

SPECIAL HOUSING AREAS: A PRACTICAL PATHWAY TO LIVABLE HOMES?

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INTRODUCTION

New Zealand's housing unaffordability has been worsening since the early 2000s. Described as unprecedented in recent history, this period involved one of the longest and steepest trends of house price increases.¹ The 2017 *Demographia* International Housing Affordability Survey identified eight New Zealand cities as seriously or severely unaffordable.² The 2013 National Affordability Benchmark puts two-thirds of renter households and 81.4% of first home buyer households below the benchmark.³

Housing unaffordability in New Zealand has been attributed to various factors including mortgage-lending deregulation, small scale and inefficiencies in the building industry, construction and materials costs, slow and costly planning and regulatory processes, slow infrastructure development, inadequacies in social housing, natural growth and in-migration, and restricted land supply.⁴ Central government has assumed restricted land supply to be the primary cause of housing unaffordability and sought to address it through the establishment of Special Housing Areas (SHAs) under the Housing Accords and Special Housing Areas Act 2013 (HASHAA). SHAs are land sites where housing development can be fast-tracked. They have been called "a key historical moment in the politics of housing supply and planning in New Zealand."⁵

This supply-side response is a departure for New Zealand, where housing policy since the late 1980s has been strongly focused on addressing housing unaffordability through the demand-driven Accommodation Supplement, an untied payment to consumers to assist with, but not fully subsidise, unaffordable housing. In contrast, international responses to housing unaffordability are multi-faceted, targeting both supply- and demand-side barriers. Responses have included mixed tenure and social mix programmes, social housing provider support, housing allowances, community regeneration, inclusionary planning and financial and tax instruments.⁶

This paper focuses on SHAs in Tauranga and Western Bay of Plenty (WBOP). Together these two councils⁷ comprise one of the fastest growing urban areas in New Zealand, and the second least affordable, according to *Demographia*, with housing costing 9.7 times the median household income.⁸ New Zealand's National Affordability Benchmark shows that 74.5% of Bay of Plenty renting households and 83.5% of first home buyer households are below the benchmark, indicating housing is not affordable.⁹

Documents setting out the establishment and operation of SHAs are examined, including regulatory impact statements, policies, housing accords and monitoring reports. Documentary analysis is used to identify the rationale, critical actors, implementation processes and expected and actual outcomes. In particular, there is consideration of whether the SHA intervention is likely to result in both affordable and livable dwellings. This analysis is the first stage of a case study about resource-holders and decision-making concerning SHAs, in *Building Better Homes, Towns and Cities*, a multi-disciplinary research programme to develop better housing and urban environments for New Zealanders.¹⁰

THE HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT

The purpose of HASHAA is twofold: to increase the volume of land for residential development; and to increase the pace of consenting developments in order to bring sections and ultimately housing on to the market more quickly.

Both land release and rapid consenting are expected to improve housing affordability. HASHAA is predicated on the assumption that land supply is artificially constrained by councils' restrictive planning controls, which inhibit the operation of the market and drive up the price of land. Loosening up these controls by zoning land for residential use and 'fast-tracking' consents for land subdivision, infrastructure development and building is expected to reduce the costs of supplying housing and consequently improve affordability for consumers.

A council that is defined in Schedule 1 of HASHAA as experiencing "significant housing supply and affordability issues" may set up a Housing Accord with the Minister administering the Act. Under an Accord the council can recommend to the Minister the establishment of SHAs. In turn the Minister recommends to the Governor-General that the SHA be established by an Order in Council.

