

**UNDER**

the the Resource Mangement Act 1991 ("**RMA**")

**IN THE MATTER**

of Whangarei District Council's Proposed Plan Changes  
82 A & B, 88, 88 A – J, 109, 115, 136, 143 – 145, 147  
and 148 ("**the Urban and Services Plan Changes**").

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**APPLICATION FOR WAIVER BY KĀINGA ORA-HOMES AND  
COMMUNITIES (268, x382)**

**5 November 2019**

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**ELLIS GOULD  
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**REF: Daniel Sadlier / Alex Devine**

**MAY IT PLEASE THE HEARINGS PANEL:**

1. Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) is a submitter and further submitter (as successor to Housing New Zealand Corporation<sup>1</sup>) in respect of the Whangarei District Council’s (“**Council**”) proposed Urban and Services Plan Changes.<sup>2</sup>
2. Pursuant paragraph 4(c) of the Panel’s directions dated 27 September 2019 (“**Direction**”), the due date for lodging expert evidence in respect of the Urban and Services Plan Change Hearings is 4pm Thursday 7 November 2019.
3. Kāinga Ora has lodged extensive submissions on the Urban and Services Plan Changes. It intends to lodge statements of evidence in support of these submissions from planning, economic and urban design experts, as well as a statement of corporate evidence. Given the scope of evidence required to respond to issues raised in the Council’s s42a report, coupled with the transition from the previous entity (Housing New Zealand Corporation) to Kāinga Ora, Kāinga Ora anticipates difficulties in finalising its evidence for lodgement in accordance with the Direction. In particular:
  - (a) Kāinga Ora is conscious that, because the Council experts have not directly engaged with the appropriateness or otherwise of the rezoning relief sought in its submission, that its own experts will need to provide evidence in support of Kāinga Ora’s relief that meets a section 32AA threshold, so that the Panel is able to determine whether or not its relief sought is appropriate.
  - (b) The most significant piece of work that is being undertaken is a comprehensive economic assessment by Kāinga Ora’s economic experts in respect of the residential rezoning sought in Kāinga Ora’s submission. Kāinga Ora’s experts intend to undertake feasibility modelling of capacity (including typology differentials, if time allows) enabled both under the notified scenario and based upon the relief sought by Kāinga Ora. This

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<sup>1</sup> Sub No. 268; Further Sub No. x382. Kāinga Ora was formed on 1 October 2019, and brings together HNZA, HLC (2017) Ltd and parts of the KiwiBuild Unit.

<sup>2</sup> Proposed Plan Changes 82 A & B, 88, 88 A – J, 109, 115, 136, 143 – 145, 147 and 148

requires an assessment of market feasibility as well as an assessment of feasibility from a Kāinga Ora perspective – as the entity operates differently to the general market. This piece of work requires the assimilation of a large volume of information, and requires an assessment of multiple factors including the proportional increase in land value per square metre through subdivision, build value per square metre for differing building sizes, consideration of building typology differentials among other considerations, all of which also require testing and ground-truthing to ensure the robustness of the evidence presented to the Panel.

- (c) While the assessment described above is underway, it has become clear that it will simply not be possible to provide evidence of an appropriate standard in time for this week's evidence deadline as directed by the Panel. Kāinga Ora, however, remains of the opinion that evidence of the sort proposed is both necessary and appropriate, and should be presented to the Panel in order that it may make an informed decision whether or not to grant or decline in whole or in part the relief sought in Kāinga Ora's submission.
  - (d) The related evidence by Kāinga Ora's witnesses, particularly the planning evidence, will also be heavily reliant on the outcome of the modelling exercise being undertaken by the economic experts. Kāinga Ora says that its evidence will be an interrelated package, and that it is appropriate that Kāinga Ora be directed to lodge its evidence together once the necessary modelling and assessment work has been undertaken as described above.
4. Kāinga Ora will be in a position to lodge the evidence by 4pm Thursday 14 November 2019. It accordingly seeks an extension of time provided for under the Panel's direction to enable that to occur. It notes that it is currently scheduled to present its case on 3 December 2019, which means the Panel, Council and submitters will have three weeks to have read and understood Kāinga Ora's evidence before it is presented to the hearing.
  5. Kāinga Ora is conscious that its request will inconvenience the Panel particularly insofar as the Panel will have significantly less time than it

otherwise would have had to pre-read and digest Kāinga Ora's evidence prior to its presentation to the Hearing Panel. While that will be unavoidable in the circumstances, if the Panel agrees that it is appropriate for Kāinga Ora to be provided the time necessary to prepare robust economic and related evidence, Kāinga Ora submits that neither the Council nor any submitters will be unduly prejudiced if the Panel grants an extension of time for the filing of Kāinga Ora's evidence. The directions as to evidence exchange do not provide an opportunity for "rebuttal", therefore the late lodgement of Kāinga Ora's evidence will not compromise the ability of submitters or the Council to respond formally through rebuttal evidence, which Kāinga Ora anticipates will happen as part of the hearing process itself.

6. Crucially, Kāinga Ora considers that granting the of the waiver sought by it will best enable the Panel to have the most robust and comprehensive information before it when assessing the appropriateness or otherwise of Kāinga Ora's relief and will therefore be of most assistance to the Panel when making its decisions on the Plan Changes, particularly in respect of whether the Plan Changes provide sufficiently for urban growth within the Whangarei District.
7. For the reasons given above, counsel respectfully requests that the Panel grant Kāinga Ora an extension of time for lodging its statements of expert evidence until 4pm Thursday 14 November 2019.

**DATED** this 5<sup>th</sup> day of November 2019



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**Daniel Sadlier / Alex Devine**  
Counsel for Kāinga Ora-Homes and Communities