

Proposed District Plan

Chapter 3: Strategic Direction

3.2 Strategic Objective

Add the following to 3.2.1 - The development of a prosperous, resilient and equitable economy in the district (addresses issue 1):

3.2.1.10 Affordable housing choices for low to moderate income households are provided in new residential developments so that a diverse and economically resilient community representative of all income groups is maintained into the future.

3.3 Strategic Policies

Inclusionary housing

3.3.52 Ensure that affordable housing choices for low to moderate income households are incorporated into new neighbourhoods and settlements and in redevelopments of existing neighbourhoods.

3.3.53 Ensure that affordable housing provided in accordance with Policy 3.3.52 is retained to meet the long term needs of current and future low to moderate income households.

3.3.54 Require from development and subdivision that involves a residential component the transfer of land or money to the Council as a financial contribution towards meeting Objective 3.2.1.10 and policy 3.3.52 and 3.3.53, with contributions primarily sourced from residential subdivision and development within urban growth boundaries.

Part 5 of the Proposed District Plan

Add the following new District-wide chapter:

40 Inclusionary Housing

40.1 Purpose

The purpose of this chapter is to make provision for housing choices for low to moderate income households in new neighbourhoods and in redevelopments of existing neighbourhoods.

The combination of multiple demands on housing resources (including proportionately high rates of residential visitor accommodation and holiday home ownership); geographic constraints on urban growth and the need to protect valued landscape resources for their intrinsic and scenic values, means that the District's housing market cannot function efficiently. This has long term consequences for low to moderate income households needing access to affordable housing. In turn, this has adverse outcomes for the integrated and sustainable management of natural and physical resources, including pressure for additional urban expansion, displacement of lower income households to outlying settlements, and reduction of social and economic wellbeing.

Affordable housing is where a low- or moderate-income household spends no more than 35% of their gross income on rent or mortgage (principal and interest) payments. In the Queenstown Lakes District, and for the purposes of these provisions, 120% of the District's Median Household Income for the most recent 12 months is used to define a low to moderate income.

The rules in this chapter apply to most forms of subdivision and development for residential activities. Provision is made for affordable housing by imposing a standard requiring a financial contribution to be made. This Chapter sets out the purpose of the financial contribution, and the manner in which the level of contribution (i.e. the amount) is determined. The financial contribution to be provided to the Council is for a different purpose to any development contribution listed in the Council's current contributions policy and is imposed in addition to a development contribution.

The primary means of implementation of contributions received by the Council will be through the work of the Queenstown Lakes Community Housing Trust.

40.2 Objectives and Policies

40.2.1 Objective: Provision of affordable housing for low to moderate income households in a way and at a rate that assists with providing a range of house types and prices in different locations so as to support social and economic well-being and manage natural and physical resources, in an integrated way.

Policies

40.2.1.1 Target affordable housing contributions to residential subdivisions and developments (including Residential Visitor Accommodation and independent living units in retirement villages) where housing is in high demand and generally close to employment, educational and community services, being land within Urban Growth Boundaries, or where a plan change or resource consent seeks to establish urban scale development.

