



I hereby give notice that an extraordinary meeting of the Governing Body will be held on:

Date: Tuesday, 10 September 2013
Time: 10.00am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Governing Body OPEN AGENDA

MEMBERSHIP

Mayor

Deputy Mayor

Len Brown, JP

Penny Hulse

Cr Anae Arthur Anae

Cr Cameron Brewer

Cr Dr Cathy Casey

Cr Sandra Coney, QSO

Cr Alf Filipaina

Cr Hon Chris Fletcher, QSO

Cr Michael Goudie

Cr Ann Hartley, JP

Cr Mike Lee

Cr Des Morrison

Cr Richard Northey, ONZM

Cr Calum Penrose

Cr Dick Quax

Cr Noelene Raffills, JP

Cr Sharon Stewart, QSM

Cr Sir John Walker, KNZM, CBE

Cr Wayne Walker

Cr Penny Webster

Cr George Wood, CNZM

(Quorum 11 members)

Mike Giddey
Democracy Advisor

5 September 2013

Contact Telephone: (09) 307 7565

Email: mike.giddey@aucklandcouncil.govt.nz

Website: www.aucklandcouncil.govt.nz

TERMS OF REFERENCE

The governing body is responsible and democratically accountable for:

- (a) the decision making of the Auckland Council in relation to any regulatory responsibility, duty, or power conferred on, or applying to, the Council under this Act or any other enactment (for example, the responsibilities, duties, or powers conferred on, or applying to, a local authority under the Resource Management Act 1991, the Health Act 1956, the Building Act 2004, and the Civil Defence Emergency Management Act 2002); and
- (b) the decision making of the Auckland Council in relation to the non-regulatory activities of the Auckland Council that are allocated to the governing body in accordance with section 17 of the Local Government (Auckland Council) Act; and
- (c) the decision making of the Auckland Council in relation to the establishment and maintenance of capacity to provide, or ensure the provision of, services and facilities (including local activities) by the Auckland Council; and
- [(ca) the decision making of the Auckland Council in relation to the governance of its council-controlled organisations; and]
- [(cb) the decision making of the Auckland Council in relation to transport objectives for Auckland and transport funding for Auckland; and]
- (d) the decision making of the Auckland Council in relation to compliance with section 101 of the Local Government Act 2002 (which relates to the financial management of a local authority); and
- (e) the agreement reached with each local board (as set out in each local board agreement) in respect of local activities for the local board areas.

Note

The Governing body may delegate to committees and local boards and allocate to local boards any powers except:

- the power to make a rate; or
- the power to make a bylaw; or
- the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
- the power to adopt a long-term plan, annual plan, or annual report; or
- the power to appoint a chief executive; or
- the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement.

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1 Affirmation

His Worship the Mayor will read the affirmation.

2 Apologies

At the close of the agenda no apologies had been received.

3 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Acknowledgements

At the close of the agenda no requests for acknowledgements had been received.

5 Petitions

At the close of the agenda no requests for petitions had been received.

6 Public Input

Standing Order 3.21 provides for Public Input. Applications to speak must be made to the Committee Secretary, in writing, no later than **two (2)** working days prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of **thirty (30)** minutes is allocated to the period for public input with **five (5)** minutes speaking time for each speaker.

At the close of the agenda no requests for public input had been received.

7 Local Board Input

Standing Order 3.22 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to **five (5)** minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give **two (2)** days notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 3.9.14 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.

8 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

9 Notices of Motion

At the close of the agenda no requests for notices of motion had been received.

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill Submission

File No.: CP2013/20786

Purpose

1. This report asks the Governing Body to receive and endorse Auckland Council's submission on the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill ("Bill").

