



14 February 2020

S20.04

Submission to the Environment Select Committee on the Urban Development Bill 197-1

Introduction

- 0.1. The National Council of Women of New Zealand, Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella group representing over 200 organisations affiliated at either national level or to one of our 15 branches. In addition, about 450 people are individual members. Collectively our reach is over 450,000 with many of our membership organisations representing all genders. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially, environmentally and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.
- 0.2. This submission on the Urban Development Bill (the Bill) has been prepared by the NCWNZ Standing Committee for Climate Change and the Environment and the Parliamentary Watch Committee. It also draws from several decades of NCWNZ policy¹ and submissions² on issues that have been endorsed by the membership of NCWNZ. A recent resolution³ advocates for a net zero carbon future for New Zealand and supports the imperative of building resilience to the effects of climate change, disaster risk and environmental challenges. A second recent policy⁴ supports the UN Sustainable Development Goals.

1. Summary

- 1.1. NCWNZ supports the purpose of the Bill in general. It addresses a critical housing need in New Zealand and is expected to significantly improve the supply of affordable housing for New Zealanders and as such meets with general support. In particular, we support the purpose of the Bill to

¹ <https://www.ncwnz.org.nz/wp-content/uploads/2013/06/115-years-Register-everything-2.pdf>

² <https://www.ncwnz.org.nz/what-we-do/ncwnz-archive/submissions/>

³ NCWNZ. 2017. Appendix "D": Resolutions of National Meetings 2011-2018. 7.13.6. <https://www.ncwnz.org.nz/wp-content/uploads/2018/11/Appendix-D-Resolutions-2011-2018.pdf>

⁴ <https://www.ncwnz.org.nz/wp-content/uploads/2019/10/Appendix-D-Resolutions-2011-2019.pdf> Policy 11.13.4

transform urban development, to contribute to sustainable, inclusive and thriving communities (Clause 3 (1)); however, we believe that the Bill falls short on addressing this purpose.

1.2. NCWNZ believes that changes to the Bill are needed if the following issues are to be addressed. In summary they are:

- The need to ensure that all urban development projects provide for transformative change that creates healthy communities and a healthy environment and that provides for outcomes that are enabling low-emission urban environments and are consistent with the Climate Change (Zero Carbon) Amendment Act 2019⁵.
- The need to ensure that urban development provides for high quality amenity, design, place-making and the ecological and open space outcomes that meet the needs of healthy and diverse community living.
- The need for transparent and effective involvement with communities.
- The need for effective monitoring and regular reporting, that also includes social environmental, economic and financial outcomes and carbon accounting.
- The need for thorough consideration from this Committee to ensure Kāinga Ora's powers, especially in relation to any Urban Development Project, and to Specified Development Projects, will not be too powerful.
- The need to establish "joined up thinking" and a connection between the Urban Development Bill and the Sustainable Development Goals⁶ and including Sustainable Development Goal [SDG] 5 Gender Equality, SDG 11 Sustainable Cities and Communities, SDG 13 Climate Change and SDG 17 as part of Agenda 2030.

2. Issues

Transformational change

- 2.1. NCWNZ considers that the Bill should provide for transformational change that enables new development that is fit for purpose in meeting the needs of diverse communities, including New Zealand's commitment to the carbon emission objectives under the Paris Agreement⁷, the United Nations Sustainable Development Goals⁸, and New Urban Agenda⁹. The Bill should constitute a landmark commitment to the promotion of urban sustainability in Aotearoa New Zealand.
- 2.2. Smart transformational changes are exemplary in new urban areas globally. There are cities that provide exemplar urban developments, including Malmö¹⁰ in Sweden and Copenhagen in Denmark,

⁵ <http://www.legislation.govt.nz/act/public/2019/0061/latest/whole.html#LMS183742>

⁶ [United Nations. About the Sustainable Development Goals. https://www.un.org/sustainabledevelopment/sustainable-development-goals/](https://www.un.org/sustainabledevelopment/sustainable-development-goals/)

⁷ <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

⁸ <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

⁹ <http://habitat3.org/wp-content/uploads/NUA-English.pdf>

¹⁰ <https://archive.nordregio.se/en/Metameny/About-Nordregio/Journal-of-Nordregio/2009/Journal-of-Nordregio-no-4-2009/Malmo-towards-a-carbon-neutral-future/index.html>

that plan to be carbon neutral by 2025¹¹. The C40 Cities¹² to which Auckland is a member state, has programmes to support low carbon urbanisation. Successful outcomes have included early engagement with communities for determining shared values and outcomes. Importantly this approach also reduces the costs of litigation.

