

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN THE WAIKATO REGION**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
WAIKATO**

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of the hearing of submissions on proposed Plan
Change 26 (residential intensification) ('PC26') to
the Operative Waipā District Plan ('WDP')

**STATEMENT OF PRIMARY EVIDENCE OF GURVINDERPAL SINGH
ON BEHALF OF KĀINGA ORA - HOMES AND COMMUNITIES**

(CORPORATE)

6 APRIL 2023

Instructing solicitor:
C E Kirman
Special Counsel
Kāinga Ora - Homes and Communities
PO Box 14594
Central Auckland 1051
E: claire.kirman@kaingaora.govt.nz

Counsel Instructed:
D A Allan / A K Devine
Ellis Gould Lawyers
PO Box 1509
Auckland 1140
E: dallan@ellisgould.co.nz /
adevine@ellisgould.co.nz

1. EXECUTIVE SUMMARY

1.1 My name is Gurvinderpal Singh. I hold the position of Team Leader of Development Planning within the Urban Planning and Design Group at Kāinga Ora - Homes and Communities (**Kāinga Ora**).

1.2 The key points addressed in my evidence are:

(a) A summary of the Kāinga Ora submissions on the Waipā District Council IPI (PC26), including the rationale for the relief sought and in particular comments about:

(i) Summary of amendments to the Kāinga Ora position

(ii) Remaining Areas of Interest

(iii) The application of the NPS-UD; High Density Zone

(iv) The application of the NPS-UD; Approach to centres

(v) The application and use of qualifying matters; including:

(aa) Character clusters and Character Streets

(bb) Infrastructure Constraint Overlay

(cc) Stormwater Constraint Overlay

(vi) The appropriate application of Design Guides.

1.3 Kāinga Ora considers the current planning regulations across the District constrain the ability to create and deliver well-functioning urban environments. If the requested relief is adopted, this will not only allow Kāinga Ora to adequately increase and improve its public housing provision, but it will also provide for significant additional development capacity and aid in the consenting and delivery of housing in Waipā.

2. INTRODUCTION

- 2.1 My name is Gurvinderpal Singh. I hold the position of Team Leader of Development Planning within the Urban Planning and Design Group at Kāinga Ora.
- 2.2 I hold a Bachelor of Planning (Honours) from the University of Auckland and I am a Full Member of the New Zealand Planning Institute. I have held roles in the planning profession for the past 14 years and have been involved in advising on issues regarding the Resource Management Act 1991 (**RMA**) and district plans.
- 2.3 My experience includes ten years in various planning roles within local government. For the past 4 and a half years I have been employed by Kāinga Ora.
- 2.4 I have been providing development planning expertise within Kāinga Ora (as Housing New Zealand) since 2018. In this role I have:
- (a) Undertaken assessment and identification of redevelopment land within the portfolio;
 - (b) Provided input into the strategic land planning, including the Asset Management Strategy, various investment and land use frameworks, and various structure plan processes of Kāinga Ora;
 - (c) Provided advice on, and management of, the regulatory planning processes associated with Kāinga Ora residential development projects;
 - (d) Managed engagement with local authorities, local communities and other agencies on matters relating to regulatory policy frameworks associated with residential development;
 - (e) Provided advice on, and management of, input into strategic planning activities including plan changes and plan review processes throughout the country. More recently, this has

included providing technical planning expertise and project management of Kāinga Ora submissions to the Proposed Whangārei District Plan, Proposed New Plymouth District Plan and the Proposed Waikato District Plan and submissions and corporate evidence relating to Plan Changes implementing the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (**Amendment Act**) and the National Policy Statement on Urban Development 2020 (**NPS-UD**) across the Waikato, Bay of Plenty and Wellington Region.

- 2.5 I confirm that I am authorised to give corporate evidence on behalf of Kāinga Ora in respect of Waipā District Council’s Plan Change 26 (“PC26”).