Executive Summary

2. Auckland Council has worked closely with the Hapū / Iwi of Ngā Mana Whenua o Tāmaki Makaurau ("Tāmaki Collective") on settlement matters, including the Tāmaki Collective representatives meeting with Mayor Len Brown and Councillors to discuss and progress the maunga settlement.
3. Auckland Council supports and commends the settlement and recognises the importance of this milestone for the Tāmaki Collective, the Crown and the people of Auckland. The balance of the submission addresses issues Auckland Council considers of particular importance for consideration by the Māori Affairs Select Committee ("Select Committee").
4. Submissions on the Bill to the Select Committee close on 12 September 2013 and hearings may occur during the local body elections period. To support the submission, the Chairperson of the Te Tiriti o Waitangi / Treaty of Waitangi Settlement Working Party (PWP) can make an oral submission to the Select Committee on behalf of Auckland Council. In the event a decision is required with respect to presenting the submission during the election period, the Chief Executive is authorised to act in consultation with the Mayor elect (GB/2013/74) to appoint alternate or additional persons. This will support the hearings process to make an oral submission on behalf of Auckland Council.

Recommendation/s

That the Governing Body:

- a) receive and endorse the submission made to the Māori Affairs Select Committee on the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill.
- b) appoint the Chairperson of the Te Tiriti o Waitangi / Treaty of Waitangi Settlement Working Party to make an oral submission to the Māori Affairs Select Committee on behalf of Auckland Council.
- c) note that in the event a decision is required with respect to making an oral submission during the election period, the Chief Executive is authorised to act in consultation with the Mayor elect (GB/2013/74) to appoint alternate or additional persons to present the submission at the Māori Affairs Select Committee Hearing.
- d) forward this report and submission to the Local Boards with maunga in their area for their information.

Discussion

5. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed ("Deed") seeks to address in part specific and well-documented grievances of the Tāmaki Collective. The Auckland Council is supportive of this settlement, as these grievances must be resolved in order for us to move forward together.

6. The Tāmaki Collective settlement is an agreement between the Crown and the claimants. It is to be given effect to through the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act, which is now at the bill stage.
7. Staff and the Tāmaki Collective meet on a regular basis through workshops to prepare for the implementation of the settlement. Auckland Council, whilst not a party to the settlement, is involved in the implementation as part of the Maunga Authority, to administer the lands and carry out the functions provided for in the Bill.
8. Staff sought input and feedback on the Bill from Local Boards and Ward Councillors with maunga in their areas, including a question and answers workshop session. An invitation to attend a subsequent meeting on 2 September 2013 with the PWP to finalise the draft submission was cancelled and staff have instead liaised with the PWP members to finalise the draft submission for Governing Body endorsement.
9. In order to meet the Select Committee submission deadline of 12 September 2013 for the Bill, staff need to present this report and submission to the Governing Body as the Auckland Plan Committee 5 September 2013 meeting was cancelled. In order to support the submission, staff suggest the Chairperson of the PWP make an oral submission to the Select Committee on behalf of Auckland Council.
10. The Crown has indicated that a Select Committee hearing may be held in late September / early October 2013. In the event a decision is required during the election period, it is necessary to appoint the Chief Executive in consultation with the Mayor elect to appoint alternate or additional persons to present the submission to address the Select Committee at the hearing.

Consideration

Local Board Views

11. Staff informed the Local Boards and Ward Councillors with maunga in their area on 14 August 2013 that a review of the Bill was under way and staff sought their input and feedback by 27 August 2013. Elected members also attended the question and answers workshop on 26 August 2013.
12. Staff consider that after reviewing the responses received and engaging with elected members through the review and input process of the Bill, that the submission is broadly supported.

Maori Impact Statement

13. The Governing Body 22 August 2013 meeting endorsed the Interim Protocols (GB/2013/87) between the Tāmaki Collective and Auckland Council, which enables staff to progress the required preparation works for the establishment of the Maunga Authority.
14. The submission and recommendations in this report respond and support Auckland Council's active engagement with the Tāmaki Collective through the relationship of working together, including the recognition of Māori cultural values and knowledge sharing.

Implementation Issues

15. Submissions on the Bill to the Select Committee close on 12 September 2013. The Select Committee hearings process may occur during the local body elections period, therefore delegation to the Chief Executive to appoint alternate or additional persons to make an oral submission on behalf of Auckland Council will support the hearings process.

