

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT RANGIORA / WAIMAKARIRI**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI RANGIORA / WAIMAKARIRI**

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of the hearing of submissions and further
submissions on the Proposed Waimakariri
District Plan - Variation 1

HEARING TOPIC: Stream 7B – Variation 1 Housing
Intensification

**STATEMENT OF PRIMARY EVIDENCE OF JOSHUA NEVILLE
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

(CORPORATE)

13 SEPTEMBER 2024

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

1. EXECUTIVE SUMMARY

- 1.1 I am Joshua Neville, Team Leader – Development Planning for the South Island at Kāinga Ora - Homes and Communities (**Kāinga Ora**). I am authorised to provide evidence on behalf of Kāinga Ora in support of the primary submission (submitter #80) and further submissions (further submitter #23) on Waimakariri District Council (**WDC**) Variation 1 (**V1**) to the Proposed District Plan (**PDP**).
- 1.2 The key points addressed in my evidence are:
- (a) A background to Kāinga Ora, its investment and development approach in Waimakariri, and submission on the V1.
 - (b) The need for the PDP to appropriately reflect the intensification outcomes clearly sought in the National Policy Statement - Urban Development (**NPS-UD**) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**), particularly the enablement of the medium density residential standards (**MDRS**) and further enablement of intensification under NPS-UD Policy 3.
 - (c) The introduction and inclusion of a Height Variation Control Area (**HVCA**) within approximately an 800m walkable catchment of the Rangiora Town Centre Zone (**TCZ**) to enable a commensurate height of 5 storeys in the Medium Density Residential Zone (**MRZ**) to give effect to policy 3(d) of the NPS-UD.
 - (d) The changes sought with respect to Qualifying Matters (**'QM'** or **'QMs'**) identified in the PDP, that restrict application of the intensification directed by the NPS-UD and MDRS. In particular, QMs relating to setbacks from strategic and arterial roads and rail corridors and sunlight and shading are opposed as they do not meet the stringent tests set out in Section 77 I - L of the Amendment Act. Kāinga Ora has attached a flow chart for the application of QMs in **Appendix 1** that may aid the

Hearing Panel in its assessment and decision-making processes on the use and application of QMs in the PDP. This flowchart has been provided and relied upon in other similar plan change processes across the Country.

- 1.3 Overall, Kāinga Ora considers that the proposed planning regulations notified through the V1 will constrain the ability for Kāinga Ora to undertake and provide for public housing development in the Waimakariri District in the future. In particular, it will create additional and unnecessary consenting hurdles, time delays and increased costs to providing for and delivering new and additional housing in Waimakariri.
- 1.4 If the requested relief sought by Kāinga Ora is adopted in the PDP, this will enable Kāinga Ora to adequately manage its existing public housing as well as provide for a more appropriate regulatory framework for continued public housing provision and housing growth opportunities in the region.
- 1.5 Kāinga Ora has submitted on the PDP and Variation 2 (**V2**) and filed evidence on these topics. My evidence should be read alongside the evidence and submissions from Kāinga Ora in these previous hearings, as I considers this to be a holistic package of provisions to enable development in Waimakariri.
- 1.6 Kāinga Ora is supported in V1 by a number of expert witnesses. Planning evidence for Kāinga Ora has been provided by Ms Clare Dale. Urban design evidence for Kāinga Ora has been provided by Ms Jane Rennie. Economic evidence has been provided by Mr Tim Heath. Where Kāinga Ora has relied on this evidence, this is referenced.

2. INTRODUCTION

- 2.1 My full name is Joshua Thomas John Neville.
- 2.2 I hold the position of Team Leader – Development Planning for the South Island, within the Urban Planning and Design Group at Kāinga Ora. I have held this position since March 2023, and have been employed by Kāinga Ora since August 2021.

