

**BEFORE THE HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Proposed Plan Change 26 to the Operative Waipā  
District Plan

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**REBUTTAL STATEMENT OF EVIDENCE OF TONY GRANT QUICKFALL**

**Dated 19 April 2023**

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## **1. INTRODUCTION**

1.1 My full name is Tony Grant Quickfall and I am the Manager of District Plan and Growth at Waipā District Council (the Council).

1.2 My qualifications and experience were set out in my Statement of Evidence dated 24 March 2023. I provide this rebuttal in my capacity as Manager District Plan and Growth. In doing so I draw on my 28 years' planning experience.

1.3 In this rebuttal statement of evidence, I have limited my response to the evidence of:

- (a) