



30 September 2022

Attn: Waipā District Council
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Submission via email: districtplan@waipadc.govt.nz

**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION ON PROPOSED
PLAN CHANGE 26 (RESIDENTIAL ZONE INTENSIFICATION) TO THE
OPERATIVE WAIPĀ DISTRICT PLAN UNDER CLAUSE 5 (INTENSIFICATION
PLANNING INSTRUMENT) OF SCHEDULE 1 OF THE
RESOURCE MANAGEMENT ACT 1991**

This is a submission on Proposed Plan Change 26 – Residential Zone Intensification (“**PC26**”) to the Operative Waipā District Plan (“**the Plan**” or “**the District Plan**”), prepared by Waipā District Council (“**the Council**”).

Kāinga Ora does not consider it can gain an advantage in trade competition through this submission. In any event, Kāinga Ora is directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that this submission relates to:

PC26 to the District Plan in its entirety.

This document and the Appendices attached is Kainga Ora submission on PC26.

The Kāinga Ora submission is:

1. Kāinga Ora Homes and Communities (“**Kāinga Ora**”) is a Crown Entity and is required to give effect to Government policies. Kāinga Ora has a statutory objective that requires it to contribute to sustainable, inclusive, and thriving communities that:
 - (a) Provide people with good quality, affordable housing choices that meet diverse needs; and
 - (b) Support good access to jobs, amenities and services; and
 - (c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
2. Because of these statutory objectives, Kāinga Ora has interests beyond its role as a public housing provider. This includes a role as a landowner and developer of residential housing and as an enabler of quality urban developments through increasing the availability of build-ready land across the Waipā district.
3. Kāinga Ora therefore has an interest in the Council PC26 and how it:
 - (a) Gives effect to the National Policy Statement on Urban Development (“**NPS-UD**”) and The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**the Housing Supply Act**”);
 - (b) Minimises barriers that constrain the ability to deliver housing development across public housing, affordable housing, affordable rental, and market housing;
 - (c) Identifies and seeks to protect streets and buildings that contribute to the built heritage and/or character of the district; and
 - (d) Provides for the provision of services and infrastructure and how this may impact on the existing and planned communities, including Kāinga Ora housing developments.
4. The Kāinga Ora submission seeks amendments and relief to PC26 in the following areas:
 - (a) **Part B – Definitions** – Amendments are sought to include a definition for papakāinga.

- (b) **Section 1 – Strategic Policy Framework** – Amendments are sought to ensure that the strategic objectives and associated policies in PC26 to the District Plan align with the NPS-UD and the Housing Supply Act. Kāinga Ora supports the incorporation of those provisions required under Schedule 3A of the Housing Supply Act and the required identification of those matters within PC26 as required under S80H of the Housing Supply Act. This will assist plan users in understanding the requirements of the MDRS and implementation of PC26 through the plan change process.
- (c) **Section 1 – Recognition of a High Density Residential Zone** – While Kāinga Ora generally supports the overall incorporation of the Medium Density Residential standards (“**MDRS**”) from the Housing Supply Act in PC26 to the District Plan along with the proposed spatial extent of Medium Density Residential Zone (“**MDRZ**”), Kāinga Ora seeks that a High Density Residential Zone (“**HDRZ**”) should also be incorporated into the District Plan (via PC26) and applied within a 400m walkable catchment of both the Cambridge and Te Awamutu town centres. Both of these town centres are locations where there is a high demand for housing and more people want to live in, and more businesses and community services want to be located in, relative to the Waipā district and the Waikato region. The HDRZ will enable up to 6 storeys for residential intensification in the Waipā district and will give effect to Policy 3(d) of the NPS-UD, in providing for building heights and densities of urban form commensurate with the level of commercial activity and community services in these centres.
- (d) **Section 2 – Residential Zone** – Amendments are sought to ensure consistency across the Kāinga Ora submission in relation to relocated building activities and papakāinga and marae developments.
- (e) **Section 2A – Medium Density Residential Zone (“MDRZ”)** – Amendments are sought to ensure the MDRZ provisions are consistent with Policy 6(b) of the NPS-UD and that intensification in accordance with the planned built form of the MDRZ is not an adverse effect of itself. A range of amendments are also proposed to ensure consistency with Kāinga Ora submission and relief sought in relation to the proposed ‘Qualifying Matter’ overlays that would reduce permitted levels of intensification (up to three dwellings per site) otherwise-required under Schedule 3A of the Housing Supply Act, and the removal of duplicated standards and/or onerous requirements which are otherwise-managed through assessment criteria or not required in light of the Housing Supply Act.