3. BACKGROUND TO KĀINGA ORA AND CONTEXT

- 3.1 The background to Kāinga Ora and the statutory context the organisation operates under, including the functions and principles created through the Kāinga Ora Homes and Communities Act 2019, has been provided through the corporate evidence of Mr Brendon Liggett for the Strategic Hearing stream for the Waikato IPIs¹.
- 3.2 Similarly, the regional context for the roles and functions, particularly the public housing need for the Waikato region, has also been detailed through the evidence of Mr Liggett.

4. THE KĀINGA ORA SUBMISSIONS

Rationale for Kāinga Ora Submission

- 4.1 Kāinga Ora has lodged comprehensive submissions on PC26. These submissions arise from the operational and development needs of Kāinga Ora, but also reflect a wider interest in delivering the strategic vision and outcomes sought through the Amendment Act and the NPS-UD. The intent of the submissions is to ensure the delivery of a planning framework in Waipā District that contributes to well-

¹ Corporate Evidence of Brendon Liggett, dated 1 February 2023

functioning urban environments that are sustainable, inclusive and contributes towards thriving communities that provide people with good quality, affordable housing choices and support access to jobs, amenities and services.

- 4.2 Through submissions on the various IPI processes across the country, one of the strategic goals of Kāinga Ora is to ensure the implementation of the NPS-UD and the requirements of the Amendment Act achieve their stated outcomes.
- 4.3 It is undisputed that there is a high demand for housing in Aotearoa, and to supply a greater number of homes in locations that connect well to jobs, education, transport and amenities. There is, therefore, a strong need to build up, rather than out. Intensification, when done well, can bring a range of benefits to an area, such as greater opportunity for investment in infrastructure and local amenities, increased safety and a stronger sense of community and more public green spaces when part of comprehensive redevelopments.
- 4.4 As New Zealand's Urban Development Agency tasked with creating more homes across New Zealand at pace, Kāinga Ora supports plans that enable more people to live in locations that have good access to jobs, amenities and services that meet their day to day needs, and that enable enough housing supply so that current pressures are eased.
- 4.5 It is acknowledged that PC26 has the potential to reduce regulatory constraints, increase housing supply, and ultimately contribute to and provide for well-functioning urban environments for all New Zealanders. It has the opportunity to enable the delivery of a variety of homes to meet the needs of all people of Aotearoa.
- 4.6 The creation of provisions within District Plans to enable residential development in accordance with the NPS-UD and the Amendment Act will contribute towards a planning system that facilitates the delivery of a variety of homes with a focus on connectivity and functionality within the urban environment.

4.7 Kāinga Ora is concerned to ensure that local authorities do not undermine the step-change intended by the NPS-UD and the Amendment Act by protecting the status quo through overly liberal use of qualifying matters to reduce the application of the Policy 3 directives of the NPS-UD and the MDRS set out by the Amendment Act (emphasis underlined). Directives of both legislation must be given effect by Tier 1 local authorities. Kāinga Ora considers that favouring the status quo in this way could defeat the purpose of the NPS-UD and be inconsistent with Policy 6(b).

4.8 It is important that decision-makers appreciate the need to create a substantially more enabling planning framework. Not enabling higher density in an area based on its current attributes could lead, advertently or inadvertently, to undue planning restrictions in the medium to long term. What is (not) feasible today will change in the future as housing preferences continue to change and market conditions develop. The key is to ensure District Plan, as a result of PC26, does not act as the limiting factor in the event that market conditions change and higher density housing typologies and their development becomes more viable.

5. FURTHER WORK FOLLOWING THE LODGEMENT OF KĀINGA ORA SUBMISSION

5.1 Since lodging the submissions, Kāinga Ora has undertaken further locally-specific assessment in the Waipā District. This has resulted in the following key changes to the relief sought by Kāinga Ora:

- (a) Kāinga Ora agree that at this current time, a High Density Residential Zone (“HDRZ”) in Te Awamutu is not necessary. Upon further work undertaken, Kāinga Ora consider focus should be given to enabling more intensive development within the centre zone of Te Awamutu; this will be discussed further in the evidence.
- (b) Reduction of the request for a HDRZ in Cambridge down to a walkable catchment of approximately 400m from the town

centre², with amendments to the provisions to reflect the amended position relating to character clusters (below).

