

Waitakere City Council Submission to the Local Government and Environment Select Committee on the 'Affordable Housing: Enabling Territorial Authorities Bill'

Waitakere City Council welcomes this opportunity to make a submission on the 'Affordable Housing: Enabling Territorial Authorities Bill'.

Waitakere City Council wishes to appear before the Local Government and Environment Select Committee to speak to the submission.

Waitakere City Council supports the commitment shown by the Government to promote the provision of affordable and sustainable housing for low and moderate income earners through the introduction of this Bill. The Council also supports legislation that will prevent the use of discriminatory title covenants to exclude social or affordable housing from residential developments.

However, Waitakere City Council has significant concerns about the ability of the Bill to deliver its stated purpose within the limited content of the Bill and unless these concerns are addressed the Council is unable to support the Bill.

The Council recognises that housing affordability is a complex issue and that the lack of suitable affordable housing creates a range of issues for Waitakere's more vulnerable residents in their ability to work and lead healthy lives while actively participating in Waitakere's communities. National and international research demonstrates conclusively that providing access to affordable housing is a critical driver in achieving sustainable social, economic and environmental outcomes for a community, region and country.

Waitakere City Council reminds the Government of and refers it to its submission to the Commerce Committee on its 'Inquiry in to Housing Affordability'. Council reminds the Government that addressing housing affordability is not just an issue for local government to resolve as housing affordability is directly influenced by Government strategy, policy and investment decisions.

A significant reason why Waitakere city faces a housing affordability problem is due to its relatively low property prices when compared to Auckland City and North Shore City. This has attracted property investors to Waitakere in search of properties providing better rental returns. These investors tend to purchase homes that are traditionally purchased by first time homebuyers.

Waitakere City Council notes that the success of this legislation will depend on the strength of the partnership between central government and territorial authorities. This partnership will be crucial for understanding housing affordability issues in New Zealand and how these issues drive a territorial authority's housing strategy and policies.

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Waitakere City Council looks forward to working in partnership with the Government, with the Waitakere communities and with the Councils of the Auckland region to ensure the amended legislation does provide for affordable housing solutions for those on low to moderate incomes in a manner that is sustainable, efficient and properly resourced by the Government

Recommendations

Waitakere City Council

1. supports the purpose and intent of the Bill which is to stimulate the provision of affordable housing for people on low to moderate incomes
2. supports legislation that prevents the use of discriminatory title covenants to exclude social or affordable housing from residential developments
3. does not support the legislation in its current form
4. requests the Government amends the Bill in line with Waitakere City Council comments in the section of this submission titled "detailed comments and feedback on the Bill"
5. requests that the Government makes the following specific amendments to the Bill in order for Waitakere City Council to support the legislation:
 - a. the Bill is amended to require the Government to lead in partnership with territorial authorities, the assessment of affordable housing in each territorial authority district
 - b. the Bill is amended to include a description of how the Government will support and fund territorial authorities in assessing housing affordability
 - c. the Bill requires Housing New Zealand Corporation to develop in partnership with territorial authorities, a national housing affordability assessment and policy framework
 - d. the Bill in Clause 4 is amended to include a new subsection (c) under the definition of 'affordable housing' to read "is sustainable and of a quality and size to improve the health status of its inhabitants
 - e. that the Government consider additional tools and mechanisms other than those stated in Clauses 9 to 15 that territorial authorities can use to promote affordable housing in their districts
 - f. the Bill removes any reference to the waiving of development contributions as a means of facilitating the provision of affordable housing
 - g. the Bill details how Government will provide incentives to territorial authorities to offset the costs incurred in implementing affordable housing policies
 - h. that all references to the right to object and appeal the application of a territorial authority's affordable housing policy are deleted from the Bill
 - i. the Bill commits the Government to supporting and funding third sector/ not for profit housing organisations so they have the resources, capacity and capability to cope with the increase in supply of affordable housing stock.

Waitakere context

Waitakere is growing in both population counts and housing numbers. The 2006 census recorded there were over 186,500 residents registered in the City and more than 62,000 occupied homes. This compares to 168,000 registered residents and 54,000 occupied homes in the 2001 census, respective increases of 10% and 14%.

Waitakere has seen in recent years a significant influx of people from other parts of Auckland and New Zealand looking for affordable "Auckland" housing. Waitakere has now become a significant location for property investors, who are purchasing properties that traditionally were purchased by first time home buyers.

This influx has caused significant capital value increases in Waitakere. In the three years to 1 September 2007, property values rose by an average of 34.1%¹. 2007, while during the same period residential land values in Waitakere rose by 70%². Significantly, the largest increase in property value occurred in Waitakere's lower value areas; for example Henderson West residential values rose 48% in these three years.

Consequently those on low incomes wanting to become home owners are finding even Waitakere's cheapest housing is becoming unaffordable. This has major ramifications as a significant proportion of our population are on low incomes. In the 2006 census slightly more than 60% of Waitakere's population earned less than \$35,000 as an annual gross wage, while the average annual gross wage for Waitakere was \$32,000³.

More than half of Waitakere housing stock was built before 1978⁴; of this stock a significant number has been found (through local surveys) to be inadequate and of poor quality. This is an issue for a significant proportion of low income families in Waitakere city. There is clear evidence that people living in houses that are cold, damp and mouldy are at a greater risk of respiratory illness, meningococcal infection and asthmas than those who live in healthier homes. Young children are significantly more vulnerable to illness due to the amount of time they spend in the home.

Overview of Waitakere City Council's submission on the Bill

Waitakere City Council supports legislation that promotes and grows the provision of affordable housing for low and moderate income earners as this will provide better opportunities for people living in Waitakere to become first time home buyers.

The Council also supports legislation that enables territorial authorities to promote a wider variety of house sizes and ownership models and prevents the use of discriminatory title covenants that exclude social or affordable housing from residential developments.

