

**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 Variation 3
Enabling Housing Supply ('V3') to the Proposed
Waikato District Plan ('PDP')**

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

(CORPORATE)

4 JULY 2023

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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 Kāinga Ora submissions on Waikato District Council’s Variation 3 to the Proposed District Plan (“V3”), 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;

(iv) Approach to centres in Huntly;

(v) Rezoning within Raglan and Te Kauwhata; and

(vi) The Stormwater Constraints Overlay.

1.3 Kāinga Ora considers that 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 the Waikato District.

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 (“HSAA”) 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 V3.

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 the Kāinga Ora Submission

- 4.1 Kāinga Ora has lodged comprehensive submissions on V3. 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 HSAA and the NPS-UD. The intent of the submissions is to ensure the delivery of a planning framework in Waikato District that contributes to well-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 HSAA 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

¹ Corporate Evidence of Brendon Liggett, dated 1 February 2023

meet their day to day needs, and that enable enough housing supply so that current pressures are eased.

- 4.5 It is acknowledged that V3 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 HSAA 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 HSAA 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 HSAA (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 the District Plan, as a result of V3, 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 Waikato District and will not be pursuing submission points seeking High Density Residential Zone in Waikato District, the increased height

limit over the Town Centre Zone in Ngaaruawaahia and the Tuurangawaewae Marae surrounds qualifying matter.

- 5.2 In addition, upon further assessment, Kāinga Ora accepts that Raglan does not currently meet the definition of an urban environment under the NPS-UD, and therefore is not to be treated as an urban environment through the application of MDRS to the same extent as the identified urban environments.

6. REMAINING AREAS OF INTEREST

- 6.1 The remaining areas of difference between the Council and Kāinga Ora are therefore:

- (a) The extent to which increased height should be enabled in the Town Centre Zone and Commercial Centre Zone of Huntly.
- (b) The application of a minimum lot size of 450m² for vacant lots located in the previous Urban Fringe Qualifying Matter area.
- (c) The application of the Medium Density Zone across sites in Tuakau, Pookeno and Huntly.
- (d) How the effects of flooding and stormwater is best managed through the planning framework. Kāinga Ora question the provisions proposed under the Stormwater Constraints Overlay.

- 6.2 The scope of this evidence will therefore discuss these points of continued interest in further detail below.

7. THE APPLICATION OF THE NPS-UD - APPROACH TO CENTRES IN HUNTLY

- 7.1 As discussed within the evidence of Mr. Liggett for the Strategic Hearing Stream for the Waikato IPIs, Kāinga Ora has an 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 degree of regional consistency in Plans across the wider Waikato region.

- 7.2 Kāinga Ora has sought increased height in the town centre and commercial centre zones of Huntly 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.

- 7.3 V3 as notified does not include any modification of the existing commercial and town centre provisions or the spatial application of these zones in the Proposed Waikato District Plan - Appeals Version (“PDP”).
- 7.4 Whilst there are cultural values present in Ngaaruawaahia which have informed the position of Kāinga Ora with respect to the relief it sought in its submission for the commercial and town centre provisions for Ngaaruawaahia, the same context does not apply within Huntly and it is the view of Kāinga Ora that there is a need to enable development in Huntly that is at a greater scale than that enabled and prescribed in the PDP.
- 7.5 Kāinga Ora considers that the intensification of existing and strategic centres will play 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.
- 7.6 If greater heights are not enabled in such locations as Huntly, 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 the Waikato District rather than a concentrated focus of Brownfield redevelopment in and around the centres.
- 7.7 Kāinga Ora therefore seeks that the following changes be incorporated into V3:
- (a) Increase the Commercial Zone height in Huntly to 22m; and
 - (b) Increase the Town Centre Zone height in Huntly to 24.5m.
- 7.8 The outcomes sought in the Kāinga Ora submission, such as heights within and around the Huntly Town Centre, 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.

