatively quickly. Post-earthquake, in conjunction with central government, we reviewed our plans for how and where we grow. The 2013 Land Use Recovery Plan denoted areas where growth and intensification could occur. The subsequent Replacement Christchurch District Plan (2017) also sought increased residential

¹ We draw attention to the recent work on Government Policy Statement on Housing and Urban Development (GPS-HUD); the Government Policy Statement on Land Transport; the Emissions Reduction Plan; improving freshwater outcomes as some examples.

growth through intensification, rather than urban sprawl. ‘Our Space 2018-2048’, developed jointly with our Greater Christchurch partner councils, refreshed the 2007 UDS defining additional areas for housing on the fringe of towns, incl. Rangiora, Kaiapoi and Rolleston. Through these progressive documents, we continue to support growth through intensification in Ōtautahi Christchurch.

6. Our work to give effect to the National Policy Statement on Urban Development (NPS-UD) is well underway. However, the Bill adds additional work and will require elements of the NPS-UD to be reworked. This is frustrating at a time when there are already resourcing issues in the sector, and while other significant reforms are taking place. As a consequence of this Bill, some plan changes and district plan reviews across Tier 1 councils will be delayed, compounding the issue of land availability.
7. We are particularly concerned by the haste of this Bill, and note that the constrained period for submissions has limited our ability to meaningfully engage with our communities. We heard from a number of community leaders who advised us that their local community groups were under significant pressure to prepare their submissions within the Select Committee’s timeframes. They are very concerned and upset about the impacts of further increasing household density in some areas, where they see loss of greenspace and trees as highly detrimental to local amenity and the liveability of local neighbourhoods. The Council is also concerned that the full implications of the Bill, in terms of the scale of the potential built form, the geographical extent, and the permitted nature of the Medium Density Residential Standards (MDRS), have not been clearly communicated with the public, nor adequate time provided for them to effectively engage in the Bill’s development.

Key submission points

8. The key points of our submission are as follows:
 - That the spatial extent that the MDRS applies to is targeted to the areas identified for medium density growth in the District Plan, rather than city-wide; and that the geographic scope of the Bill is clarified.
 - That the Bill includes a 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.
 - That the MDRS should be amended to include greater acknowledgement of well-being
 - 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.
 - That a minimum density of 15 households per hectare is included in the MDRS.

Structure of our submission

9. This submission is presented in two main parts. The first part is framed around the recently released Government Policy Statement on Housing and Urban Development (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. In using this structure, we are proposing that the Government considers better aligning the Bill with the place-related vision of the GPS-HUD – a vision we consider is missing from this Bill.
10. The second part of our submission (Appendix 1) comprises technical matters that we believe require further clarification and development. We have also enclosed images that depict the scale of potential development enabled by the Bill, illustrating some of the potential impacts of the MDRS (Appendix 2).

² GPS-HUD, p.23

PART ONE

Places should be resilient

We need to ensure that the houses we are building are resilient (including climate resilient), healthy, universally designed and accessible.³

11. We are deeply concerned by the Bill's omission of minimum landscaping requirements for residential developments. As well as providing more attractive streets and neighbourhoods, trees and planted open spaces play a vital role in climate change mitigation by absorbing carbon dioxide emissions and contribute significantly to biodiversity, air quality and cultural recognition.
12. We have heard vehemently from our community about the importance of trees in their neighbourhoods, and their concerns that increased density often comes at the expense of mature trees. Councils cannot provide the optimum tree canopy coverage solely on public land – 75 percent of Ōtautahi Christchurch's tree canopy cover surveyed in 2015 was located on privately-owned land. Currently, medium-density residential developments in Ōtautahi Christchurch require a minimum 20 percent site coverage of landscaping. However, even with this minimum provision, Ōtautahi Christchurch has seen a decrease in its urban tree canopy cover of approximately 2 percent since 2015/2016, due in part to increased residential intensification. The MDRS will likely lead to a further reduction in tree canopy cover. **We need the Government to include a 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.** We consider that this minimum landscaping percentage could be incorporated within the allowed space for pervious surfaces, and should not impact the available building area.
13. The trouble with a one-size-fits-all approach is that topography is not taken into account. Apart from the Port Hills, we are a low-lying coastal city. Our flat environment means we don't have the natural gullies that exist in both Auckland and Wellington. The extent of tree canopy within those cities is naturally greater than ours.
14. The form and location of residential development has a great influence on the long-term greenhouse gas emissions of a city. Well-located residential intensification near and around commercial centres that have diverse work, retail, recreational and transport opportunities, would enable people to more easily meet their daily needs. The Bill provides for ad-hoc intensification, which could undermine the thoughtful location of people and consequently increase their need to travel. Given New Zealand's climate emergency and commitment to reduce its emissions, it is especially important that Government moves to increase housing supply are consistent with wider goals of reducing emissions and building resilience to climate impacts.
15. Well-being is key to resilience. Section 3 of the LGA provides for local authorities to play a broad role in promoting the social, economic, environmental and cultural well-being of their communities, 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 well-being 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 well-being outcomes for present and future generations. **We submit that the MDRS should be amended to include greater acknowledgement of well-being** and draw the Committee's attention to our submission on the Natural and Built Environments Bill, where we sought recognition of built environmental attributes' contribution to well-being.⁴

³ GPS-HUD, p.30

⁴ Christchurch City Council submission on the Natural and Built Environments Bill, July 2021, <https://ccc.govt.nz/assets/Documents/The-Council/Request-information/2021/Christchurch-City-Council-submission-on-NBA-exposure-draft.PDF>

16. The Council welcomes the scope that exists within the Bill to consider Qualifying Matters that may influence the application of the proposed standards where there are concerns around natural hazards or the impact on heritage. Hazard mitigation is a key area of work for the Council currently with our Coastal Hazards Plan Change and Coastal Adaptation Planning programme underway.
17. The Council stresses the important role of local government – in partnership with central government, mana whenua, local communities and the development sector – in providing quality, well-functioning urban environments that provide for the well-being of their people. We believe it is fundamental that the Bill is informed by and strongly delivers to the four well-beings – social, economic, environmental and cultural – to ensure that good outcomes are achieved for both current and future generations.

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.⁵

18. The city-wide application of the MDRS is problematic as it is likely to result in increased residential density in locations that lack appropriate accessibility for our communities. The Council supports targeted intensification in accessible locations – where there are ‘density enablers’ that support well-functioning urban environments. These ‘density enablers’ include public transport, connections to local schools and other social and community infrastructure, and proximity to parks and open space.
19. The Bill’s current geographic scope is unclear because of the broad definition of the term “urban environment,” and our concern is that it potentially enables development in small towns and settlements in the Christchurch City Council district, such as Akaroa. We do not consider that increasing the residential population or density of these smaller towns of our district meets the intent of the Bill as it enables further residential development of dormitory suburbs far from main urban areas. As such **we require clarification of the geographic scope of the Bill.** In the Christchurch district, the boundary should align with the urban environments within the established Greater Christchurch Partnership’s statutory boundary.⁶ This would also better align with StatsNZ Tatauranga Aotearoa’s functional urban area for Christchurch.
20. **Additionally, we request that the spatial extent that the MDRS applies to within the Bill is targeted to the areas identified for medium density growth in the District Plan.** The areas currently zoned for medium density development in the District Plan have been identified to support the vitality and viability of centres consistent with their function and that provides for the targeted growth of Ōtautahi Christchurch. This anticipated growth has been strengthened through the prioritisation of the provision of infrastructure. The Council does not consider it appropriate to provide for medium density growth in the outer suburbs unless those suburbs are located near a commercial centre or on a transport corridor. Unrestricted, medium density development in the outer suburbs would reduce the Council’s ability to target development in accessible locations to support transport mode shift and reduce green-house gas emissions. **Council seek that the proposed MDRS are limited in the outer suburbs unless the location is in proximity to a commercial centre or on a transport corridor.**
21. The Council supports intensification in appropriate locations, and considers that the Bill should enable local decision-making to guide the application of the MDRS. The Council has and continues to progress intensification and growth within Ōtautahi Christchurch to ensure housing supply is enabled in the District Plan over the short, medium and long term. Ōtautahi Christchurch is widely acknowledged as the most affordable of the five main centres. To encourage affordable housing in Ōtautahi Christchurch, the Council is progressing work to enable ground up community development through a proposed Ōtautahi Christchurch Plan. The Council also supports the “15 minute neighbourhood” concept, as it encapsulates the positive

⁵ GPS-HUD, p.24

⁶ This statutory boundary includes the metropolitan area of Ōtautahi Christchurch (and the neighbouring towns in the Selwyn and Waimakariri districts) and is identified in the Canterbury Regional Policy Statement at Chapter 6, Map A.

community outcomes that can come from intensification done well.

