



## WEEKLY REPORT

### Kāinga Ora – Homes and Communities

For period ending 23 August 2024

# 32



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### 1. Decisions or consultations sought this week

There are no decision(s) or consultation(s) sought this week.

For upcoming advice to be delivered in the next month please refer to section 5.

### 2. Updates for Hon Chris Bishop, Minister of Housing

#### Petition of Nola Blainey: Halt Kāinga Ora social housing development proposal for Kerikeri

Deputy Chief Executive for Auckland and Northland - Tāmaki Tai Tokerau, Caroline Butterworth and Northland Regional Director, Jeff Murray appeared for a Social Services and Community Committee hearing on 21 August 2024 to consider the petition of Nola Blainey about her concerns with developments in Kerikeri.

On 24 May 2024, Kāinga Ora provided written evidence to the Social Services and Community Committee in response to Nola Blainey's petition.

We are currently in a partnership with Gemscott to build 22 new homes on Clark Road, Kerikeri with the first eight homes close to completion. We will be showing the community through the new homes at our open home in mid-September.

In our submission we outlined how we have carried out extensive community engagement in Kerikeri regarding the development. We incorporated design changes based on community feedback, including reducing the development from three levels to two, and the inclusion of greater outdoor and play space. We have an ongoing partnership with Ngāti Rehia, who have blessed the Clark Road sites and gifted the name 'Te Tira' to the development

The Far North District Council also made a submission supporting the development outlining the shortage of housing, rticularly social housing in the region.

#### Next steps

The committee will deliverate in the evidence gathered and report back to the House. We will advise you of the outcome.

#### Due

TBA

#### Contact Person

Caroline Butterworth

DCE - Auckland and Northland  
- Tāmaki Tai Tokerau

9(2)(a)

Upcoming Ministry of Business, Innovation and Employment Collaborative Assessment of Residential Tenancy Act compliance		
<p>On 29 July 2024, the Ministry of Business, Innovation and Employment (MBIE) wrote to Kāinga Ora to initiate a “collaborative assessment” of our compliance with the Residential Tenancies Act. On 15 August 2024 Kāinga Ora had an initial meeting with MBIE to discuss the scope and process.</p> <p>This type of assessment is part of MBIE’s proactive work with all large landlords and is not triggered by any concerns or complaints. Based on the meeting, Kāinga Ora expect to host MBIE’s investigators in early October 2024 to provide them with policies, processes and supporting data in relation to a wide range of RTA compliance, including areas such as healthy homes and processes for responding to antisocial behaviour. MBIE will produce a report based on their assessment, which they do not expect to publish but would be subject to release under the Official Information Act.</p> <p>Kāinga Ora will keep you informed of the outcomes of the assessment and if any risks arise.</p>		
<b>Next steps</b>		<b>Due</b>
We will keep you updated on significant matters.		Ongoing
<b>Contact person</b>		
Nick Maling	GM National Services	9(2)(a)

## **Implications on Kāinga Ora portfolio of High Court judicial review decision on Osterley Way resource consent**

This briefing covers implications of a recent High Court judicial review decision (the 'Osterley Way JR decision') on the Kāinga Ora portfolio. Implications of the Osterley Way JR decision on the administration of the Auckland Unitary Plan provisions, and on the administration of notification provisions in the Resource Management Act 1991 (RMA) are being considered in separate briefing from Ministry for the Environment officials.

In August 2022, Auckland Council granted resource consent authorising Kāinga Ora to develop a 123-unit, 14 storey, mixed-use development at 9 Osterley Way, Manukau. Auckland International Airport (AIAL) applied to judicially review the Council's decision.

The proposed Kāinga Ora development is located within the Auckland Unitary Plan's (AUP) "Moderate Aircraft Noise Area" (the 'MANA') which is subject to special controls to manage the impacts of aircraft noise.

On 26 July 2024 the High Court released its decision and found in favour of Auckland Airport. The High Court found Auckland Council erred in law. The notification decision and the consent decisions were deemed unlawful and set aside. Auckland Council and Kāinga Ora have been ordered to pay Auckland Airport's costs (approx. \$40k per party).

