

22 May 2024

s 9(2)(a)

Thank you for your request to Kāinga Ora – Homes and Communities, dated 5 April 2024, requesting the following information under the Official Information Act 1982 (the Act):

*“Please supply the following information under the Official Information Act (OIA):*

*This is in regards to the Northcote TLC modular build that has come from Vietnam and been put together here.*

- Why the buildings at Ngahuripoke remain vacant/empty after being opened by then Housing Minister Megan Woods on September 6 last year (now 7 months on)*
- Have there been any concerns raised about water intrusion/leaks/moisture management in the design of the buildings?*
- Plans to manage water for if there is flooding/inundation of water on the building*
- Any other concerns or issues raised with the quality of the build*
- Any reports of defects or problems with the build*
- Has the building failed to receive a certificate of compliance from Auckland Council*
- Any documentation from Auckland Council about a failed certificate of compliance”*

On 9 April 2024, Kāinga Ora contacted you to clarify your request as it related to two current Kāinga Ora development projects. The same day you updated your request to the following:

*“Please supply the following information under the Official Information Act (OIA):*

*This is in regards to the Northcote TLC modular build that has come from Vietnam and been put together here.*

- Have there been any concerns raised about water intrusion/leaks/moisture management in the design of the buildings?*
- Plans to manage water for if there is flooding/inundation of water on the building*
- Any other concerns or issues raised with the quality of the build*
- Any reports of defects or problems with the build*
- Has the building failed to receive a certificate of compliance from Auckland Council*
- Any documentation from Auckland Council about a failed certificate of compliance”*

*Secondly:*

- Why the buildings at Ngahuripoke remain vacant/empty after being opened by then Housing Minister Megan Woods on September 6 last year (now 7 months on)*
- Has the building failed to receive a certificate of compliance from Auckland Council*
- Any documentation from Auckland Council about a failed certificate of compliance”*

As a result of the clarified request you were informed the original response due date of 6 May 2024 had changed to 8 May 2024. In your correspondence you also noted a particular interest in “the water management stuff”, so Kāinga Ora has focused on providing any such relevant information.

On 7 May 2024, Kāinga Ora extended the due date for response by 10 working days under section 15A(1)(b) of the Act, due to consultations necessary to make a decision on the request. I am responding in an asked and answered format below.

I would also like to note that in the course of any development project, any construction related issue or quality concern identified is remedied before the project is completed. This is part of the normal checks and balances in place to ensure a new build meets the New Zealand Building Code and achieves code compliance from the relevant Territorial Local Authority.

#### *Kāinga Ora large-scale project in Northcote*

In its Northcote Development, Kāinga Ora is delivering approximately 1,700 new homes with a mix of social, affordable and market housing. Kāinga Ora is building the social component and is partnering with private developers for the affordable and market homes by selling the land to developers. The developers are then responsible for constructing the homes.

Kāinga Ora has completed all development works for the large-scale project, including upgrading infrastructure, delivering the 1.5 kilometre Te Ara Awataha Greenway and three parks. More information about the Northcote development can be found here:

- [https://kaingaora.govt.nz/en\\_NZ/urban-development-and-public-housing/urban-development/urban-development-large-scale-projects/](https://kaingaora.govt.nz/en_NZ/urban-development-and-public-housing/urban-development/urban-development-large-scale-projects/)
- <https://northcotedevelopment.co.nz/>.

#### *TLC Modular build known as the “Elevation” development (internal Kāinga Ora reference for the two buildings being constructed is N17 and N18)*

As part of the large-scale Project (LSP) Northcote Development, Kāinga Ora sold the land on which “Elevation” is being erected to TLC Northcote Development Limited (TLC Northcote). The agreement was for them to develop two apartment buildings, comprising of 183 affordable and market homes (apartments). Accordingly, TLC Northcote is the developer of the Elevation buildings.

#### ***Have there been any concerns raised about water intrusion/leaks/moisture management in the design of the buildings?***

No concerns have been raised about water intrusion/leaks/moisture management in relation to the design of the Elevation buildings.