- (c) As stated through the evidence of Mr Campbell and Mr Wallace, Kāinga Ora accept at a high level, the reduced and consolidated character clusters as assessed through the Lifescapes report³. The remaining areas of interest to be discussed with regards to the position on character clusters, will be discussed in section 6 below.

6. REMAINING AREAS OF INTEREST

- 6.1 Provision of increased height in the Commercial Centres - Cambridge and Te Awamutu.
- 6.2 Application of the HDRZ around the Cambridge Commercial Centre.
- 6.3 The application of specific provisions and character statements that have been proposed relating to the character clusters, and how these impact on the deliverability of intensified development, particularly in relation to sites identified as ‘non-character defining’.
- 6.4 How Te Ture Whaimana is best given effect to through the planning framework. Kāinga Ora acknowledge the importance of giving effect to Te Ture Whaimana through the planning framework, as noted through the s42A report. However, as will be discussed further in this evidence, Kāinga Ora maintains the position that the means of which this has been proposed through PC26 is not an appropriate response.
- 6.5 The scope of this evidence will therefore discuss these points of continued interest in further detail below.

² As the Commercial Zone encompasses an area much greater than what would be considered a town centre for the purposes of the NPS-UD, the boundaries of the town centre were derived from the “Town Centre Zone” set out in Figure 18 of the Cambridge Town Concept Plan 2010

³ Waipa District Council Heritage/Character Report 2023, prepared by Lifescapes, dated 9 March 2023

7. APPLICATION OF THE NPS-UD - ZONING PATTERNS

- 7.1 As discussed within the evidence of Mr. Liggett for the Strategic Hearing Stream for the Waikato IPIs, Kāinga Ora has an inherent interest in urban development outcomes in Aotearoa. Kāinga Ora also has as an objective achieving broad consistency to intensification outcomes across Tier 1 councils, and more specifically, achieving a higher degree of regional consistency in Plans across the wider Waikato region.
- 7.2 Kāinga Ora has therefore sought a spatial application of zoning patterns that acknowledge and respond appropriately to walkable catchments, corridors with rapid transport routes, and proximity to services, employment opportunities and the like, in a manner that is consistent with the principles of the NPS-UD but also provides an appropriate response within a local context.
- 7.3 It is considered that a blanket ‘do minimum’ approach to building heights and extents of walkable catchments within PC26 does not appropriately respond to local context or demand for housing and is not commensurate with the level of commercial activity and community services (emphasis underlined) . Kāinga Ora considers that PC26:
- (a) does not enable intensification in the district to its full potential;
 - (b) applies the MDRS in a constrained manner (e.g.: by limiting the number of dwellings permitted as of right);
 - (c) fails to provide for higher density residential living to acknowledge the appropriateness of more intensive residential development adjoining and within a centre;
 - (d) retains the status quo of zoning principles, contrary to the directives of the Amendment Act; and
 - (e) delivers a zoning framework that does little to focus on the spatial application of residential intensification. Through the

absence of revisions to the centre zoning of Cambridge and Te Awamutu, and the failure to include any HDRZ particularly around Cambridge, PC26 does not recognise the important relationship between land, development and the proximity to the services and amenities of a centre.

- 7.4 The locally-specific walkable catchment and built form outcomes sought in the Kāinga Ora submission, such as heights within and around Cambridge and Te Awamutu centres, reflect the outcomes that Kāinga Ora seeks to achieve in providing for well-functioning urban environments that are responsive to the local and regional context and are supported by appropriate planning, urban design and economic expertise.
- 7.5 Kāinga Ora considers that wider benefits accrue as a result of the requested zoning, and that these benefits support well-functioning urban environments. For example, intensifying around services can reduce reliance on motor vehicle use, thus reducing greenhouse gas emissions which in turn contributes to achieving the outcomes of wider government's priority policy areas such as the Emission Reduction Plan 2022-2025, without compromising on build capacity.