Places should be connected

We build enough infrastructure and housing in the right places at the right cost.⁷

22. The Christchurch District Plan and work currently underway to give effect to the NPS-UD purposefully locates increased residential development around centre zones in areas where there is current or planned infrastructure capacity to service intensified development. The city-wide application of the MDRS will enable medium density development in parts of our city where there is little to no capacity in our wastewater, storm water and drinking water networks, and where capacity cannot easily be increased. Councils need the ability to at least ring-fence areas of limited infrastructure capacity from the provisions of the Bill. Of particular concern is the ability to provide for the management of additional storm water in some existing urban environments, both in terms of the water quantity and in terms of ensuring it is adequately managed so that it does not result in the deterioration of water quality and biodiversity.

23. In areas where, for example, there is insufficient wastewater capacity to support the level of development enabled by the MDRS, and providing the additional wastewater capacity would likely be cost-prohibitive, then from our experience wastewater connections for any additional development that would exceed the capacity of the wastewater infrastructure is declined. This limitation on development is especially challenging to communicate with our community. This is an example of the risk of enabling development in areas without adequate infrastructure capacity.

24. Applying the city-wide MDRS, as proposed, will enable development in areas without public transport connections and potentially some distance from centre zones. This will contradict other work underway to improve uptake of public and active travel options and to reduce emissions from transport.

25. The Bill will reduce councils' ability to target specific areas for development through their district plans so as to achieve integrated management of development and infrastructure provision as is required by s31(1)(a) of the RMA. It will also reduce councils' ability to focus growth to encourage critical mass to promote the feasibility for new large infrastructure investments (i.e. Mass Rapid Transit); will reduce councils' visibility of upcoming developments; and will put increased onus on developers' due diligence processes. Theoretically, the first a 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, **the spatial extent of the MDRS must be targeted to and aligned with the areas identified for medium density growth in the District Plan.**

26. With the proposed city-wide MDRS, councils will be required to provide additional infrastructure capacity everywhere at once to meet potential demand that may not eventuate. This would create undue pressure on rates for our communities, and/or will result in increased costs of new developments which will be passed on to purchasers. It is also likely to hinder councils' ability to prioritise infrastructure development in the spatial planning that is being proposed as part of the Resource Management reforms, under the Strategic Planning Act.

⁷ GPS-HUD, p.15

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.⁸

27. The Council considers that good urban design can co-exist with increased density and the delivery of affordable homes to provide more liveable environments. The Bill does not include any design standards, which is likely to lead to poorer urban design outcomes, within walkable neighbourhoods. The Council notes that the proposed building standards would provide almost no protection from adverse effects such as shading, privacy and outlook for the wellbeing of occupants or neighbours. In the Bill the primary constraint on development capacity is the restriction on site coverage. More effective standards could easily be introduced without reducing the amount of development that could be achieved on a site.

28. **We submit that robust design standards should be introduced** that consider factors such as the following:

- The New Zealand Urban Design Protocol.⁹
- Crime Prevention through Environmental Design principles that help to create safer environments.
- Accessible and universal design features that provide greater liveability for people living with disabilities and an ageing population (e.g. level access, ground floor homes).
- Sustainable construction methods and energy-efficiency (e.g. above-Building Code specifications; inclusion of eco elements like solar panels or hot water systems; greywater recycling; permeable swales etc.) to support long term affordability and environmental quality.

In looking for examples of good design standards, the Council notes that recent Ōtautahi Community Housing Trust and Kāinga Ora developments achieve positive outcomes in terms of design, while also providing increased density. **We submit that the urban design standards developed by Kāinga Ora are used to add further building standards to the MDRS in the Bill.¹⁰**

29. As above, we request that the design standards incorporate the need for universal design and accessibility and mandate a minimum percentage of developments that must meet these standards, noting approximately 24 percent of the population are disabled¹¹ but the current housing supply falls well short of meeting this need.

30. The Council notes that under the MDRS, there is no minimum density requirement and new dwellings are permitted. As clause 6(a) in schedule 3A for the MDRS prevents size related subdivision requirements, there is no ability for the Council at subdivision stage to require minimum densities of development. Consequently, this undermines the direction in the Canterbury Regional Policy Statement of 15 houses per hectare as a minimum density within greenfield residential development. **The Council requests a minimum density of 15 households per hectare is included in the MDRS for residential development within the established Greater Christchurch Partnership's statutory boundary.**

Conclusion

31. The Council notes that in the recent Greater Christchurch Housing and Business Capacity Assessment, Ōtautahi Christchurch had a surplus of housing enabled in its District Plan.¹² We suggest 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

⁸ GPS-HUD, p.39

⁹ <https://environment.govt.nz/assets/Publications/Files/urban-design-protocol-colour.pdf>

¹⁰ Kainga Ora Design guidelines are available online at: <https://kaingaora.govt.nz/publications/design-guidelines/>

¹¹ www.health.govt.nz/our-work/populations/maori-health/tatau-kahukura-maori-health-statistics/nga-mana-hauora-tutohu-health-status-

[indicators/disability&ved=2ahUKewi5zqPglPjzAhUBheYKHUa7Dc8QFXoECAyQBg&usq=AOvVaw0UOVt2SPzIbnN088QOBWDJ](https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports-2021/Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf)

¹² <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports-2021/Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf>

of the outcomes of the NPS-UD and the Bill. The Council requests the Government continues to take steps to address labour shortages and issues with the supply and cost of building materials.

32. Thank you for the opportunity to provide this submission. For any clarification on points within this submission please contact Emily Allan, Senior Policy Planner (Emily.Allan@ccc.govt.nz | (03) 941 5931).

Ngā mihi



Lianne Dalziel

MAYOR

APPENDIX 1:

PART TWO – TECHNICAL MATTERS

Financial Contributions

1. The Council supports the provisions in the Bill to enable Financial Contributions to be required from permitted developments and not just those that require resource consent. The Council also supports the Bill to enable district plan financial contributions provisions to be amended using the ISPP.
2. The Bill should allow councils to collect Financial Contributions from the date when development is enabled. **The Council submits that further provisions are required to clarify the framework for charging and the timing implications.** Rules enabling levying Financial Contributions on permitted activities ought to be in legal effect to align with the other aspects of the Bill that will have immediate legal effect from August 2022.