¹ Quotable Value report from 1 September 2007 snapshot

² Quotable Value report from 1 September 2007 snapshot

³ This includes part time workers

⁴ In 1977 the Building Code introduced minimum insulation standards for residential properties

However, Waitakere City Council has significant concerns about the ability of the Bill to deliver its stated purpose within the limited content of the Bill. These concerns are highlighted below and in the following section headed 'Detailed comments and feedback on the Bill'.

Until these concerns are addressed, in consultation with Waitakere City Council and other territorial authorities, Waitakere City Council is unable to support the Bill.

• **Consultation**

Waitakere City Council notes in the final paragraph of the Consultation section in the Explanatory Note part of the Bill that officials consulted with territorial authorities in a workshop "on the implementation issues and compliance costs" arising from the proposed policy. And that the "views expressed were incorporated in to the policy development process".

The Council has difficulty identifying where its views and the views of many of the workshop attendees were incorporated in to the policy development process.

Two examples demonstrate this. Firstly, the territorial authorities stated that HNZC should lead the housing affordability assessment process, so it is in line with the 'New Zealand Housing Strategy' and other work under way with HNZC. Secondly, the territorial authorities identified and recorded the need for a developed, robust, capable and well resourced third sector to administer affordable housing stock. Neither point is evident in the Bill or recognised in the Consultation section of the Bill.

In addition concerns raised by the territorial authorities at the workshop are not acknowledged in the Consultation section in the Bill's Commentary, whereas the concerns raised by other Government agencies are.

• **Definition of housing affordability**

Waitakere City Council requests that the Bill in Clause 4 be amended to include a new subsection (c) under the definition of 'affordable housing' to read "is sustainable and of a quality and size to improve the health status of its inhabitants. This is particularly important given the long term health effects, particularly on children and the elderly of substandard, damp and cold houses.

Waitakere City Council also requests the Bill is amended to include a definition of

- affordable housing,
- household
- beneficial interests in property
- housing costs
- low to moderate income and
- other essential living costs.

Waitakere City Council further requests that the Bill is amended in Clause 4(a)(ii) to include "interests in other assets". This will for example include assets such as shares and bonds.

• **Assessment of affordable housing within a territorial authority's district**

Waitakere City Council is concerned that the Bill seeks only to enable a territorial authority, in consultation with its community, to facilitate the provision of affordable housing.

The Council believes it should be a requirement that the Government leads, in partnership with territorial authorities the assessment of affordable housing in each territorial authority district and region. In becoming a requirement the Council believes the Government will be better positioned to understand and therefore respond with territorial authorities to housing issues at the local, regional and national levels.

Furthermore, Waitakere City Council requests that the Bill is amended so it identifies HNZA will develop in partnership with territorial authorities an affordable housing assessment process and framework for use by territorial authorities and HNZA.

• **The additional cost to territorial authorities of an affordable housing policy**

While welcoming the purpose of the Bill, Waitakere City Council has concerns that this legislation will impose significant additional costs on territorial authorities as

- they firstly assess levels of affordable housing and
- secondly, develop and implement an affordable housing policy for their district or region.

When the cost of implementing central government policy cannot be covered by user charges, the costs can only be met through the general rate pool and then by increasing rates or reducing other council services. Typically the work a territorial authority is likely to incur unbudgeted costs for are:

- commissioning a detailed assessment of housing affordability in its district or region in accordance with clause 8
- developing and adopting an affordable housing policy, including all public consultation clauses 10, 11, 16, 17, 20 and 22
- ongoing policy development and overview to ensure ongoing best practice in the provision, retention and management of affordable housing, clauses 27, 32 and 33
- the additional consenting and monitoring costs in accordance with clauses 11 and 28 to 30
- the loss of revenue for funding essential infrastructure that accommodates growth
- establishing and developing the territorial authority's housing (asset and tenancy) management team if the territorial authority decides to own the stock

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- establishing and developing a housing trust (or something similar if required) to own, or property manage the new affordable housing stock
- creation of a new ITC system and database to manage the stock and tenancies, including rental income, arrears, vacancies, repairs and maintenance if the TA owns the property
- dealing with objections and appeals made by any person objecting to a provision in an affordable housing policy, clauses 24 to 27 inclusive
- dealing with appeals to the Environment Court as in clauses 29 and 34.

The Bill seeks to establish a means by which territorial authorities can provide incentives to mitigate the cost to developers of implementing their housing policies. However Government does not offer territorial authorities incentives for offsetting costs they will incur when implementing the Bill and providing subsidies to developers.

Waitakere City Council requests that the Bill is amended so it details how the Government will offset costs incurred by territorial authorities implementing their affordable housing policies.

- **The ability to object and appeal all or part of a territorial authority's affordable housing policy**

The Bill states that a territorial authority's affordable housing policy must state that persons have rights to object and appeal the adopted policy. And that "any person" may object to any provision in the policy "on any ground".

Waitakere City Council can not support legislation that enables anyone to object or appeal a territorial authority's affordable housing policy. Under the RMA it is impossible for any person to object to a resource consent based on the tenure of the property.

The Bill as drafted allows for anyone to object or appeal a consent based on the tenure of the property. It should also not be possible for a developer to appeal their resource consent based on the council's decision to apply their affordable housing policy. Appeals should be made to the High Court based on whether the policy enacts the legislation, which is the situation with Development Contributions under the Local Government Act 2002 (LGA02).

- **Linkage to the Resource Management Act and District Plans**

It states in the commentary section of the Bill that to include the proposed affordable housing mechanism under the RMA would require a change to the original intent and purpose of the RMA. Such a change would require all territorial authority planning documents to be reviewed leading to significant compliance costs.

However if the legislation is enacted in its current form those territorial authorities that adopt an affordable housing policy will be required to amend their district plans in

order for the policy to have the effect it intends. This happens once the council policy is adopted. Timeframes for adopting district plan amendments range from two years to ten years depending on the scale of the amendments, the number of objections and the involvement of the Environment Court.