Council is now required to make a fresh notification determination on the resource consent application, and then subject to what notification decision is made, make a decision on the application.

It is our understanding that a resource consent would unlikely be granted on a non-notified basis by Council without the written approval of AIAL, and that any consent in relation to the MANA (irrespective of zoning) would effectively require AIAL written approval to proceed.

We note that for the quashed resource consent, Kāinga Ora proposed acoustics mitigations measures in line with airports designation provisions, and also a no-complaints covenant. Both of these measures were not supported by the Airport, and as a result it remains unclear what measures would need to be proposed to secure AIAL support / approval.

At a project level, Kāinga Ora are reviewing the feasibility and scale of the project at Osterley Way, both in light of the decision as well as financial metrics relating to the original build. A significant re-design, reduction in scale, or abandonment of the project (and associated purchase of the land from Eke Panuku) are all live options.

At a portfolio level, Kāinga Ora currently own 644 dwellings (inclusive of 11 Community Group Housing units and 74 transitional housing units) within the MANA, with these also subject to residential zones. This equates to approximately 25 hectares of land. Within these residential zones, residential intensification is limited under MANA provisions to 1 dwelling per 400m<sup>2</sup>, beyond which resource consent is required under MANA rules.

The existing developed intensity of the portfolio in the MANA and the feasibility of redevelopment complying with the density control of the MANA provisions significantly limits the redevelopment potential of the Kāinga Ora portfolio to less than 10 additional dwellings. If the intensification rule associated with the MANA was dispensed with, this 25ha of land has capacity of between 230 and 600 additional dwellings given the operative AUP zoning.

In the last financial year to June 2024 Kāinga Ora has delivered 11 new dwellings within the MANA, with 6 being acquisition and 5 being development of vacant Kāinga Ora sites. Given the density

standards and feasibility of smaller housing typologies on large sections all new dwellings are large 6-bedroom dwellings.

Since the introduction of the MANA provisions when the AUP was made operative in 2016, Kāinga Ora has not progressed land for redevelopment within the MANA due to increased uncertainty and costs associated with seeking resource consent for development compared to other land.

Within the area of land subject to the MANA, Kāinga Ora currently only has 1 planned project (9 Osterley Way, the subject of the Osterley Way judicial review decision), and no other projects in the delivery pipeline. In that regard, the decision does not have immediate implications for the current delivery pipeline, but effectively limits further intensification of the existing portfolio.

**Next steps**

Kāinga Ora to determine whether to continue with project at Osterley Way, and if so, at what scale.

Ongoing review of ability to further develop portfolio within the MANA.

Continued participation in Auckland Council's Plan Change 78, and any subsequent plan changes that address the MANA provisions, with a view to providing more certainty and intensification outcomes than is currently provided for.

**Due**

As soon as possible

**Contact person**

Hayley Fitchett

GM – Urban Planning and Design (Acting)

9(2)(a)

Christchurch City Council's Plan Change 14: Housing and Business Choice		
<p>Christchurch City Council proposed to give effect to the requirements of the Resource Management Act 1991, implementing the National Policy Statement – Urban Development and Medium Density Residential Standards through Plan Change 14.</p> <p>The independent hearings panel assigned to hear submissions and evidence on Plan Change 14 has released its recommendations. The Council is now required to make decisions on these recommendations. The Council currently has until 30 September 2024 to decide, but we note they are to formally request an extension until 30 November 2024.</p> <p>Kāinga Ora was a significant submitter and participant in the plan change process, representing its interest as a public housing landlord, as well as urban development outcomes. The Panel's recommendations strongly align with our submission and evidence.</p> <p>Overall, the participation of Kāinga Ora (submissions and evidence) appears to have substantially influenced the panel's recommendations and could potentially shape the future direction of planning rules that enable Christchurch's urban form.</p>		
<p><b>Next steps</b></p> <p>Kāinga Ora is now completing an evaluation of the panels decisions and following a decision of the Council (and/or any decision by the responsible Minister if the process requires it), Kāinga Ora will evaluate the impact of the plan change on its portfolio. We will be able to quantify the benefit of participating in the PC14 process and the additional uplift benefit being enabled through it.</p> <p>Kāinga Ora will continue to work with the Council to ensure that housing options for the portfolio are supported through the District Plan.</p>		<p><b>Due</b></p> <p>TBC</p>
<b>Contact Person</b>		
Hayley Fitchett	GM – Urban Planning and Design (Acting)	9(2)(a)

### 3. Updates for Hon Tama Potaka, Associate Minister of Housing

No updates this week.

