



26 November 2021

Attention: Proposed Waimakariri District Plan Submission

Waimakariri District Council

Private Bag 1005

Rangiora 7440

Submission sent via email: developmentplanning@wmk.govt.nz

RE: Submission on the Proposed Waimakariri District Plan by Kāinga Ora – Homes and Communities.

Please find **attached** details of the submission by Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) on the Proposed District Plan (“**PDP**”) from Waimakariri District Council (“**the Council**”).

Kāinga Ora currently has a number of existing land holdings and interests within the Waimakariri District (“**the District**”), but has a specific interest in the District in terms of its contribution to housing and urban development within Greater Christchurch.

The review of the PDP by Kāinga Ora has been broad, including review of strategic objectives of the PDP in the context of the National Policy Statement on Urban Development (“**NPSUD**”) and the wider urban development statutory obligations of Kāinga Ora, particularly its statutory objectives regarding the establishment of sustainable, inclusive, and thriving communities¹. One of the key operating principles of Kāinga Ora², is ensuring that the housing it develops is appropriately mixed (with public, affordable and market housing) and is of good quality.

Kāinga Ora’s submission has been informed by its statutory objectives and functions³, as well as a wider perspective which seeks to enable a range of housing typologies to be delivered in appropriate locations and contribute to the provision of quality, affordable housing choices that meet the diverse needs of the community.

¹ Section 12 of Kāinga Ora – Homes and Communities Act 2019

² Section 14 of Kāinga Ora – Homes and Communities Act 2019

³ Sections 12 & 13 of Kāinga Ora – Homes and Communities Act 2019

The Council will be aware that the Government announced its Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill following notification of the PDP. Waimakariri District Council is part of Greater Christchurch which is a tier 1 urban environment, meaning it is likely to be subject to new requirements resulting from any enactment of the Amendment Bill. Kāinga Ora's submission on the PDP is therefore predicated by the possibility that the Amendment Bill, when enacted, may require the Council to withdraw parts of the PDP. This would affect parts of the residential and subdivision chapters, and further consideration is recommended to how Council progresses this plan review process should parts be withdrawn.

Kāinga Ora considers that the PDP is moving towards alignment with the NPS-UD and supports the provision and enablement of urban growth and development in the Waimakariri District. Notwithstanding this, overall, Kāinga Ora considers that the PDP as notified does not sufficiently enable or incentivise residential development and intensification of the district's existing urban areas. If Kāinga Ora's submission on the PDP is adopted, then the current constraints applied by the provisions of the PDP in its notified form would be reduced, and additional development capacity for public, affordable and general housing supply would be enhanced across the district. Kāinga Ora is concerned that the PDP provisions, are not the most appropriate policies and methods to achieve the residential capacity required in the long term, as required by the NPSUD.

For completeness, Kāinga Ora generally supports the spatial extent of the urban zones, however, considers that residential intensification in and around centres should be further encouraged and enabled in accordance with the NPSUD.

Kāinga Ora recognises their role within the local community as both a public housing provider and as a leader supporting innovation, capability, and scale within the wider urban development sector as part of its contribution to sustainable, inclusive, and thriving communities. Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on the PDP to address the matters raised in its submission.

Please do not hesitate to contact me should you require any further explanation of the above.

Sincerely

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Brendon Liggett

Manager – Development Planning
Kāinga Ora – Homes and Communities



SUBMISSION ON THE WAIMAKARIRI PROPOSED DISTRICT PLAN 2021 FROM KĀINGA ORA - HOMES AND COMMUNITIES

TO: Waimakariri District Council
Private Bag 1005
Rangiora 7440

KĀINGA ORA - HOMES AND COMMUNITIES (“**Kāinga Ora**”) at the address for service set out below makes the following submission on the Proposed Waimakariri District Plan 2021 (“**PDP**” or “**the Plan**”).