The Council believes the process for applying and appealing a territorial authority's Development Contributions policy provides a more appropriate and better process. Waitakere City Council recommends the Bill is amended to reflect the Development Contributions policy process.

- **Waiving development contributions to facilitate the provision of affordable housing**

Waitakere City Council strongly disagrees with the proposal in the Bill to excuse a person (developer) from paying some or all of their development contributions as a means of facilitating affordable housing on their developments. The purpose of development contributions is to fund growth. Under the provisions of LGA02, a local authority may levy development contributions to fund all or part of the capital expenditure incurred by the Council in providing for any additional network infrastructure and community infrastructure to accommodate growth.

Waiving development contributions to facilitate affordable housing means that the local authority must still fund the capital expenditure incurred as a result of providing for any additional network and community infrastructure to accommodate growth. In short these infrastructure costs will be funded by rate increases.

Waitakere City Council development contribution policy seeks to ensure that:

- the capital expenditure attributable to growth is recovered simply, predictably and robustly
- a sustainable approach is taken in respect of development within the City in accordance with LGA02 and the sustainable development priority in LTCCP 2006.

The Council's rationale for requiring payment of development contributions is the economic principle that costs should be borne by those parties who cause the need for such costs. Development contributions are therefore considered to be the best means available to allocate the costs of growth. Existing ratepayers will still face additional costs arising from the increase in depreciation and operating expenditure arising from the new facilities.

It should also be noted in the Q&A paper released by the Government in conjunction with the introduction of the Bill, the Government recognises that developers may see decreased profits but that the Bill will not be unfair on them. For developers "make a significant windfall profit when a council makes a decision to change the zoning of land to residential" as the land immediately becomes more valuable. By requiring the

developer to provide affordable housing the community is able to “recoup a little more of this benefit”.

Consequently, Waitakere City Council does not support the provision for waiving development contributions to facilitate affordable housing.

- **Role of the third sector/ not for profit housing trusts**

Waitakere City Council requests that the Government amends this Bill so that Government support and funding of third sector and not for profit housing trusts is explicitly linked to the development and implementation of territorial authority affordable housing policies. This will provide a better context and connection for the Governments Housing Innovation Fund which is administered by Housing New Zealand Corporation.

The role of the third sector/ not for profit housing trusts will in many territorial authority districts be crucial for the long-term success of the affordable housing legislation, as they become affordable housing providers, owners and/ or property managers on behalf of a significant number of territorial authorities.

Currently the third sector/ not for profit housing sector is characterised by organisations providing accommodation and housing for specialist groups such as, young, elderly, people with disabilities and people requiring emergency housing. If the sector is to be capable of responding to what should be a significant increase in affordable housing, it will require substantial and targeted Government funding, with the Government working in partnership with this sector and with territorial authorities.

The credibility of this legislation depends not only on how it is implemented, but how those targeted by it will access affordable housing and how the housing will be managed and retained as affordable for future generations. The role of third sector / not for profit organisations is crucial for this legislation to be successful.

Findings from a recent CRESA survey and report⁵ highlighted that just over 50% of the 68 territorial authorities who responded to the survey indicated that they had no intention to acquire new affordable housing stock. The survey also emphasised that the majority of the 14,000 plus council housing properties are either bed-sit or one bedroom properties, aimed predominately at the elderly or those with disabilities. Very few territorial authorities reported that they provide or manage what is considered to be affordable housing stock. Such skills and capabilities will need to be developed regardless of who owns and manages the affordable housing.

- **Upgrading pre 1978 housing stock**

Waitakere City Council requests that the Government amends the Bill to allow for a territorial authority to use financial contributions from developers in lieu of affordable housing (where agreed) to be applied for the upgrading of (appropriately targeted)

⁵ ‘Local Government and Affordable Housing’ CRESA August 2007

pre-1978 properties. If an upgraded property is subsequently sold, the territorial authority would recover its investment for reinvesting in either new affordable housing or in further upgrades of pre-1978 properties.

- **Other affordable housing strategies and policies**

The Bill is limited in its description of tools a territorial authority could use to promote affordable housing. The lack of access to sizable developable land owned by one entity and under a single (or related) tenure the Council believes is one of the single largest constraints to the provision of affordable housing.

A developer is more likely able to accommodate the cost of providing affordable housing on a large development site than on small or fragmented sites, as developers will be able to achieve more substantial economies of scale and higher yields. In order for this to be achieved, the Council believes the Government should provide territorial authorities with the authority and tools to acquire land for residential redevelopment under an amended Public Works Act.

With this authority, councils will be able to compulsory purchase and aggregate land holdings in areas the territorial authority has designated within its planning documents and policies for intensification or urban redevelopment. Developers could be offered the opportunity of partnering with a territorial authority to provide a wide spectrum of housing choices as well as providing employment, education and health outcomes.

This type of strategy has in countries such as Australia and the United Kingdom lead to significant urban redevelopment of city centres and the provision of significantly more affordable housing.

Waitakere City Council requests that the Government considers amending the Public Works Act so territorial authorities have the authority to compulsory purchase land for residential redevelopment or for urban renewal.

Detailed comments and feedback on the Bill

Clause 4 Interpretation

Waitakere City Council requests that the Bill in Clause 4 be amended to include a new subsection (c) under the definition of 'affordable housing' to read "is sustainable and of a quality and size to improve the health status of its inhabitants". This is particularly important given the long term health effects, particularly on children and the elderly of overcrowded, substandard, damp and cold homes.

Waitakere City Council also request the Bill be amended to include a definition of

- affordable housing,
- household
- beneficial interests in property
- housing costs
- low to moderate income and
- other essential living costs.

Waitakere City Council requests that the Bill be amended in Clause 4(a)(ii) to include "interests in other assets" so other assets such as shares and bonds are included.