- (f) **Section 2A – Compact Housing Overlay within the MDRZ** - The Kāinga Ora submission seeks the deletion of the ‘Compact Housing Overlay’. Kāinga Ora opposes the compact housing overlay and its associated land use activity and provisions. The overlay and provisions are particularly onerous and less enabling than the MDRS and would therefore be considered a Qualifying Matter under s771(j). It is also considered that the s32 analysis has not assessed the Compact Housing Overlay appropriately as required by the Enabling Act to consider the costs/benefits that the overlay would have on restricting higher density development.
- (g) **Section 2B (proposed) – High Density Residential zone (“HDRZ”)** – A new residential zone and associated District Plan provisions are sought to be included. Kāinga Ora seeks that a new High Density Residential Zone (HDRZ) is introduced. The proposed HDRZ provisions sought to be inserted into the District Plan (through PC26) are included in **Appendix 2** and the proposed spatial extent of the HDRZ sought is outlined in **Appendix 3**.
- (h) **Section 15 – Infrastructure, Hazards, Development and Subdivisions** – Amendments are sought to ensure that the subdivision provisions provide for controlled activity subdivision in residential zones, as-required under Clause 3A of the Housing Supply Act. A range of amendments are also sought for consistency with the overall Kāinga Ora submission, and to ensure that vacant lot subdivision requirements better-align with the higher-density development that is proposed to be enabled under PC26. Kāinga Ora also seek that the subdivision rules include the HDRZ as proposed by Kāinga Ora.
- (i) **Section 18 – Financial Contributions – Te Ture Whaimana** – Whilst Kāinga Ora absolutely supports and understands the statutory requirement to give effect to Te Ture Whaimana and provide for the betterment of the Waikato and Waipā Rivers, Kāinga Ora is opposed to the proposed provisions and financial contribution for giving effect to Te Ture Whaimana O Te Awa o Waikato - The Vision and Strategy for the Waikato River (‘Te Ture Whaimana’) as-notified and **seeks that the full set of provisions proposed on the Financial Contributions is deleted, reviewed and proposed in a separate plan change process or reconsidered through a pre-hearing mediation process with submitters and Waikato-Tainui and the Waikato River Authority prior to the hearing of PC26:**

- i. Kāinga Ora seeks to ensure that any such financial contribution is fully justified both in terms of the purpose and the quantum of contribution, for when it is levied.
- ii. Kāinga Ora does not support monies collected to be paid to Council or a Council established group where the intent and purpose for collecting those monies is unclear. Kāinga Ora has noted that the Section 32 evaluation analysis provided with PC26 as notified states that the financial contributions *“reflect Hamilton City Council’s methodology for their contributions, to ensure sub-regional alignment of methodology.... and the Council were (sic) given insufficient time to prepare detailed reports to quantify the amount of Waipā contributions.”* The report further states that *“It is anticipated that further investigation will be required through the submissions and hearings process to confirm the Waipā dollar amount for amenity and Te Ture Whaimana contributions.”*
- iii. Kāinga Ora therefore considers that the full suite of provisions and the proposed financial contribution must be deleted in its entirety until a specific policy is developed to address Te Ture Whaimana in consultation with Waikato-Tainui and the Waikato River Authority.
- iv. Kāinga Ora considers that the proposed approach by Council is not considered to be in the spirit of Te Ture Whaimana and does not acknowledge the role that the Waikato River Authority plays in the management of the Waikato River, and the ties between that authority and local iwi through board representation.
- v. In respect of the use of financial contributions, there is an opportunity for a joint-management approach to be achieved that can deliver an enhanced outcome for the Waikato River. It is an option that has not been explored by the Council within the s32 analysis to PC26 and in giving effect to Te Ture Whaimana in a manner that is consistent with the strategic objectives of the plan that seek to ‘restore and protect communities’ relationships with the Waikato River, including their economic, social, cultural and spiritual relationships’.
- vi. Kāinga Ora seeks the full package of provisions in relation to Te Ture Whaimana are deleted, reconsidered and reviewed and then any changes

or inclusion for financial contributions should be proposed in a separate plan change in consultation with the Waikato River Authority. Kāinga Ora notes that alternatively, this could be reconsidered through a pre-hearing mediation process with submitters and Waikato-Tainui and the Waikato River Authority prior to the hearing of PC26.