Kāinga Ora does not consider it can gain an advantage in trade competition through this submission. In any event, Kāinga Ora is directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

This submission letter provides an overview of the matters of interest to Kāinga Ora with **Attachments (1)** providing the substantive detail of submission matters.

Background to Kāinga Ora and its Submission

1. Kāinga Ora was established in 2019 as a Crown Entity established under the Kāinga Ora - Home and Communities Act 2019, and brings together Housing New Zealand Corporation, HLC (2017) Ltd and parts of the KiwiBuild Unit. Under the Crown Entities Act 2004, Kāinga Ora is listed as a Crown Entity and is required to give effect to Government policies.
2. Kāinga Ora is now the Government’s delivery entity for housing and urban development. Kāinga Ora therefore works 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:
 - a) being a world class public housing landlord; and
 - b) leading and co-ordinating urban development projects.

3. Kāinga Ora's statutory objective requires it to contribute to sustainable, inclusive, and thriving communities that:
 - a) provide people with good quality, affordable housing choices that meet diverse needs;
 - 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.
 4. Kāinga Ora is focused on enabling and delivering quality urban developments by accelerating the availability of build-ready land, and building a mix of housing including public housing, affordable housing, homes for first home buyers, and market housing of different types, sizes and tenures.
 5. In the Waimakariri District, the housing portfolio managed by Kāinga Ora comprises approximately 185 dwellings (as at 30 June 2021). Kāinga Ora will look to reconfigure its housing stock in Greater Christchurch over time, which will allow Kāinga Ora to provide efficient and effective public, affordable and market housing that is aligned with current and future residential demand in the area, and the country as a whole.
 6. In addition to its role as a public housing provider, landowner, landlord, rate payer and developer of residential housing, Kāinga Ora plays a greater role in urban development more generally. The legislative functions of Kāinga Ora⁴ illustrate this broadened mandate and outline two key roles of Kāinga Ora in that regard:
 - (a) initiating, facilitating and/or undertaking development not just for itself, but in partnership or on behalf of others; and
 - (b) providing a leadership or coordination role more generally.
 7. Notably, Kāinga Ora's statutory 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.
 8. Kāinga Ora is interested in all issues that may affect the supply and affordability of
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⁴ Section 13 of the Kāinga Ora – Homes and Communities Act 2019

housing and has a shared interest in the community as a key stakeholder, alongside local authorities. These interests include:

- (a) Minimising regulatory barriers that constrain the ability to deliver housing development;
- (b) The provision of public housing to persons who are unable to be sustainably housed in private sector accommodation;
- (c) Leading and co-ordinating residential and urban development projects;
- (d) The provision of services and infrastructure and how this may impact on Kāinga Ora existing housing, planned residential and community development and Community Group Housing (“**CGH**”) providers; and
- (e) Working with local authorities to ensure that appropriate services and infrastructure are delivered for its developments.

Scope of Submission

- 9. The submission relates to the PDP as a whole.
- 10. Kāinga Ora’s submission has focused on those provisions of the PDP that, in Kāinga Ora’s view, require amendment to ensure:
 - (a) Kāinga Ora can economically and socially manage, reconfigure and grow its housing portfolio to enable the provision of warm, dry and healthy homes that are in the right location, right condition and of the right type to meet the current and future needs of those people requiring public housing assistance;
 - (b) A range of typologies are enabled to be delivered in appropriate locations for both public and market housing; and
 - (c) The provision of quality, affordable housing choices that meet the diverse needs of the community.
- 11. This submission is informed by the National Policy Statement on Urban Development (“**NPSUD**”) – which provides further direction around where growth should be located (i.e. within proximity to centres, jobs, education, amenities and services), as well as the intent of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (“**the Enabling Bill**”), which seeks to improve housing supply in New Zealand’s five largest cities by speeding up implementation of the NPS-UD and enabling more medium density homes.
- 12. From Kāinga Ora’s perspective, the PDP as notified by the Council, has the potential to increase housing supply, but does not sufficiently enable the intensification of

existing urbanised areas of the district. If Kāinga Ora's submission on the PDP is adopted, then the current constraints applied by the zone provisions of the PDP in its notified form would be reduced, and additional development capacity for public and affordable dwellings would be provided for on both Kāinga Ora land and across the wider district.