Inclusive, sustainable cities

- 2.3. Historically cities have not been designed well for women, specifically in relation to public spaces, transport and affordable housing¹³. For cities to be inclusive, new urban development projects must incorporate an equity perspective which takes into account differential needs according to gender, age, ability and income. For cities to be sustainable, these priorities must intersect with consideration for the short and long-term environmental impact. In Aotearoa New Zealand this would include, for example, women and children-friendly public transport options, protected bike lanes and walking paths and green spaces with safe play areas and affordable and climate-smart housing oriented to vulnerable groups¹⁴. One successful exemplar is Vienna which provides for affordable housing and transport at the same time as lowering resources consumption through pioneering policies addressing gender mainstreaming and social inclusion¹⁵.
- 2.4. SDG 11 aims to 'Make cities and human settlements inclusive, safe, resilient and sustainable'.
- 2.5. Targets address the need for *safe and affordable housing, safe, affordable, accessible and sustainable transport systems, and safe, inclusive and accessible green and public spaces, with particular attention across targets to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons. This incorporates participatory and sustainable planning and climate change adaption policies*¹⁶

Human Rights' issues and Gender Equality

- 2.6. The Committee on the Elimination of Discrimination against Women¹⁷ notes that other United Nations human rights mechanisms such as the Committee for the Rights of Persons with Disabilities, the Right of the Child are increasingly referring to the negative consequences of climate change, environmental degradation and disaster. This is placing responsibilities on governments. Those most at risk are women and girls in any disaster. Consistent with SDG 5 and SDG 13 it is recommended that

¹¹ <https://archive.nordregio.se/en/Metameny/About-Nordregio/Journal-of-Nordregio/2009/Journal-of-Nordregio-no-4-2009/Malmo-towards-a-carbon-neutral-futur/index.html>

¹² www.c40.org

¹³ Institute for Women's Policy Research (2015). *Gender, Urbanization and Democratic Governance*. National DemocraticInstitute. <https://www.ndi.org/sites/default/files/Gender%20Urbanization%20and%20Local%20Governance%20White%20Paper.pdf>

¹⁴ Women in Urbanism Aotearoa (2019). *An election manifesto for making truly inclusive cities*.

<https://thespinoff.co.nz/local-elections/11-09-2019/an-election-manifesto-for-making-truly-inclusive-cities/>; Bengtsson J, Hargreaves R and Page, IC (2007). *Assessment of the Need to Adapt Buildings in New Zealand to the Impacts of Climate Change*. BRANZ https://www.branz.co.nz/cms_show_download.php?id=af3b6b202e83011d176ec5e8f9b58de4ce2ac882

¹⁵ <https://www.eco-business.com/news/vienna-ranks-high-on-almost-every-urban-quality-of-life-list-heres-why/> (19 August 2016)

¹⁶ <https://sustainabledevelopment.un.org/sdg11>

¹⁷ https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf

the Bill has strengthened frameworks for ensuring mitigation against the effects of climate change and possible disasters in all its projects.

Cities and Climate Change

- 2.7. In April 2019 the Mauna Loa Observatory in Hawaii¹⁸ reported CO2 levels had reached a point that could have catastrophic effects on human health. While this new record is dangerous for the planet overall, it could be even worse for urban areas, where [more than half of the world's population lives](#)¹⁹.
- 2.8. In Apr 17, 2019 Statistics NZ²⁰ reported New Zealand's gross GHG emissions increased 19.6 percent from 1990 to 2016. In 2016, gross GHG emissions were mainly made up of carbon dioxide (43.8 percent), methane (42.8 percent) and nitrous oxide (11.6 percent). In 2016, the energy sector produced 87.5 percent of all carbon dioxide emissions.
- 2.9. A number of New Zealand cities have declared a state of climate emergency. Dr James Renwick, climate scientist²¹, "climate emergency" by some councils only matters if it is followed by action.
- 2.10. There is a significant body of research that identifies that the carbon footprint of urban areas is increasing, and Auckland is no exception. "Between 2009 and 2015, net emissions have increased by 2.1 per cent while gross emissions have increased by 7.1 per cent."²²
- 2.11. The Bill must embrace the risks and costs associated with climate change, lowering carbon emissions, and mitigating potential effects in the event of disaster. It has the potential to generate human rights issues where women and children and the poor are unequally disadvantaged by hardship. It will be the Crown that will be required to pick up the pieces of inadequate commitment to addressing these key issues, due to the inadequacy of the planning stages prescribed in this Bill.