In proposing a SHA, a council must demonstrate that there is existing or planned infrastructure to support the development, evidence of supplier-led demand to create the development, and evidence of consumer demand for housing. The impetus to create a SHA is driven by the market. A council receives a proposal from a developer or land owner for land to be created as a SHA. There is no requirement on the council to consult with its community about the establishment of a SHA, although some councils have done so. Furthermore, in keeping with the fast-track, permissive consenting process for SHAs, development within a SHA does not require community consultation, usually required for residential developments. There is no public notification of the proposed development and no legal appeal.¹¹

HASHAA prioritises land release as the mechanism for ensuring affordability. Although councils may prescribe a percentage of dwellings in a SHA to be affordable, it is not mandatory. Some have done so, including the Auckland Council, which requires most large developments within SHAs to provide at least 10 percent affordable housing.¹²

SHAs were only ever envisaged as a short-term measure, while the Auckland Unitary Plan was finalised and reforms made to the Resource Management Act (RMA), the main legislation concerned with the supply, development and subdivision of land for residential housing. In September 2016 HASHAA was amended to allow it to continue until September 2019, since other measures to address housing unaffordability had not progressed and SHA development over the three years had been slow. By September 2016, nine of the fifteen councils named in Schedule 1 had signed Accords and 213 SHAs were established.¹³ One third of all SHAs were established in 2016, and had had no time to bring housing on-stream by HASHAA's original end date.¹⁴

SHAS IN TAURANGA AND WESTERN BAY OF PLENTY

Tauranga is the fifth largest city in New Zealand, with a population of 114,789. The WBOP district surrounding Tauranga has a population of 43,692 spread across rural areas and six main urban settlements.¹⁵ Both councils experience significant internal in-migration and have a growing population aged 65 years and over.¹⁶ Together they make up the sub-regional housing market and operate as a sub-regional economy. SmartGrowth, an integrated settlement planning approach encompassing the sub-region, has been pursued since 2000. This has been reinforced by the designation of the sub-region as a 'high growth area' under the 2016 National Policy Statement on Urban Development Capacity, which requires planning for land demand and intensification.

Both councils are listed in Schedule 1 of HASHAA as experiencing significant housing supply and affordability issues. In response to housing unaffordability, two Housing Accords were established. The aim of the Tauranga Housing Accord, signed in August 2014, is to increase the number of dwelling lots by at least 1,000 in the first two years of the Accord. The Western Bay of Plenty Housing Accord, signed in August 2014, has a target of 350-500 dwellings to be built. By August 2016, eleven SHAs had been established in Tauranga, and one SHA had been established in WBOP, in Omokoroa, the district's main growth area.

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Figures 1 and 2 show two SHAs. Figure 1 is a brownfields site currently zoned industrial and adjacent to existing light industrial premises and residential housing. Figure 2 is a greenfields site, one of six SHAs on the eastern outskirts of Tauranga city.



Figure 1 A brownfields SHA on which 130 apartments and townhouses are proposed.



Figure 2 A greenfields SHA, showing earthworks and new homes.

Key Actors

Key actors in the establishment of SHAs are the private sector, regulatory agencies, and housing consumers. Private developers and land owners are critical, as one of HASHAA's three criteria for SHA establishment is that evidence of demand to create a development must be demonstrated, i.e. there must be private sector capacity and willingness to build houses.

The Tauranga and WBOP accords state explicitly that private sector leadership is fundamental to the establishment of SHAs. The Tauranga Accord notes that the Accord will "maintain a well-functioning, private sector-led housing market."¹⁷ Applications for establishing Tauranga SHAs have been driven by developers and land owners.¹⁸ In WBOP, the majority of the SHA land is in council ownership, however, the development is being undertaken in partnership with a private developer. The Accord confirms the key role of developers, stating it "is about providing the conditions for private investment in housing and will require both Council and Government to work closely with the development sector."¹⁹

While supply-side actors are critical to SHA decision-making and implementation, housing consumers and the general public have no role in the decisions to establish SHAs. The legislation does not require public consultation to be undertaken, either in the establishment of a SHA, or in the consenting processes for residential development after a SHA is established. However, both councils consulted with their communities about the establishment of SHAs. WBOP Council consulted with directly affected and adjoining land owners, local community, iwi,²⁰ and developers. Tauranga conducted public consultation, including open days and requesting written submissions.