Commercial Centres of Cambridge and Te Awamutu

- 7.6 Kāinga Ora has sought increased height in the commercial centres of Cambridge and Te Awamutu to support design flexibility, planned urban built form, development density and provide height/daylight expectations commensurate to the centre zoning, particularly in light of the application of the NPS-UD and the HSAA. The purpose of this is to not only enable the development of homes within proximity to jobs, education, transport and amenities, but to also encourage a modal shift from private vehicle use to active transport and public transport.
- 7.7 PC26 does not include any modification of the existing commercial centre provisions. It is the view of Kāinga Ora that there is a need to enable development in both Cambridge and Te Awamutu that is at a greater scale than that enabled and prescribed in the Waipā Operative

District Plan (“ODP”). Such a focus on the intensification of existing and strategic centres plays a significant role in the future development of the region, with zoning providing the opportunity to facilitate urban growth that contributes to the vitality of centres that would in turn see an increase in economic activity and outcomes. If more height is not enabled in these locations there is a risk that land within these zones will be underutilised and underdeveloped, and that there will be an inevitable continuation of a focus on Greenfield development across Waipā rather than a concentrated focus of Brownfield redevelopment in and around the centres.

- 7.8 As detailed through the evidence of Mr Osborne, the height of 24.5m in both Cambridge has been requested by Kāinga Ora to *‘enable the market to provide greater levels of high-density residential development within the Cambridge centre. This improvement is both necessary to realise the economic efficiencies of intensified development as well as providing for realistic choice and demand preferences both now and over the longterm’*⁴
- 7.9 Mr Osborne goes further to state that the current height enabled for the centres of Cambridge, of 14m, would be *‘unlikely to enable any material high-density development’*⁵ and rather would *‘significantly hinder the ability for the market to meet this need’*⁶
- 7.10 With respect to the height limit of 24.5m that has also been sought in the centre of Te Awamutu, Kāinga Ora note that this is important to incentivise higher density residential development into the centre of Te Awamutu, in accordance with the NPS-UD. As noted through the evidence of Mr Osborne, it is acknowledged that there is likely to be less of an uptake of higher density development within Te Awamutu in comparison to Cambridge; however, *‘the increase in height provision within this centre is unlikely to result in any additional economic costs with its introduction at least providing future direction to the market’*⁷.

⁴ Evidence of Phillip Osborne; dated 6 April 2023

⁵ As above

⁶ As above

⁷ As above

8. HIGH DENSITY RESIDENTIAL ZONE

The Kāinga Ora submission on PC26 sought the inclusion of a new HDRZ in order to give effect to Policy 3(d) of the NPS-UD. The intention of the submission point was to allow for higher density residential living within the district commensurate to the level of commercial activity and community services. The submission requested that the HDRZ be applied within a walkable catchment of the centres of Cambridge and Te Awamutu (noting that relief has now been refined).

- 8.1 Cambridge and Te Awamutu are Tier 1 urban environments because they are recognised as important centres within the Waikato region. Whilst the two commercial centres would currently be classified as a town centre, notably both of these centres are expected to experience significant growth over the next 30 years, and are identified as proposed metro centres by Futureproof⁸. It is therefore important to plan for and enable growth and services to be co-located together to enable these town centres to function well, enable vitality and grow alongside the increasing population of Waipā.
- 8.2 As specified in the evidence of Mr Campbell, Mr Wallace and Mr Osborne, site visits and research has been carried out to determine appropriate walkable catchments, intensification, and built form outcomes for the Waipā District. The findings of that locally-specific assessment have informed the following revised approach taken to the Kāinga Ora submission on PC26, relating to HDRZ:
- (a) Removal of the request for the application of a HDRZ surrounding the centre of Te Awamutu.
 - (b) Reduced spatial application of HDRZ surrounding the centre of Cambridge, to be 400-600m.
- 8.3 Kāinga Ora consider that the presence of a HDRZ around the centre of Cambridge is imperative to enable growth at a scale that will support the significance of Cambridge as a regionally important town centre and enable the delivery of a variety of housing typologies.