- 2.3 I have 10 years' experience in planning, policy and urban development, which includes working within local government.
- 2.4 I hold the qualifications of a Bachelor of Science (Geography) and a Master of Science (Geography) from the University of Canterbury.
- 2.5 In my role with Kāinga Ora, I have provided planning advice, and management of processes relating to:
- (a) Assessment and identification of redevelopment land within the Kāinga Ora portfolio,
 - (b) Strategic future land-use planning,
 - (c) Regulatory planning associated with Kāinga Ora residential development projects; and
 - (d) Input into regulatory policy planning activities including plan reviews and plan Variations throughout the South Island.
- 2.6 I was involved in the review of the PDP, V1 and V2 and the preparation of submissions for Kāinga Ora as a submitter on the PDP and Variations (V1 and V2). I am presenting this corporate evidence in relation to these submissions and further submission from Kāinga Ora.
- 2.7 I have also provided Kāinga Ora with advice, and representation in a number of forums related to the Greater Christchurch Partnership and in the development of the Greater Christchurch Spatial Plan. I am familiar with the Kāinga Ora corporate intent in respect of the provision of housing within the Waimakariri and how the Waimakariri District is contextualised within this PDP. I am also familiar with the national, regional and district planning documents relevant to the PDP.
- 2.8 In preparing this evidence I have read the Section 32 and Section 42A Reports together with the associated appendices prepared by Council staff and the evidence prepared for Kāinga Ora by Ms Clare Dale (Planning – Novo Group), Ms Jane Rennie (Urban Design – Boffa Miskell) and Mr Tim Heath (Economics – Property Economics).

Scope of Evidence

- 2.9 My evidence encompasses submissions and further submissions on the PDP in relation to Variation 1 (**V1**). Since submissions were made in 2022 the Kāinga Ora submission points have been further evaluated and refined including in response to the s42A reports.
- 2.10 A separate statement of evidence has been supplied for Hearing Stream 7A, addressing the PDP general residential objectives and policies and Variation 2 matters. This statement of evidence for Stream 7B will not address these matters further.

Background to Kāinga Ora

- 2.11 The background to Kāinga Ora and the statutory context in which the organisation operates, including its functions under the Kāinga Ora Homes and Communities Act 2019, has been provided through the corporate evidence of Mr Brendon Liggett in respect of the Strategic Directions¹ Hearing Streams 1 & 2.
- 2.12 In my evidence, for Hearing Stream 7A, I provided additional background and updated context for Kāinga Ora and its interest in Waimakariri². A summary of this information is provided here:
- (a) Kāinga Ora manages a public housing portfolio of approximately 243³ homes across the Waimakariri District, mostly located in the area proposed to be zoned as medium density residential zone.
 - (b) Between 2019–2024 period, Kāinga Ora added an additional 62 homes to its portfolio in Waimakariri.
 - (c) For the next 2024/2025 period, Kāinga Ora has 25 new builds consented.

¹ Corporate Evidence of Brendon Liggett Proposed Waimakariri District Plan Hearing Stream 1 & 2, dated 1 May 2023

² Corporate Evidence of J Neville Proposed Waimakariri District Plan Hearing Stream 7A, dated 11 Sept 2024

³ Managed stock by Territorial Local Authority as of 30 June 2024.

- (d) There is continued demand for social housing and as of June 2024, there was 90 households needing a home in Waimakariri.⁴
- (e) A significant proportion of the current household demand on the Social Housing Waitlist seek 1- or 2-bedroom homes, and this aligns with a consistent national trend for smaller and more manageable homes sought by applicants and broadly in the housing market.

Kāinga Ora approach to investment and housing redevelopment in the Waimakariri District

- 2.13 Kāinga Ora has been completing a significant number of housing redevelopment projects within Waimakariri. In recent years, most of these homes have been delivered through infill housing or through comprehensive redevelopment projects that were built on existing Kāinga Ora land. This approach is likely to continue as Kāinga Ora reviews its land holdings and seeks to redevelop existing sites to meet the social housing demand and ensure the portfolio consists of warm, dry, and healthy homes.
- 2.14 Over half (55%) of the Kāinga Ora housing stock within the Waimakariri District has been constructed within the last 10 years, however, there still remains approximately 18% of the housing stock that is more than 50 years old. Dwellings of this age are likely to need investment intervention in the future to ensure that they remain fit for purpose and have appropriate amenity and condition to support their ongoing use. Kāinga Ora will often, as part of an investment decision on such assets consider if the land is more appropriately redeveloped to provide additional and improved quality housing that is better aligned to current and future need. A further 19% of the total Waimakariri Housing stock is between 20–50 years old. Given the consistently increasing social housing waitlist in the District, it is likely that over time Kāinga Ora will look to redevelop the older homes within its portfolio, and this is likely to occur during the life of the proposed PDP, V2 and V1.