Attachments

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Signatories

Author	Tajim Mohammed-Kapa – Senior Solicitor
Authorisers	Wendy Brandon - General Counsel Grant Taylor - Governance Director Doug McKay - Chief Executive

[Date]

To: **Committee Secretariat**
Māori Affairs
Parliament Buildings
Wellington

Submission of the Auckland Council on the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill

Introduction

1. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed (“Deed”) addresses in part specific and well-documented grievances of the Hapū / Iwi of Ngā Mana Whenua o Tāmaki Makaurau (“Tāmaki Collective”). Auckland Council welcomes and supports the settlement of those grievances, resolution of which will allow us to move forward together.
2. The Deed provides collective redress for the shared interests of the Tāmaki Collective in maunga, motu and certain lands within Tāmaki Makaurau.
3. The Te Tirīti ō Waitangi / Treaty of Waitangi settlement is an agreement between the Crown and the claimants. It is to be given effect to through the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act, which is now at the bill stage (“the Bill”).
4. The settlement will vest Crown-owned parts of named maunga / volcanic cones as reserves in the Tūpuna Taonga o Tāmaki Makaurau Trust Limited as trustee of the maunga. The maunga will be governed by the Tūpuna Maunga o Tāmaki Makaurau Authority (“Maunga Authority”), which will comprise six representatives from the Tāmaki Collective and Auckland Council respectively (and one Crown member appointed by the Minister for Arts, Culture and Heritage).
5. Auckland Council’s involvement has mainly been through the provision of technical information and also in the development of the co-governance relationship detail. Auckland Council has worked closely with the Tāmaki Collective. Tāmaki Collective representatives have met with Mayor Len Brown and Councillors to discuss and progress the maunga settlement. Auckland Council staff and the Tāmaki Collective also meet on a regular basis through workshops to prepare for implementation of the settlement. Auckland Council, whilst not a party to the settlement, is involved in the implementation as part of the Maunga Authority, to administer the lands and carry out the functions provided for in the Bill.
6. While Auckland Council has not generally been involved in the parts of the settlement which relate to motu or right of first refusal lands, it broadly supports the Bill’s provisions, with the exception of those relating to Motukorea / Browns Island.

Submission

7. Auckland Council supports and commends the settlement, and acknowledges the importance of this milestone for the Tāmaki Collective, the Crown and the people of Auckland.
8. The balance of this submission addresses issues Auckland Council considers of particular importance for consideration by the Māori Affairs Select Committee ("Select Committee").

Submissions in support

Auckland Council notes and endorses the following:

9. The role of the Maunga Authority as the administering body under the Reserves Act 1977.
10. The power of the Maunga Authority to delegate for the purposes of practical management of operations and administration.
11. That the reserve status is preserved for each maunga thereby preserving public access. Auckland Council notes that although the principle and requirement of full public access rules out permanent structures for privately owned businesses or housing on the maunga, Auckland Council also notes the Reserves Act does allow structures to be built on reserves (although the Reserves Act is quite restrictive). However any decision on the building of structures on the maunga is ultimately for the Maunga Authority and the integrated reserve management plan.
12. The recognition of third party rights and interests, including Watercare's infrastructure through easements.
13. The capacity for Maungauika to be managed by the Maunga Authority if Auckland Council agrees to be responsible for the routine management of Maungauika in the same manner as for other maunga under clause 60 of the Bill.
14. The capacity for Council-owned land adjacent to the maunga to be managed under the Maunga Authority if Auckland Council agrees.
15. The Tāmaki Collective appoints the Chair and Auckland Council appoints the Deputy Chair for the Maunga Authority, and there is no casting vote.

Submissions on provisions that require clarification or amendment

Part 1, Clause 3(a) of the Bill – "Purpose of Act"

16. References to "maunga" imply the whole of the maunga. This is reinforced in clause 3(a) and elsewhere in the Bill. The detailed provisions of the Bill make it clear that it is the Crown-owned portions only of the maunga that are being vested. Clause 3(a) implies that it is all of the maunga which could be interpreted to include Council-owned and privately-owned portions too.