Clause 5 Purposes

Waitakere City Council is concerned the Bill only seeks to enable a territorial authority, in consultation with its community, to facilitate the provision of affordable housing once a need is identified from the affordable housing assessment.

The Council requests the Bill is amended so it is a requirement that the Government leads (in partnership with territorial authorities) the assessment of affordable housing in each district and region. In becoming a requirement the Council believes the Government will be better positioned to understand and therefore respond with territorial authorities to housing issues at the local, regional and national levels.

Further, the Council requests that the Bill is amended so it identifies that HNZA will develop in partnership with territorial authorities an affordable housing assessment process and framework for use at the local, regional and national levels.

Clause 6 What this Act does about affordable housing and social housing

Noted

Clause 7 Decision to assess

Waitakere City Council questions the need for including clause 7(2) as territorial authorities will decide on the assessment and consultation processes under Part 6 of the Local Government Act 2002 (LGA02). Waitakere City Council recommends that this subsection be deleted.

Clause 8 Method of assessment

Waitakere City Council requests the Bill be amended to state the Government will supply territorial authorities with the appropriate resources, support and assessment tools.

Clause 9 Outcomes and objectives

Waitakere City Council supports this Clause.

Clause 10 Criteria for application of policy to development

While Waitakere City Council generally supports this Clause, the Council believes it is too detailed and prescriptive and does not allow for flexibility in application.

Clause 11 Actions required of persons doing developments

The grammar in Clause 11(1) needs to be changed as currently it does not make sense.

Waitakere City Council generally supports these actions. However the wording in Clause 11(2)(b) "*that the person is doing or is to do*" implies that a territorial authority can impose retrospective affordable housing requirements on a developer with existing resource and building consents.

Clause 12 Actions required of territorial authorities

Waitakere City Council strongly disagrees with the proposal in Clause 12(2)(a) of the Bill to excuse a person (developer) from paying some or all of their development contributions as a means of facilitating affordable housing on their developments. The purpose of development contributions is to fund growth.

Waiving development contributions to facilitate affordable housing means that the local authority must still fund that capital expenditure it incurs as a result of providing for any additional network and community infrastructure to accommodate growth. In short these infrastructure costs will be funded by rate increases.

The Council's rationale for requiring payment of development contributions is the economic principle that costs should be borne by those parties who cause the need for such costs. Development contributions are therefore considered to be the best means available to allocate the costs of growth. Existing ratepayers will still face additional costs arising from the increase in depreciation and operating expenditure arising from the new facilities.

Implementing an affordable housing policy has consequences for a territorial authorities District Plan and those territorial authorities that adopt this policy will need to amend their district plans for the policy to have the effect intended of it. The process for applying and appealing a territorial authority's Development Contributions policy is a better and more appropriate process.

All

Waitakere City Council recommends the Bill be amended to reflect the Development Contributions policy process.

Clause 13 Criteria for allocation

Waitakere City Council supports this Clause, however this Clause should explicitly state that a territorial authority can set the allocation criteria in conjunction with a third party housing (a not for profit or third sector) provider who could either own or property manage the affordable housing.

Furthermore there is no definition of what is "low to moderate income" or what is defined as "household". Waitakere City Council refers you to its suggested amendments to clause 4 of this Bill.

Clause 14 Methods of retention

Waitakere City Council generally supports this Clause. However the wording of Clause 14(a) needs to change to reflect the intended purpose of this Clause. A "person to whom housing is allocated" implies that they do not own the property, meaning they can not sell it. Council suggests the wording is changed to words along the following lines "a person who agrees to purchase an affordable property must offer it first to..."

Clause 15 Objections and appeals

Waitakere City Council does not support this Clause as it is written. Council supports the need for an objection and appeal policy, however the Council does not accept it must set out and include the information in sections 20 to 26 of the Bill. Once a territorial authority has adopted an affordable housing policy, following its special consultative processes, then it should not be possible to appeal the implementation of that policy. Doing so only provides the opportunity for any person to object to the tenure of a property. Under the RMA it is impossible for any person to object to a resource consent based on the tenure of the property.

Appeals should be made to the High Court based on whether the policy enacts the legislation, which is the situation with Development Contributions under the LGA.

Waitakere City Council recommends that this clause be deleted from the Bill or is significantly amended.

Clause 16 Preparation of draft (insert the word 'policy' which is missing from this header)

Waitakere City Council generally supports this Clause if subsection 16(4)(a) is amended to include only **Clauses 9 to 14**.

Clause 17 Consultation on draft (insert the word 'policy' in this header)

Waitakere City Council supports this Clause.

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Clause 18 Consideration of draft (insert the word 'policy' in this header)

Waitakere City Council supports this Clause.

In general Waitakere City Council asks if it is necessary to have clauses 17 to 20 when these procedures are already covered in Part 6 of the LGA02.

Clause 19 Decision on adoption of policy

Waitakere City Council supports this Clause.

Clause 20 Telling public about adoption of policy

Waitakere City Council supports this Clause.

Clause 21 Telling applicants for consents about the policy

Waitakere City Council supports this Clause.

Clause 22 Telling affected persons about decision to apply policy

Whilst Waitakere City Council generally agrees with this Clause, the Council has concerns over the wording of subsection 22(2)(a) which is "*the person doing the development*". This could be interpreted that the person has commenced the development and has obtained resource (and building) consents. The subsection could be reworded as follows "*the person proposing the development*".

Clause 23 Telling affected persons about other decisions under policy

Council suggests that this Clause may not be needed as it can be included within Clause 22 of the Bill.

Clause 24 Who may object to what

Waitakere City Council objects to this Clause for the reasons set out in Council's objections to Clause 15 of the Bill.