⁴ housing-register-june-2024.xlsx (live.com)

- 2.15 There is an ongoing need for the renewal of older housing that is no longer fit for purpose. This presents a strong opportunity to reimagine brownfield and infill developments at scale where land holdings permit. To realise this Kāinga Ora seeks a planning framework which supports the development of smaller homes on functional sites in areas which are accessible to the commercial, retail activities and community facilities.
- 2.16 Looking forward, Kāinga Ora may seek opportunities for development of public housing that are accessible to commercial and community services located within the town centres of the District. At this stage, the Kāinga Ora portfolio within Waimakariri will only have a limited number of existing sites viable for redevelopment (sites with older homes on them) in the near future. Should additional public housing be needed in the region, there may be a need to acquire some land for development. For development to be feasible, and to enable the establishment of a range of housing choices, both in size and typology; there is the need for an enabling planning framework. Specifically, there is a need for the District Plan to provide for smaller dwellings and typologies, such as low-rise walk-up apartments, these have not been previously enabled by the District Plan but will likely be required in the future to meet any unmet public housing needs.

3. KĀINGA ORA SUBMISSIONS AND FURTHER SUBMISSIONS

- 3.1 Kāinga Ora acknowledges the directive nature and compressed timeframes within which Council has had to prepare the V1 intensification plan change, particularly where the full review process was well underway with the PDP.
- 3.2 The Kāinga Ora submissions are not intended to increase the burden on Council, but rather to address the challenges of integrating growth, community wellbeing, housing provision and infrastructure, by providing a perspective that is weighted towards enabling development while also creating and supporting healthy, vibrant communities.

- 3.3 Kāinga Ora has made submissions and participated in the V1 and PDP processes to also provide perspective and greater visibility to Council on strategic solutions to challenges faced by others.
- 3.4 The Kāinga Ora submission and further submission points allocated to the Stream 7B hearing relate to: QMs located across the Plan, the Residential Chapter and the Subdivision Chapter. The submission and further submission points allocated to this Stream are attached to the evidence of Ms Dale in **Appendix 1**.
- 3.5 As discussed in the evidence of Ms Dale, overall, Kāinga Ora considers that V1 as notified and now proposed in the S42A Report does not sufficiently provide for a range of housing types at a range of intensities to meet the needs of current and future communities. The V1 as notified will constrain housing development and create unnecessary time delays and increase regulatory compliance costs. Kāinga Ora consider that the NPS-UD⁵ which notes that compact urban form in the context of existing urban areas requires further intensification, and it is from this starting point Kāinga Ora crafted its submission.
- 3.6 In particular, Kāinga Ora proposed that there should be a strong intensification response in and around the Rangiora Town Centre, seeking further relief for a Height Variation Control Area. This matter is addressed further in the evidence of Ms Rennie. The NPS-UD requires building height and density of urban form adjacent to town centre zones to be commensurate with the level of commercial activity and community services⁶. Kāinga Ora is of the view that V1 as proposed and also addressed in the s42A report has not responded with sufficient enablement as required by the NPS-UD particularly in the larger Town Centre of Rangiora.
- 3.7 Kāinga Ora submitted on a number of proposed QMs in V1. As discussed in the evidence of Ms Dale, some of the Kāinga Ora submission points on QMs have been addressed satisfactorily through the relevant s42A report, discussed in more detail through

⁵ Objective 3 and Policy 1

⁶ Policy 3(d)

previous hearings, or, in the view of Kāinga Ora, still needing to be resolved.

3.8 Of particular concern to Kāinga Ora, is the QM proposed through the s42A report for V1 which proposes a new QM for sunlight and shading. This QM is opposed by Kāinga Ora, and I discuss the reasons for this later in my evidence. Ms Dale also discusses this proposed QM in more detail in her evidence.