Part 2, Clause 40(2) of the Bill – “Maunga must remain as reserves vested in trustee”

17. Clause 40(2) states the following:

“40 Maunga must remain as reserves vested in trustee

- (2) The maunga is held by the trustee for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland.”

The inclusion of the word “other” is considered incorrect. The correct wording is “and the people of Auckland”. The reasoning is that Ngā Mana Whenua o Tāmaki Makaurau (“Ngā Mana Whenua”) are beneficiaries whether they actually live in Auckland or not. The “other people of Auckland” must mean Matawaaka and Pākehā people who actually live in Auckland. So the word “other” is incorrect as Ngā Mana Whenua have their legitimate connection through other links than Auckland residence. There is also the potential for the word “other” to be considered divisive. This would be unfortunate given the broad, inclusive nature of this particular Bill. For correctness and to take account of other relevant considerations, the reference should be to “the people of Auckland”.

Part 2, Clause 61(3) of the Bill – “Auckland Council responsible for costs”

18. The responsibility proposed to be placed on Auckland Council to pay remuneration expenses of members of the Maunga Authority (clause 61(3)) is inconsistent with the provisions of other similar bodies, for example the Ngāti Whātua Ōrākei Reserves Board, Hauraki Gulf Forum and the Waikato River Authority. Auckland Council considers that similar funding should be made available for Mana Whenua representatives by the Crown.

Part 2, Clause 62(3)(b)(i) of the Bill – “Financial management, financial reporting, and operational accountability”

19. Auckland Council notes clause 62(3)(b)(i) and submits that the addition below (in bold and underlined) should be made to this clause. This addition is necessary because an annual financial report cannot be provided for the current financial year. The report must be for the previous financial year:

“62 Financial management, financial reporting, and operational accountability

- (3) In each financial year, the Auckland Council must-
- (b) provide to the Maunga Authority-
- (i) an annual financial report on the maunga and the administered lands for the previous financial year.”



Part 2, Clause 89 of the Bill – “Browns Island Recreation Reserve”

20. Auckland Council notes the inclusion of Motukorea / Browns Island within the inner motu of Hauraki Gulf, only while the Crown administers the reserve. Auckland Council’s position remains that, as owner of this motu (the motu belongs to the Mayor, Councillors and people of Auckland), the choice of management responsibility should lie with the Council, and that this motu should not be included or addressed in the Bill.

General

21. Auckland Council requests that the Māori place names for the maunga, including Mount Albert, Mount Roskill, Mount St John and Māngere Mountain be acknowledged and noted in the Bill as with the other listed maunga.
22. Auckland Council cannot identify any provision stating the Bill does not bind Auckland Council’s regulatory function. Auckland Council submits that a new provision could be inserted under “Other matters” in the Bill (a new clause 17 for example) to the following effect:
- “17 For the avoidance of doubt, and save as expressly provided, nothing in this Act shall bind or fetter the Auckland Council in the exercise of its public and regulatory functions under any other enactment.”

Oral submissions

23. Auckland Council wishes to appear before the Select Committee.
24. If the Select Committee would like clarification in respect of any of the points raised in this submission, or any additional information, please contact Wendy Brandon (Auckland Council General Counsel), telephone (09) 357 1745.
25. Auckland Council looks forward to presenting its submission to the Select Committee.

Housing Accords and Special Housing Areas Bill (HASHA) and Auckland Housing Accord

File No.: CP2013/22068

Purpose

1. To update the Governing Body on the final provisions of the Housing Accords and Special Housing Areas legislation; and
2. To seek ratification of, and approval for, Auckland Council to be a signatory to the Auckland Housing Accord.