The Submission is:

13. Kāinga Ora opposes the PDP for the reasons set out below and in the attachments.
14. Provided that the relief sought below and attached is granted:
 - (a) The PDP will be in accordance with the purpose and principles of the Resource Management Act 1991 ("**the Act**") and will be appropriate in terms of section 32 of the Act; and
 - (b) The potential adverse effects that might arise from activities allowed by the PDP will have been addressed appropriately.
15. In the absence of the relief sought, the PDP:
 - (a) will not meet statutory obligations under the NPS-UD;
 - (b) is contrary to the sustainable management of natural and physical resources and is otherwise inconsistent with Part 2 of the Act;
 - (c) will in those circumstances impact significantly and adversely on the ability of people and communities to provide for their social, economic and cultural wellbeing; and
 - (d) does not provide a framework to enable the delivery of sustainable, inclusive, and thriving communities.
16. In particular, but without limiting the generality of the above:

*Matters relating to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill ("**the Enabling Bill**").*

17. Kāinga Ora note that clause 7⁵ of the Enabling Bill, as it is currently drafted and subject to public submissions, seeks that "*every relevant residential zone in an urban*

⁵ New proposed section 77F of the RMA

environment of a relevant territorial authority must have the Medium Density Residential Standards (MDRS) incorporated into that zone". Further to this, schedule 3 of the Enabling Bill as it is currently drafted, seeks that the territorial authority "*must withdraw the part or whole of the proposed plan*" (noting this includes proposed plan changes), if the plan change "*proposes changes to a relevant residential zone and those changes do not incorporate the MDRS*"⁶.

18. Kāinga Ora therefore encourages the Council to consider withdrawing parts of the PDP to incorporate any changes that may be sought from the Bill if hearings on the PDP will not be heard by or before 20 February 2022.
19. If the Council continues with the existing PDP as notified, Kāinga Ora considers the PDP may not meet statutory obligations sought under the Enabling Bill if the general thrust of the Bill is retained once legislation is enacted.

Strategic review of the PDP

20. Kāinga Ora recognises the importance of the PDP in setting the strategic framework for enabling and managing future development as well as achieving sustainable development of the district's natural and physical resources.
21. Due to Kāinga Ora's operational and development requirements, its interest is broad and relates to provisions across the PDP, including (but not limited to) provisions relating to growth, residential and commercial development and activities, infrastructure, transport, subdivision and natural hazards.
22. There has been a marked change in the type of public housing that is required by Kāinga Ora's tenant base. As such, reconfiguring its housing stock is a priority for Kāinga Ora to better meet the needs of its tenants, as well as to align it with current and future demand in the area, and the country as a whole. The PDP generally provides opportunities to better facilitate these activities, by including objectives, policies and rules which will enable people and communities to provide for their social and economic wellbeing, and for their health and safety with regard to housing provision and particularly the importance of delivering a range of housing options within the district.
23. However, Kāinga Ora considers that the provisions of the PDP do not sufficiently

⁶ New proposed clause 31(3)(a) of the RMA

enable and provide for the long-term residential development capacity. While Kāinga Ora generally supports the spatial extent of the urban zones, it considers that residential intensification in and around centres should be further encouraged and enabled in accordance with the NPSUD.

24. Kāinga Ora supports the introduction of a Medium Density Residential zone (“**MRZ**”) and the spatial extent of the zone, however considers that the Council is not enabling intensification by imposing site density requirements and onerous consenting requirements when more than one dwelling is proposed on a site. In some instances Kāinga Ora considers there are other or additional methods and rules that can be inserted into the PDP to fully optimise the development opportunities and outcomes and meet the requirements of the NPS-UD.