#### 4. Summary of papers sent

Paper	Purpose
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## 5. Upcoming advice to be delivered in the next month

9(2)(f)(iv)			
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]	[REDACTED]



## 6. Kāinga Ora OIA requests

Reference number	Requestor	Type	Request summary	Minister(s)	To MO for	Response due
GSR-24-14563	K3 Legal Limited	Interest Group	<i>Administration</i> Lease for Auckland property	Hon. Chris Bishop	Not being provided	24/09/2024 extended
GSR-24-14594	Katie Bradford	Media	<i>Statistics, Stock and Pipeline</i> Number of projects postponed, delayed or cancelled	Hon. Chris Bishop	Consultation	09/09/2024 extended
GSR-24-17016	Member of the Public	Public	<i>Supported Housing</i> Supported Housing details including staff employed in this area	Hon Tama Potaka	Not being provided	04/09/2024 extended
GSR-24-17048	Samantha Olley	Media	<i>Developments</i> Info about Wellington complex	Hon. Chris Bishop	Noting FYI	28/08/2024
GSR-24-17056	New Plymouth District Council	Interest Group	<i>Developments</i> Information about New Plymouth development	Hon. Tama Potaka	Not being provided	3/09/2024 extended
GSR-24-17061	Member of the Public	Public	<i>Administration</i> Information about New Plymouth homes	Hon. Tama Potaka	Not being provided	04/09/2024 extended
GSR-24-17062	Member of the Public	Public	<i>Administration</i> Information about Whanganui homes	Hon. Tama Potaka	Not being provided	04/09/2024 extended
GSR-24-17066	Raquel Joseph	Media	<i>Administration</i> Stats for West Coast tenancies	Hon. Tama Potaka	Noting FYI	30/08/2024
GSR-24-17095	Mildred Armah	Media	<i>Accessibility</i> New homes meeting full universal design standards	Hon. Chris Bishop	Not being provided	12/09/2024 extended
GSR-24-17112	Jacob McSweeney	Media	<i>Financial Products</i> First Home Partner funds	Hon. Chris Bishop	Noting FYI	27/08/2024
GSR-24-17116	Williams Corporation	Interest Group	<i>Acquisitions</i> Documentation for Epuni property	Hon. Chris Bishop	Not being provided	20/09/2024 extended
GSR-24-17144	New Zealand Green Building Council	Interest Group	<i>Building Innovation</i> Emissions Reduction Plan and costings for Homestar v5	Hon. Chris Bishop	Not being provided	28/08/2024
GSR-24-17145	Keiller MacDuff	Media	<i>Maintenance</i> Average maintenance cost between tenancies	Hon. Tama Potaka	Noting FYI	28/08/2024



Reference number	Requestor	Type	Request summary	Minister(s)	To MO for	Response due
GSR-24-17207	Justin Wong	Media	<i>Urban Development</i> Te Rā Nui – Eastern Porirua Development	Hon. Chris Bishop	Noting FYI	04/09/2024
GSR-24-17245	ActionStation	Interest Group	<i>Procurement</i> Contractors working on build programme	Hon. Chris Bishop	Noting FYI	10/09/2024
GSR-24-17262	Cecile Meier	Media	<i>Building Innovation</i> Cost of offsite manufacturing	Hon. Chris Bishop	Noting FYI	13/09/2024
GSR-24-17268	Hariette Boucher	Media	<i>Staff</i> Details about Kainga Ora Change Process	Hon. Chris Bishop	Noting FYI	13/09/2024

## 7. Ministerial OIA requests

Reference number	Requestor	Topic	Date due to Minister's Office	Date due to requestor
GSR-24-17232	Cole Blair	<i>Administration</i> Communications between Minister and Officials about use of Te Reo Maori	30/08/2024	30/08/2024

## 8. Upcoming completed homes opportunities

[illegible]