- 40.2.1.2 Require residential developments that indirectly influence housing choices for low to moderate income households, such as residential development in Special and Settlement zones and rural residential subdivisions to contribute to meeting affordable housing needs.
- 40.2.1.3 Ensure that residential subdivision and development set out in Policy 4.2.1.1 and 4.2.1.2 provides a financial contribution for affordable housing. Avoid subdivision or development for residential activities that does not provide a contribution, or otherwise does not make appropriate provision to help meet the affordable housing needs of the District.
- 40.2.1.4 Recognise that the following forms of residential development either provide affordable housing or do not generate pressure on housing resources and should not be subject to the affordable housing contribution:
- a) social or affordable housing delivered by Kāinga Ora, a publicly owned urban regeneration company, the Council or a registered community housing provider;
 - b) managed care units in a Retirement Village (as defined by the Retirement Villages Act 2003) or Rest Home (under the Health and Services Disability Act 2001); and
 - c) Residential Flats.
- 40.2.1.5 Determine the amount of financial contributions in consideration of the following matters:
- a) The longer-term demand for affordable housing;
 - b) The impact of a contribution on the commercial feasibility of development at an area-wide scale and over different time periods;
 - c) The differences in commercial feasibility between greenfields and brownfields urban development; and
 - d) Whether the subdivision and development is located inside or outside of Urban Growth Boundaries.
- 40.2.1.6 Financial contributions in the form of a monetary contribution are preferred. Contributions in the form of land must be lots located within the subdivision site. Contributions of lots located outside the subdivision site may only occur where this leads to a superior outcome in terms of access by future residents to services and community facilities.
- 40.2.1.7 Financial contributions received by the Council shall be used for the purposes of providing affordable housing for low to moderate income households.
- 40.2.1.8 Provision of affordable housing by means other than a financial contribution to Council (such as direct transfer of land or units to a Registered Community Housing Provider or to a low to moderate income household) should only occur in exceptional circumstances and must include appropriate eligibility criteria and retention mechanisms.

40.3 Other Provisions and Rules

40.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation and Biodiversity
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	39 Wahi Tupuna	District Plan web mapping application

40.4 Interpreting and Applying the Rules

- 40.4.1 Contributions of money from a subdivision activity must be paid to the Council before the issue of a certificate under section 224(c) of the RMA. Where land forms part or all of a contribution, all necessary legal agreements to ensure implementation of such a contribution must be completed and executed before the issue of a certificate under section 224(c) of the RMA.
- 40.4.2 Contributions of money from a land use activity must be paid to the Council no later than 3 months after the issue of the necessary building consents under the Building Act 2004. If land forms part or all of a contribution, all necessary legal agreements to ensure implementation of such a contribution must be completed and executed before the issue of the necessary building consents under the Building Act 2004.
- 40.4.3 Where a rule specifies a set monetary contribution per square metre of floorspace, this amount shall be adjusted in accordance with the most recent changes to Statistics New Zealand Producer Price Index for Construction Outputs - EE11 Building construction SQUEE1100, with March 2023 as the base year.
- 40.4.4 For the purposes of this Chapter, residential floorspace is defined as any floorspace in a building that accommodates a residential activity, except the floor area of any garage or carport.
- 40.4.5 Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 40.4.6 The following abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

P – Permitted	C – Controlled	RD – Restricted Discretionary
D – Discretionary	NC – Non – Complying	PR - Prohibited

40.7 Rules – Activities

	Table 45.4 – Activities - Inclusionary Housing	Activity Status
40.7.1	Subdivision or development that is proposed to contain or is capable of containing residential lots or units (including residential visitor accommodation units and independent living units in retirement villages) and provides an affordable housing financial contribution in accordance with standard 40.8.1.	P
40.7.2	Subdivision or development that is proposed to contain or is capable of containing residential lots or units (including residential visitor accommodation units and independent living units in retirement villages) which does not provide an affordable housing financial contribution in accordance with standard 40.8.1.	D

40.8 Rules - Standards

	Table 45.5 – Standards - Inclusionary Housing	Non-compliance status
40.8.1	<p>An Affordable Housing Financial Contribution shall be provided to Council as follows:</p> <ol style="list-style-type: none"> 1. Subdivisions: <ol style="list-style-type: none"> a. Residential subdivisions within urban growth boundaries or other Residential Zones outside urban growth boundaries: <ol style="list-style-type: none"> (i) resulting in more than 1 but less than 20 new lots: a monetary contribution shall be paid to the Council equal to 5% of the estimated sales value of serviced lots; or (ii) resulting in 20 or more lots: a contribution of land comprising 5% of serviced lots transferred for no monetary or other consideration to the Council. b. Residential subdivisions in a Settlement Zone, Rural-Residential Zone, Wakatipu Basin Rural Amenity Zone Lifestyle Precinct or Special Zone: <ol style="list-style-type: none"> (i) A monetary contribution shall be paid to the Council equal to 1.0% of the estimated sales value of the lots created. 2. Development: <ol style="list-style-type: none"> a. Residential floorspace for any new or relocated units on lots that have not been subject to a financial contribution under 1 	D