⁸ Hamilton-Waikato Metro Spatial Plan, prepared by Futureproof; dated September 2020

9. APPLICATION OF CHARACTER CLUSTERS

- 9.1 Kāinga Ora understands that the Council may consider special character or character as a qualifying matter under section 77I(j) of the RMA. It is acknowledged that through the evidence provided from Ms Carolyn Hill (Lifescapes), further investigation and assessment has been undertaken on this matter and as a result a consolidated series of character clusters has been recommended and proposed by the Council.
- 9.2 Kāinga Ora acknowledges the additional assessment undertaken by Ms Hill and has not undertaken any peer review of those assessments. However, as stated through the evidence of Mr Wallace, Kāinga Ora remain concerned with regards to the proposed character statements for each cluster and the prohibitive styled language that has been used through these statements.
- 9.3 Kāinga Ora opposes the application of these character statements and the subsequent District Plan objectives, policies and rule framework insofar as they are applied to non-character defining sites. Whilst it is understood that the clusters have been regularised through the further assessment, as required by section 77R(c)(iii) of the RMA, an appropriate range of options should have been evaluated to achieve the greatest heights and densities provided for by policy 3 while managing the special character identified within each cluster.
- 9.4 The limitation of non-character defining sites through the removal of a permitted demolition activity and an absence of a permitted activity framework unnecessarily constrains the ability to deliver more intensive development.
- 9.5 Changes have been sought to the provisions for the proposed Medium Density Zone and the High Density Zone submitted by Kāinga Ora, to enable a level of development that would be appropriate for non-character defining sites and sites adjoining character sites. As detailed through the evidence of Mr Campbell, including a set of standards and relevant assessment criteria for non-character defining sites within the clusters provides the Council with the ability to

continue to maintain and enhance the special character that has been identified, whilst not excluding the potential for intensification to occur. The amended provisions have been appended to the evidence of Mr Campbell.

- 9.6 In accordance with the evidence of Mr Wallace, Kāinga Ora continue to object to the reduced character streets in Cambridge and Te Awamutu through PC26.
- 9.7 Whilst it is understood that the Council may consider the character and amenity of the streetscape as a qualifying matter, the subsequent setback of 6m that is imposed through PC26 is considered to be a disproportionate and unnecessary response to intensified development. Notably, the amenity that is sought to be protected largely relates to the openness of the streetscape; as highlighted by Mr Wallace, these streets are already wider than traditional suburban streets and such width helps to *‘ensure these streets feel distinctive from others across Cambridge and retain a spacious and open streetscape environment’*⁹.

10. TE TURE WHAIMANA O TE AWA O WAIKATO

Application of the Infrastructure Constraint Overlay

- 10.1 As stated previously in section 6.4, Kāinga Ora acknowledges the critical role and significant status of the Waikato and Waipā rivers and the importance of giving effect to Te Ture Whaimana as an overriding document, within the Resource Management process.
- 10.2 The Kāinga Ora submission on PC26 requested the deletion of the Infrastructure Capacity Overlay (“ICO”). Whilst it is acknowledged that infrastructure capacity, when left unmanaged, can lead to potential adverse effects on the health and wellbeing of the Awa, it is the view of Kāinga Ora that adverse effects in infrastructure capacity terms is not a necessary implication of development and intensification. It is therefore unreasonable to constrain residential

⁹ Evidence of Mr Cameron Wallace, dated 6 April 2023

development through the provisions of the District Plan without first considering other options for resolving issues related to infrastructure capacity.

- 10.3 As supported through the evidence of Mr Jaggard, Kāinga Ora considers that the redevelopment and intensification of existing urban environments poses an opportunity to improve existing infrastructure networks, but more importantly, provides the opportunity to include infrastructure on a site and within the wider network that will contribute to an overall enhancement of the existing systems. Thereby improving the way in which urban development interacts with both the Waikato and Waipā rivers.
- 10.4 This opportunity also provides for alternative solutions and potential larger scale solutions that would assist and work toward improving the current and documented constraints on infrastructure.
- 10.5 Prior to preparing this evidence, Kāinga Ora met with representatives of Waikato-Tainui. From this, Kāinga Ora are of the understanding that the removal of the ICO would not in itself have an adverse effect on the health and wellbeing of the Rivers. Rather, what is required are the appropriate checks and balances associated with permitted development thresholds to ensure that urban development contributes to positive effects on the Awa. Kāinga Ora consider that the use of water conservation measures such as low flow fixtures, in conjunction with the building consent and connections approval processes that currently exist, is adequate to address the Council's concerns of infrastructure capacity and the proposed more enabling zoning provisions within the District Plan.
- 10.6 As such, Kāinga Ora maintain its submission point seeking deletion of the Infrastructure Constraint Overlay.

