

**BEFORE THE INDEPENDENT HEARING PANEL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 26 to the Operative Waipā District Plan, Proposed Plan Change 12 to the Operative Hamilton District Plan, and Variation 3 to the Proposed Waikato District Plan

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**REPLY SUBMISSIONS ON SCOPE**

**FOR JOINT SUBMITTERS - WAIKATO COMMUNITY LANDS TRUST, WAIKATO HOUSING INITIATIVE, HABITAT FOR HUMANITY, MOMENTUM WAIKATO, AND BRIDGE HOUSING TRUST**

**AND FOR WAIKATO HOUSING INITIATIVE AS SEPARATE SUBMITTER**

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## MAY IT PLEASE THE PANEL

1. The Joint Submitters note the various submissions of parties and of the Councils.
2. The Joint Submitters acknowledge the view of Waipā District Council that it will abide the decision of the Panel, and commend Waipā for this approach. The Joint Submitters wish to take a similar approach, noting that various authorities and points relating to the bespoke nature of the IPIs have already been made in the submissions of the Joint Submitters, parties, and the Councils.
3. It is however desirable to emphasise a few key points arising from party and Council submissions.
  - a. The submission of Waikato Housing Initiative on affordable housing within the context of the Hamilton IPI is quite distinct from the Joint Submitters' submission on inclusionary zoning. Scope must be considered separately in respect of these submissions.
  - b. For each of the Councils, the IPI is not simply a matter of implementing MDRS, or at least not in a wholesale way. Each has (for example) pointed towards particularised qualifying matters, which will presumably be considered later in the process.
  - c. The purpose of the Amendment Act, in "enabling housing supply" is directed towards supply not just as an end in itself, but as a means to meet various goals including affordability, and providing for the needs of communities. This is acknowledged in party submissions.<sup>1</sup>
  - d. Section 80E(2) of the RMA, as amended by the Amendment Act, allows for "related provisions" to cover "district-wide matters", though this is expressed to be "without limitation". Separately, inclusionary zoning and affordable housing policies can therefore be considered to be related provisions within the scope of section 80E(1) of the RMA.
  - e. Housing affordability is both a critical issue for our communities and, in the context of the Amendment Act, an incidental and consequential consideration of increased supply, and as such, the submission on amending the IPI provisions is "on" the plan change for the purposes of the RMA and case law.

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<sup>1</sup> See eg legal submissions for Adare Company Limited dated 17 March 2023, para 7, which identify (with emphasis added) that "the ultimate goal of the Amendment Act is to help address some of the issues with housing choice and *affordability* in New Zealand's larger cities" [and, it could be said, surrounding districts], with reference to the explanatory note to the Bill that became the Amendment Act.

4. Separately:

- a. The Joint Submitters; and
- b. Waikato Housing Initiative, in its individual submission;

hope to have scope confirmed, so that the issues raised in the submissions can be considered more substantively in hearings.

Dated 31 March 2023



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Thomas Gibbons  
Co-chair, Waikato Community Lands Trust  
For the Joint Submitters

And as trustee for Waikato Housing Initiative as separate submitter