SHA Outcomes

Monitoring reports for the WBOP and Tauranga Accords provide data on outcomes against targets. However, the number of new houses in SHAs cannot be identified, because only 'whole of market' data is reported, including house price growth, the number of sections developed and building consents in the area, not just those in SHAs. Central government does not collect data on the number of building consents issued, or the number of houses completed in SHAs.²¹

The Tauranga Accord set four targets: increasing the number of future dwellings to 1,000; promoting the development of smaller dwellings (less than 189 square metres); promoting the development of smaller sections (less than 500 square metres); and maintaining supply of undeveloped zoned and serviced residential capacity for 8,000 dwellings. The most recent report, August 2016, noted the establishment of eleven SHAs in two years, with an estimated addition of capacity for 2,970 dwellings. Six SHAs have been issued with consents for the first stages of development, and three additional SHAs have lodged development consent applications. There have been 183 building consents issued in two SHAs. The report does not give the number of completed dwellings, but indicates that house building has commenced in one SHA.²²

The WBOP Accord set three targets: consideration of two SHAs in the district; an increase in building consents throughout the district (not confined to SHAs); and 100 property titles issued in SHAs. The most recent monitoring report (August 2016) shows only one SHA established, with a capacity for 240 dwellings in future. A consent application for stage one of the development has been received for approximately 38 lots. To date no houses have been completed. No interest has been received from developers for the establishment of a second SHA.²³

These data suggest slow progress in building new houses. Monitoring reports give no indication of the expected development pipeline timeframe, nor whether the establishment of SHAs has sped up the pipeline. Nor is there information about why consenting and completion of houses might be slower than expected.

WHAT'S WRONG WITH SHAS?

Initial comments from Tauranga developers suggest that they see SHAs as more likely to deliver affordable housing because the legislation excludes public notification of SHA development applications and increases housing density. However, commentators argue that SHAs neither result in more housing, nor increase the supply of affordable dwellings. It has also been contended that SHAs are not facilitating livable homes and communities.

More houses?

HASHAA's intention was not only to facilitate the release of land for housing, but also to mitigate against land-banking by signaling less certainty for capital gains from holding land,²⁴ and to bring on-stream "previously marginal development opportunities."²⁵ The Act's 2016 amendment provides for revoking SHA status if no development progress is made in 12 months. However, there is no penalty for land-banking in a SHA, and the (then) Minister of Housing stated that he had only limited power to stop it.²⁶ His response was to write to owners of SHA land to encourage them to start development, or risk losing SHA status.²⁷

Despite the expectation that SHAs would make land-banking unattractive, numerous commentators have asserted that it is actually facilitated by the zoning change achieved through a SHA.²⁸ It may also be that the mere designation of a SHA encourages land-banking of nearby land. In Auckland, land adjacent to SHAs is being marketed as having land-banking potential, due to benefits of infrastructure development for the SHA.²⁹

Commentators propose several reasons for the slow pace of building and potential land-banking in Auckland, including: lack of builder capacity, difficulties in accessing finance, lack of infrastructure to service residential development and developers preferring to extract value-uplift from SHA designated land, rather than build housing.³⁰ In Tauranga, initial comments from developers about slow progress highlight what they perceive as stronger requirements for infrastructure design at the application stage, compared to usual consenting requirements.

Affordable?

The Act has no mandatory requirement for a percentage of SHA housing to be affordable or for affordable housing to be retained, however a council may prescribe an affordable housing percentage in a SHA.³¹ Around three-quarters of SHAs have affordability requirements for around 10 percent of houses in the development.³²

The approaches of the Tauranga and WBOP accords to housing affordability are different, although neither places strong affordability requirements on developers. Initially the WBOP Council included affordability criteria in its Accord. Council officers recommended a minimum of 50% affordable housing in the development, at a maximum price of \$350,000. However, it was also noted that the Ministry of Business, Innovation and Employment had advised that the Minister would be uncomfortable with a proportion of affordable housing as high as 50%.³³ Eventually the Order in Council for the Omokoroa SHA stated that a minimum of 25% of dwellings in each qualifying development must have a maximum land and house price of \$350,000 and a minimum of 25% of dwellings must have a maximum land and house price of between \$350,001 and \$400,000.³⁴ Eventually this requirement was revoked and replaced by the 2017 Order, which does not prescribe any affordability criteria for the SHA.³⁵