However, during a period of historically higher rainfall and adverse weather events in September 2023, TLC Northcote advised Kāinga Ora that water had penetrated the plastic wrapping covering in one of the buildings where 83 homes were being built (in the N17 building), resulting in water entering the construction area. TLC Northcote advised of the steps it was taking to resolve that water ingress and to protect against any further ingress. Those steps included (but were not limited to):

- removing surface water and remediation of any damage;
- advising and liaising with Auckland Council in respect of monitoring and inspections on site; undertaking improvements to the temporary waterproofing including shrink-wrapping areas under construction; and
- engaging appropriately qualified environmental engineers to advise in respect of the water ingress and reporting to Auckland Council.

TLC Northcote has provided monthly updates to Kāinga Ora on this matter since September 2023.

Please note the water ingress from adverse weather during the construction phase does not relate to the design of the building or suggest any design related issues. As the building is a steel structure with no timber framing or gib panels that absorb water, there will be no resulting lasting damage.

### ***Plans to manage water for if there is flooding/inundation of water on the building***

For the large-scale urban development work in Northcote, Kāinga Ora completed a stormwater management plan for the catchment and in coordination with Healthy Waters completed major stormwater upgrades in the area. These upgrades performed very well in the 2023 Anniversary Weekend flooding event.

As the Elevation is a TLC Northcote development, any specific questions on the building design should be directed to the developer.

### ***Any other concerns or issues raised with the quality of the build***

Any concerns are raised within regular reporting that tracks progress. In relation to the water ingress issue outlined in this response letter, there have been more than 25 reporting related updates spanning from September 2023 to January 2024 found in scope of this request.

Kāinga Ora considered these updates for release, weighing the public interest against commercial sensitivities associated with the material. Following consultation with the developer, Kāinga Ora has decided the commercial considerations are such that the information should be withheld under section 9(2)(b)(ii) of the Act, to protect information where making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

I do not consider the withholding of the information is outweighed by public interest considerations in making that information available.

However, Kāinga Ora also considers in respect of 16(1)(e) of the Act, which allows for a summary to be provided, that it has disclosed a broad summary of the issue (and resulting response) in the answer to the first question in this request.

### ***Any reports of defects or problems with the build***

There are no reports in respect of defects with the TLC Modular build.

### ***Has the building failed to receive a certificate of compliance from Auckland Council***

### ***Any documentation from Auckland Council about a failed certificate of compliance***

As building work/construction activity is still ongoing, the developer has not applied for a certificate of compliance from Auckland Council.

*Ngāhuripoke development (internal Kāinga Ora reference for the project is N16)*

### ***Why the buildings at Ngahuripoke remain vacant/empty after being opened by then Housing Minister Megan Woods on September 6 last year (now 7 months on)***

The project required further street works for retaining structures and coordination with water services infrastructure. The additional works required a Building Consent amendment to reposition the retaining wall and canopy footings. This work impacted the access and egress to the property and therefore delayed the commencement of tenancing.

There was also ground floor flood damage from a burst pipe that impacted some data and electrical systems. This damage was fixed and later the building received its certificate of code compliance/Building Warrant of Fitness.

As a responsible landlord, Kāinga Ora worked through the requirements of ensuring compliance from Auckland Council to ensure the safety of our customers. This work has now been completed and we will shortly be placing customers into these homes.

***Has the building failed to receive a certificate of compliance from Auckland Council***

No. A certificate of code compliance was issued in April 2024.

***Any documentation from Auckland Council about a failed certificate of compliance***

This part of the request is refused under section 18(e) of the Act, as the requested information does not exist.

Under section 28(3) of the Act, you have the right to seek an investigation and review by the Ombudsman of this response. Contact details for the Ombudsman can be found at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that Kāinga Ora proactively releases our responses to official information requests where possible. Our response to your request may be published at [kaingaora.govt.nz/publications/official-information-requests/](http://kaingaora.govt.nz/publications/official-information-requests/) with your personal information removed.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Mark Fraser', with a horizontal line extending to the right.

Mark Fraser  
**General Manager – Urban Development and Delivery**