3.9 The intent of the submission from Kāinga Ora is to seek changes to policies, rules and matters of discretion which are necessary to better reflect the requirements and intent of the Amendment Act and NPS-UD. V1 has failed to recognise that the character of urban areas will need to evolve to deliver a more intensive and compact urban form, and that amenity values will change overtime. The Plan should provide for this anticipated urban form rather than maintaining the status quo, otherwise little to no change will be seen in the mix of typologies, dwelling types, urban form and residential environment.

4. DISTRICT PLAN ENABLEMENT AND ANTICIPATED BUILT FORM

4.1 Kāinga Ora seek to convey the clear message that the NPS-UD is intended to represent a 'step-change' for the planning of New Zealand's urban areas. Waimakariri District as part of the Greater Christchurch Tier 1 urban area is required to give full effect to the NPS-UD. The Amendment Act and associated MDRS provisions are further intended to support and implement that step-change.

4.2 The evidence presented by the Council that current 'demand' in Waimakariri is for a less enabled suburban future, and there being a need to recognise existing neighbourhood character, is not in of itself a reason to not provide for greater levels of intensification. The NPS-UD sought to flip this approach on its head, and balance planning towards assessing against an anticipated and enabling environment.

4.3 In recent years, Kāinga Ora has had a particular focus on redeveloping its existing landholdings, using the sites that it owns, in a more efficient and effective manner, so as to improve the quality and quantity of public housing for those that need it most, particularly in well-located areas.

- 4.4 To be able to successfully redevelop land in existing urban areas, developments need to be supported and enabled by district plans that recognise the need for a denser urban future and therefore provide appropriate objectives, policies and rules that allow for an efficient and cost-effective approval process.
- 4.5 Kāinga Ora in making a submission sought precise and consistent wording in the objectives and policies, to ensure that the PDP and V1 will provide a planning framework supportive of development in the future.
- 4.6 As discussed in the evidence of Ms Dale⁷, the objectives, policies and Matters of Discretion for the residential zones should reference the ‘anticipated’ or ‘planned’ built form. The recognition of the planned or anticipated environment has been key for other regions of the Country in enabling new development promoted through plan provisions to be realised in practice. Where a consent is required, if an objective, policy or matter of discretion talk to being consistent with the existing neighbourhood amenity, this has proved to be a barrier, even if it clear that the plan is seeking to enable higher intensity development or change in typology. In the experience of Kāinga Ora, where a change in building typology or intensity is desired, a consent will be tested against the explicit objectives, policies and matters of discretion in a District Plan. Therefore, these objectives, policies and matters of discretion need to be unambiguous and clear about the character, amenity or built form that is sought to be enabled by the Plan. The amendments promoted by the Council in the s42A report fail to achieve this.

5. HEIGHT VARIATION CONTROL AREA IN RANGIORA

- 5.1 As outlined in the primary submission of Kāinga Ora, we sought the introduction of a Height Variation Control Area (**HVCA**) into the Medium Density Residential Zone (**MRZ**) within approximately an 800m walkable catchment of the Rangiora Town Centre Zone (**TCZ**). This HVCA was to enable a commensurate height of 5 storeys to give effect to policy 3(d) of the NPS-UD.