8. REZONING WITHIN RAGLAN AND TE KAUWHATA

- 8.1 Kāinga Ora accepts that Raglan and Te Kauwhata currently fall outside of the definition of an urban environment, in accordance with the NPS-UD, and therefore do not contain relevant residential zones, as noted in the s42A report².
- 8.2 While Kāinga Ora agrees that there may be difficulty in having one medium density residential zone (where V3 proposes two - MDRZ1 and MDRZ 2), due to the inconsistent application of the MDRS across the towns, there are also benefits in having one zone dedicated to enabling medium density residential development. This will also improve plan legibility and provide for a more user friendly district plan that can be easily understood by all resource consent applicants.
- 8.3 For these reasons, Kāinga Ora accepts that MDRS, as required by the HSAA, is not necessary for Raglan or Te Kauwhata at this time. However, for the reasons given through the submission and above, Kāinga Ora requests that the panel consider the amalgamation of the two medium density zones into one zone.
- 8.4 Kāinga Ora therefore seeks that the following changes be incorporated into V3:
- (a) Consolidate MDRZ1 and MDRZ2, including the carryover of reduced standards associated with medium density in Raglan and Te Kauwhata worked into the provisions.
 - (b) In doing so, a precinct or control/s can be applied/inserted to recognise the specific rules applied to Raglan and Te Kauwhata, with MDRZ as the underlying zone.
- 8.5 If the Panel does not accept this as part of V3, Kāinga Ora encourages the Council to undertake a separate plan change to consolidate the two medium density residential zones.

9. REZONING WITHIN TUAKAU, POOKENO AND HUNTLY

- 9.1 The Kāinga Ora submission sought to regularise the Medium Density Zoning pattern applied across the urban environments of Tuakau, Pookeno and Huntly.

² s42A report, prepared by Fiona Hill, Karin Lepoutre and Bessie Clarke, dated 19 June 2023, Paragraph 102

The subject sites are identified with a red outline on the maps within **Appendix B** of the evidence of Michael Campbell (Planning).

- 9.2 The sites identified within Tuakau are zoned as Large Lot Residential through the PDP; however, are located within a walkable catchment to the town centre of Tuakau and therefore, would be more appropriately zoned as Medium Density to reflect this proximity to the urban centre to contribute to and facilitate the operation of a well-functioning urban environment.
- 9.3 The site identified within Pookeno is zoned as General Rural Zone through the PDP; however, is surrounded by the Medium Density Zone and would therefore be more appropriately zoned as such to avoid potential conflict between the different expectations of activities within each zone.
- 9.4 The rezoning request in Huntly relates to a school site, thereby subject to designation MEDU-13 for education purposes. The underlying zoning of the school is General Rural Zone, however, similarly to the site in Pookeno, is surrounded by the Medium Density Zone. It would therefore be more appropriate to have the underlying zone of this site be Medium Density Residential.

10. THE STORMWATER CONSTRAINTS OVERLAY

- 10.1 The proposed stormwater overlay has been applied to land previously affected by the urban fringe qualifying matter. Whilst it is understood that the reason for this relates to the scope of the plan change, it highlights whether this is the appropriate process in which to address a new hazard layer. This is further highlighted through the lack of provisions able to be introduced to land within the Medium Density Zone of the PDP, where there may also be flood hazards that should be addressed.
- 10.2 Kāinga Ora considers that development, outside of a high flood risk zone, should not be limited by density as a response to flood hazards. Kāinga Ora agrees with the evidence of Mr Jaggard³, which concludes it would be more appropriate to have a district wide hazard rule that triggers consent for development within the hazard area (identified through non-statutory maps), where relevant matters of

³ Evidence of Phil Jaggard; dated 4 July 2023

discretion enable the appropriate assessment of the impact of development on flood risk.

- 10.3 For these reasons, Kāinga Ora opposes the provisions proposed through the Stormwater Constraint Overlay. Kāinga Ora requests that these provisions are removed, and a full plan change is undertaken under schedule 1 of the RMA for the Stormwater Constraint Overlay.

11. CONCLUSION

- 11.1 Current planning regulations in the Waikato 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 can 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 and town centres.
- 11.2 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 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.
- 11.3 Through its submissions on V3, 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 HSAA and the NPS-UD.
- 11.4 Kāinga Ora considers that if its submission on V3 is adopted, then the constraints applied by the zoning and provisions of V3 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

4 July 2023