

Further Submission by Kāinga Ora-Homes and Communities on Proposed Plan Change 6 – Regulatory Efficiency and Effectiveness

Clause 8 of Schedule 1 to the Resource Management Act 1991

TO: Hamilton City Council
districtplan@hcc.govt.nz

1. **KĀINGA ORA-HOMES AND COMMUNITIES** (“**Kāinga Ora**”) makes this further submission on Proposed Plan Change 6 – Regulatory Efficiency and Effectiveness (“**the Plan Change**”) in support of/in opposition to original submissions to the Plan Change.
2. Kāinga Ora is a person who has an interest in the Plan Change that is greater than the interest the general public has, being an original submitter on the Plan Change (as successor to Housing New Zealand Corporation) with respect to its interests as a Crown agency responsible for the provision of public housing, and its housing portfolio in the Hamilton District. Kāinga Ora also represents a relevant aspect of the public interest and has an interest in the Plan Change greater than the general public for a number of reasons, including (without limitation):
 - (a) Kāinga Ora was formed in 2019, and brings together HNZC, HLC (2017) Ltd and parts of the KiwiBuild Unit. 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 has two core roles:
 - (i) being a world class public housing landlord; and
 - (ii) leading and co-ordinating urban development projects.
 - (b) 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;

- (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.
 - (c) In the Hamilton District, the housing portfolio managed by Kāinga Ora comprises approximately 3,100 dwellings (as at June 2019).
 - (d) Kāinga Ora's tenants are people who face barriers (for a number of reasons) to housing in the wider rental and housing market.
 - (e) it is essential that Kāinga Ora is able to improve the quality and quantity of public and affordable housing that is available, so as to deliver to the social and economic wellbeing of its tenants and the wider community.
 - (f) Kāinga Ora also has greater role to play in relation to 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: ¹
 - (i) initiating, facilitating and/or undertaking development not just for itself, but in partnership or on behalf of others; and
 - (ii) providing a leadership or coordination role more generally.
3. 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. ²
4. Kāinga Ora makes this further submission in respect of submissions by third parties to the Plan Change provisions to the extent that they directly affect the relief sought in its own submission, which seeks specific amendments to the Plan Change to better enable Kāinga Ora to meet its functions as outlined above.
5. The reasons for this further submission are:

¹ Sections 12(f)-(g) of the Kāinga Ora Act.

² Section 12(f) of the Kāinga Ora Act.

- (a) The reasons set out in Housing New Zealand Corporation's primary submission on the Plan Change, which Kāinga Ora is the successor to.
 - (b) In the case of the Primary Submissions that are opposed:
 - (i) The Primary Submissions do not promote the sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Resource Management Act 1991 ("**RMA**");
 - (ii) The relief sought in the Primary Submissions is not the most appropriate approach in terms of section 32 of the RMA;
 - (iii) Rejecting the relief sought in the Primary Submissions opposed would more fully serve the statutory purpose than would implementing that relief; and
 - (iv) The Primary Submissions are inconsistent with the policy intent of Housing New Zealand's submission.
 - (c) In the case of Primary Submissions that are supported:
 - (i) The Primary Submissions promote the sustainable management of natural and physical resources and are consistent with the purpose and principles of the RMA and with section 32 of the RMA;
 - (ii) The reasons set out in the Primary Submissions to the extent that they are consistent with Housing New Zealand's submission; and
 - (iii) Allowing the relief sought in the Primary Submissions supported would more fully serve the statutory purpose than would disallowing that relief.
 - (d) Such additional reasons (if any) in respect of each of the Primary Submissions supported or opposed as are set out in the **attached** Schedule.
6. The specific relief in respect of each Primary Submission that is supported or opposed is set out in the **attached** Schedule.
7. Kāinga Ora wishes to be heard in support of its further submission.