	Table 45.5 – Standards - Inclusionary Housing	Non-compliance status
	<p>(a) above: A monetary contribution shall be paid to the Council equal to the lesser of:</p> <ul style="list-style-type: none"> (i) 2.0% of the estimated sales value of the additional units, or (ii) \$150 per sqm of the net increase in residential floorspace. <p>b. Residential floorspace for any new or relocated units on lots that have not been subject to a monetary contribution under 1 (b) above: A monetary contribution shall be paid to the Council equal to:</p> <ul style="list-style-type: none"> (i) \$75 per sqm of the net increase in residential floorspace. <p>c. For new residential floorspace on lots that have provided a monetary contribution under 1(a) above, a ‘top up’ monetary contribution shall be paid to the Council, equal to the formula (A) – (B):</p> <p>With (A) being the lesser of:</p> <ul style="list-style-type: none"> 2.0% of the estimated sale value of the additional units, or \$150 per sqm of the net increase in residential floorspace, and <p>(B) being the per lot contribution paid under 1(a).</p> <p>3. Exemptions:</p> <p>For the purposes of this standard, the following types of residential activities shall not be counted as contributing to the total number of residential units in a development, nor be counted towards fulfilling the requirement of 40.8.1:</p> <ul style="list-style-type: none"> (a) a Residential Flat (b) social or affordable housing delivered by Kāinga Ora, a publicly owned urban regeneration company, the Council or a registered community housing provider that complies with the requirements of Schedule 40.1, where affordable housing comprises at least 10% of the dwelling units in the development; or (c) a managed care unit in a Retirement Village or Rest Home (as defined by the Retirement Villages Act 2003 or the Health and Disability Act), or 	

	Table 45.5 – Standards - Inclusionary Housing	Non-compliance status
	<p>(d) a residential unit located in a Zone that already contains affordable housing provisions in the district plan, or where previous agreements and affordable housing delivery with Council have satisfied objective 3.2.1.10 and 40.2.1 and their associated policies.</p> <p>4. Interpretation:</p> <p>The estimated sales value of lots, units or residential floorspace shall be determined by a valuation report prepared, at the applicant’s expense, by a Registered Valuer (as mutually agreed by the Council and the applicant) within the 3 months prior to the financial contribution being paid. In the event of disagreement, the Council shall appoint a valuer to determine the matter</p>	
40.8.2	Affordable lots provided in accordance with 40.8.1 I (a) (ii) shall be located within the development site, serviced and unencumbered.	D
40.8.3	Where development is to be staged, the affordable housing contribution is to be provided as each stage proceeds, on a proportionate lot basis.	D

40.9 Assessment Matters

40.9.1 Discretionary Activities

40.9.1.1 The amount of the contribution

- a. Whether the site or development has unique or unusual characteristics that would mean full provision of the required number of affordable lots or monetary contribution imposes a significant financial burden on the development that would make the development unviable, as demonstrated by a site-specific development feasibility assessment that utilises industry accepted assessment methodologies, and an alternative mix or contribution is appropriate. It is expected that a full assessment of costs will be provided based on an “open book” approach i.e. the developer will be expected to make all of the relevant cost information available.

40.9.1.2 Land versus monetary contribution

- a. Whether the contribution is more appropriately provided in the form of money rather than land (lots) due to the location of the lots; their size and/or on-going high costs of upkeep (including resident's society or body corporate fees or similar).