Impact on work under way

3. The timing of this Bill has also presented challenges for the Council, with the likelihood of having to delay/withdraw plan changes that are likely to be affected. This will have the unintended consequence of stalling supply of land for residential development in specific cases – an outcome at odds with the intent of the Bill. **The Council submits that the Bill should be amended so that the withdrawal of plan changes is not required, but rather a process should be enabled that plan changes can be automatically updated to incorporate the MDRS.** Likewise **the Bill should also be amended to enable operative plans to incorporate the MDRS.**¹³ The current wording in subpart 3 of the Bill adds additional process without any benefit of public scrutiny.
4. The narrow scope of the Intensification Streamlined Planning Process, as proposed, will overcomplicate councils' district plan reviews. District Plans work best if they are considered as an integrated package, so the entire plan change and/or District Plan Review, should be considered through the Intensification Streamlined Planning Process, not just the intensification planning instrument in isolation. Therefore **we suggest that the scope of the Intensification Streamlined Planning Process should be broadened to be available to any plan change or all full district plan review.**
5. The Bill proposes that the Minister for the Environment will be the final step in the decision-making process on the ISPP. **The Council submits that a merit hearing in the Environment Court is a more appropriate decision-maker on Intensification Plan Change recommendations by the Independent Hearing Panel that are not accepted by councils.** The Environment Court is a specialist tribunal that has been established for, and has expertise in, precisely that type of issue.
6. The Council seeks that the Government provide funding assistance to help implement these changes and to run the Intensification Streamlined Planning Process.

Applicable standards

7. The Council is concerned with the proposed Schedule 3A clause 2(3) which 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.*¹⁴
8. Additionally, the Council is concerned with ambiguity of terminology in the Schedule. The Bill is not clear on

¹³ This could be achieved by using Section 55(2) of the Resource Management Act 1991, rather than having to notify these changes through a plan change that has immediate legal effect.

¹⁴ RM (EHS) Bill, p.28 (new Schedule 3A), clause 2 (3)

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.

9. Many District Plans include standards such as regarding earthworks, transport matters (such as design of safe access ways including pedestrian, cycle parking, accessible parking etc.), noise insulation, lighting, landscaping, setbacks from railway lines, transmission lines, water supply for firefighting etcetera. These standards are important to ensure houses are well-designed, safe, accessible, and resilient and contribute to a well-functioning urban environment. It is essential that the ability for District Plans to provide these standards and other engineering standards is retained. **The Council submits that the Bill must be more specific regarding what the bar in Schedule 3A clause 2(3) does and does not cover.**
10. Additional to the existing standards in the District Plan identified above, implementing the NPS UD will require that new standards which apply to permitted activities are developed. These will be needed to manage qualifying matters, such as natural hazards, or where financial contributions are required.
11. The Council also requests that the generous building standards described in the Bill (including the 11m height and recession planes) are limited to when three units are developed on a site. Enabling single residential units to be built to these standards will potentially result in super-sized homes, with no increase for housing supply.

Policy 3(d)

12. The Council supports the proposed amendments to Policy 3(d) in the NPS-UD.
13. The Council requests that the Ministry reviews the wording of the definition of ‘other intensification policies’ in clause 77E which refers to policies 3(c) and (d) as it applies to ‘urban non-residential zones’. Also there appears to be an error in the amended Policy 3(d) of the NPS-UD,¹⁵ in that the final words should presumably be “community services” rather than “community centres,” which includes a much smaller range of activities than community services.¹⁶
14. We do not consider that the ‘neighbourhood centres’ described in the Bill are considered to be ‘accessible places’ with links to a range of employment, commercial and social activities. **We request that the reference to neighbourhood centres is removed from the new Policy 3(d).**

Māori land

15. The Bill makes no specific provision for expediting the development of Māori owned land. More specificity within the Bill providing for housing on Māori owned land, within and outside of urban areas, would provide the necessary policy platform for mana whenua to springboard housing developments with fewer policy and consenting barriers.

Setbacks from water bodies

16. The current Bill omits any requirement for setbacks from water bodies. **The Council strongly suggests waterway setbacks are included in the Bill, and suggest that for the Christchurch District these are line with the following schedule:**
 - Network waterways – 5m setback
 - Hill waterway – 10m setback

¹⁵ New schedule 3B

¹⁶ This amendment would also be consistent with the terminology used in section 77 O (1).

- Environmental asset waterways – 7m setback
- Environmental asset standing water body – 7m setback
- Upstream waterways – 10m setback
- Downstream waterways – 30m¹⁷

17. A generous corridor width will facilitate natural functioning of the waterway in terms of its ecology, and enhance other values. To better protect waterways from catchment modifications a waterway corridor of reasonable width should be protected. Additionally, Council seeks setbacks from wetlands and estuary edge areas.

Covenants

18. Council notes that development covenants could be a barrier by limiting intensification which may preclude the outcomes sought by this Bill from being achieved. The Regulatory Impact Statement¹⁸ recognises this issue and identifies further work needed to investigate this by Government. The Council also notes that the development of community (social) housing and affordable housing types are also limited by covenants. **The Council supports prompt Government attention on this issue.**

Buffer zones around open space

19. The height limits proposed in the Bill do not provide buffer zones around open spaces, potentially enabling developments of 11m height on the boundary of Council parks and reserves. This could have significant implications for shading – especially for longer, narrower parks. This could impact on the ability for open space to provide for its designated function. **The Council seeks the inclusion of buffer zones around open space specifically of 2.5m.**

Subdivisions and minimum lot sizes

20. The Council supports intensification within new neighbourhoods. However, the city-wide application of the MDRS presents challenges for delivering appropriate subdivision outcomes. While no minimum subdivision size may be appropriate in proximity to the centre city, it will likely compound accessibility issues and infrastructure capacity constraints in outer suburbs.

21. The Council disagrees with the assumption in the Ministry for the Environment’s Regulatory Impact Statement that increased development under the MDRS will occur close to city centres, within inner city zones¹⁹. The Council considers that this development is more likely to take place in outer residential areas where the cost of land is lower, and where lots are typically larger and in suburbs considered desirable. The Council notes that the Bill enables vacant subdivision to facilitate more density and then three units per new site. If this is not what is intended, this is likely a perverse outcome of the Bill and we suggest that the subdivision provisions are reviewed to minimise this impact on the intended outcomes of the Bill.

22. The Council suspects that the change is likely to result in less affordable outcomes being delivered in the short term as the development potential may increase the price of land in the more desirable intensification locations. **The Council reiterates its request above for the spatial extent of the MDRS to be targeted to the areas identified for medium density growth in the District Plan.**

Recession Planes

23. The proposed Recession Planes in the MDRS are significantly higher than any of the Recession Planes in the

¹⁷ These are the current waterway setbacks within the Christchurch District Plan (Section 6.6.6 of the Christchurch District Plan).

¹⁸ RIS, paragraphs 122 – 124, p. 34

¹⁹ RIS, paragraphs 93 and 94, p. 25

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, particularly in hillside areas. Recession planes also provide some protection of privacy by ensuring windows are not close to the boundary and preserve a sense of openness in outdoor living areas, which is especially important where these are small .

24. In particular, the MDRS does not take into account the latitudinal difference between Tier 1 cities, with shading effects more pronounced in Ōtautahi Christchurch than in Auckland.²⁰ **The Council suggests that Recession Planes should be lowered to be more consistent with the existing Tier 1 councils' District Plans.** Access to light and sunlight is a matter of personal well-being, particularly in areas of the country affected by more adverse climatic conditions.

Height Limit

25. The proposed height limit would allow for 4 storeys in most circumstances as 4 storeys can be accommodated within a height of 10.5m. The rule of thumb for building height to storeys is approximately 3m. **The Council seeks an overall height limit of 9m with an additional 2m for the roof (total height of 11m).**

Common Wall

26. The allowance for common walls on adjacent development sites would allow for a continuous building to be established from the depth of the site (sausage blocks). Removing this clause would create breaks in the row of units to allow some access to sunlight, view shafts and opportunities for service access. An alternative would be a limit on built form continuous length or a requirement for a building to be stepped over a particular length.