In particular Waitakere City Council strongly objects to subsection 24(1) which states "*that any person may object to a provision in a territorial authority's affordable housing policy on any grounds*". Regardless of the wording of subsection 24(5) which states that "*no person may object under Clause 25 to the existence of the policy.*"

Subsection 24(1) if passed will be poor legislation. Waitakere City Council questions why someone can object to a provision in a territorial authority's housing policy on any grounds if the territorial authority has followed open and democratic procedures by consulting with its community through its special consultative procedures, resulting in the adoption of an affordable housing policy.

Clause 25 Objections made to territorial authority

Waitakere City Council objects to this Clause for the reasons set out in Council's objections to Clause 15 of the Bill.

Clause 26 Appeals to the Environment Court

Waitakere City Council objects to this Clause for the reasons set out in Council's objections to Clause 15 of the Bill.

It should also be noted that the function of the Environment Court is to adjudicate on the Resource Management Act, which largely deals with appeals about the contents of regional and district statements and plans; and appeals arising out of applications for resource consents.

By introducing the ability to appeal to the Environment Court and by applying the use of "form 34" of the Resource Management regulations as the means of lodging an appeal on a council's affordable housing policy may lead some people to conclude that the appeal and Bill are subservient to the RMA.

Clause 27 Effect on affordable housing policy of objections and appeals

Waitakere City Council objects to this Clause for the reasons set out in Council's objections to Clause 15 of the Bill.

Clause 28 Binding commitments may be required

This Bill lacks a definition for 'binding commitment'.

While Waitakere City Council generally supports the purpose of this Clause, it does so with reservations. Council believes the Development Contributions processes for new property is a better, more effective and simpler process for binding the developer to its affordable housing commitment.

Clause 29 No Payment of compensation

Waitakere City Council supports this Clause.

Clause 30 Use of land and money

Waitakere City Council does not support this Clause due to the wording in subsection 30(3). This Clause assumes that territorial authorities will waive development contributions to facilitate affordable housing. As commented under Clause 12(2), Waitakere City Council can not and does not support the waiving of development contributions to facilitate the provision of affordable housing.

Clause 31 Policies must be aligned

Waitakere City Council agrees with this Clause.

Clause 32 Review: requirement and process

Waitakere City Council agrees with this Clause.

Clause 33 Amendment: process

Waitakere City Council agrees with this Clause.

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Clause 34 Environment Court to decide

Waitakere City Council does not support this Clause. The territorial authority will incorporate its affordable housing policy in to the District Plan to ensure there is no conflict. It would be up to the Environment Court to decide if the District Plan enacts the RMA or not.

Waitakere City Council requests a definition for the term 'conflict'.

Clause 35 Some are void (Clause focuses on Covenants)

Waitakere City Council strongly supports this Clause.

Clause 36 Regulations

Waitakere City Council acknowledges the intent of this Clause. However Council cannot support this Clause unless the Bill is amended to state that new regulations proposed by the Governor-General are only added to subsection 13(2) following consultation and agreement with territorial authorities on the need for change.

Clause 37 Building consents

Waitakere City Council supports this Clause.

Clause 38 Resource consents

Waitakere City Council supports this Clause.

Clause 39 Covenants

Waitakere City Council supports this Clause.

Clause 40 Amendments to Building Act 2004

Waitakere City Council supports this Clause.

Clause 41 Amendments to Housing Corporation Act 1974

Waitakere City Council supports this Clause.

Clause 42 Amendments to the Local Government Act 2002

Waitakere City Council supports this Clause.

DRAFT AUCKLAND REGIONAL TRIENNIAL AGREEMENT

Agreement dated: <Day> <Month> 2008

PARTIES

Auckland City Council
Auckland Regional Council
Franklin District Council
Manukau City Council
North Shore City Council
Papakura District Council
Rodney District Council
Waitakere City Council

1. SCOPE

This agreement aims to reflect the principles in section 14(e) of the Local Government Act 2002 ("the Act") that local authorities should collaborate and co-operate to promote priorities, achieve outcomes and make efficient use of resources.

This agreement is also entered into to meet the requirements of section 15 of the Act. This agreement incorporates and builds on existing regional projects and fora plus work in progress relating to new regional structures and protocols.

2. PURPOSE

The councils commit to working for the good governance of their city, district or region by acting co-operatively and collaboratively. It is intended that this agreement will encourage and ensure that appropriate levels of consultation, information sharing, co-ordination and collaboration are developed and maintained between the councils, and that the process of arriving at this agreement, and its ongoing operation will contribute to the strengthening of the relationships between the councils.

The success of this agreement will be demonstrated through strengthened relationships between councils throughout the Auckland region that result in genuine dialogue and a willingness to co-operate towards mutually beneficial outcomes and the advancement of community goals. The agreement will be reviewed prior to the March following each triennial local body election and will inform the development of future approaches and agreements.

3. PRINCIPLES

The councils:

- Agree to act in good faith and co-operatively on issues of information sharing and mutual disclosure.
- Agree to work collaboratively in an open and transparent manner.

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- Agree to build on work currently being undertaken within the region and to continue to address issues of effective co-ordination, and the clarification of respective roles and responsibilities.
- Work together on all issues where it is agreed that the Auckland Region, its people and constituent communities, will benefit from a regionally collaborative approach.
- Recognise that there are different communities of interest on different issues.
- Acknowledge each council's unique accountability.
- Make every effort to accommodate, acknowledge or at least fairly represent the dissenting view where councils have a significant disagreement with the position of the others.
- Proactively work with partners such as Government, other agencies including stakeholders within Auckland and other regions in innovative ways to align desired outcomes and to progress the interests of the Auckland region, its people and constituent communities, to ensure their interests and views are fairly represented.
- In the case of disagreement and following consultation in good faith, nothing in this agreement shall prevent a council from making decisions in their own interests.