- (j) **Section 18 – Financial Contributions – General** – Kāinga Ora seeks that the financial contributions relating to three waters & transport network improvements and capacity upgrades are reconsidered and replaced with clear provisions which are not levied in a blanket approach more-akin to development contributions.
- i. Kāinga Ora support the general purpose of Financial Contributions; however, ‘development contributions’ already apply to developments to contribute towards three waters & transport network improvements and capacity upgrades, and any additional contributions should not be sought for these aspects of development, except where required to create capacity within the local catchment, at the point of connection for the development.
 - ii. **Kāinga Ora opposes the inclusion** of a financial contribution relating to parks/reserves/open space network and streetscape amenity. Whilst the intensification of Waipā District will contribute to a change in character and amenity, this is not considered to be an adverse effect that requires offsetting through financial payments.
- (k) **Section 21 – Assessment Criteria and Information Requests** – Amendments are sought to ensure consistency across the Kāinga Ora submission, particularly in relation to: acknowledging that the amenity of urban environments will change (as-per Policy 6(B) of the NPS-UD), the revised assessment criteria for four or more dwellings in the MDRZ and 7 or more dwellings in the proposed HDRZ, and the removal of criteria associated with activities that are sought to be deleted.
- (l) **Appendix DG1: Character Cluster Statements and Volume 3: Planning Maps – Character Clusters Overlay** – Amendments are sought to delete the character cluster statements and overlays in their entirety, for the following reasons:
- i. Kāinga Ora notes that the Council has undertaken a site-by-site analysis of sites within the existing ‘Cambridge Character Area’ as required by S77L(c) of the Housing Supply Act. The supporting analysis:

- a) Concluded that the existing 'Cambridge Character Area' was "too broad in scope" and instead recommended the retention of more key character properties and enlarged clusters. Consequently, council have removed the existing 'Cambridge Character Area', which Kāinga Ora is supportive of; and
 - b) Recommended the potential for council to include the individual buildings or clusters within Council's Heritage Schedule. Council have not adopted this recommendation. **Kāinga Ora seek that further analysis of these buildings and clusters is undertaken** and those that meet the test under s6 of the RMA are individually scheduled in the District Plan.
- ii. The proposed new character clusters and character provisions as notified, and the approach to 'character clusters' in the Plan, conflates issues of 'streetscape character' with the 'built character' that is sought to be protected on identified sites. Many of the 'clusters' are located on streets with a mixed range of dwelling typologies, many of which are either modern or highly modified. As a result, many of the cluster sites do not form a sufficient collection or grouping of buildings that contribute to a strong sense of consistent streetscape character, in reference to the built form that is present. Kāinga Ora questions the planning method and assessment undertaken to determine the proposed provisions. Kāinga Ora considers that any such provisions and values identified should be 'managed' rather than 'protected' in the District Plan. **Kāinga Ora seeks the provisions as proposed are deleted and that further analysis is undertaken to determine the exact values of the resources that the Council seeks to manage in the District Plan.**
- (m) **Volume 3: Planning Maps – Character Streets Overlay** – For the reasons outlined above in relation to 'streetscape character', **Kāinga Ora opposes the existing and proposed spatial identification (and associated provisions) on 'Character Streets' and seeks deletion in PC26** for the following reasons:
- i. In many cases 'character streets' have a limited number of 'character buildings' that contribute to the 'streetscape character'. Kāinga Ora considers that the Character Street policy overlay and associated 6m setback is unwarranted and has not been sufficiently justified under ss77J-

L of the Housing Supply Act due to the limitations they would otherwise place on MDRS-enabled development.

- ii. The majority of streets subject to the proposed overlay feature generous road reserve widths, defined by very large street trees and berms. There is no justified need to impose a substantial 6m setback (where the MDRS otherwise enables a 1.5m setback from the front boundary) in such contexts, particularly where the character of those streets would be maintained as a result of being under the ownership and control of Council.
 - iii. Where trees are a defining aspect of the 'street' character, **Kāinga Ora seeks that they are specifically identified and scheduled** due to their contribution to those streets.
- (n) **Volume 3: Planning Maps – Infrastructure Constraint Overlay** – Amendments are sought to delete the Infrastructure Constraint Overlay in their entirety, for the following reasons:
- i. While PC26 as notified does enable up to three dwellings per site as a permitted activity¹ *outside* of the proposed infrastructure qualifying matter overlay, the spatial application of the overlay is extensive. As a result, the reduction in enabled density of up to two dwellings per site for land located *within* the overlay reduces the permitted density of development that the MDRS enables and requires.
 - ii. Kāinga Ora notes that the Market Economics assessment² points towards a limited utilisation of the enabled development capacity that PC26 and the MDRS would deliver in Te Awamutu and Kihikihi³. In Cambridge, the modelled development capacity would reflect the development of two-level detached dwellings on smaller sites – closer to the existing development patterns that medium to higher-density attached dwellings.⁴ On that basis, and in light of the infrastructure effects-mitigation that is proposed by way of financial and development contributions to address such effects and contribute to the restoration and protection of the Waikato and Waipā Rivers under Te Ture Whaimana, **Kāinga Ora opposes and seeks the**

¹ 2A.4.1.1(b)

² Residential Capacity Modelling, m.e consulting Ltd. 6 July 2022, appended to the PC26 materials as Appendix 5.

³ Page 14.

⁴ Pages 14-15.

‘infrastructure constraint’ qualifying matter overlay and associated provisions are deleted in their entirety.