Support for transition

- 2.12. NCWNZ is concerned that the Bill does not require that new urban development projects support cities in transitioning to reduce their emissions.
- 2.13. A recent New Zealand study shows a science-based approach to setting climate targets for buildings aligning with the 2° C Paris climate target²³

It includes:

- Setting climate targets for buildings
- Inclusion of a stock projection model to calculate a climate target for a building of a specific country

¹⁸ <https://www.esrl.noaa.gov/gmd/obop/mlo/>

¹⁹ <http://www.un.org/en/development/desa/news/population/world-urbanization-prospects-2014.html>

²⁰ <https://www.stats.govt.nz/indicators/new-zealands-greenhouse-gas-emissions>

²¹ https://www.nzherald.co.nz/climate-change/news/article.cfm?c_id=26&objectid=12248750

²² <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/topic-based-plans-strategies/environmental-plans-strategies/Documents/low-carbon-auckland-annual-update-2017.pdf>

²³ <https://www.sciencedirect.com/science/article/abs/pii/S0360132319307723?via%3Dihub>

- Estimation of NZ details each housing sector's climate impact during 2018-2050
- Identification of opportunities to mitigate climate change impact of New Zealand construction and real estate sector.

- 2.14. The New Zealand Green Building Council²⁴ provides practical tools and certification for meeting design and performance standards for residential buildings.
- 2.15. The Bill appears to be driven by financial determinant to deliver housing numbers on the ground. There appears to be an absence of accounting for the operational and life cycle costs that are inherent and passed on to future occupants and owners and the environment. There is very limited framework to deliver housing that will serve the affordable and future needs of diverse communities.
- 2.16. The Bill should take a progressive approach that takes decisive steps to address the targets of our cities in meeting the Paris agreement targets and meet Sustainable Development Goals. Healthy people grow healthy cities. NCWNZ considers that supporting *inclusive and sustainable* cities should be emphasised more strongly in the Bill.

Community engagement: a joined-up approach to planning

- 2.17. Early and ongoing consultation and collaboration with communities would significantly add to the quality of planning and the design of a development area. Such engagement with communities would reduce costs of litigation and the cost to community health and wellbeing.
- 2.18. Under the Bill there are inadequate frameworks to provide an understanding of community need including the needs of diverse groups. There is also a lack of connection between the need to reduce climate risks faced by new communities that could be vulnerable. Women and children are worse affected than other groups in the event of disaster. The Bill should direct mitigation and adaptive measures are put in place against the effects of climate change and possible disasters in all its projects.

UN Sustainable Development Goals

- 2.19. The UN Sustainable Development Goals²⁵ provide for an approach that enables “joined up” thinking and decision-making in all public, private sector and civil society activities. SDG 17 Partnerships for Goals states that “A successful sustainable development agenda requires partnership between government, the private sector and civil society. These inclusive partnerships are built on principles and values, and shared goals that place people and the planet at the centre, are needed at the global regional nation and local level”
- 2.20. Consistent with SDG 17, the Bill should provide for frameworks that unlock genuine transformative development to deliver sustainable development objectives. Review and monitoring frameworks, regulation and incentive structures need to be tooled to reinforce this approach. National reporting and audit mechanisms should be included in the Bill.

²⁴ <https://www.nzgbc.org.nz/>

²⁵ <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

3. For the above reasons NCWNZ makes the following recommendations.

3.1. *Recommendation 1*

The General Policy Statement, The *Objective of the Bill is to...*

We recommend that the first paragraph be amended by way of addition and deletion as bolded below:

“This Bill tackles these long-term challenges by providing Kāinga Ora with a tool-kit of powers and a new, streamlined process that will enable complex, transformational development that will improve the social, **environmental** and economic performance of New Zealand’s urban areas **by providing for the health and wellbeing of diverse communities and the environment. It is not designed to address wider issues in the urban development and planning system.**

3.2. *Recommendation 2*

Part 1 Subpart 1 Purpose and Principles

Specified development projects

Clause 5 Principles for specified development projects

Clause 5 (1) (a) (iii)

We recommend amending as bolded, by adding the word *equitable*:

“efficient, effective, **equitable** and safe transport systems”

Clause 5 (1) (a) (v)

We recommend amending as bolded by adding the word *resilient*:

“low-emission and **resilient** urban environments; and”

Clause 5 (1) (a) (vi)

We recommend amending by adding as bolded, a new subparagraph

(vi) **equitable and inclusive urban environments, taking into account differential needs according to gender, age, ability and income.**

3.3. *Recommendation 3*

Part 1 Subpart 1 Purpose and Principles

Specified development projects

Clause 5(1)(b)(iii)

We recommend the deletion of this clause:

~~recognise that amenity values may change~~

Reason: Amenity values are supported by case law that provides a base line and framework for certainty for healthy and productive communities and cities. This includes the need for open spaces as the ecological and recreational “lungs” of a development.