Permitted Baseline

27. The Council is concerned that the height limits set out in the Bill will facilitate 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 suburban locations on the edges of the city. In addition, the increased building height, and number of storeys, will compound accessibility issues, particularly for people with disabilities if this is not factored into required yields, as discussed above. **The Council reiterates its request above for the spatial extent of the MDRS to be targeted to the areas identified for medium density growth in the District Plan.**

Cost Benefit Analysis assumptions

28. Council notes that the Cost Benefit Analysis (CBA) assumes that for Christchurch City, the increased brownfield infrastructure requirements for unrecovered costs will be minus \$7 million dollars for Christchurch. We consider that this is underestimating the cost of providing infrastructure capacity anywhere it is required and that may not be recoverable through development contributions due to the developments utilising the upsized capacity not reaching the full capacity of the infrastructure. This is an extremely inefficient allocation of resources and will result in the existing community picking up the cost of development capacity. **The Council reiterates its request above for the spatial extent of the MDRS to be targeted to the areas identified for medium density growth in the District Plan.**

²⁰ Ōtautahi Christchurch is 7 degrees further south than Auckland, and has a colder winter climate. This means that the negative shading impacts are multiplied.

Large lot residential zone

29. The Council supports the exclusion of the large lot residential zone from the application of the MDRS, as these zones are typically used in semi-rural locations.

Outdoor living space

30. The Council requests the Government consider increasing the minimum outdoor living space requirements from 3m x 3m to at least 4m x 4m.
31. The Council would also appreciate increased flexibility for applying outdoor living space provisions, and ask the Government to consider enabling the per unit outdoor living space standard to be grouped together into communal space. We suggest a lower space requirement is enabled where this is the case. The benefit of enabling outdoor living space to be grouped together is that it produces more usable space (eg in the form of roof top gardens) and is more economical to construct than individual balconies. It therefore has the potential to result in units with a lower cost.

**APPENDIX 2:
IMAGES SHOWING THE POTENTIAL IMPACTS OF THE MDRS**

The following are images are worked through examples of the application of the permitted activity standards, including what has been described in the messaging of the Bill (Figure 1) and the reality of the standards as they could be implemented:

- The potential extent of subdivision allowed (Figure 2)
- The potential built form resulting from 11m +1m, party wall standard, 1m & 2.5m setbacks and the 60° recession plane (Figure 3), Crime Prevention Through Environmental Design (CPTED) including access and street interface
- The potential built form in situ in Ōtautahi Christchurch (Figure 4)
- Outdoor living space comparisons current and proposed by standards for 2 bed+ units (Figures 5 & 6).



Figure 1: What has been described by the Bill

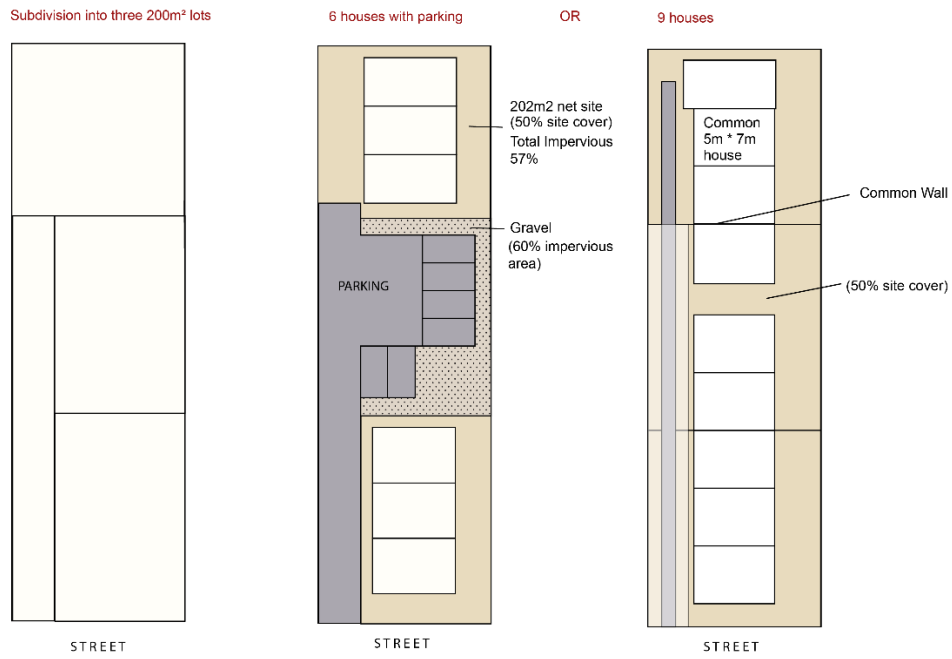


Figure 2: Potential extent of subdivision permitted



Figure 3: The potential built form resulting from the permitted standards



Figure 4: The potential built form resulting from the permitted standards in a typical Ōtautahi suburb

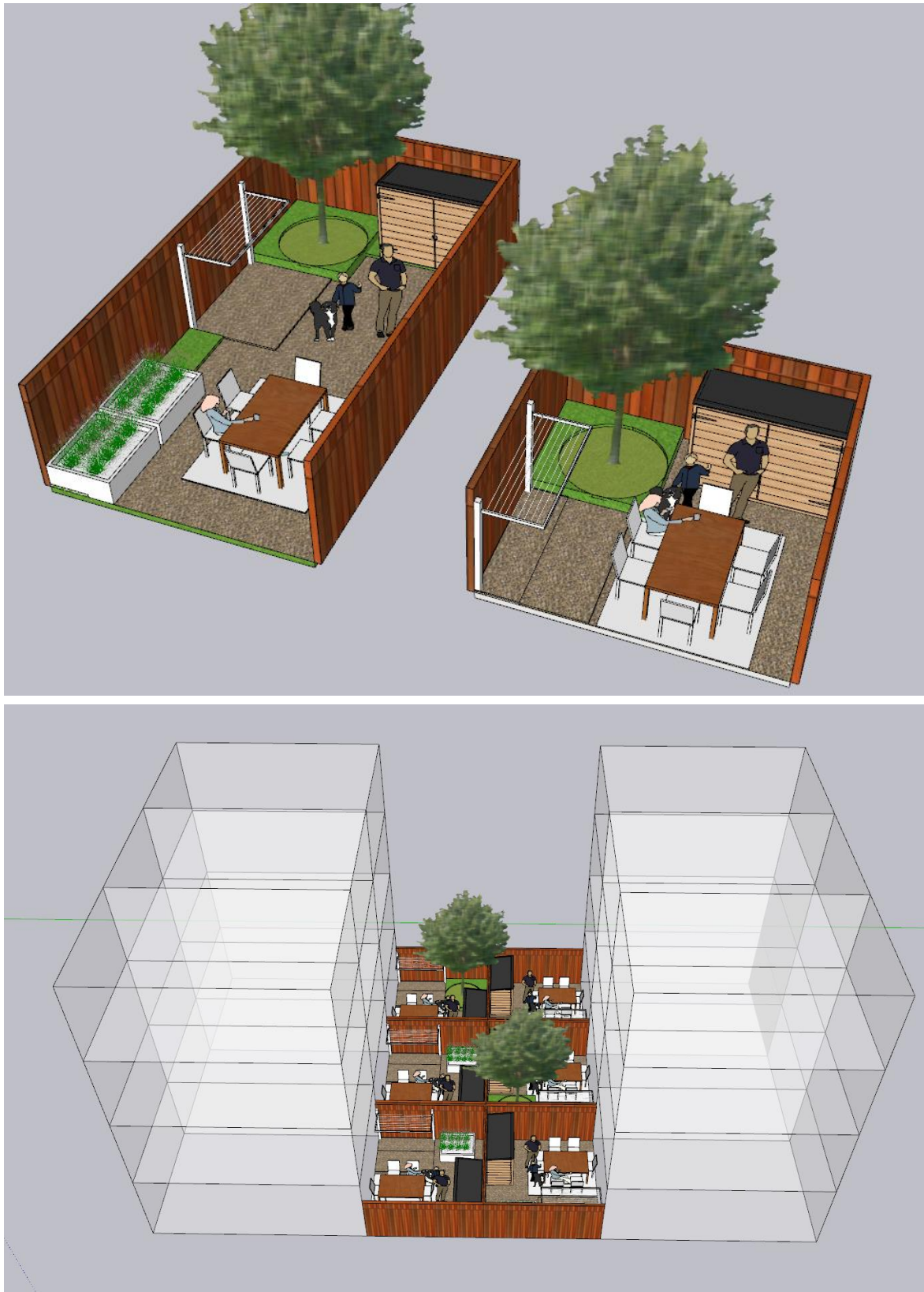


Figure 5: Outdoor living space comparisons current (30m² and 15m² respectively) and proposed by standards for 2 bed+ units, and in the context of the allowed building heights (Figure 6).