⁷ Evidence of Clare Dale – Stream 7B, dated 11 September 2024, Paragraph 3.51

- 5.2 The HVCA is discussed at length in the expert evidence: planning, urban design and economic. Matters covered in these statements of evidence will not be further addressed here.
- 5.3 A map of a refined HVCA is attached in the evidence of Ms Rennie and in **Appendix 2** of this evidence.
- 5.4 The underlying premise of the Kāinga Ora submission is for the PDP to provide an opportunity for redevelopment within a well-located urban area. We believe the scale proposed by the HVCA is commensurate with the TCZ of Rangiora. The additional height incentive helps to provide developers such as Kāinga Ora with the incentive to amalgamate sites, and to provide for currently unmet or poorly met housing demand.
- 5.5 Height limits imposed through District Plan rules can be a significant barrier to consenting. Where additional height is not plan enabled, breaching a height limit is not something that an applicant will undertake lightly. In my experience, consent planners will generally look unfavourably to developments that are out of character with the heights of the existing built environment. Kāinga Ora has experienced a number of its consent applications being subject to notification where it has sought consent to exceed the height limits imposed by the District Plan. If the Waimakariri Plan is to be enabling – Kāinga Ora considers that it must provide for the opportunity for greater intensification and therefore greater heights.
- 5.6 In considering the s42A report and assessment on these matters, a lot was made of capacity and existing demand. Council considered effects associated with intensification, and proposed qualifying matters to limit these, but failed to explain its rationale in light of the NPS-UD and the MDRS and address its rationale in light of why these policy instruments have been identified as necessary in the New Zealand context, and even the Waimakariri context in the first place. The existing development patterns of the Waimakariri District and uniform type of housing supply is a classic example of how New Zealand towns and cities have been driven by pressures caused by population growth and restricted by less enabling District Plan provisions. The NPS-UD and

the MDRS provide for a planning framework that enables a more efficient supply of housing that can help reduce housing and infrastructure costs and deliver on Objective 1 of the NPS-UD to create well-functioning urban environments.

QUALIFYING MATTERS

- 5.7 The Kāinga Ora submissions covered a number of the proposed QMs, some of which are now resolved by amendments proposed to the provisions through the s42A Report (as noted in the evidence of Ms Dale) and some that are not. In particular, Kāinga Ora still outright oppose QMs for strategic and arterial road setbacks, rail setbacks and seeks amendment to the Natural Hazard QM, but only with regard as to how the Natural Hazard QM is mapped.
- 5.8 Kāinga Ora opposes the newly proposed s42A QM on sunlight and shading. This QM is addressed below alongside building height and MRS-BFS4.

Sunlight and Shading QM

- 5.9 Kāinga Ora has significant concerns around MRZ-BFS4 which further reduces building heights, from what was notified in V1. Ms Rennie discusses in her evidence why this height reduction is unnecessary in terms of urban design and amenity impacts⁸. Ms Dale also addresses this height reduction in terms of MDRS implementation and rationale for the introduction of new Qualifying Matters.⁹ The evidence of Mr Heath discusses how the new limit on height is considered to have a significant effect on development capacity and will result in a less efficient outcome in the affordability, choice and location of which housing is delivered to the market.¹⁰
- 5.10 Kāinga Ora shares the concerns raised by Ms Dale with regards to the justification for the height reduction proposed in the s42A, and if this QM meets the requirements of s77I-L of the Amendment Act.

⁸ Evidence of Jane Rennie, dated 11 September 2024, Section 5

⁹ Evidence of Clare Dale – Stream B, dated 11 September 2024, Paragraph 3.58

¹⁰ Evidence of Mr Tim Heath, dated 11 September 2024, Paragraph 1.4

- 5.11 Attached in **Appendix 1** is a QM consideration flow chart which Kāinga Ora has presented in other Plan Change processes including the Christchurch City Council PC14 Hearing. The flow chart supports the position of Ms Dale and Kāinga Ora that the proposed Qualifying Matter reducing building height to 8m+1m does not meet the relevant Assessment Matters for new Qualifying Matters under s771-L of the Amendment Act.
- 5.12 It is the view of Kāinga Ora, that this reduction is inconsistent with the outcomes sought in its submission and would significantly reduce development capacity within the walkable catchment of Rangiora town centre. Furthermore, this height restriction would reduce the ability for Kāinga Ora to provide the housing typologies desired in the area, such as smaller homes or a diverse range of housing choices.¹¹
- 5.13 The benefits of intensification in existing urban areas, as opposed to, or in-conjunction with greenfield growth has been canvassed extensively. Evidence consistently suggests enablement – even in existing high amenity scenarios – exceed the impact of intensification. This was evidenced both in the report that was prepared by PwC on behalf of the Ministry for the Environment to provide a fulsome cost-benefit analysis of the proposed National Policy Statement on Urban Development (NPS-UD) 2020¹² and in the Cost benefit analysis of proposed medium density residential standards report¹³. Matters such as a loss of sunlight, over-shadowing, changes in amenity are all things that were factored into advice provided to cabinet in developing and implementing the Amendment Act¹⁴. Secondly, in response to submissions, Select Committee made changes to the provisions, including a reduction to the height in relation to boundary rules.¹⁵