The Tauranga Accord refers to affordability in its aim to "deliver smaller dwellings at a more affordable price point."³⁶ However, the Orders in Council for Tauranga SHAs did not include any house price affordability criteria. Associated policy simply states that affordable housing outcomes will be negotiated for each SHA on an individual basis, and will cover the type and size of dwelling and section, dwelling and section price in relation to median prices, and potential for targeting housing needs. Policy also states that delivery of affordable housing will be balanced against the need for development to be profitable and commercially viable.³⁷ It was also made clear in public consultation documents that SHA developments do not need to be for affordable housing.

At this early stage, it cannot be determined whether SHAs in Tauranga and WBOP will result in any increase in affordable housing. One local developer has already signaled that there may be difficulties in achieving affordable housing in SHAs. Furthermore, there are indications in Auckland of developers withdrawing from SHAs because of a number of difficulties, including the costs of providing the requisite proportion of affordable housing.³⁸

Livable?

Dwelling features that enhance accessibility, comfort and sustainable resource use, not only increase livability, but also increase the affordability of dwelling running costs. Improvements in residents' wellbeing due to such features have demonstrated benefits. There is evidence that accessible dwellings

reduce public and private expenditure on home-based and residential care, as well as public expenditure on injuries.³⁹ There is considerable evidence for public and private savings from sustainable features, including reduced hospitalisation due to respiratory illness caused by cold homes, and reduced household water and energy expenditure.⁴⁰

While there is nothing in HASHAA that refers to livability, SHAs present an opportunity for improving livability. Mandatory criteria already include requirements for small dwelling and lot sizes, and height/storey restrictions, which potentially deliver a lower environmental impact. Councils could strengthen the livability potential of these criteria by adding accessibility and sustainability requirements in SHA establishment criteria.

Very few councils appear to use SHAs to promote livability. One exception is Auckland Council, which requires SHA housing to incorporate features to improve the dwelling's comfort, performance and reduce environmental impacts based on 6-star rating from the NZ Green Building Council Homestar tool, or certification under the living Building Challenge.⁴¹ In an effort to achieve best practice in "good quality" housing in the Omokoroa SHA, SmartGrowth issued a Registration of Interest in May 2017, calling for proposals to deliver affordable, sustainably-designed housing.

CONCLUDING COMMENTS

Despite widespread public concern about housing unaffordability and apparent governmental desire to provide affordable homes,⁴² New Zealand's policy responses have been piecemeal. The SHA model is a short-term, stop-gap and partial supply-side response to housing unaffordability, which was not expected to extend beyond 2016. It is a strong private sector led approach that prioritises land owner and developer interests. It also subsumes local government planning frameworks to central government directives. There is no requirement to consult with local communities over the establishment of a SHA, or about the nature of residential development planned within a SHA.

This paper has focused on documentary analysis to understand the establishment of SHAs in the Tauranga/WBOP high-growth sub-region, characterised by significant housing affordability and supply problems. There is no indication yet that SHAs will speed up building. The Accords do not have mechanisms to ensure housing affordability. Notably, neither Accord mentions promoting affordable rental housing through SHAs. Groups in the sub-region identified as experiencing housing stress, such as first home buyers, households in the intermediate housing market, renters and older owner-occupiers wishing to downsize, could potentially benefit from SHAs but there is little indication that their needs are recognised in SHA establishment criteria and targets. Similarly, while SHAs present opportunities to promote livable housing, there is little evidence of this occurring.

The second stage of this project will involve interviews with key actors (land owners, developers, councils, housing consumers and others) in order to establish their decision-making logics, objectives and intentions around SHAs. Explanations suggested for the slow pace of building will be explored. The extent to which key actors consider livability and affordability, and if so how they expect to achieve those objectives through SHAs, will also be examined. There will be a particular focus on the opportunities SHAs offer for housing the ageing population, a key driver of growth and housing demand in the sub-region.

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