4. COMMUNICATION AND CO-OPERATION

Based on the above purpose and principles, the parties to this agreement agree to the following actions:

4.1 General

Each council will ensure:

Early notification to affected councils, through the distribution of draft documentation, of major policy proposals and discussions that may have implications beyond the boundaries of the decision-making council. This specifically includes the development and change of consultation policies and policies on significance.

- Opportunities for the other councils to be involved in early consultation on the development of policies and proposals, including draft annual plans and draft long-term council community plans, that impact on other councils, where practicable within any statutory timeframe.
- The application of a 'no surprises' policy whereby councils that disagree with proposed policy or programmes will give early notice of their divergent view before critical public announcements are made.
- That in accordance with s.91(3)(a)(ii) of the Act and, where practicable within statutory timeframes, processes for engaging with communities and agencies in order to identify community outcomes and prioritise those outcomes, will be undertaken jointly and/or in a collaborative manner which avoids unnecessary duplication.
- That the open, transparent and collaborative approaches to communication and co-operation in this agreement are reflected, where relevant, in each council's own consultation policy and policy on significance.

4.2 Fora and Meetings

Meetings between the councils will include, but are not limited to the following:

4.2.1 Mayoral Forum

Meetings of the Mayors of the Auckland territorial councils, the Chairperson of the Auckland Regional Council, and their chief executives will occur regularly to discuss general policy business, particularly in relation to issues of regional and/or joint significance to the Auckland councils. Whereby:

- the Mayors and Chairperson represent the positions and decisions of their councils at these meetings, and report back to them from these meetings;
- the Mayors and Chairperson ensure that the views of their councils are represented at these fora; and
- a copy of the notes/minutes of these mayoral meetings will be sent to each of the Auckland local authorities, for the information of all elected members.

4.2.2 CEO Forum

Regular meetings of the Auckland Region Chief Executive's Forum will occur to discuss general business particularly in relation to issues of regional and/or joint significance to the councils in the Auckland region and to support the work of regional fora of councillors.

4.2.3 Regional and Sub-regional Fora

Existing regional and sub-regional fora, include, but are not limited to:

- Regional Sustainable Development Forum
- Regional Land Transport Committee
- Watercare Services Ltd Shareholders Representative Group
- Auckland Regional Economic Development Forum.
- Civil Defence/Emergency Management Group
- Hauraki Gulf Forum
- Electoral College of the Auckland museums.
- Creative New Zealand Regional Arts Scheme.
- Local Government New Zealand Zone 1.

Note: some signatories may not be represented on all the fora listed above.

4.2.4 Regional Officer Groups

Meetings between officers as necessary to achieve communication and co-ordination on issues identified in the agreement or arising out of any of the activities referred to above, or other relevant activities. Examples of existing regional officers groups include, but are not limited to:

- Strategic Directors Group (as required)
- Regional Policy Steering Group
- Regional Coordination Group on Community Outcomes
- Regional Transport Executives Group
- Regional Economic Forum Officers Support Group
- Shared Services Project Team(s)/Auckland Local Government Geographic Information.

5. REGIONAL PRIORITIES

The councils will continue to meet together in various fora to develop common and co-operative approaches to sustainable development, including management of the following regional issues:

- Transport
- Regional Growth
- Infrastructure
- Economic Development
- Environmental Protection
- Auckland Sustainability Framework
- Social and Cultural wellbeing
- Developing joint approaches to engagement with central government agencies.

One Plan will inform and be informed by the above and incorporate a vision and strategic direction for sustainability, a set of strategic actions derived from regional strategies and a list of agreed and prioritised actions and projects that are of regional significance.

6. NEW REGIONAL COUNCIL ACTIVITIES

Section 15(2) of the Act requires that each triennial agreement must include a statement of the processes for consultation on proposals for new regional council activities:

- If s.16 applies, then the process will be followed as set out in s.16.
- If s.16 of the Act does not apply but a proposed new regional council activity is significant in terms of the Auckland Regional Council's (ARC) policy on significance and therefore a special consultative procedure ("SCP") is required then the ARC will deliver a copy of the statement of proposal prepared under s.83(1)(a) of the Act prior to public notification to all other councils and allow them a reasonable opportunity to make submissions during the SCP.
- For all other new activities the ARC will consult territorial authorities through its normal public council and committee decision-making processes and/or the Annual Plan and/or Long Term Council Community Plan.

7. REVIEW OF AGREEMENT

Section 15 of the Act requires all local authorities within the region to enter into a new triennial agreement no later than the March following each triennial local body election.

Therefore the current agreement will be reviewed prior to the March following each triennial local body election, and will inform the development of a new triennial agreement.

Any party to this agreement can request a review of it prior to the next statutory period for review. Such requests must be made in writing, giving the reasons for the request, to the regional Chief Executives Forum, who will refer the request to each Council for a decision regarding such a request.

8. DISPUTE RESOLUTION

In the event of a disagreement between the councils as to the interpretation or implementation of this agreement, and/or that disagreement cannot be resolved by good faith negotiation and an agreement to vary the terms of this agreement in accordance with section 15(3) of the Act; then the matter in dispute will be referred to mediation. The mediator shall be agreed upon by the parties and if they fail to agree within 14 days of notifying the dispute, the President of the Auckland District Law Society may be requested to appoint the mediator. The costs of the mediation shall be borne by the councils in equal share.

21 February 2008

Waitakere Central, 6 Henderson Valley Road

The Honourable Brian Donnelly
Chairperson
Education and Science Select Committee
Parliament House
Wellington

Dear Brian

SUBMISSION ON THE EDUCATION (ESTABLISHMENT OF UNIVERSITIES OF TECHNOLOGY) AMENDMENT BILL

Thank you for the opportunity to make a submission on the Education (Establishment of Universities of Technology) Amendment Bill. Waitakere City Council strongly supports the Bill for the reasons set out below, and commends the Select Committee to recommend to the Parliament its passage into law.

