

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO  
TĀMAKI MAKAURAU ROHE**

**ENV-2022-AKL-000073**

**UNDER** section 274 of the Resource Management Act 1991

**IN THE MATTER** of an appeal against decisions on the proposed Waikato District Plan

**BETWEEN** **Waikato Regional Council**  
Appellant

**A N D** **Waikato District Council**  
Respondent

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**SECTION 274 NOTICE BY KĀINGA ORA-HOMES AND COMMUNITIES**

**22 March 2022**

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**ELLIS GOULD  
LAWYERS  
AUCKLAND**

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AUCKLAND**

**REF: Douglas Allan / Alex Devine**

## SECTION 274 NOTICE BY KĀINGA ORA-HOMES AND COMMUNITIES

**TO: The Registrar  
Environment Court  
Auckland**

**KĀINGA ORA-HOMES AND COMMUNITIES (“Kāinga Ora”)** gives notice under section 274 of the Resource Management Act 1991 (“**RMA**”) that it wishes to be a party to the appeal (“**Appeal**”) by Waikato Regional Council (“**Appellant**”) against the decision of the Respondent on the proposed Waikato District Plan (“**PDP**”).

1. Kāinga Ora made submissions and further submissions regarding the definitions and natural hazards chapters of the Plan, including on the matters which are now the subject of the Appeal.
2. Kāinga Ora is also a person who has an interest in the proceedings that is greater than the interest the general public has on the grounds that Kāinga Ora:
  - (a) Manages a public housing portfolio in the Waikato District comprising approximately 393 dwellings<sup>1</sup>, including dwellings located on land that will potentially be directly affected by the relief sought in the appeal. Because of the uncertainty associated with the relief sought by the Appellant, Kāinga Ora does not know to what extent this may affect its landholdings; and
  - (b) Has statutory roles and responsibilities under the Kāinga Ora – Homes and Communities Act 2019 which broadly relate to ensuring that projects and planning instruments do not inappropriately affect the quality, supply and affordability of housing.
3. Kāinga Ora is not a trade competitor for the purposes of section 308C or 308CA of the RMA. In any event, Kāinga Ora is directly affected by an effect of the subject of the appeal that:

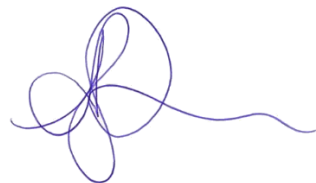
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<sup>1</sup> As at December 2021.

- 3.1 Adversely affects the environment; and
  - 3.2 Does not relate to trade competition or the effects of trade competition.
4. Kāinga Ora is interested in the aspects of the appeal relief that relate to the definitions of Significant Natural Area (“**SNA**”) and Flood Plain Management Area and any amendments which will provide for the application of the SNA and flood hazards provisions to areas that are unmapped. Kāinga Ora opposes the relief sought as it is inappropriate, inefficient and uncertain and will place the burden of flood hazard or SNA identification on the landowner. If the Decision is modified as sought, the Decision:
- 4.1 Will be contrary to the sustainable management of natural and physical resources;
  - 4.2 Will be inconsistent with the purpose and principles of the RMA;
  - 4.3 Will in those circumstances impact on the ability of people and communities to provide for their social, economic and cultural wellbeing; and
  - 4.4 Will not provide for the efficient use and management of natural and physical resources.
5. Kāinga Ora agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** at Auckland this 22<sup>nd</sup> day of March 2022

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



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**D A Allan / A K Devine**

**ADDRESS FOR SERVICE:** The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. **Attention:** Douglas Allan / Alex Devine, dallan@ellisgould.co.nz / adevine@ellisgould.co.nz.