3.4. *Recommendation 4*

Clause 5 Principles for specified development projects (continued):

We recommend adding a new subclause 3 or similar

(3) have particular regard to mitigating impacts of climate change in all development projects to include a low carbon footprint and in doing so,

- (a) recognize and enable the matters in Section 3 of the Climate Change (Zero Carbon) Amendment Act to be given effect
- (b) have particular regard for Part 1 B Emission reduction Subpart 1 2050 target of that Act including 5ZO taking guidance from the Minister
- (c) have particular regard to obligations under the national climate change risk assessment and National Adaptation plan under this Act. 5ZS

Subsequent sections of the Bill require amendment to meet these principles.

3.5. *Recommendation 5*

Part 2 Specified development projects

Clause 30 Criteria for establishing specified development project

We recommend an amendment to insert a new paragraph as bolded:

Clause 30 (b) (iii) national directions under the Climate Change (Zero Carbon) Amendment Act 2019 including Section ZW

3.6. *Recommendation 6*

Project Assessment

Clause 34 Kāinga Ora identifies constraints and opportunities

(1) (a)

We recommend an amendment to insert a new paragraph (iii) as bolded below and renumber accordingly:

Clause (1)(a)(iii) the impact on any local communities, or communities of interest that are established in the area, including vulnerable or marginalised populations

Clause 34 (2) Kāinga Ora must also identify...

We recommend an amendment in bold below to update and correct the statute title:

Clause 34(2)(b) any publicly available reports on climate change matters, prepared in accordance with the **Climate Change Response (Zero Carbon) Amendment Act 2019** or New Zealand's obligations under an international treaty, that are relevant to the proposed project area.

Clause 34 (2) continued

We recommend an amendment to add as bolded below, a new paragraph (c) and renumber:

Clause 34(2)(c) the social, cultural, environmental and ecological implications relevant to the proposed project area

3.7. *Recommendation 7*

Project assessment

Clause 35 Kāinga Ora seeks engagement, etc., with Maori and key stakeholders

(3) Key stakeholders with whom engagement must be sought are -

We recommend an amendment as bolded below, to **add new paragraphs (j) and (k)**

- (j) **All landowners or their representatives in a proposed area**
- (k) **Any key interest groups**

3.8. **Recommendation 8**

Project Assessment Report

Clause 41 Contents of report: recommendation to establish specified development project

We recommend an amendment to clause 41 (2) (a) (viii) by adding as bolded: after “section 33(a)_ and section 34; and

3.9. **Recommendation 9**

Part 2 Subpart 2 - Preparation of development plans

Clause 60 Relevance of certain national instruments

We recommend an amendment to add new subclause(c) as bolded:

Clause 60(c) Any relevant provision of the Climate Change Response (Zero Carbon) Amendment Act 2019,

3.10. **Recommendation 10**

Subpart 2 Preparation of development plan

Clause 69 Relevant Considerations

We recommend amending as bolded, paragraph (f) to correct/update the statute title: **Climate Change Response (Zero Carbon) Amendment Act 2019**

3.11. **Recommendation 11**

Subpart 2 Preparation of development

Clause 70 Consultation

We recommend amending Clause 70(1)(c) with the addition as bolded:

(1) When preparing a draft development plan, Kāinga Ora must consult –

Add new **c) Community and environmental stakeholder groups**

And renumber subsequent paragraphs d) e) and f) accordingly.

3.12. **Recommendation 12**

Documents to support development plan

Clause 73 evaluation report: environmental matters

We recommend amending Clause 73 as bolded, by adding a new subclause:

(3) All relevant requirements under the Climate Change Response (Zero Carbon) Amendment Act 2019

Renumber the subsections accordingly.

3.13. **Recommendation 13**

We recommend an amendment as bolded below that adds to Section 6 a new **Subpart 4 Accountability and Reporting** (or similar) before Schedule 1.

(1) Kāinga Ora will report on an annual basis to the Minister, to each local authority within the jurisdiction it operates, and each report will be made publicly available. It shall include: strategic priorities, housing resources, social transformation and community wellbeing, place-making, economic development, the state of environment, finance, carbon accounting and resilience-building against climate change. It will include reporting against targets.

4. Conclusion

- 4.1. In conclusion, NCWNZ considers that the Bill will not deliver high quality urban environments for healthy communities in its present form. We have recommended significant amendments. We believe that further work should be undertaken on the Bill to enable resilient and inclusive urban development with a small carbon footprint, the building of affordable housing and the development of strong communities.
- 4.2. The Bill must embrace the risks and costs associated with climate change, lowering carbon emissions, and mitigating potential effects in the event of disaster. It has the potential to generate human rights issues where women and children and the poor are unequally disadvantaged by hardship. It will be the Crown that will be required to pick up the pieces of inadequate commitment to addressing these key issues, due to the shortcomings of the planning stages prescribed in this Bill and it is the disadvantaged who will be likely to be the most adversely affected.



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