

UNDER the the Resource Mangement Act 1991 ("RMA")
IN THE MATTER of Proposed Waikato District Plan (Stage 1): Hearing 1 –
Chapter 1 Introduction

**LEGAL SUBMISSIONS ON BEHALF OF KĀINGA ORA-HOMES AND
COMMUNITIES (749, FS1269)**

HEARING 1 – CHAPTER 1 INTRODUCTION

2 October 2019

**ELLIS GOULD
LAWYERS
AUCKLAND**

**Level 17 Vero Centre
48 Shortland Street, Auckland
Tel: 09 307 2172 / Fax: 09 358 5215
PO Box 1509
DX CP22003
AUCKLAND**

**REF: Dr Claire Kirman / Daniel
Sadlier**

MAY IT PLEASE THE HEARINGS PANEL:

1. Introduction

1.1 These legal submissions are presented on behalf of Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) (as successor to Housing New Zealand Corporation (“**HNZC**”)) in relation to submissions¹ lodged on the Proposed Waikato District Plan (“**the Proposed District Plan**” or “**PDP**”) provisions covered by Hearing 1 – Chapter 1 Introduction.²

1.2 Kāinga Ora has made limited submissions on this Hearing Topic. In summary, these submission points (and the evidence lodged in support) relate to the need to emphasise the importance of providing for an efficient, compact urban form and how those parts of Chapter 1 subject to this hearing can best address that.

1.3 These submissions are structured as follows:

(a) A summary of background information regarding Kāinga Ora and its roles as a public housing landlord and the leader and coordinator of urban development projects within the Waikato District, as it relates to Hearing 1 – Chapter 1 Introduction.

(b) Relief sought.

2. Summary - Kāinga Ora

2.1 HNZC has been disestablished and now forms part of Kāinga Ora, a new Crown agency that is the Government’s delivery agency for housing and urban development. The recently enacted Kāinga Ora-Homes and Communities Act 2019 (“**Kāinga Ora Act**”) provides for the establishment of Kāinga Ora and sets out its objectives, functions and operating principles. Detail around its enabling development powers will be provided in a second bill which is set to be introduced later this year.

¹ Submission No. 749 and Further Submission No. FS1269.

² Kāinga Ora is the successor of HNZC for the purposes of section 2A of the RMA. Clause 3 of Schedule 1 to the Kāinga Ora Act provides for the transfer of HNZC’s functions to Kāinga Ora, and pursuant to cl 6 of Sch 1 to the Kāinga Ora Act, all references to HNZC are to be read as a reference to Kāinga Ora (e.g.: the submissions and evidence previously lodged in HNZC’s name).

- 2.2 As previously advised, detailed evidence regarding public housing in the Waikato District, the public health benefits of such housing and the role Kāinga Ora has in the provision of public and affordable housing on behalf of the Government, as well as its role in initiating, facilitating or undertaking urban development will be given in Hearing 3 – Strategic Objectives³.
- 2.3 Ahead of providing that detail, a brief updated⁴ summary of the background information provided in opening submissions follows:
- (a) Kāinga Ora will work across the entire housing spectrum to build complete, diverse communities that enable New Zealanders from all backgrounds to have similar opportunities in life. As a result, Kāinga Ora will have two core roles:
 - (i) being a world class public housing landlord; and
 - (ii) leading and co-ordinating urban development projects.
 - (b) Kāinga Ora was formed in 2019 as a statutory entity established under the Kāinga Ora Act, and brings together HNZC, HLC (2017) Ltd and parts of the KiwiBuild Unit. Under the Crown Entities Act 2004, Kāinga Ora is listed as a Crown agent and is required to give effect to Government policies.
 - (c) Kāinga Ora owns or manages more than 64,000 rental properties throughout New Zealand⁵, including about almost 1,500 homes for community groups that provide housing services. Approximately 40% of the total state housing portfolio was built before 1967. Kāinga Ora manages a portfolio of approximately 400 dwellings in the Waikato District.⁶
 - (d) Kāinga Ora’s tenants are people who face barriers (for a number of reasons) to housing in the wider rental and housing market.

³ Further detail around Kāinga Ora's role in leading and co-ordinating urban development projects will follow once the relevant legislation has been introduced.

⁴ To refer to Kāinga Ora and its objectives. As noted above in fn 2, all references to HNZC are to be read as a reference to Kāinga Ora pursuant to the Kāinga Ora Act.

⁵ As at June 2019.

⁶ As at 30 June 2019.

- (e) Kāinga Ora's statutory objective requires it to contribute to sustainable, inclusive, and thriving communities that:
 - (i) provide people with good quality, affordable housing choices that meet diverse needs; and
 - (ii) support good access to jobs, amenities and services; and
 - (iii) otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.