Specific amendments sought

25. Kāinga Ora seeks a number of amendments to PDP which are set out in further detail in this submission and in:
 - (a) **Attachment 1** – Table 1: Identifies the specific provisions and chapters of the PDP which Kāinga Ora either supports, seeks amendment to, or opposes.
26. Kāinga Ora generally supports the use and implementation of the National Planning Standards as the template for the PDP.
27. In addition to the amendments sought in Attachment 1, Kāinga Ora generally seeks the following relief and amendments in the PDP:
 - (a) The proposed residential zones do not sufficiently enable housing choice, residential growth and intensification that is necessary to support the social and economic demands of the district or give effect to the NPS-UD. Kāinga Ora is of the view that the PDP as currently drafted is placing too much emphasis on density requirements to achieve amenity and built character outcomes in residential zones while limiting opportunity for intensification. Kāinga Ora therefore request the deletion of density requirements, in particular within the General Residential Zone (“**GRZ**”) and the Medium Density Residential Zone (“**MDZ**”).
 - (b) Amendments to the Strategic Directions and Strategic Directions – Urban form and development chapters of the PDP to better align with the outcomes required of the NPSUD and changes sought in Kāinga Ora submission.
 - (c) Kāinga Ora generally supports the direction of the PDP provisions with regard to focusing the assessment on the anticipated character of the zone, but seeks

changes to the provisions across the PDP to focus on achieving the anticipated built form of the proposed zones. This requested change is consistent with language used in the NPS-UD.

- (d) Kāinga Ora generally supports minimum lot sizes in the residential zones (other than MRZ), however only where it applies to *vacant* lot subdivision. Kāinga Ora seeks a new policy and rule which together provide explicit recognition that subdivision should be enabled around developments approved by land use resource consents or other methods.
- (e) Kāinga Ora seeks amendment to the threshold at which point resource consent is required in the MRZ and GRZ – increasing this to four or more residential units. In the commercial zones, Kāinga Ora seeks that minimum net floor area requirements for residential units be reduced where there are more than two units. Waimakariri is identified as a Tier 1 council in the NPS-UD and accordingly PDP provisions should be enabling of a variety of housing typologies without introducing unnecessary regulatory constraint.
- (f) Kāinga Ora seeks deletion of the notified definition of “multi-unit housing” along with consequential changes to the provisions to assist with simplification of plan administration and interpretation. Kāinga Ora considers the approach taken in the residential zones within the PDP does not adequately enable intensification.
- (g) In the MRZ and GRZ, Kāinga Ora seeks a change of activity status from Discretionary to Restricted Discretionary activity for a breach of specific activity rules to reflect the anticipated activity within these zones and where the likely effects are known.
- (h) Kāinga Ora generally supports the **application of notification exclusions** within the PDP. However, Kāinga Ora seeks the notification exclusions are introduced for all residential development in the GRZ and MRZ where specific performance standards are met, in particular to any controlled or restricted discretionary activity.
- (i) Kāinga Ora seeks a number of changes to the proposed built form standards and matters of discretion within the GRZ and MRZ to sufficiently address the likely changes to amenity values while providing for a range of housing typologies.
- (j) Kāinga Ora generally supports the commercial and mixed use zones, in particular to the centres hierarchy identified in the PDP. Kāinga Ora considers that this hierarchy is important in recognising and providing for a range of centres of varying scales that will support residential intensification. However, Kāinga Ora

opposes the 'Height' development standards of the Neighbourhood Centre Zone, Local Centre Zone and Town Centre Zone as proposed. These centres are identified for growth and intensification. Encouraging greater height will contribute to making these centres a vibrant focal point for communities. Amendments sought to the heights of all centre zones including the Mixed Use Zone.