Executive Summary

3. The Governing Body will recall that the Mayor and Minister of Housing released the draft Auckland Housing Accord in May 2013. Following the release of a draft Accord, enabling legislation “the Housing Accords and Special Housing Areas Bill” was introduced into Parliament. Council formally submitted on that Bill in June 2013. The Bill was introduced into the House of Representatives (Committee of the Whole House) on 3 September 2013 and is expected to have its final reading on 5 September 2013 prior to passing into law. A link to a copy of the Bill and related supplementary order papers is below.
<http://www.legislation.govt.nz/bill/government/2013/0117/latest/versions.aspx>
4. The Bill and Supplementary Order paper have a number of amendments that address Council’s June submission. Those amendments include:
 - (i) Provisions for affordable housing. Clause 15 provides an opportunity for a Special Housing Area (SHA) to prescribe as one criteria for Qualifying Developments a percentage of dwellings that must be affordable dwellings based on affordability criteria;
 - (ii) Reduced emphasis on the purpose of the HASHA when determining consent applications by removing the original requirement for the decision to be “consistent with” and “give effect to” the purpose of HASHA. Now the emphasis is on “having regard to” the purpose of the Act, albeit the purpose of HASHA has the greatest weight (clause 32);
 - (iii) Reference to part 2 of the Resource Management Act which has weighting second only to the purpose of HASHA when considering a request for a plan change or variation (clause 61);
 - (iv) Inclusion for a relevant proposed plan (the Unitary Plan) to be given weight following weighting to the purpose of HASHA and matters in Part 2 of the Resource Management Act 1991 (clause 32);
 - (v) The addition of a person with appropriate knowledge and experience relating to the Treaty of Waitangi on an Accord Territorial Authority Hearing Panel (clause 86).
5. The Mayor had requested that the Auckland Housing Accord be formally considered for ratification by Council after the full passage of the HASHA legislation through Parliament.
6. While the substance of the draft Housing Accord can remain unchanged, there are some amendments sought to further enhance opportunities for housing affordability and supply in Auckland and to align to decisions made on the Unitary Plan. These amendments include:
 - (i) Allowing more flexibility in clause 18 for the residential capacity required in greenfield areas;
 - (ii) Expanding the number of zones in which Qualifying Developments can be applied for. It is proposed that the mixed use, special purpose (Maori land) and land contained

- within a precinct be added to the mixed housing (urban and suburban) and terraced and apartment building zones;
- (iii) To include a dispute resolution process as provided for in the legislation (new clause to be included in Accord);
 - (iv) Other technical matters, eg statutory timeframes, to be consistent with the HASHA legislation.
7. A copy of the proposed amended Auckland Housing Accord (September version) will be circulated under separate cover.

Recommendation/s

That the Governing Body:

- a) note the final provisions of the Housing Accords and Special Housing Areas legislation, and
- b) ratify and be a signatory to the Auckland Housing Accord (September 2013 version).
- c) request that this report be circulated to all Local Boards and the Independent Maori Statutory Board for their information.

Discussion

8. The Auckland Plan identified housing supply, affordability, quality and choice as a critical priority for Aucklanders. The Auckland Plan also identified that Auckland is short of “ready-to-go” serviced land for urban development. The Council therefore has been working with central government and multiple stakeholders including developers, community housing providers, Maori housing authorities, amongst others to provide necessary tools that will enable land supply and housing delivery. The Unitary Plan provides the regulatory land-use tool to incentivise residential development. The Housing Action Plan identifies 32 actions, primarily non-regulatory tools that may contribute to improving conditions for the housing market.
9. The Council had proposed to central government that the whole Unitary Plan have weight on and be effective on notification. This proposal was not accepted by government. However, Auckland’s serious housing situation provided an opportunity, through the development of the draft Housing Accord, to allow the Unitary Plan to be effective and have weight in Special Housing Areas (SHAs) identified by Council. Any development, called a Qualified Development, within a SHA, would not only be assessed against the notified Unitary Plan, but would also have streamlined consenting and approval processes.
10. On this basis, the Mayor and Minister of Housing released the draft Auckland Housing Accord in May 2013 and the government has ensured the introduction of enabling legislation to give effect to the Accord. Council has provided input into the substance of that legislation known as the Housing Accords and Special Housing Areas Bill.

Consideration

Local Board Views

11. There was a very tight submission period on the enabling legislation. Five local boards (Franklin, Orakei, Kaipatiki, Waitakere and Howick) did provide written feedback. In brief the boards were supportive of the proposals subject to matters such as the alignment with the rural urban boundary and careful consideration of the areas to be SHAs.