8. If others make a similar submission, Kāinga Ora will consider presenting a joint case with them at a hearing.

DATED 1 November 2019

KĀINGA ORA-HOMES AND COMMUNITIES by its solicitors and duly authorised agents Ellis Gould



Dr Claire Kirman / Alex Devine

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Hamilton City Council: Proposed Plan Change 6

Sub#	Submitter Name	Submission Point	Topic	Support/Oppose	Summary	Kāinga Ora Response (support/oppose)	Kāinga Ora Response
07	Waikato Farmers Trust	07.14	Chapter 25.14	Oppose	The submitter seeks the deletion of the proposed amendments to Rule 25.14.4.1 h) – Design and Access Widths. Vesting of roads places financial burden on Council for maintenance and in established parts of the city there will be space constraints to establishing a public road.	Support	Kāinga Ora supports this submission to the extent it is consistent with Kāinga Ora's original submission.
08	Gallagher	08.04	General	Support	The submitter supports the proposed plan change in terms of the change to permitted activity status requiring less Resource Consents, provided that no more complex rules are included once other resource consents are applied for.	Support	Kāinga Ora supports this submission to the extent it is consistent with Kāinga Ora's original submission.
10	CKL	10.01	Chapter 4	Support in part	The submitter supports the proposed amendments but seeks a new provision 4.3.1 a) iv. to allow for one duplex dwelling on the front sight when located to the rear of the existing dwelling as a permitted activity.	Support	Kāinga Ora supports the intent of this amendment to the extent it is consistent with Kāinga Ora's original submission.
		10.06	Chapter 4	Oppose	The submitter considers that the proposed amendment to Rule 4.4.7 – Interface between Public and Private, would allow accessory buildings and garages to have doors facing the transport corridors with no control over the remainder of the building façade. The submitter seeks an amendment to Rule 4.4.7 to make the maximum garage door width 50% of the front building line of the dwelling for a frontage less than 15m wide but include upper floor areas in the calculation to encourage two-story dwellings.	Oppose	Kāinga Ora opposes this submission to the extent it is inconsistent with Kāinga Ora's original submission, which sought to delete 4.4.7b)i)ii) and iii).
		10.09	Chapter 4	Oppose	The submitter opposes Rule 4.4.12 – Residential Unit Size as it not clear why additional definition of 'indoor living area' is required and why it is controlled for units with 3 or more bedrooms.	Support	Kāinga Ora supports the intent of this amendment.
		10.12	Appendix 1	Oppose	The submitter opposes Appendix 1.1.2 - Definition - Self-contained house-keeping unit, as Clauses a) and b) contradict and the term household unit used in this rule is not defined. The submitter also considers that it would be difficult interpreting whether a kitchen is 'capable' of being occupied and used by more than one household unit.	Support	Kāinga Ora supports the intent of this amendment.
		10.14	Chapter 23	Support in part	The submitter seeks that Rule 23.3 be amended to make Fee Simple subdivision of apartments a Restricted Discretionary Activity.	Support	Kāinga Ora supports this submission to the extent it is consistent with Kāinga Ora's original submission.
		10.15	Chapter 23	Support	The submitter supports the proposed deletion of the average minimum net site area requirements in Rule 23.7.1.	Support	Kāinga Ora supports this submission to the extent it is consistent with Kāinga Ora's original submission.
		10.16	Chapter 23	Support	The submitter seeks the retention of the proposed amendments to Rule 23.7.2 – Subdivision Suitability.	Support	Kāinga Ora supports this submission to the extent it is consistent with Kāinga Ora's original submission.

