



Kāinga Ora—Homes and Communities Factsheet

Kāinga Ora—Homes and Communities: checks and balances for specified development projects

While Kāinga Ora—Homes and Communities will have significant statutory powers fast-track large-scale urban development, checks and balances have been built in to ensure the powers are appropriately used.

Phase 1: Establishing a specified development project (SDP)

The first phase of the establishment process results in an Order in Council establishing a SDP.

Stakeholder engagement	<ul style="list-style-type: none">• All relevant stakeholders will be consulted once a potential project area is identified. These views are taken into account in the initial assessment, including potentially a decision to abandon the project.• Land owners including local councils, iwi, post settlement governance entities, and others will be invited to partner to develop their land as part of the project.• The Minister of Treaty of Waitangi Negotiations will be consulted to see if there are any settlement interests in the proposed project area.• Kāinga Ora—Homes and Communities will identify relevant Māori interests in and around the project area. While no sensitive Māori land may be taken, iwi and Māori groups will be consulted to assist in this process.• Key stakeholders identified, such as relevant iwi and Māori groups, local government, and the general public, will be kept fully informed and engaged throughout the project's establishment process.
Public feedback	<ul style="list-style-type: none">• Public feedback will be sought on the strategic objectives that will guide a project, and the boundary of the development area.• Kāinga Ora—Homes and Communities will identify the powers needed to realise the project's objectives.

Based on public feedback, Cabinet will decide whether or not to establish the development project.



Phase 2: Preparing the development plan

The second stage of the establishment process is focused on preparing the development plan that sets out how the strategic objective will be achieved, and the powers used.

Draft Plan

Consultation and partnership	<ul style="list-style-type: none"> Relevant stakeholders will be consulted during the preparation of the draft development plan. Kāinga Ora—Homes and Communities will seek partnership with regional and local councils' on the development project and plan.
Consistency with local and national plans	<ul style="list-style-type: none"> The development plan must have regard to local Resource Management Act 1991 (RMA) Plans (i.e. the Council's district plan), and must not be inconsistent with national direction under the RMA.
Public Feedback	<ul style="list-style-type: none"> Public feedback will be sought on the draft development plan, including on any proposed changes to reserves or use of development powers.

Kāinga Ora—Homes and Communities will revise the plan based on this feedback and prepare and publish a recommended plan.

Recommended Plan

Public submissions	<ul style="list-style-type: none"> Submissions will be invited on the development plan. Anyone can lodge a submission on the recommended plan. Submissions are considered by an Independent Hearings Panel (IHP).
The Independent Hearings Panel (IHP)	<ul style="list-style-type: none"> An IHP will be comprised of independent commissioners chaired by a current or former Environment Court Judge. In response to submissions, the IHP can recommend changes to the development plan to the Minister of Housing and Urban Development (the Minister). The Minister can either accept or reject these changes, but cannot change the development plan. If the Minister rejects the changes, they can ask IHP to reconsider.
Ensuring Māori interests and aspirations are addressed	<ul style="list-style-type: none"> Kāinga Ora—Homes and Communities is bound by Treaty settlements, commitments, and co-governance arrangements between the Crown and Māori. Development plans must be approved by the Minister for Māori Crown Relations, Te Arawhiti, and the Minister for Māori Development to ensure Māori interests and aspirations are properly addressed.
Final decision and appeal rights	<ul style="list-style-type: none"> The Minister makes the final decision to approve the development plan and proceed with the specified development project. The development plan can be appealed on points of law, but not on its merits. Judicial review will remain available.



What checks will exist on Kāinga Ora—Homes and Communities’ powers?

<p>Kāinga Ora—Homes and Communities has the power to compulsorily acquire land</p>	<ul style="list-style-type: none"> • Compulsory acquisition will be subject to the usual checks in the Public Works Act 1981. This means the Minister of Land Information must approve the acquisition, and the landowner can appeal to the Environment Court. • Sensitive Māori land cannot be acquired compulsorily.
<p>Kāinga Ora—Homes and Communities has the power to override existing local and regional resource management plans (district plans, regional plans and regional policy statements)</p>	<ul style="list-style-type: none"> • Any proposal must have regard to Part 2 of the RMA. • Part 2 contains the requirements for the sustainable management of natural and physical resources. Resources must be managed in a way that provides for the wellbeing of people and communities, whilst managing adverse effects on the environment. • Part 2 also requires that proposals take into account the principles of the Treaty of Waitangi.
<p>Kāinga Ora—Homes and Communities will be able to issue resource consents for land-use activities</p>	<ul style="list-style-type: none"> • Where Kāinga Ora—Homes and Communities is both the applicant and decision-maker on a resource consent application, the decision must be delegated to either the relevant council or an independent commissioner. • Any resource consent issued will be subject to appeals on merit to the Environment Court.
<p>Kāinga Ora—Homes and Communities has broad powers over the provision of water infrastructure and transport infrastructure</p>	<ul style="list-style-type: none"> • Water and transport infrastructure powers must be exercised in consultation with local government, the relevant agencies, and network providers. • These powers do not override relevant regional plan or resource consent requirements.
<p>Kāinga Ora—Homes and Communities has the power to create, alter and suspend infrastructure bylaws</p>	<ul style="list-style-type: none"> • Kāinga Ora—Homes and Communities must consult with the relevant council and follow the same procedure as if it were a council when creating, altering or suspending by-laws.
<p>Kāinga Ora—Homes and Communities has the power to set targeted rates, charge development contributions, and levy betterment charges</p>	<ul style="list-style-type: none"> • Rates, contributions, and charges will only be applied within the project area and cannot exceed the actual costs of the infrastructure and activities they are funding. • Funding powers will be subject to the same processes that apply to councils using their own funding powers. For rating powers, there will also be oversight by elected representatives. • Where infrastructure built by Kāinga Ora—Homes and Communities benefits those outside the project area, Kāinga Ora—Homes and Communities will seek to proportionately share the costs with the relevant council.
<p>Kāinga Ora—Homes and Communities has the power to reconfigure some reserves</p>	<ul style="list-style-type: none"> • The Minister of Conservation must sign off on any proposed changes to reserves, such as shifting boundaries, creating new reserves, or moving a reserve to a location which better serves the local community.



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