12. There has been some further briefing of the local boards as the legislation has passed through the House. The local boards seek further engagement and that it be ongoing.

Maori Impact Statement

13. There are significant opportunities for Maori to have land that they own fall within an SHA where the appropriate zoning applies. In this regard, the two zones – mixed housing (now urban and suburban) and terraced housing and apartment building – in the May draft Auckland Housing Accord are too limiting. It is suggested that the draft Accord include additional zones, in particular, special purpose (Maori land) zones.
14. Any identification of SHAs needs to take account of the Auckland Plan and the Unitary Plan. As such, iwi views have helped to determine protection of cultural matters and these are necessarily picked up through those strategy and policy documents. At the same time, any Qualifying Development within an approved SHA must take account of Part 2 of the Resource Management Act. This includes consideration of the relationship of Maori with their taonga and Treaty of Waitangi principles.
15. All iwi authorities have been informed in writing of the draft Auckland Housing Accord and provided with a copy. Informal consultation has been underway with iwi and their views would be considered as part of the process of establishing any SHAs.

General

16. There are a number of matters in the revised Housing Accords and Special Housing Areas Bill that take account of concerns raised in Council's submission on the Bill. In addition to provisions for affordability, reduced emphasis on the purpose of HASHA, further consideration of Part 2 of the Resource Management Act and consideration of requests for plan changes, other changes include:
 - (i) Ensuring special limited notification to adjacent owners rather than adjoining owners. This allows for neighbours who might live opposite a property subject to an application for a Qualifying Development to also be notified (clause 29 (2));
 - (ii) Identifying stricter times around the lapsing of consents (clause 50). This incentivises delivery of consents;
 - (iii) A new clause to take account of development contributions (clause 48A (2)).
17. The HASHA legislation does not include reference to developments being within the rural urban boundary. The reason for this is that the legislation is New Zealand-wide rather than Auckland specific. However the Accord does include reference to the RUB and the Council is the authority that recommends SHAs.
18. Ministerial powers, subject to certain constraints, are retained to enable the Minister to propose SHAs. New provisions (clause 11 (2) (ca)) provide the option for a dispute resolution process to be included within a housing accord. Such a provision is recommended to be included in the Auckland Housing Accord.

Implementation Issues

19. To ensure that Council is ready to implement the Auckland Housing Accord the Council has taken the initiative to prepare for the establishment of a Housing Project Office (HPO). It is proposed that the office integrate all Council housing policy and delivery functions. This would include undertaking consenting and approvals for Qualifying Developments within SHAs. It is intended that the HPO have dedicated resource including resources from Auckland Transport and Watercare Services Ltd. This will ensure that challenging statutory timetables can be met. Subject to Council's approval of the Accord, the HPO can be operational by 1 October 2013.
20. The Auckland Housing Accord includes provision for a central government/Auckland Council Joint Officials Working Group to advance the implementation of the Accord. This working

group has been meeting regularly to align work programmes and share resource where appropriate.

Attachments

There are no attachments for this report.

Signatories

Author	Ree Anderson – Project Director - Housing
Authorisers	Dean Kimpton - Chief Operating Officer Doug McKay - Chief Executive

Criteria and process for establishing Special Housing Areas under the Housing Accords and Special Housing Areas legislation (HASHA)

File No.: CP2013/22237

Purpose

1. To recommend criteria and a process for council to identify Special Housing Areas (SHAs) under the Housing Accords and Special Housing Areas legislation.
2. To enable communication of the programme for applying agreed criteria in the establishment of SHAs.

Executive Summary

3. With the expected passing of the Housing Accords and Special Housing Areas legislation (HASHA) and ratification of the Auckland Housing Accord, Auckland Council will have new powers and obligations to give effect to special processes to significantly speed up housing supply.
4. Under HASHA, one of council's roles will be to recommend Special Housing Areas to the Minister of Housing, taking account of the requirements of the legislation, the provisions in the Accord and any other matters considered relevant. Together these form the SHA criteria. This report presents the recommended SHA criteria and implementation process for the governing body's consideration.