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		10.17	Chapter 23	Oppose	The submitter seeks that Rule 23.7.3 e), f) and g) are aligned. If 20 units is suitable for unit titles, this should be suitable for fee simple. The submitter also considers limiting private ways to only 6 fee simple lots and requiring public roads to vest is inefficient and will increase Council's long term maintenance costs.	Support	Kāinga Ora supports the intent of this amendment.				
		10.20	Chapter 23	Oppose	The submitter seeks that Rule 23.7.5 c), d) and e) are aligned. The submitter considers limiting private ways to only 6 fee simple lots and requiring public roads to vest is inefficient and will increase Council's long term maintenance costs. The submitter seeks clarification for the rationale for requiring roads serving more than 20 lots to be collector standard and have a minimum width of 23 in Rule 23.7.5 –Residential Intensification Zone.	Support	Kāinga Ora supports the intent of this amendment.				
15	Peter Bos	15.01	Chapter 4	Oppose	The submitter opposes the exception for gable ends in Figure 4.4.5f.	Oppose	Kāinga Ora opposes this submission to the extent it is inconsistent with Kāinga Ora's original submission.				
17	Assured Construction	17.02	Chapter 4	Support	The submitter supports the proposed amendments to Rule 4.3.1 a) i. and ii. to allow for up to 3 residential units a permitted activity (including duplexes on rear lots).	Support	Kāinga Ora supports this submission to the extent it is consistent with Kāinga Ora's original submission.				
		17.08	Appendix 1	Support	The submitter supports the amendment to Appendix 1.1.2 – Definition – Integrated Residential Developments so there is no longer a requirement for the provision of shared facilities.	Support	Kāinga Ora supports the intent of this amendment which is consistent with Kāinga Ora's original submission, which supported additional flexibility in this definition.				
		17.12	Chapter 4	Oppose	The submitter opposes the more onerous outdoor living area standards for apartments and duplexes in the Residential Intensification Zone in Rule 4.4.10 d).	Support	Kāinga Ora supports this submission to the extent it is consistent with Kāinga Ora's original submission which requested an amendment to the requirements for apartment buildings.				
23	Hamilton City Council	23.03	Chapter 25.13	Support in part	<p>The submitter seeks an amendment to Rule 25.13.4.5 a) as follows:</p> <p><i>a) In addition to Low Flow Fixtures, at least one water sensitive technique for stormwater shall be incorporated, connected to, achieved or maintained as part of any new development as identified below.</i></p> <table border="1"> <thead> <tr> <th>Where Required</th> <th>Water Sensitive Techniques</th> </tr> </thead> <tbody> <tr> <td> <p><i>i. New residential units</i></p> <p><i>ii. Other new buildings containing a kitchen, laundry or bathroom</i></p> </td> <td> <ul style="list-style-type: none"> · <i>Detention of stormwater to 80% of pre-development runoff by an appropriate means</i> · <i>Permeable surfaces to achieve at least 20% above the minimum standard of the zone.</i> <p><i><u>For the purposes of this rule the permeable surfaces may include:</u></i></p> <p>-</p> </td> </tr> </tbody> </table>	Where Required	Water Sensitive Techniques	<p><i>i. New residential units</i></p> <p><i>ii. Other new buildings containing a kitchen, laundry or bathroom</i></p>	<ul style="list-style-type: none"> · <i>Detention of stormwater to 80% of pre-development runoff by an appropriate means</i> · <i>Permeable surfaces to achieve at least 20% above the minimum standard of the zone.</i> <p><i><u>For the purposes of this rule the permeable surfaces may include:</u></i></p> <p>-</p>	Oppose in part	While Kāinga Ora supports this amendment to the extent that it provides additional clarity as to what constitutes 'permeable surface', Kāinga Ora considers a more general review should be undertaken with a view to adding additional specificity across the spectrum of Water Sensitive Design measures.
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					<p><u>Permeable paving for parking, access and manoeuvring areas associated with residential units (excluding where used for shared vehicle access)</u></p> <p>-</p> <p><u>Uncovered decks which allow water to drain through to a surface which can absorb water.</u></p> <ul style="list-style-type: none"> · Rainwater tank for non-potable reuse system · Other equivalent feature 		
so26	Property Council NZ	26.05	Chapter 4	Oppose	The submitter seeks no building setbacks from internal access, regardless of the number of units it serves (Rule 4.4.6 d and e).	Support	Kāinga Ora support the intent of this amendment.
		26.11	Chapter 4	Oppose	The submitter seeks that a floor area requirement for three or more bedrooms in Rule 4.4.12 – Residential Unit size, be provided and the reference relating to indoor living area be removed.	Support	Kāinga Ora support the intent of this amendment.
		26.38	Chapter 23	Oppose in part	The submitter seeks retention of the proposed amendments to Rule 23.7.4, private way length and number of private ways accessing a cul-de-sac and rejects other changes. Limiting a private way to only 6 lots and requiring public roads to vest can lead to inefficient use of land, sprawl and increase maintenance costs to council. The 23m minimum road width for collector roads does not assist with achieving a compact city and will increase maintenance costs to council.	Support	Kāinga Ora supports this submission to the extent it is consistent with Kāinga Ora's original submission.
		26.39	Chapter 23	Oppose	The submitter opposes the changes to Rule 23.7.5 as limiting a private way to only 6 lots and requiring public roads to vest can lead to inefficient use of land, sprawl and increase maintenance costs to council; and the 23m minimum road width for collector roads does not assist with achieving a compact city and will increase maintenance costs to council. The submitter seeks that Rule 23.7.5 c, d and e be aligned as it should not matter if an access serves fee simple titles or unit titles.	Support	Kāinga Ora support the intent of this amendment.
		27.06	Chapter 4	Support in part	The submitter supports the amendments to Rule 4.4.3 – Permeable surfaces but believes the 50% permeability within the front setback is overly prescriptive as there are other types of permeability to aid in stormwater percolation such as rock gardens, mulch cover and permeable pavers.	Support	Kāinga Ora support the intent of this amendment.