¹¹ Evidence of Tim Heath, dated 11 September 2024, Paragraph 5.3

¹² <https://environment.govt.nz/publications/this-report-provides-a-cost-benefit-analysis-including-the-estimated-number-of-dwellings-enabled-by-medium-density-residential-standards-over-58-years-as-part-of-proposals-to-enable-more-housing-supply-in-our-main-urban-areas/>

¹³ <https://environment.govt.nz/publications/this-report-provides-a-cost-benefit-analysis-including-the-estimated-number-of-dwellings-enabled-by-medium-density-residential-standards-over-58-years-as-part-of-proposals-to-enable-more-housing-supply-in-our-main-urban-areas/>

¹⁴ https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/?topic=21_19&type&year=22_2021&sort_5084=date_desc

¹⁵ Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill – Third Reading, 14 December 2021

- 5.14 In light of the above, it is hard to understand how the proposed QM sufficiently meets the tests required by the Amendment Act.

QMs Framework

- 5.15 The NPS-UD coupled with the Amendment Act and Canterbury Regional Policy Statement (**CRPS**), all direct councils to enable growth in existing urban areas through intensification. The NPS-UD sets out a clear expectation that medium density housing is enabled across urban areas, unless there is a valid QM which applies for specific sites/ areas.¹⁶ The Amendment Act, then provides the framework for applying QMs and outlines the necessary framework for assessing any QMs.¹⁷
- 5.16 The evidence of Ms Dale discussed the strategic direction of the NPS-UD and statutory tests in the Amendment Act which all QMs must be assessed against in further detail.¹⁸
- 5.17 Kāinga Ora shares Ms Dale's position that a number of QMs proposed through V1 do not meet the required tests under sections 771-77R, and in some cases the proposed QMs are contrary to the direction and outcomes sought by the NPS-UD, Amendment Act and the CRPS.
- 5.18 Furthermore, Kāinga Ora considers that the provisions proposed by V1 are still placing a greater emphasis on maintaining an existing built form or scaling back the development potential (required by the NPS-UD) due to perceived negative assumptions associated with more intense development. In my view, that aside from not being 'future orientated' this approach is inconsistent with the direction set out in the NPS-UD and Amendment Act. This approach also fails to improve housing affordability or choice within the district, as discussed in the evidence of Mr Heath.¹⁹
- 5.19 As a result, Kāinga Ora does not consider that V1, as amended through the s42A report will achieve 'well-functioning urban environments', as required by Objective 1 of the NPS-UD.

¹⁶ NPS-UD Policies 3 and 4

¹⁷ Sections 771-77R

¹⁸ Evidence of Clare Dale – Stream 7B, dated 11 September 2024, Paragraphs 3.11-3.24

¹⁹ Evidence on Mr Heath, dated 11 September 2024, Section 6

Statutory Test for Qualifying Matters under the Amendment Act

- 5.20 The Amendment Act sets out where councils may make MDRS provisions less enabling through Sections 77I, where there is a relevant QM.²⁰
- 5.21 The Amendment Act does provide a pathway for new QMs to be introduced²¹ in a plan process to address specific matters. Attached in **Appendix 1** is a flow chart that steps through the statutory tests that all QMs must go through to be accepted as a valid QM.
- 5.22 Kāinga Ora agrees with the position put forward by Ms Dale in her evidence that the sunlight and shading QM proposed through the s42A report would fall under Section 77I(j) which provides a pathway for “*any other matter that makes higher density, as provided by the MDRS or Policy 3, inappropriate in an area*”.²² In applying the Amendment Act, it is clear, that to be a valid QM, any QM proposed under Section 77I(j) (including the proposed sunlight and shading QM) would need to meet the test under Section 77L. Kāinga Ora submits that the Council has failed to comply with the obligations of Section 77L and the QM as promoted does not have merit even if such an assessment was to be conducted.
- 5.23 Further, the evidence of Ms Dale notes that where “a proposed QM, or amendment to or introduction of other provisions into the operative plan may achieve the wider purpose of the RMA on their own merit, unless

²⁰ (a) a matter of national importance that decision makers are required to recognise and provide for under section 6.