Waitakere City Council's support for the Bill is based on the contribution to New Zealand's economic transformation that Council sees the proposed University of Technology category of institution making, as well as the positive impact that the passage of the Bill would have in Waitakere through Unitec New Zealand. The submission is set out under two main headings: firstly, the role of tertiary education in New Zealand's economic transformation, and secondly, improving wellbeing in Waitakere.

The role of tertiary education in New Zealand's economic transformation

Waitakere City Council supports the Government's goals for New Zealand, and in particular the goal of Economic Transformation. The Council has been working assiduously with a range of other parties, including the business sector and government agencies, to give effect to this goal in Waitakere City.

Tertiary education is a vital component in the delivery of economic transformation. The Tertiary Education Strategy, which incorporates the Statement of Tertiary Education Priorities 2008 – 2010, sets out how the Government wants the tertiary education sector to contribute to economic transformation and the government's other goals for New Zealand. Key elements in this contribution are creating strong connections between Tertiary Education Organisations (TEOs) and the communities they serve, and creating and applying knowledge to drive innovation.

To implement this strategy, the Tertiary Education Commission (TEC) has launched Investing in a Plan – a process to guide Government investment in tertiary education programmes and institutions.

Waitakere City Council acknowledges and supports the goals and priorities Government has set for the tertiary education sector, and the steps it has taken to invest its resources in these strategic priorities. The Council sees the creation of a Universities of Technology category of tertiary Institute as increasing the capacity of the sector to contribute toward these goals and priorities.

To the Council and its communities, the nature of the dual sector university (usually called 'Universities of Technology') provides enormous potential for communities and the institutions that serve them to focus on economic transformation through skill development, knowledge application and innovation. Dual sector universities combine trade, technical and professional knowledge and education with applied research and degree and post graduate programmes. This results in a strong focus on professional and vocational education with more readily accessible professional development opportunities for learners.

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Overseas experience suggests that Universities of Technology have a successful record in enabling those who begin their studies by pursuing trade, technical or commercial training programmes to move on to more advanced professional and vocational training. This is because Universities of Technology are designed to facilitate pathways for higher learning. They build on the foundations of trade and technical training with a practice led focus on career, skill and professional development.

Waitakere City Council's view is that this sort of institution would be a vital addition to the New Zealand Tertiary Education Sector at the current time and in the future. The New Zealand economy is technically in a state of full employment. There is strong competition for New Zealand's skilled workers from overseas economies, not least the booming Australian minerals sector. There is also a structural shortage of skilled tradespeople in New Zealand due to the dearth of apprenticeships in the late 1980's and 1990's. Whole industries are struggling to get the skilled resources they need.

The Government has recently given greater emphasis to workforce skill development. It has announced the formation of a Skill New Zealand Forum, involving unions, business and government, and the development of a Skills Strategy. This accords with Waitakere's view that there needs to be a renewed focus on developing more skilled workers, and developing existing workers to their highest potential.

Our view is that creating Universities of Technology would help markedly in this task. Overseas experience shows that dual sector universities can build on the trade and technical base of Polytechnics, providing opportunities and encouragement for learners to develop much higher levels of skill, knowledge and experience. They can also build strong links with the industry sectors that they are training people for. This is particularly important for institutions in building connections with the communities they serve. With their span of educational offering (trade through to advanced post graduate study), Universities of Technology would be well placed to take a *kaitiaki* role right through the career of each particular learner, actively pushing learners to develop to the fullest extent possible. They can also engage with industries to identify current and future needs at all levels and to ensure learning and teaching is both practise and research led.

It is this sort of approach that enables the creation, and, at least as importantly, the application of knowledge to drive innovation. Practical, applied knowledge developed with, and to meet the needs of, industries is a vital cog in our nation's efforts toward economic transformation. Importantly, with the University of Technology title, the reputation of the courses on offer is enhanced with both potential learners and industry partners.

The Government has rightly encouraged the tertiary education sector to move away from the duplicative and wasteful competitive model that emerged in the 1990's. In its place it is looking for a sector that is responsive to the nation's education needs, and institutions that are able to deliver to local needs. The model of dual sector university described above fits well within this Government approach. Such a model is not seeking to compete with existing traditional universities. It recognises their vital importance as research led, knowledge building institutions at the core of higher learning and knowledge development. What it seeks to do however is provide a vital addition to the tertiary education framework in New Zealand, one that focuses on providing a structure and mechanism to develop trade, technical and professional learners to their highest potential in order to meet New Zealand's skill needs.

A further advantage to be gained from introducing the University of Technology model is that it would enhance New Zealand's reputation internationally as an innovative nation that recognises the need for this sort of higher education institution to help meet government social and economic goals.

Waitakere City Council has a close working relationship with Unitec New Zealand. Unitec is a very high performing institution aiming to deliver the results produced by dual sector universities overseas, results that New Zealand desperately needs. It is being held back from delivering at its full potential through the lack of being able to use the term "university" in its title. This affects the international recognition and reputation of the institution, its programmes and its graduates, it affects industry and business confidence, and it affects student perceptions. It means that Unitec has to put huge amounts of effort in to overcome historical bias about non-university qualifications, when the types of qualifications it is offering add tremendous value to our workforce and economy along side more traditional university offerings. Having University of Technology status and being able to use the term university would add much the reputation of Unitec's programmes with learners and industry.

The efforts of Unitec to attain University status under current and previous legislation are well known. What is probably not well known is that Unitec has never sought to become an institution that duplicates what the likes of the University of Auckland has to offer. The problem was the legislation in place that only provided for the traditional university model. The University of Technology category proposed under this Bill is exactly what Unitec has sought and currently seeks.

Unitec is well placed to lead the development of Universities of Technology for the good of the whole country. The model has potential to benefit the whole country, not just the area served by Unitec. Other parts of the country and other institutions would have the opportunity to learn from Unitec's experience to date, and also into the future if the Bill is passed into law. Unitec presents a ready made trial for the concept.