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		27.56	Chapter 7	Oppose	The submitter opposes Rule 7.5.3h)iv)d – External Outlook Area as securing in perpetuity private residential view shafts or corridors over 3 rd party land effectively sterilizes development rights on these properties and those of future generations which contradicts promoting higher densities in the city centre and is not in accordance with Part 2 Section 5 (2)a of the RMA. The submitter seeks stronger wording on design outcomes to provide more robust options for ensuring external outlook is not the driving force behind sterilisation of future development rights.	Support	Kāinga Ora support the intent of this amendment.
		27.57	Chapter 7	Oppose	The submitter opposes Rule 7.5.7 – Alterations and Additions as these should be permitted and seeks the removal of 7.5.7a)i as 7.5.7b contradicts this provision. Consider more qualifying criteria for what constitutes alterations and additions. Internal alterations and additions may be argued to be visible from public spaces given the high amount of clear glazing required.	Support	Kāinga Ora support the intent of this amendment.
		27.62	Chapter 23	Oppose	Seeks that Council acknowledge an activity status reduction in Rule 23.3 for subdivisions around existing lawfully established dwellings, units or apartments, or sites with subdivision in accordance with an approved land use consent within all hazard areas.	Support	Kāinga Ora support the intent of this amendment.
		27.68	Chapter 23	Support in part	The submitter seeks that Rule 23.7.3a and b are amended to include <i>'15m or for sites with a transport corridor boundary length less than 15m prior to any subdivision occurring shall not apply to this rule (excluding the requirement for new vehicle access provisions)'</i> . This is because for sites with narrow frontages and cul- de-sac head frontages already fail the rule, prior to the proposed subdivision occurring.	Support	Kāinga Ora support the intent of this amendment.
		27.73	Chapter 23	Oppose	The submitter seeks that Rule 23.7.3g vesting of access serving more than 6 lots be deleted as there have been situations where this has worked in the past. A 16m carriage way for 7-20 users and 20m carriage way for 20 users is excessive. The vesting of access as road will restrict less land resource to accommodate the subdivided allotments and required building platform.	Support	Kāinga Ora supports this submission to the extent it is consistent with Kāinga Ora's original submission.
		27.75	Chapter 23	Support in part	The submitter seeks that Rule 23.7.4a is amended to include <i>'40m, or for sites with a transport corridor boundary length less than 40m prior to a ny subdivision occurring shall not apply to this rule (excluding the requirement for new vehicle access provisions)'</i> . This is because for sites with narrow frontages and cul-de-sac head site frontages already fail the rule, prior to subdivision occurring.	Support	Kāinga Ora support the intent of this amendment
		27.79	Chapter 23	Support in part	The submitter seeks that Rule 23.7.5a be amended to include <i>'10m, or for sites with a transport corridor boundary length less than 10m prior to any subdivision occurring shall not apply to this rule</i>	Support	Kāinga Ora support the intent of this amendment

Kāinga Ora

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28	Ministry of Social Development	28.03	Appendix 1.2	Support	The submitter seeks that the removal of the additional information requirement 1.2.2.16 Managed Care Facilities Information pack be retained as notified.	Support	Kāinga Ora support the intent of this amendment
29	Habitat for Humanity	29.01	Chapter 23	Oppose	The submitter opposes Rule 23.2.6 as the District Plan should be tenure-neutral and the reference to 'appropriate' tenure and management structures is too broad and vague.	Support	Kāinga Ora support the intent of this amendment