

Chairperson and Committee Members
STRATEGY AND POLICY

1 AUGUST 2019

Meeting Status: **Public**

Purpose of Report: For Decision

SUBMISSION ON THE KĀINGA ORA - HOMES AND COMMUNITIES BILL

PURPOSE OF REPORT

- 1 This report requests approval of the draft submission to the Environment Committee on the Kāinga Ora—Homes and Communities Bill (Appendix 1).

DELEGATION

- 2 In accordance with Section B2 of the Governance Structure and Delegations for the 2016-2019 Triennium, the Strategy and Policy Committee governs all strategy and policy decision-making that is not the responsibility of the Council.

BACKGROUND

- 3 On 12 June 2019, the Environment Committee invited submissions on the Kāinga Ora—Homes and Communities Bill.
- 4 Submissions were due by 11 July 2019, but Council was granted permission to make an interim submission to be followed by a final submission after the Strategy and Policy Committee has considered this submission.
- 5 The Bill seeks to establish a new Crown entity, which will be known as Kāinga Ora—Homes and Communities (Kāinga Ora).¹
- 6 It is anticipated that Kāinga Ora will work across the entire housing spectrum to deliver on the Government's vision of healthy, secure and affordable homes within diverse and thriving communities.
- 7 Kāinga Ora will have two primary functions:
 - a. a public housing landlord, with the functions of Housing New Zealand and some² of the functions of KiwiBuild; and
 - b. leading and coordinating urban development projects.
- 8 The Bill also introduces a Government Policy Statement (GPS) on Housing and Urban Development. This GPS will set out:

¹ More information on the Bill can be found online at:

<http://www.legislation.govt.nz/bill/government/2019/0142/latest/LMS169173.html>.

² There are four methods for delivering KiwiBuild: identifying and leveraging opportunities to procure KiwiBuild homes; purchasing (or underwriting) new homes off the plans; undertaking major greenfield and urban regeneration projects; and investigating innovative approaches to addressing current constraints within the development sector. This Bill will not endow Kāinga Ora with powers strong enough to undertake major greenfield and urban regeneration projects. Those powers will be considered in a second Bill to be released later this year.

- a. the Government's overall direction and priorities for housing and urban development;
 - b. how the Government expects Kāinga Ora to manage its functions and operations to meet the Government's direction and priorities;
 - c. how the Government expects other agencies to support that direction and those priorities; and
 - d. the Government's expectations relating to Māori interests, partnering with Māori, and protections for Māori interests.
- 9 Kāinga Ora will give effect to the GPS when performing its functions.
- 10 Later this year, the Minister of Housing and Urban Development will introduce another Bill that will give Kāinga Ora access to a range of statutory powers that it can use to enable large and complex urban development projects at scale and pace.
- 11 The Kāpiti Coast District Council's draft submission supports both the establishment of Kāinga Ora and the GPS in principle, but raises a number of concerns, primarily in relation to collaboration with local government and the importance of development contributions as a significant funding mechanism.

CONSIDERATIONS

Policy considerations

- 12 There are no policy considerations for this submission.
- 13 Future consultation on a revised National Policy Statement on Urban Development, the second Kainga Ora Bill, and the GPS will contain further information on Central Government's intentions for complex urban development projects, which will be more relevant to Council's workstreams on housing and development.

Legal considerations

- 14 There are no legal considerations for this submission.

Financial considerations

- 15 There are no financial considerations for this submission.

Tāngata whenua considerations

- 16 We have not engaged directly with iwi on this submission.
- 17 In order to recognise and respect the Crown's responsibility to consider and provide for Māori interests, the Bill provides for the following:
- a. The Kāinga Ora Board must ensure the maintenance of systems and processes to ensure that, for the purposes of carrying out its urban development functions, Kāinga Ora has the capability and capacity to uphold the Treaty of Waitangi and its principles, to understand and apply Te Ture Whenua Māori Act 1993, and to be able to engage with Māori and to understand Māori perspectives;

- b. It is a function of Kāinga Ora to understand, support, and enable the aspirations of Māori in relation to urban development;
- c. Kāinga Ora must contribute to the social, economic, environmental, and cultural well-being of current and future generations by:
 - i. identifying and protecting Māori interests in land, and recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
 - ii. partnering and having early and meaningful engagement with Māori and offering Māori opportunities to participate in urban development;
- d. Kāinga Ora cannot use the exemptions for Housing New Zealand and its subsidiaries to dispose of land subject to rights of first refusal under Treaty settlement legislation; and
- e. the GPS must include the Government's expectations in relation to Māori interests, partnering with Māori, and protections for Māori interests.

Strategic considerations

- 18 *Toitū Kāpiti* includes an aspiration for a resilient community that has support for basic needs and feels safe and connected. Therefore, it is important that Council advocate for outcomes that will have a favourable impact on the District.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 19 This submission is considered to have a low level of significance under Council policy.

Consultation already undertaken

- 20 No public consultation was undertaken for the development of this submission.

Engagement planning

- 21 An engagement plan is not required for this submission.

Publicity

- 22 This submission will be uploaded to the 'Submissions we have made' section of the Council website (Corp-19-856).

RECOMMENDATIONS

- 23 That Council approve the submission to the Environment Committee on the Kāinga Ora—Homes and Communities Bill, attached as Appendix 1 to this report.

Report prepared by

Approved for submission

Approved for submission

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ATTACHMENTS

- 1 Submission to the Environment Committee on the Kāinga Ora—Homes and Communities Bill.