

UNDER the the Resource Mangement Act 1991 ("RMA")
IN THE MATTER of Proposed Plan Change 6 to the Hamilton District Plan

**LEGAL SUBMISSIONS ON BEHALF OF KĀINGA ORA-HOMES AND
COMMUNITIES (30, FS.01)**

HEARING

1 May 2020

**KĀINGA ORA
HOMES AND COMMUNITIES
AUCKLAND**

**PO BOX 2628
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New Zealand Government
AUCKLAND**

REF: Dr Claire Kirman

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**”), formerly Housing New Zealand Corporation, in support of its submissions to Proposed Plan Change 6 to the Hamilton District Plan.
- 1.2 It is not proposed to address the individual amendments to the District Plan which Kāinga Ora has submitted on, as these will be considered in detail in the planning evidence to be presented. Rather the intent of these legal submissions is to provide the context behind the submission lodged by Kāinga Ora and the relief sought.
- 1.3 Kāinga Ora will be calling Craig Sharman, consultant planner, in support of its case.

2. Background to Kāinga Ora

- 2.1 Kāinga Ora is a new Crown agency that is the Government’s delivery agency for housing and urban development, bringing together Housing New Zealand Corporation, HLC and the KiwiBuild unit.
- 2.2 The recently enacted Kāinga Ora-Homes and Communities Act 2019 (“**Kāinga Ora Act**”) provided for the establishment of Kāinga Ora and sets out its objectives, functions and operating principles.
- 2.3 Section 12 of Kāinga Ora-Homes and Communities provides the following statutory objectives for Kāinga Ora:
- 1) *The objective of Kāinga Ora-Home and Communities is to contribute to sustainable, inclusive, and thriving communities that:*
 - a) *Provide people with good quality, affordable housing choices that meet diverse needs; and*
 - b) *Support good access to jobs, amenities, and services; and*
 - c) *Otherwise sustain or enhance the overall economic, social, environmental, and cultural well-being of current and future generations.*

- 2.4 The attendant statutory functions for Kāinga Ora are wide ranging and are set out in section 13 of the Kāinga Ora Act as follows:

Section 13 Functions of Kāinga Ora-Homes and communities:

1) The functions of Kāinga Ora–Homes and Communities are the following:

Housing

- a) to provide rental housing, principally for those who need it most:*
- b) to provide appropriate accommodation, including housing, for community organisations:*
- c) subject to subsection (2),—*
 - i. to provide people with home-related financial assistance; and*
 - ii. to make loans, or provide other financial assistance, to local authorities and other entities for housing purposes:*
- d) to give people (including people on low or modest incomes who wish to own their own homes) help and advice on matters relating to housing or services related to housing:*
- e) to provide housing or services related to housing as agent for the Crown or Crown entities:*

Urban Development

- f) to initiate, facilitate, or undertake any urban development, whether on its own account, in partnership, or on behalf of other persons, including—*
 - i. development of housing, including public housing, affordable housing, homes for first-home buyers, and market housing:*

and a new, streamlined process to enable complex, transformational development in the country's urban areas. The Bill does not negate, however, the need for Kāinga Ora to continue to be actively involved in plan-making throughout the country. Indeed, Kāinga Ora's new statutory mandate regarding urban development means that involvement in plan development for urban areas becomes even more critical.

- 2.6 In that regard, Kāinga Ora collectively is to play a pivotal role in delivering on the government's plans for reform of the housing sector, by facilitating a step change in the housing crisis. Kāinga Ora will consequently be tasked by statute to provide whanau and families with world class public housing, as well as to partner and undertake urban development of all sizes to deliver homes where needed.
- 2.7 As such, Kāinga Ora takes on the additional statutory role of facilitating sustainable, inclusive and thriving communities that provide people with a mix of good quality, affordable housing choices and access to transport links, facilities and services, as well as to green spaces. As stated by Hon Dr Megan Woods' in her recent Letter of Expectation to Kāinga Ora:
- 2.8 *“Kāinga Ora will build partnerships and collaborate with others to define and deliver on housing and urban development opportunities, including working with private developers, iwi, Maori landowners and community housing providers. Kāinga Ora will enable and catalyse others to deliver outcomes through partnering and the use of new powers to leverage private, public and third sector capital and capacity. Engaging and partnering with local government will also be critical to achieving Kāinga Ora objectives¹”.*

3. Relief Sought

- 3.1 Whilst, the purpose of this plan change is to ensure greater efficiency, effectiveness and ease of use of the District Plan by removing redundant or unnecessary provisions, and by clarifying provisions in the District Plan, these amendments have important implications for both density and amenity controls in urban areas within Hamilton City (even when

¹ Letter of Expectation to Chairman of the Board for Kāinga Ora from the Hon Dr Megan Woods, 11 November 2019.

considering Council's recent notice of its resolution of 19 March 2020 to withdraw parts of the Proposed Plan Change 6 to the Hamilton City Operative District Plan pursuant to Clause 8D of Schedule 1 to the Resource Management Act 1991.) As such, Kāinga Ora asks that this panel grant the relief sought in Kāinga Ora's submissions.

3.2 In support of its submissions, Kāinga Ora calls two witnesses to give evidence:

1) *Craig Sharman, Consultant Planner, Beca*

2) *Brendon Liggett, Development Planning Manager, Kāinga Ora*

DATED this 1st day of May 2020.



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