Having discussed why the creation of Universities of Technology is advantageous for the country as a whole, we will now outline why such a move would be good for Waitakere City.

Improving wellbeing in Waitakere

Unitec is the primary tertiary institution for Waitakere City. Traditionally, the western areas of Auckland have been part of Unitec's natural student catchment. In recent years, Unitec has built a strong partnership with the Waitakere City Council, and has developed a campus in Henderson. This partnership has seen Unitec respond to the long standing need for tertiary education in the city.

Unitec is already making a significant contribution to improving community wellbeing in Waitakere. Unitec has invested significantly in facilities and programmes in the Henderson Town Centre. The growing student presence has added vitality to the area, and the location of the Nursing School in Henderson has made possible the development of a partnership with the Waitemata District Health Board at Waitakere Hospital. Unitec is now exploring the relocation of its Design and Screen and Performing Arts Schools to the Corban Estate in Henderson, to be closer to the burgeoning Film and Screen and Arts industries that are growing in Waitakere City. A trade training school is also being planned for the northern areas of the city. This will respond in part to the growth in the marine industry, and related Council and industry investment at Hobsonville. These are good examples of an institution in touch with key business sectors and responding to events in its region, industry base and student catchment.

In terms of local benefits, the Council supports the Bill for two reasons. Firstly, the dual sector university described above is well suited to the needs of Waitakere. Waitakere City's population is under represented among those with tertiary level qualifications. We, along with the nation as a whole, have many people who are underemployed – those that with the right training could fill trade and professional roles that are in high demand. As described above, a dual sector university is ideally suited to help address this underemployment.

Coupled with this, Waitakere has emerging business sectors such as screen/film and marine that are keen to employ local talent. The city also has areas of new business land becoming available to underpin business and job growth. Unitec have shown speed and flexibility in responding to these circumstances. The University of Technology model would further help them to drive the development of learners through to advanced vocational and professional levels to better meet emerging industry needs.

Secondly, attaining University of Technology status would add credibility to programmes offered by Unitec, particularly in the eyes of the local community. While this would have some value for the institution, it is more important for learners and potential learners, both in illustrating the value of advanced training and study (and encouraging increased participation), and adding lustre to the reputation and image of the qualifications they receive. It is also important in building relationships and profile with potential industry partners.

The Waitakere area long been underserved in education as in other fields. Waitakere City Council has been working hard with its communities and others to gain access to proper services and to the potential to succeed. This can be seen in health, urban planning, social services and now in tertiary education. Our communities are keen to have local access to a tertiary education provider that suits the particular industry

and community needs of the west and also has University status. The passage of this Bill would be a significant advancement in enabling this to occur.

Summary

The Waitakere City Council strongly supports the Education (Establishment of Universities of Technology) Amendment Bill and asks the Select Committee to recommend to the House of Representatives its passage into law.

In summary, the reasons for the Council's support are:

- The University of Technology model would enhance the ability of the tertiary education sector to contribute to Economic Transformation through a focus on advanced vocational and professional learning.
- The University of Technology model would help build institutions focused on driving innovation through creating and applying knowledge through build partnerships with industry and communities and a focus on assisting and enabling learners to grow skills and experience to their highest levels of potential.
- Unitec New Zealand is the primary tertiary education provider in Waitakere City. The passage of this Bill into law, and success in achieving University of Technology status under it, will enable Unitec to better meet the needs of our communities, learners, citizens and business.

The Waitakere City Council makes this submission on behalf of and in the interests of its citizens. The Council wishes to be heard in support of its submission.

Yours sincerely

Harry O'Rourke, MNZM, JP
Chief Executive Officer

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NAME OF ORGANISATION: Waitemata Harbour Clean Up Trust	
Aim:	<p>The idea to form a trust to deal with rubbish entering the Waitemata Harbour was the brainchild of boating enthusiasts Waitakere City Mayor, Bob Harvey and Mr Hayden Smith. They observed increasing amounts of rubbish making its way to sea via roadways and stormwater channels often clogging up streams and estuaries along the way.</p> <p>With the support of local councils and corporate sponsorship, funding was obtained to commission a company to raise awareness about litter issues and to carry out litter removal in the inner gulf. The Ports of Auckland provided a 6.5 metre boat, the Phil Warren, for litter retrieval and removal. The boat was named in recognition of the environmental initiatives led by the late Phil Warren while he was chairperson of the Auckland Regional Council.</p> <p>The crew on the Phil Warren scoops up a wide variety of rubbish from the Waitemata Harbour including plastic wrap and tyres. Kayaks or a flat-bottomed punt are used to clean along the shoreline and beaches as well as in estuaries and mangrove areas.</p> <p>Rubbish that can be recycled is sorted and taken to the Waitakere City Council refuse transfer station, but most 'harbour' rubbish like tyres, cannot be recycled and adds to increasing landfill volumes.</p>
Number of Council/Community Board/Te Taumata Runanga Appointments:	One Councillor to be the alternate for Mayor Bob Harvey when he is unable to attend a meeting.
Expected end date for this representation on this organisation	No end date.
Meeting Frequency:	4 Times a year. Mayor Bob Harvey attends most meetings so the alternate will only need to attend on the rare occasion that Mayor Bob can not.
Date of next meeting:	To be advised.
Contact person and phone number:	David Tait 836 8000 ext 8812
Meeting venue:	Usually at: ARC (Central Auckland) or WaterCare (New Market)
Previous Council Appointment:	Not applicable
Council Support Officer and phone number:	David Tait ext. 8812
Remarks: (Please indicate, for example, if there is a subgroup to report to the organisation)	The contractor, Hayden Harbour Clean, is contracted to undertake the work and report to the Trust at each meeting.
Please attach Trust Deed/Constitution /Founding Document as applicable	Waitemata Harbour Clean Up Trust Deed.pdf attached.

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