Due: 16 November 2021

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

Email: en@parliament.govt.nz

Kia Ora koutou katoa

Selwyn District Council Submission on Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill

1. Selwyn 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 is supportive of the Government's aims to address New Zealand's housing shortage and enable the delivery of a wider range of housing options, including more affordable homes.
2. The Council supports enabling more intensification to provide enough housing for the growing population. Last year, Selwyn District was the fastest growing district in the country, both in terms of quantum and percentage. The recent Stats NZ Population Estimates (to 30 June 2021) showed Selwyn grew by 3,400 people from 2020 to 2021. This was the largest increase in the country, with Tauranga (3,100 people) close behind. This was also the largest percentage increase in the country. In context, New Zealand grew by a total of 32,400 people.
3. However, Selwyn has concerns with the broad approach and application of these standards, which could lead to some potential unintended outcomes. The Bill has significant impact on council's land-use and infrastructure planning work and the constrained period for submissions limits the Council's ability to engage meaningfully with the community to explain the Bill and receive input on the development of the submission. The Council is also in the midst of District Plan Review hearings as well as dealing with 18 private plan changes which require substantial resourcing and the Bill has significant impact on these processes.
4. The GPS-HUD sets a vision of 'Everyone in Aotearoa New Zealand lives in a home and within a community that meets their needs and aspirations'. The GPS-HUD then explains that this means homes should be of high quality, and places should be accessible, connected, well designed and resilient. These themes shape the discussion within this submission, these are:
 - Alignment with Government Policies, including Geographic Scope;
 - High Quality Homes;
 - Well Designed and Resilient Places;
 - Accessible Places;
 - Connected Places, including Financial Contributions; and
 - Processes, including inter-relationship with District Plan Review and Private Plan Changes, ISSP process, and Local Government Elections.

Alignment with Government Policies

5. The Council is unclear as to how the Bill fits with other government policies, such as the Government Policy Statement on Housing and Urban Development (GPS-HUD) and the National Policy Statement on Urban Development (NPS-UD), especially the NPS-UD goals of well-functioning, well-connected urban environments and to reduce carbon emissions.

The Council seeks further guidance on how local governments give effect and balance these national policy directions and priorities.

6. The National Planning Standards describe residential zones for use in district plans. Section 8 – Zone Framework Standard outlines the residential zones that can be used. The Bill seeks that these standards apply to Low Density, General, Medium Density and High Density Residential Zones but not Large Lot or Settlement Zones. The application of the Medium Density Residential Standards (MDRS) to this range of zones shrinks the distinction between them, as density is a significant driver of a particular zones character and amenity, making them almost redundant. Further, the Low Density description, specifically references ‘one to two storey houses with yards and landscaping’, which is inconsistent with the MDRS.

The Council seeks better integration with the National Planning Standards.

Geographic Scope

7. Council is not certain on Bill’s geographic scope and it potentially enables MDRS development across the entirety of the Tier 1 district and all its townships, rather than a defined urban area.

The Council seeks that the geographic scope of the Bill be clarified to be the urban environment identified by the Council or Councils where Councils work in collaboration. The expectation is that it aligns with the Greater Christchurch Partnership’s boundary (which includes the metropolitan area of Christchurch and the neighbouring towns in Selwyn and Waimakariri).

High-quality homes

8. The Council considers the MDRS, in their current form, may not lead to high-quality homes. The permissive nature of the MDRS impact the ability to provide high-quality homes. Changes to the height in relation to boundary standard, setback standard, outdoor living space standard, additional service area standard, minimum site size, and unit sizes are required to provide for better development. The Council strongly recommends that the standards only apply to multi-unit development rather than standalone development as well. These are discussed below.
9. The MDRS currently limits the available natural light to both indoor and outdoor spaces. The height in relation to boundary standard could be improved so that natural light can still come through. This can be changed so that the proposed height in relation to boundary standard only applies to the front half of any section, so it encourages development towards the street front and for the back of the sites to be more open.

The Council seeks changes to the height in relation to boundary standard that will encourage development towards the street.

10. A change to the setback standards alongside the height in relation to boundary standard is also needed. The setbacks should reflect their function and the orientation of the sun. A minimum setback of 2m is more appropriate to the north and west where they are better suited for establishing sunny and private outdoor areas; whereas a minimum setback of 1m is more appropriate to the east or south.

The Council seeks changes to the setback standards of 2m to the north and west. These changes will provide better opportunity for sunny outdoor spaces.

11. The Council sees the outdoor living space standard, both ground floor and above, so that it incorporates a minimum number of hours of sunlight of 2 hours at winter solstice.

The Council seeks changes to the outdoor living space standard so that it incorporates sunlight hours.

12. Further, a separate service area of 10m² should be provided as a standard per unit. This could, depending on site design and housing typology, be provided in a communal area where units share a common storage/service space.

The Council seeks to include a standard that stipulates a service area per unit

13. The Council considers that the lack of standards around, for example, site size, Crime Prevention through Urban Design principles, accessibility and universal design features, and sustainable construction methods, will lead to poor quality homes. The Bill is not clear on what other building standards, design standards, built form standards, engineering standards or subdivision standards, can continue to apply following the introduction of the MDRS. Many District Plans include standards (such as regarding earthworks, transport matters (such as design of safe accessways, cycle parking, accessible parking etc.), noise insulation, lighting, landscaping, setbacks from railway lines and main highways, etc.). These standards are important to ensure houses are well-designed, safe, accessible, resilient, and contribute to a well-functioning urban environment. These could follow the Design Guidelines developed this year by Kāinga Ora to provide direction for intensive development that achieves positive outcomes in terms of design and well-being.

The Council seeks clarification of new Schedule 3A, Clause 2 (3) about the extent of other standards could cover and direction as to how these elements can be incorporated in development.

14. The MDRS seek no minimum site sizes, which effectively means the Council cannot enforce a minimum density. This limits the council in its ability to require higher densities and subsequently developers can respond by delivering less. The Bill is not clear about the ability of councils to still require minimum densities in residential zones, with the potential for the MDRS to result in lower density developments, fewer homes provided in some locations, and undermine the whole intent of the Bill.

The Council suggests that requirements around minimum densities are clarified in the Bill and that the Bill allows for minimum densities to be applied.

15. The MDRS states no minimum site sizes, which can lead to the development of very small sites. While these sites can contain a residential unit, they can be difficult to provide adequate servicing. Further, there is no minimum residential unit size or dimension which could lead to small apartments being developed that do not provide for appropriate living standards. The Council wants to see a range of typologies though some standards around what is a minimum site and unit size will help provide a residential unit appropriate for someone to live in.

The Council seeks requirements for minimum sites and minimum residential unit sizes and dimensions to limit the development of unserviceable sites and unliveable homes.

16. The standards that the Bill will require will not control building standalone residential units on small sites. This means that rather than seeing a change in typology we will see more of the same typology but without the appropriate setbacks and outdoor space.

The Council seeks that the extent of the standards are only applied to multi-unit (attached) residential development. This will mean that the standards are effectively 'bonus' development rights when developing the desired typology.