Application of the Stormwater Constraint Overlay

- 10.7 Kāinga Ora acknowledge the need to have provisions within the District Plan that relate to flood hazard management; however, Kāinga Ora does not support the inclusion of a stormwater constraint overlay as proposed through PC26.
- 10.8 The proposed overlay has been mapped to cover existing flood hazards and overland flow paths (including secondary paths), areas of which are subject to an existing rule framework in the ODP where resource consent is required for activities within these areas.
- 10.9 PC26 ultimately introduces an additional restriction on the permitted building coverage for sites within this overlay. In light of existing requirements for development; such as the existing consenting triggers through the ODP and the requirement to attenuate stormwater to 80% pre-development run off rates, Kāinga Ora is of the view that the proposed mechanism will be of little benefit to the effects of development on stormwater management.
- 10.10 As such, Kāinga Ora maintains its submission point seeking deletion of the Stormwater Constraint overlay.

11. DESIGN GUIDES

- 11.1 Kāinga Ora takes a consistent position across Aotearoa on the use and role of design guides within the development process. That is,
- 11.2 Design Guidelines should sit outside of the District Plan as a non-statutory document and advisory tool that can assist the plan user in interpreting and complying with the District Plan provisions (i.e. as a guide informing the design process for proposals and to assist applicants in understanding how to achieve the planned outcomes of the plan). The planned outcomes should be clearly described and identified in objectives, policies, rules and relevant matters of discretion for activities and rules.

- 11.3 The design guide is intended to be a guide, and directly including it in the assessment criteria risks elevating the guide to a de facto rule or standard in its own right.
- 11.4 Where Design Guidelines site outside the plan they can be updated and amended accordingly to best practice without having to go through a RMA Schedule 1 process.
- 11.5 To some extent, this is consistent with the Kāinga Ora position on matters such as the appropriate approach to hazard maps which, because of their dynamic nature, are best left as non-statutory documents informing the approach to risk mitigation in the relevant plan, rather than being incorporated into the plan itself.

12. CONCLUSION

- 12.1 Current planning regulations in the Waipā District constrain the ability to create and deliver well-functioning urban environments, as required by the Amendment Act and the NPS-UD. Overly restrictive regulations contribute to both land and housing supply issues. This puts pressure on house prices and contributes to the lack of affordable housing options across both the public and private housing sectors, whilst also failing to prioritise the redevelopment and intensification of the existing urban environment, particularly around strategic locations such as commercial centres.
- 12.2 The Kāinga Ora submissions partially arise from the operational and development needs of Kāinga Ora. The Kāinga Ora submissions also ensure Kāinga Ora can economically and socially manage and reconfigure its housing portfolio, which, as I have noted, is important to ensure housing stock is matched to demand. This is to enable provision of warm dry and healthy homes that are in the right location, right condition and of the right type to meet the current and future needs of those people requiring public housing assistance, as well as enable the development of affordable housing more generally.

- 12.3 Through its submissions on PC26, Kāinga Ora is seeking to assist the Council to achieve the objective of creating a well-functioning urban environment. This can be done in a manner which enables the redevelopment of existing brownfield land to make better use of infrastructure (including social infrastructure) and improve the social and economic wellbeing of the community and is in line with the Amendment Act and the NPS-UD.
- 12.4 Kāinga Ora considers that if its submission on PC26 is adopted, then the constraints applied by the zoning and provisions of PC26 would be reduced. It would provide a development capacity for delivery of significant additional public housing, affordable housing, homes for first-home buyers, and significant market capacity across the city, and a choice of housing typology and size for all New Zealanders.

GURVINDERPAL SINGH

6 April 2023