Recommendation/s

That the Governing Body:

- a) endorse the following criteria for the definition and establishment of Special Housing Areas in accordance with the Housing Accords and Special Housing Areas (HASHA) legislation and the Auckland Housing Accord:
 1. Auckland Housing Accord
 - (a) Achieves a mix of brownfield and greenfield locations
 - (b) Zoned as Mixed Housing Suburban, Mixed Housing Urban, Terrace Housing and Apartment Building, Mixed Use, Special Purpose (Maori land) or is contained within a precinct, or any other urban zone where the qualifying development will contribute to the purpose of the HASHA legislation.
 2. Auckland Plan and Notified Unitary Plan
 - (a) Consistent with Auckland Plan principles and intent for quality development
 - (b) Optimises infrastructure investment and supports a rational land release programme
 - (c) Located inside the notified Rural Urban Boundary (RUB) or an existing applicable zone
 - (d) Compatible with Unitary Plan provisions (e.g. heritage and special character; Treaty Settlement Land)
 3. Infrastructure availability and readiness
 - (a) Sufficient and appropriate infrastructure (physical and social) will be provided to support the development
 - (b) Compatibility of that proposed infrastructure with existing infrastructure
 - (c) Compliance of proposed infrastructure with relevant infrastructure standards
 - (d) Capacity of proposed infrastructure and any existing infrastructure to support development

- (e) Infrastructure provider views (e.g. waste water, water supply, stormwater, transport, parks and open spaces, telecomms, energy, healthcare, education)
 - 4. Iwi requests and / or views:
 - (a) Direct requests where an iwi is the land owner, or
 - (b) Views of iwi on other locations including views expressed as part of a previous planning stage
 - 5. Land owner requests and / or views: Direct requests from a land owner and their views regarding the desired timing and benefits of being in an SHA
 - 6. Location: Having reasonable access to employment and essential services
 - 7. Local board views gained through discussion with each local board
 - 8. Demand to build: Motivated developer ready to go, and likely to achieve early consent activation and the intended yield of sites/dwellings within the Accord period
 - 9. Demand for housing: Evidence that new homes in an SHA will meet an existing need
 - 10. Affordability: Contribution to housing affordability either in terms of overall housing supply or pricing of the intended housing product.
- b) endorse the communication of these criteria to interested or affected parties and their placement on the council's website along with other information on the HASHA legislation and the Accord.
- c) approve the periodic reporting, generally on a quarterly basis, of potential SHAs for approval to the relevant committee.

Discussion

- 5. Giving effect to these recommendations is subject to the council's decision on the Auckland Housing Accord, which is the subject of a separate report that also includes advice on the effect of the new legislation and operational changes to support the new processes. A further report later in September will present the first list of SHA recommendations in accordance with the agreed criteria.
- 6. Under the legislation and the Accord, council will have new powers and obligations designed to speed up the supply of housing while also achieving other strategic priorities. The first step in applying these new tools will be for council to recommend Special Housing Areas to the Minister of Housing.
- 7. Officers have been developing these criteria since the draft Accord was signed, in anticipation of a final Accord and supporting legislation. Draft criteria were discussed at Auckland Plan Committee workshops with Councillors and local board members. The final recommended criteria in this report reflect recent changes to the Accord and the legislation, including a wider range of potential zones and a more direct reference to affordability of housing within SHAs as matter of importance. The legislation and the Accord are not only concerned with the quantity of new housing, but with the quality and the relative affordability of the new housing as well.
- 8. The criteria are intended to provide certainty and consistency of approach so all parties will have clarity regarding their own opportunities and general requirements in relation to SHAs. It is not intended that specific weighting be applied to the criteria but their application will need to be mindful of the legislative obligations that some of the criteria reflect. If used together, they will enable council to apply overall broad judgement about which locations to recommend as SHAs.

Consideration

Local Board Views

9. Local board views are included as a specific criterion and in all SHA investigations there will be discussion with the relevant local board.