- iii. Kāinga Ora considers that the implications of this have not been sufficiently assessed or justified in accordance with ss77J and 77L of the Housing Supply Act as to the effect this will have on both development capacity and enabling up to three dwellings per site in accordance with the requirements of the Housing Supply Act.
 - iv. Kāinga Ora therefore seeks that up to three dwellings per site is a permitted activity in the MDRZ, consistent with Schedule 3A of the Housing Supply Act, and that four or more dwellings per site be included as a restricted discretionary activity inclusive of (but not limited to) matters of discretion and assessment criteria requiring infrastructure capacity assessment at the point of connection.
 - v. The information on the infrastructure constraints may be appropriate as a non-statutory layer within Council’s GIS, to assist in infrastructure assessments for four or more dwellings as a restricted discretionary activity.
 - vi. Kāinga Ora also seeks to understand whether there is a net-difference in effect between two or three dwellings per site on water supply and wastewater capacity, taking into consideration the relativities of housing demand and enabled capacity in the district. Further work and analysis is warranted.
- (o) **Volume 3: Planning Maps – Stormwater Infrastructure and River/Gully Proximity Overlays** – For similar reasons stated above, Kāinga Ora opposes and seeks the deletion of the ‘stormwater infrastructure’ and ‘river/gully proximity’ qualifying matter overlays (including their spatial application and associated provisions) in PC26:
- i. Kāinga Ora considers that the implications of this have not been sufficiently assessed or justified in accordance with ss77J and 77L of the Housing Supply Act and its purpose.
 - ii. Kāinga Ora does not consider that a 10% reduction in building coverage to 40% as-proposed under s2A.4.2.8 is efficient or effective, where there are alternative methods and options that have not been explored to address

the issues, such as (but not limited to) a permitted standard for at-source stormwater mitigation through retention and/or detention.⁵ This is also taking into consideration that financial and development contributions are proposed to address such effects and contribute to the restoration and protection of the Waikato and Waipā Rivers under Te Ture Whaimana.

- iii. Such potential alternative methods would be more efficient and effective, balancing the need to ensure that new and redeveloped sites appropriately manage stormwater-related effects, while not incurring the costs of a resource consent process (where compliance can be achieved) for up to three dwellings per site.
- (p) **Volume 3: Planning Maps – Commercial Zone – Te Awamutu and Cambridge Town Centres** – Amendments are sought to apply a height variation control over the Te Awamutu and Cambridge Town centres to enable a proportionate height of buildings to that sought within the HDRZ, including consequential amendments to the Town Centre Zone provisions as-required to give effect to the relief sought in the Kāinga Ora submission. The proposed height variation control (or overlay) is included in **Appendix 3**.
 - (q) **Design Guides** - References to Design Guides are deleted across the plan and provisions are updated to reflect design outcomes sought, external design guides are referenced as a guidance note, or guidance is streamlined and simplified. Kāinga Ora seeks the design guides are guidance that is provided outside of the Plan and can be updated on best practice without the need to undertake a Schedule 1 of the RMA process every time it needs to be updated. Kāinga Ora seeks any design guides are removed out of the District Plan.
 - (r) Any consequential changes necessary to give effect to the changes highlighted above or in the appendices attached.
5. The changes sought are made to:
- (a) Ensure that Kāinga Ora can carry out its statutory obligations;

⁵ An example of such a standard/approach the proposed standard 25.13.4.2a under Hamilton City Council's Proposed Plan Change 12.

- (b) Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991;
 - (c) Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;
 - (d) Provide clarity for all plan users; and
 - (e) Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019.
6. The relief and amendments sought from Kāinga Ora can be found in:
- (a) **Appendix 1** – Table 1: Identifies the specific submission points and amendments that Kāinga Ora either supports, opposes or seeks amendment to PC26;
 - (b) **Appendix 2** – The proposed HDRZ provisions sought to be included.
 - (c) **Appendix 3** – Identifies the spatial extent of the proposed HDRZ around the Te Awamutu and Cambridge Town Centres, and the proposed height variation control/overlay within those Town Centres;
 - (d) **Appendix 4** – Identifies the ‘Character Clusters’ and the ‘Character Streets’ that Kāinga Ora either supports or opposes and seeks deletion; and
 - (e) **Appendix 5** – Identifies the Infrastructure, Stormwater, and River/Gully Qualifying Matter overlays that Kāinga Ora opposes and seeks deletion.

Kāinga Ora seeks the following decision from Waipā District Council:

That the specific amendments, additions or retentions which are sought as specifically outlined in this **submission document and the Appendices 1-5**, are accepted and adopted into PC26, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Kāinga Ora wishes to be heard in support of their submission.

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on PC26 to address the matters raised in its submission.

If others make a similar submission, Kāinga Ora are happy to consider presenting a joint case at a hearing.



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