(b) a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010.

(c) a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River.

(d) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008.

(e) a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.

(f) open space provided for public use, but only in relation to land that is open space.

(g) the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order.

(h) a matter necessary to implement, or to ensure consistency with, iwi participation legislation

(i) the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand

(j) any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L (or 77R) is satisfied.

²¹ Sections 77G, 77I and 77J

²² Evidence of Ms Dale – Stream 7B, dated 11 September 2024, Paragraph 3.19

those provisions are related to, supportive of and consequential to the mandatory requirements of an Intensification Planning Instrument (IPI), they cannot be subject to the Intensification streamlined planning process (ISPP) process. They should be pursued through a standard Schedule 1 process". Kāinga agrees and considers that a Schedule 1 process would be a more appropriate avenue for the Council to progress the proposed sunlight and shading QM.

Transport (Rail and Strategic Roads)

Strategic and Arterial Roads QM

- 5.24 The Kāinga Ora submission opposed additional built form standards controlling road boundary setbacks in MRZ-BFS5 requiring a 6m setback from all strategic and arterial roads adjoining the MRZ. This setback goes beyond those included Schedule 3A, Part 2 of the Amendment Act and therefore requires justification as a QM under S77K (as an existing QM as there is a 6m setback in the ODP). The Kāinga Ora submission opposes the strategic and arterial road setback being a qualifying matter despite it being an existing matter in the ODP as it considers this to be inconsistent with the requirements of Section 77I (a -i) as all arterial roads in the district (that are not State Highways) are not nationally significant infrastructure.

Rail QM

- 5.25 In the original submission Kāinga Ora opposed the Rail Corridor QM outright, however since that time and through the evidence presented in Hearing Stream 9, Kāinga Ora understands that the QM as now proposed requires a 2.5m setback rather than a 4m setback as notified or 5m in the S42A report. Kāinga Ora remain of the view that such a control is not necessary and that the yard and recession plane controls can effectively provide sufficient space for the maintenance of residential buildings.

Natural Hazards

- 5.26 Kāinga Ora generally supports the Natural Hazard QMs as notified in the Variation and the general risk-based approach the PDP takes to

managing natural hazards. However, Kāinga Ora seek the flood hazard mapping, i.e. whether a site is subject to flood hazards, to sit outside the District Plan in a GIS viewer that can be updated. Evidence for this Kāinga Ora position on mapping was presented through the Stream 3 Hearing.