17. The above point highlights another potential concern with the Bill, which is, the changes do not increase sufficient development capacity. The NPS-UD defines sufficient as plan-enabled, infrastructure-ready and feasible and reasonably expected to be realised. Infrastructure capacity is in place for an existing zone framework and density expectation and will not be able to service the level of density anticipated by the MDRS. Current trends in Selwyn also show that any form of intensification (beyond a standalone residential unit) is not occurring and is largely unfeasible. The changes proposed in the Bill will increase the plan-enabled capacity but it will not be infrastructure-ready or feasible and under the NPS-UD cannot be considered as capacity. This creates a cycle of having to provide more capacity but by using the same zone framework that caused the issue in the first place.
18. The enabling of additional plan-enabled capacity does not necessarily mean more affordable housing is built. There are many other issues that affect housing delivery and affordability, including availability of skilled tradespersons and construction professionals, access to finance and a reliable and affordable supply of building materials, as well as the continued use of private developer covenants that will continue to limit development potential and this proposal does not address these issues. There is an increasing trend of the use of covenants that restrict development beyond than what is enabled in a district plan. There is the possibility that this trend will increase more as developers seek to provide certainty within their subdivisions. Further, the potential development enabled by the Bill could lead to increased waste generation from both demolition of existing housing stock and the construction of new housing.
19. In essence, whilst the Bill may appear to reduce one barrier to addressing an immediate housing need, there is a real risk that these other issues will blunt its effectiveness. Worse, the provisions of the Bill coupled with these issues could lower standards and could, over the longer term, lead to the development of communities that negatively affect wellbeing.

The Council seek that the government also focus on improving feasibility and affordability through improvements in building material costs, deconstruction costs, other mechanisms to decrease land value, the extent of private developer covenants, and speculation.

Well designed and resilient places

1. The MDRS do not require the provision of landscaping and increases the demand for public open space while reducing the ability to provide open space that contribute to more attractive streets and neighbourhoods. Trees and green spaces not only provide shelter and shade and help to offset the 'urban heat island' effect but play a vital role in climate change mitigation by absorbing carbon dioxide emissions and contribute significantly to biodiversity. The MDRS will likely lead to a further reduction in tree canopy cover both in private space, through on-site intensification, and the removal of street trees as roads and footpaths may need to be widened to account for increased traffic and off-site parking. This cannot readily be accounted for by planting more trees in parks and reserves and mature trees that are felled to enable intensification cannot easily or quickly be replaced. The loss of tree cover, coupled with more

intense development and lack of design requirements, is likely to exacerbate the effects of climate change and the urban heat island effect as impermeable surfaces more readily absorb heat.

The Council seeks a 20 percent minimum landscaping requirement, with a percentage to be met by trees. We consider that this could be incorporated within the allowed space for pervious surfaces, and should not impact the available building area.

Accessible places

2. The broad application and extent of the MDRS, especially in a Selwyn context, could lead to perverse outcomes. Intensification occurring where it is not served by public transport or close to community infrastructure does not improve the wellbeing of the community. The application across all residential areas will lead to ‘pepper-potting’ development and undermine the urban form and increase the uncertainty of the community as to where and when intensification occurs. This potential ‘pepper-potting’ does not support the provision of public transport, which is a key way of meeting ‘zero-carbon’ goals; nor does it support delivering Mass Rapid Transit by increasing the area where intensification can occur. To support public transport, development should be orientated around existing and planned transit stops and routes. This will help provide for better urban form, improve certainty, and provides better opportunities for council to support the development of intensification.
3. The MDRS is also a significant shift in the scale of development enabled in Selwyn District. As discussed above, this creates uncertainty for the community. There is a potential risk that this uncertainty could lead to increased internal migration, especially within Selwyn District. People currently within the urban environment may seek to move to townships further from Selwyn’s main centres and employment areas, as well as from Christchurch City, to where they are not impacted by these standards. This makes the delivery of intensification and public transport difficult and strains the community fabric and networks that provide for social well-being.

The Council seeks that the extent of the standards are only applied to the areas identified within Policy 3d. This could be walkable catchments from centres, public reserves, and along transit stops.

Connected places

4. The MDRS will require the upgrading of infrastructure to support the potential development enabled, even if development doesn’t occur. This will lead to the over-engineering of infrastructure where infrastructure capacity is required, but then not used. Further, as Selwyn’s population and growth is relatively recent (the population has doubled in the last 15 years), most infrastructure is not near the end of its lifespan but will be required to be upgraded to accommodate the potential development capacity as associated with intensification. The provision of other infrastructure, such as stormwater retention, will need to increase further increasing the cost burden on the Council, and ultimately the community.
5. Other council infrastructure, such as reserves, will require more compensation to purchase additional land to meet potential population density increased. Also, the potential sporadic nature of the intensification enabled makes it harder to plan for reserves. Other community infrastructure, both planned and delivered by council (community centres) and government (schools and hospitals) will face similar issues around planning for potential intensification. The Council will now have to develop a new infrastructure strategy before the plan change is notified in order to be ready to respond to development occurring anywhere. This is further complicated by the ongoing three waters reform.

The Council seeks additional MDRS provisions that intensification is done in a comprehensive manner that provide for reserves or public open spaces.

The Council seeks that government extends the timeframes in order for infrastructure strategies to be redrafted and provide better clarity as to how development should address infrastructure requirements for permitted building activity.

The government should also invest in major infrastructure projects in partnership with councils to enable this permitted development.

Financial contributions

6. The Council is broadly supportive of the provisions in the Bill to collect Financial Contributions from developers to support residential development, but it is unclear how this is to be provided and the timing implications.
7. Theoretically, the first the Council could hear of a planned development would be a building consent application, by which time a developer will likely have already invested significantly in land acquisition and professionals' fees. If the development has not considered infrastructure capacity, it could face significant financial contributions late in the building process. This will lead to additional consequences for potential purchasers who might have bought off the plans for a new development. For this reason financial contributions need to be able to be collected from the date when development is enabled.

The Council seeks that the timing of Financial Contributions provisions aligns with the other aspects of the Bill that will have immediate legal effect from August 2022.

Processes

Overlap with Local Government Elections

8. The timing of when the intensification plan change needs to be notified overlaps with local government elections. This decreases the time for a plan change to be approved by council with decisions not able to be made close to the election and then overlaps with local electioneering.

The Council seeks that the timeframes are delayed to avoid the overlap and resourcing is provided to councils to draft evidence to support the implementation of this government direction.

Private Plan Changes

9. As part of the response to the NPS-UD, the Council has received 18 private plan changes requests to enable around 12,000 additional residential sites/development capacity. These plan changes rely on Policy 8 of the NPS-UD to be processed by the council. These plan changes are at various stages of completion. It is unclear in the Bill what the direction from government is in regards to these plan changes and how the Council should respond. The withdrawal of these plan changes will have unintended consequence of stalling supply of land for residential development in specific cases – an outcome at odds with the intent of the Bill.

The Council suggests that the Bill should be amended so that the withdrawal of plan changes is not required, but rather a process should be enabled that plan changes can be automatically updated to incorporate the MDRS if they are approved.

10. The Bill does not include a definition of the words “not completed” causing uncertainty. The hearing referenced is a hearing into submissions on either a plan review or a plan change hearings

could be completed when the actual in person hearing ends. Alternatively, a hearing might be completed once any right of reply is exercised which could occur after in-person presentations. As well a hearing into submissions could be completed when those hearing the submissions and issue a minute formally closing the hearing. Hearings can be completed in the hearing of submissions, but adjourned to allow for right of reply and or when Commissioners want to reflect on information received before formally completing the hearing.

The Council seeks clarification of what the word “Completed” means is required for certainty.

11. There is ambiguity in reading Part 2, Subpart 2 Schedule 3, New Part 4 New Section 31(2) (b) of the Bill. There is potential that a plan change has not been notified on or before the commencement of this clause and therefore not had a completed hearing by the relevant date but is not caught by this clause?