- (f) As was noted in the opening submissions⁷, in recent years the demand for social housing has changed markedly from 2-3 bedrooms houses, to single unit housing for the elderly and 4-5 bedroom houses for larger families. This demand contrasts with Kāinga Ora's existing housing portfolio of which a significant proportion comprises 2-3 bedroom houses on larger lots.

- (g) HNZC's focus in recent times has been to provide social housing that matches the requirements of those most in need. To achieve this, it has largely focused on redeveloping its existing landholdings.

- (h) Kāinga Ora will continue this approach of redeveloping existing sites by using them more efficiently and effectively, so as to improve the quality and quantity of public and affordable housing that is available.

- (i) In addition, Kāinga Ora will play a greater role in urban development more generally. The legislative functions of Kāinga Ora illustrate this broadened mandate and outline two key roles of Kāinga Ora in that regard:⁸
 - (i) initiating, facilitating and/or undertaking development not just for itself, but in partnership or on behalf of others; and

⁷ Hearing Topic – Opening Submissions, HNZC (now Kāinga Ora), Legal Submissions, 26 September 2019

⁸ Sections 12(f)-(g) of the Kāinga Ora Act.

- (ii) providing a leadership or coordination role more generally.

Notably, Kāinga Ora's functions in relation to urban development extend beyond the development of housing (which includes public housing, affordable housing, homes for first home buyers, and market housing) to the development and renewal of urban environments, as well as the development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services or works.⁹

3. Relief Sought

- 3.1 Kāinga Ora's primary submission sought amendments to Chapter 1.5.4 to ensure that the wording of the provisions emphasised the importance of giving priority to residential intensification in existing urban areas. This is reflective of a consistent theme of Kāinga Ora's submissions across the Plan, being the need for the PDP to provide for an efficient urban form through location of increased residential density close to centres, transport nodes and corridors.¹⁰
- 3.2 Having reviewed the s42a report, Kāinga Ora's planning consultant Mr Lindenberg, is comfortable that Chapter 1 (insofar as it relates to this particular hearing) contains sufficient content and detail which communicates to plan users that the Strategic Directions and Objectives of the District will be focused on achieving growth around existing urban centres and infrastructure.
- 3.3 Having said that, and given the provision of a compact urban form is a fundamental part of the PDP's approach to urban growth, in Mr Lindenberg's view it important to link the discussion in Chapter 1 regarding Compact urban development (1.5.1) with the discussion regarding Urban growth (1.5.4). Mr Lindenberg's evidence proposes one further amendment to Chapter 1.5.4 to assist in providing a direct link between the 'compact urban development' discussion in Chapter 1.5.1, with the 'urban development' discussion in Chapter 1.5.4.¹¹

⁹ Section 12(f) of the Kāinga Ora Act.

¹⁰ Hearing Topic – Opening Submissions, HNZA (now Kāinga Ora), Legal Submissions, 26 September 2019. This will be expanded on in further detail in Hearing Topic 3.

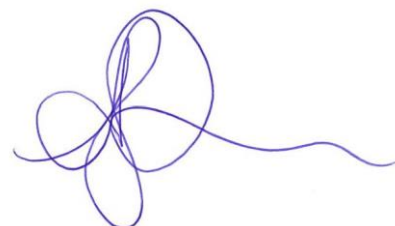
¹¹ EIC, Matt Lindenberg for HNZA (now Kāinga Ora), Hearing Topic 2 at paras 5.11-5.12.

- 3.4 Mr Lindenberg's evidence also touches on the relevance of the National Policy Statement on Urban Development Capacity and the National Policy Statement on Urban Development ("**NPS-UD**") including a discussion of how a compact/efficient urban form development strategy is particularly supported by the policy approach adopted in the proposed NPS-UD.
- 3.5 As outlined in the opening submissions¹², because this national policy direction will likely be in place at the time decisions are made on the PDP¹³, it is important and appropriate for the Panel to anticipate this and to give consideration to the themes of the proposed NPS-UD through the hearings process to ensure that the PDP has been prepared in accordance with and will appropriately give effect to national policy direction.¹⁴

4. Evidence

- 4.1 For this topic, Kāinga Ora has lodged planning evidence by Mr Matt Lindenberg.

DATED this 2nd day of October 2019



Dr Claire Kirman / Daniel Sadlier / Alex Devine

Counsel for Kāinga Ora-Homes and Communities

¹² Hearing Topic – Opening Submissions, HNZA (now Kāinga Ora), Legal Submissions, 26 September 2019, at section 5.

¹³ The Ministry for the Environment's intention is for the proposed NPS-UD to go to Ministers and Cabinet for approval in early 2020 and, if approved, to likely come into force in the first half of 2020 (<https://www.mfe.govt.nz/consultations/nps-urbandevelopment>)

¹⁴ Sections 74(1) and 75(3) RMA.