Maori Impact Statement

10. Maori may benefit from the new process through the establishment of SHAs over their land, where the criteria overall are met. Council expects there may be requests for a number of SHAs that apply to Maori owned land. A separate report on the Accord recommends that it be amended to include Special Purpose (Maori land) as one of the zones where SHAs can apply.
11. Iwi will be informed of SHA proposals in their rohe and given the opportunity to indicate their concerns or recommendations.
12. The Independent Maori Statutory Board advised through its submission on the HASHA Bill their expectation that Maori would have opportunities to participate in the establishment and use of SHAs.

General

13. The development of these criteria has also taken into consideration the views of infrastructure providers, council controlled organizations, the development community and the feedback on the Draft Unitary Plan. Infrastructure providers are generally supportive of the establishment of SHAs, particularly as it helps in the definition of clear infrastructure requirements and development agreements.
14. There has also been significant interest in SHAs from the development community and landowners, particularly if it gives them a single point of contact in the council and greater clarity regarding the overall process.
15. Advice has also been sought and received from government officials on the Joint Officials Group set up to advise government and council on the Accord and the HASHA legislation. These discussions have led to improved dialogue between government departments planning social infrastructure and officers in council working on long-term urban growth issues.

Implementation Issues

Implementation process

16. The following steps are proposed to enable the final SHA recommendations to the relevant council committee:
 - Expressions of interest are received through an email portal currently being established. (Note: to date multiple channels have been used to receive requests or identify opportunities for SHAs. It is intended that this be a streamlined process in the future)
 - Officers meet with interested parties to share information and clarify issues
 - Analysis of each candidate site is carried out with reference to the agreed criteria
 - Advice is sought on key infrastructure that would be needed for development in candidate sites
 - Iwi, local boards and ward councillors are advised and their views sought on short-listed candidate sites

- Views of directly affected landowners are sought; close liaison is maintained with local boards regarding local input
- A brief report is prepared describing each location and how it has achieved compliance with the criteria
- Final recommendations are made to the relevant council committee.

17. It is recommended that tranches of SHA be reported periodically, generally on a quarterly basis, to committee for approval. It is proposed that a very small tranche of SHAs be reported in late September then subsequent options in December 2013, March 2014 and thereafter on a quarterly basis as required.

Implementation timetable

18. Officers are working to the following timeline for applying agreed criteria in the establishment of SHAs:

- 10 September. Governing Body receives advice on Housing Accord and HASHA legislation and potentially ratifies the Auckland Housing Accord
- 10 September. Governing Body meeting: endorsement of SHA criteria
- Mid-late September. Auckland Plan Committee receives advice and provides direction on first tranche of SHAs.
- Late September. Auckland Unitary Plan notified. Governing Body endorses first tranche of SHAs / Council recommendations communicated to Minister of Housing
- Early October. First tranche of SHAs formally established by order-in-council and communicated to affected parties
- Early October. Council fully ready to implement SHAs and able to communicate clearly all requirements and processes to interested or affected parties
- Mid October. Council meets with land owners / developers and initiates process to receive first Qualifying Development applications
- Late October. Council completes analysis of second tranche options.
- Late November. Council recommends second tranche of SHAs
- March 2014. Third tranche of SHAs established

19. As SHAs are established, they will contribute to an overall analysis of the expected rate of dwelling and residential site provision that will be compared to the Accord targets.

Attachments

There are no attachments for this report.

Signatories

Author	David Clelland – Manager Growth and Infrastructure
Authorisers	Ree Anderson – Project Director - Housing Dean Kimpton - Chief Operating Officer Doug McKay - Chief Executive

Auckland Unitary Plan

File No.: CP2013/21183

Purpose

1. The report from the Auckland Plan Committee meeting on 28 August 2013 was not available when the agenda was printed and will be distributed in an addendum agenda prior to the meeting.

Attachments

There are no attachments for this report.

Signatories

Author	Crispian Franklin - Democracy Advisor
Authoriser	Doug McKay - Chief Executive