The Council seeks clarification on what happens to Plan Changes notified after the commencement of the Bill.

12. The wording that a plan change that ‘proposes changes to a relevant residential zone’ is not clear. For example, if the private plan change seeks to only change transportation provisions or subdivision provision of the relevant residential zone is that plan change caught by the clause.

The Council seeks clarification on what is meant by ‘proposes changes to a relevant residential zone’.

13. The wording of the Bill is unclear as to any requirement by council to adopt any private plan change within its intensification plan change.

The Council seeks that the Bill should clarify whether or not it is mandatory for a council to adopt, in terms of RMA Schedule 25, a private plan change that the applicant must withdraw.

Selwyn District Plan Review

14. In addition to the private plan changes, the Council is in the midst of hearings for its Proposed District Plan. The residential framework and chapter has been developed, consulted, and submitted on, incorporating and reflecting the community’s view. The input from the community has required a lot of time and effort, which is commendable especially in these uncertain times. The speed and surprise of the announcement will be demoralising for these communities and this is not recognised in the Bill or supporting information. Further, as the standards are essentially non-negotiable minimums, there seems to be no benefit in seeking submissions relating to them. It is unclear from the drafting of the Bill what elements should be withdrawn including numerous zoning submission requests. The changes in standards could have an impact on the transport and subdivision chapters.
15. Also, there are a number of zoning submission requests in the District Plan Review process that will not meet the 20 February 2022 ‘deadline’ to be heard. These will have to be withdrawn but Council is uncertain under what process these requests may then be considered. Clause 80G of the Bill states “Use the intensification planning instrument for any purpose other than those required to incorporate MDRS into plans and for incorporating other intensification policies into plans and finally for a review of financial contribution provisions.” This seems to imply that the ISPP cannot include new zoning areas. If this is the case then the zoning requests on the District Plan Review process, which have to be withdrawn, have no avenue to be considered. If Council is able to adopt Plan Changes into its ISPP process can it also include zoning requests in the District

Plan Review or even areas of land not subject to a request be appropriate for further urban development?

The Council seeks clarification on what elements can be included within the Intensification Streamlined Planning Process (ISPP), including any new zoning requests, and what is needed to be done through another process.

Independent Hearings Panel (IHP) Scope

16. By not limiting recommendations/decisions of the IHP to the scope of submissions received is a significant change from current RMA hearing processes on proposed plans and planned changes. Limiting matters to the scope of submissions and ensuring that submissions are “On” the plan change avoids a plan review or change being hijacked by submitters for an outcome not contemplated. Also limitations as to scope provide natural justice assurances particularly for participants.

The Council seeks limitations on the scope considered by the IHP to provide natural justice assurances.

Conclusion

17. The purpose of the RMA is to promote the sustainable management of natural and physical resources. This is done in a way that enables people and communities to provide for their well-being. The Council is concerned that the broad-brush approach to enabling intensification will not maximise well-balanced well-being outcomes for present and future generations.

Thank you for the opportunity to provide this submission. For any clarification on points within this submission please contact Selwyn District Council Planning Manager Benjamin Rhodes –

[REDACTED]

We are happy to present our submission in a hearing, either in person or via zoom depending on location and timing.

Ngā mihi



Sam Broughton

Koromatua ā-Rohe o Waikirikiri
Mayor of Selwyn District

On behalf of the Selwyn District Council

16 November 2021

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

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Tēnā koutou

Greater Christchurch Partnership submission on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill

Introduction

1. The Greater Christchurch Partnership (the Partnership) thanks the Environment Committee for the opportunity to provide comment on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (the Bill).
2. The Greater Christchurch Partnership is a collaborative partnership in the Greater Christchurch area. The Partnership has been in existence since 2007 and is focused on the strategic integration of land use, transport and infrastructure planning in the context of intergenerational wellbeing. Members of the Partnership consist of the Councils (Christchurch City Council, Selwyn District Council, Waimakariri District Council and Environment Canterbury), Te Rūnanga o Ngāi Tahu, the Canterbury District Health Board and Waka Kotahi NZ Transport Agency (as a non-voting member).¹
3. Greater Christchurch is the largest urban area in the South Island and the second largest urban area in Aotearoa New Zealand, supporting 80% of the Canterbury regional population and 40% of the South Island population.
4. The Partnership commends the Government's commitment to addressing the housing crisis in Aotearoa New Zealand and is highly supportive of the aim of addressing the housing shortage by enabling the delivery of a wider range of housing options. However, the Partnership is also

¹ Waka Kotahi as a crown entity is not being represented in this submission.

concerned that the provisions included in the Bill to achieve this aim are incongruous with other Government direction and the outcomes sought from these.²

5. The Partnership is also disappointed by the lack of engagement to date with local government and the residents of Aotearoa New Zealand's largest urban areas, including Greater Christchurch. The Bill, as proposed, will have significant impacts on councils' place-making, land use and infrastructure planning work, as well as on our local communities and neighbourhoods. We believe that a more collaborative partnership approach between central government, local government and iwi would support better housing outcomes.
6. In this context, this submission focuses on a few matters of particular interest and of general agreement between members of the Partnership. We note that Te Rūnanga o Ngāi Tahu, Christchurch City Council, Selwyn District Council and Waimakariri District Council are also making their own individual submissions on the Bill, which will address more technical aspects of the Bill.

Taking a broader well-being approach

7. The Partnership stresses the important role of local government – in partnership with central government, mana whenua, local communities and the development sector – in providing quality, well-functioning urban environments that provide for the well-being of their people. We believe it is fundamental that the Bill is informed by and strongly delivers to the four well-beings – social, economic, environmental and cultural – to ensure that good outcomes are achieved for both current and future generations.
8. As noted above, there also appears to be a misalignment between the outcomes sought by the Bill and other Government direction and work programmes. This includes, for example, from the Government Policy Statement on Housing and Urban Development (GPS-HUD), the Government Policy Statement on Land Transport, the Emissions Reduction Plan and improving freshwater outcomes. The Partnership would value guidance from the Government about how local partners can give effect to and balance these national policy direction and priorities.
9. We also recommend that the Bill should more closely align with the place-related vision of the recently released GPS-HUD, which includes the statement that '*places should be accessible, connected, well designed and resilient*'³. The submission prepared by Christchurch City Council clearly outlines how the Bill could better align with this vision, while certain aspects of the vision are also further considered in subsequent sections of this submission.

² For example, the Government Policy Statement on Housing and Urban Development, the Government Policy Statement on Land Transport, the Emissions Reduction Plan and improving freshwater outcomes.

³ Government Policy Statement on Housing and Urban Development (page 21).

Supporting quality, well-functioning urban environments

10. The Partnership supports the principle of providing increased opportunities for more intensive developments in Aotearoa New Zealand's largest urban areas, which aligns with our current strategic direction for a consolidated urban form in Greater Christchurch that is achieved by intensifying and redeveloping our existing urban areas. However, we are also concerned that the ability for councils to effectively provide for growth and support quality, well-functioning urban environments will be greatly undermined by some provisions in the Bill.
11. In particular, the application of the medium density residential standards (MDRS) across our urban areas in Greater Christchurch will be problematic as it will likely result in increased residential density in locations that lack suitable accessibility for our communities, and in locations where there is little or no capacity in wastewater, storm water and drinking water networks, or where capacity cannot easily be increased.
12. The plans and strategies that currently provide the direction for growth in Greater Christchurch, such as the Greater Christchurch Urban Development Strategy, Our Space 2018-2048, the Canterbury Regional Policy Statement (CRPS), and the district plans for Christchurch City, Selwyn District and Waimakariri District, purposefully locate increased residential development around areas where there is current or planned infrastructure capacity to service intensified development.
13. The Partnership supports a more targeted approach to intensification in accessible locations – where there are a range of attributes contributing to a quality, well-functioning urban environment. This includes where there is access to public transport, connections to schools and other social and community infrastructure, and proximity to local parks and open space. Enabling development in areas without public transport connections, and potentially some distance away from services and amenities, will undermine our work to improve the uptake of public and active transport, and reduce emissions from transport.
14. The Partnership suggests that councils should have the ability to ring-fence areas where there are limitations to infrastructure capacity from the provisions of the Bill. Of particular concern is the ability for councils to provide for the management of storm water in some existing urban environments, both in terms of water quantity and ensuring it is adequately managed so that it does not result in the deterioration of water quality and biodiversity outcomes.
15. The Partnership supports the scope that exists in the Bill to consider Qualifying Matters that could influence the application of the proposed standards where there are concerns around natural hazards or the impact on heritage.
16. The Partnership notes that development covenants could act as a barrier to intensification in Greater Christchurch and other large urban areas in Aotearoa New Zealand, precluding the outcomes sought by this Bill from being achieved. We note the Regulatory Impact Statement recognises that further work on this issue is required and we encourage the Government to promptly give this issue its attention.