6. CONCLUSION

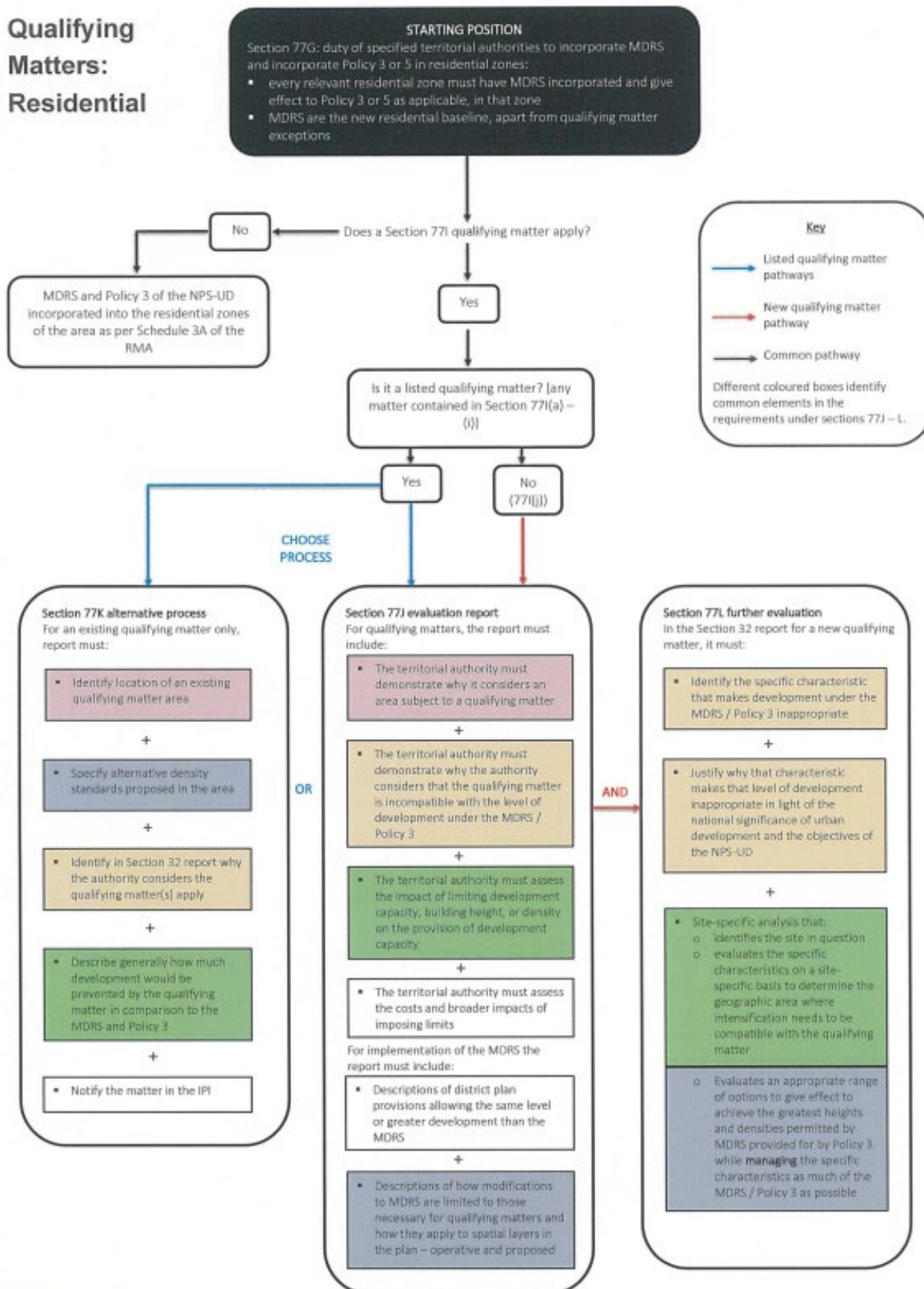
- 6.1 Overall, as addressed in this evidence, Kāinga Ora does not support the majority of revisions made to V1 in the Section 42A Report. In my view many of the submission points raised by Kāinga Ora have been disregarded with an approach taken to retain the status quo. The recommended amendments to V1 will not result in the proposed plan being sufficiently enabling and will fail to provide for a 'well-functioning urban environment' that provides for intensification in close proximity to town centres. By adopting the amendments proposed and not accepting the relief sought, V1 will fail to make a meaningful difference to the PDP and provide for housing choice and affordability.
- 6.2 My position outlined in this evidence and supported further by the evidence of Ms Dale, Ms Rennie and Mr Heath arises from the operational and development needs of Kāinga Ora. The submissions Kāinga Ora lodged sought to ensure that Kāinga Ora could manage and reconfigure its housing portfolio 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, now and into the future.
- 6.3 The creation of a planning framework that provides for efficient use of residential land will allow for the development of well-functioning urban environments. If the requested relief is adopted, this will enable Kāinga Ora to appropriately develop, operate and maintain its housing portfolio to provide warm, safe and dry housing solutions to meet demand in an efficient manner.

JOSHUA NEVILLE

13 SEPTEMBER 2024

Appendix 1: Kāinga Ora Flow Chart for QMS

Qualifying Matters: Residential



Appendix 2: Mapping Relief Sought / High Variation Control Area