- (k) Kāinga Ora broadly supports the Council's risk-based approach to natural hazards which will allow people to use their property while ensuring that life or significant assets are not harmed or lost as a result of a natural hazard event. Kāinga Ora also supports the general thrust of the objective and policy framework which seeks to "manage" risk within urban environments, rather than avoiding them.
- (l) Furthermore, Kāinga Ora supports the mapping of these natural hazard areas where these areas are underpinned by robust technical assessments; however, Kāinga Ora opposes the inclusion of flood hazards as Urban-Flood Assessment and Non-Urban flood Assessment Overlays within the PDP. Flooding hazards are dynamic and subject to constant change through hazard mitigation works and reshaping of ground contours. An alternative relief is proposed. Spatial identification of flood hazard areas should be made available through a set of non-statutory flood hazard maps, which would operate as interactive maps on the Council's GIS website – thereby operating as a separate mapping viewer to the statutory DP maps. This approach is different to that of the traditional means of displaying hazard overlays on district plan maps and reflects that these maps do not have regulatory effect. The advantage of this approach is the ability to operate a separate set of interactive maps which are continually subject to improvement and updates, outside of and without a reliance on the Schedule 1 Resource Management Act 1991 process. Kāinga Ora notes that this is an approach taken by other Councils around the country.
- (m) Kāinga Ora notes that the PDP has adopted a substantial number of definitions from the National Planning Standards, and it supports this approach.
- (n) Kāinga Ora seeks all PDP provisions relating to noise, glare and light spill, and signs be located within Part 2 – District Wide Matters of the PDP to avoid conflict with zone chapters.
- (o) Kāinga Ora supports that **contaminated land** provisions appropriately defer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("**NESCS**"). However, Kāinga Ora are concerned

that the objectives and policies broaden the application of the NESCS by referencing the “environment”. Amendments are also sought to make the connection to the NESCS clearer.

- (p) Kāinga Ora generally supports the earthworks provisions, however, the setbacks proposed where earthworks are in close proximity to water bodies are considered to be excessive. This particularly relates to any unscheduled freshwater bodies or other water bodies.
 - (q) Kāinga Ora considers that the provisions of the National Grid Corridor are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid. Kāinga Ora seeks policy changes to enable any applications for new development located close to any infrastructure to be assessed on its own merits.
 - (r) Kāinga Ora acknowledges the need for the PDP to give effect to the requirements of the National Policy Statement for Electricity Transmission (2008) (NPSET). However, NPSET is only applicable to the National Grid and not major electricity distribution lines. The NPSET does not apply and/or give the same legal effect to electricity distribution lines other than if it is identified to be the National Grid. Amendments (and consequential amendments) are therefore sought.
 - (s) While Kāinga Ora recognises the need to ensure residential units and other buildings containing sensitive activities provide a pleasant and healthy environment that is not subject to excess noise, Kāinga Ora opposes the noise and noise overlay and airport noise contour maps and related provisions within the Noise Chapter. Amendments are sought to more clearly articulate the balance between providing for noise generating activities, whilst appropriately managing effects on the community.
28. Kāinga Ora seeks the following decision from Waimakariri District Council on the PDP:
- (a) That the proposed provisions of the PDP be deleted or amended, to address the matters raised in this submission and its attachments (1) so as to provide for the sustainable management of the district’s natural and physical resources and thereby achieve the purpose of the Act; and
 - (b) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.
29. Kāinga Ora does not consider it can gain an advantage in trade competition through

this submission.

30. Kāinga Ora wishes to be heard in support of this submission.
31. If others make a similar submission, Kāinga Ora would be willing to consider presenting a joint case with them at a hearing.

Dated this 26th day of November 2021

KĀINGA ORA - HOMES AND COMMUNITIES by

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Brendon Liggett

Manager – Development Planning

ADDRESS FOR SERVICE:

Attn: Brendon Liggett

Development Planning Team

Kāinga Ora – Homes and Communities

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