17. Overall, the Bill will reduce the ability of councils to target specific areas for development as to achieve integrated management of development and infrastructure provision, and support quality, well-functioning urban environments. This includes reduced ability to encourage a critical mass of people and activities to promote the feasibility of new, larger infrastructure investments, such as the mass rapid transit being explored in Greater Christchurch.

Māori owned land

18. The Bill makes no specific provision for expediting the development of Māori owned land. More specificity within the Bill providing for housing on Māori owned land, within and outside of urban areas, would provide the necessary policy platform for mana whenua to springboard housing developments with fewer policy and consenting barriers.

Ensuring our places meet urban design standards

19. The Partnership strongly considers that the Bill must balance the need for increased residential density and the delivery of affordable homes with good urban design to ensure we create liveable urban environments. The Bill, as proposed, does not include any design standards, which we are concerned will result in poor urban design outcomes. We recommend that robust design standards are introduced into the Bill that considers factors such as the New Zealand Urban Design Protocol.
20. We are also concerned by the omission in the Bill of minimum landscaping requirements for residential developments. Trees and planted open spaces play a vital role in climate change mitigation, contributing significantly to biodiversity, air quality and cultural recognition, and helping to create more attractive streets and neighbourhoods. We are concerned that the MDRS could lead to the further reduction in tree canopy cover, which cannot readily be offset by planting trees in public space and therefore suggest that a standard requiring a percentage of a site's area to be landscaped and a specified percentage to be for trees be included.
21. The Bill also omits any requirements for setbacks from water bodies. The Partnership strongly requests that waterway setbacks are included in the Bill, including for wetlands and estuary edge areas. To better protect waterways in Aotearoa New Zealand's largest urban areas from catchment modifications, a waterway corridor of generous width should be protected.

Requiring a minimum density of development

22. The Partnership notes that under the MDRS there is currently no ability for councils to require minimum densities of development. This undermines the current direction in the CRPS, which sets minimum density requirements for greenfield residential development in Greater Christchurch. The Partnership requests that minimum density requirements be included in the MDRS for residential development within Greater Christchurch's statutory area⁴ that are aligned with the requirements in the CRPS.

⁴ As depicted in Map A in Chapter 6 of the Canterbury Regional Policy Statement (page 92).

Clarifying the framework for collecting Financial Contributions

23. The Partnership broadly supports the provisions included in the Bill to collect Financial Contributions from developers to support residential development, but requires more clarity about 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 affect from August 2022.

Clarifying the geographic scope of an “urban environment”

24. The geographic scope of the Bill is unclear because of the broad definition of the term “urban environment”. The Partnership is concerned that this will enable residential development in small towns and settlements across the three districts that have jurisdiction over Greater Christchurch – Christchurch City, Selwyn District and Waimakariri District – which we do not believe meets the intent of the Bill. We therefore require clarification of the geographic scope of the Bill and suggest that the boundary for Greater Christchurch should align with the established statutory area⁵ for Greater Christchurch, noting the exception raised in paragraph 18.

Closing remarks

25. Thank you for the opportunity to provide this submission. The Partnership would like to be heard in support of this submission.
26. For any clarification on points outlined in this submission, please contact our Secretariat at secretariat@greaterchristchurch.org.nz

Nāku, nā



Jim Palmer

Greater Christchurch Partnership Independent Chair

⁵ As depicted in Map A in Chapter 6 of the Canterbury Regional Policy Statement (page 92).

Environment Committee

Submission on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill – November 2021

Introduction

1. We welcome the opportunity to provide feedback on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (“the Bill”).
2. We acknowledge the scale of the housing challenges which we face as a nation. In facing up to these challenges, we strongly support the Bill’s intent to enable greater housing supply, housing choice and housing affordability.

Kāinga Ora – Homes and Communities

3. Kāinga Ora – Homes and Communities is the government’s lead developer for housing and urban development. We are responsible for planning, coordinating, and undertaking large and small housing developments to create a diverse mix of public, affordable and market housing.
4. Kāinga Ora has considerable experience and expertise in working with Councils to navigate the different planning policies and consenting processes used by local authorities across New Zealand.
5. Kāinga Ora also has considerable experience and expertise in planning, designing and building (directly and with partners) medium and higher density housing of different scales, types and tenures.

Benefits of the Bill

6. The Bill will provide important benefits for Kāinga Ora including:
 - significantly more housing development capacity in growing urban areas where people want to live
 - a more enabling and flexible approach to the design and layout of medium density housing, providing more choices for diverse housing needs
 - an accelerated implementation pathway for the National Policy Statement on Urban Development
 - a more efficient approach to consenting processes, enabling faster delivery of the Kāinga Ora public housing development pipeline
 - greater consistency and certainty of consenting processes enabling Kāinga Ora, and the wider housing development sector, to provide more homes for more New Zealanders.

Intensification Streamlined Planning Process

7. Kāinga Ora recognises the benefits that will result from the National Policy Statement on Urban Development (NPS-UD). Therefore, we welcome the new Intensification Streamlined Planning Process (ISPP) that will enable local authorities (i.e. councils) in tier 1 urban environments – covering the greater Auckland, Hamilton, Tauranga, Wellington, and Christchurch urban environments – to implement the intensification required by the NPS-UD at least a year earlier than under standard RMA timeframes.

Tier 2 urban environments

8. The Bill will lead to a significant increase in development capacity in the tier 1 urban environments.¹ In addition, the Bill will provide opportunities for local authorities containing the tier 2 urban environments to adopt the more enabling and flexible standards and planning processes set out in the Bill.
9. Kāinga Ora considers this is an important opportunity for local authorities in tier 2 urban environments, as a growing number of towns and cities across the country face housing shortages and affordability pressures.
10. Recently a number of tier 2 local authorities have indicated an interest in pursuing the opportunities provided by the Bill. We would encourage tier 2 local authorities to consider this pathway as it would enable Kāinga Ora to more efficiently and effectively deliver more homes in more towns and cities that would benefit from greater housing supply.

Further work

11. Kāinga Ora continues to deepen our understanding of the technical aspects of the Bill.
12. We note that a number of submitters have proposed some clarifications and refinements to the Bill which may merit further consideration. For example, we note that some submitters have pointed to potential inclusion of landscaping provisions in the Bill.
13. We would be happy to work with officials to further assess these points, and any other points of interest to the Committee, to ensure that the Committee receives robust and effective advice on this important Bill.

Nāku iti noa, nā / Yours sincerely



Katja Lietz
General Manager Urban Planning and Design

¹ The PWC/Sense Partners report (*Cost-Benefit Analysis of proposed Medium Density Residential Standards*, September 2021) indicated that over a five-to-eight year period an additional 48,200 to 105,500 new dwellings will be provided in tier 1 urban environments.