40.9.1.3 Off-site provisions

- a. Where lots are required, whether off-site locations may be considered for all or part of the requirement where:
 - i. there are exceptional reasons to avoid on-site provision, such as the site being poorly located for affordable housing, and/or
 - ii. the alternative sites are in close proximity to the development (i.e. within 2kms) and offer a superior outcome in terms of improved access to services and transport and improved mix of dwelling types. Particular consideration will be given to whether the off-site provision will better address priority needs, particularly family housing, and/or
 - iii. the applicant has entered into a legally binding agreement with a Council approved community housing provider who can demonstrate that on-site provision will not meet their operational requirements and that an off-site location will deliver a superior outcome in terms of the number, mix and/or on-going management of the required retained affordable housing.

40.9.1.4 Staging of dwellings units and/or lots

- a. Deferral of provision of affordable lots or units to subsequent stages should generally not occur.
- b. Whether delayed delivery of the affordable dwellings or lots can be appropriately secured through a suitable binding agreement with the Council, the terms of which may include a bond.

40.9.1.5 Alternative forms of contribution

- a. Alternative forms of contribution to that specified in 40.8.1 (such as sale of lots or units direct to a Community Housing provider or a low to moderate income household) should not result in a lesser contribution.
- b. Transfer of lots or units should involve an appropriate retention mechanism and be subject to eligibility criteria (as specified in Schedule 40.1).
- c. Alternative forms of contribution should only be considered where exceptional circumstances apply.

40.10 Schedule 40.1

Where a financial contribution is not provided, and an alternative solution proposed, then the requirements in 40.8.1 must be met by compliance with the following:

Retention Mechanism

40.10.1.1 The lot or floorspace being sold to an eligible buyer with a legally enforceable retention mechanism which is fair, transparent as to its intention and effect and registrable on the title of the property, including, but not limited to, a covenant supported by a memorandum of encumbrance registered on the certificate of title or consent notice under the RMA, that:

- a. limits ownership and re-sale (including a future residential unit in the case of a vacant site subdivision) to:
 - (i) a registered community housing provider, Kāinga Ora, a publicly owned redevelopment agency or a registered community housing provider, or
 - (ii) an occupier who is approved by the council as meeting the eligibility criteria below, and
- b. limits rent and resale to an eligible buyer based on a formula that ensures that the lot or dwelling remains affordable into the long term, including a future residential unit in the case of vacant site subdivision; and
- c. prevents circumvention of the retention mechanism and provides for monitoring of the terms of the retention mechanism covenant or consent notice and the process should those terms be breached including where occupiers have defaulted on the mortgage and lenders seek to recover their interests in the property, and
- d. is legally enforceable by the council in perpetuity through the means of an option to purchase in favour of the council at the price determined in accordance with (e), supported by a caveat.
- e. at the time of resale, requires the reseller to:
 - (i) apply the same formula used to determine the price of the original purchase;
 - (ii) allows the reseller to recover the cost of capital improvements made subsequent to purchase, approved by the council at a value determined by a registered valuer.

Eligibility

40.10.1.2 For the purposes of 40.10.1.1 an eligible buyer shall:

- a. Be a household with a total income of no more than 120% of the District's area median household income;
- b. Be a household whose members do not own or have interest in other real estate;
- c. Must not own or be a beneficiary of a business or trust that has adequate income and/or assets that enable you to enter into home ownership independently;
- d. Will live at the address and not let or sub let the unit to others; and
- e. Have at least one member who is a New Zealand resident or citizen.

Affordability

40.10.1.3 Affordability means households who have an income of no more than 120% of the district's median household income and spend no more than 35 per cent of their gross income on rent or mortgage repayments, where:

- a. median household income shall be determined by reference to Statistics New Zealand latest data, and as necessary, adjusted annually by the average wage inflation rate;
- b. in the case of purchase, normal bank lending criteria shall apply. Body Corporate or Resident Society fees may be included in the calculation of purchase costs;
- c. In the case of the sale of a vacant site only, the site is sold at a price such that the resulting dwelling plus the site will meet the criteria set out above.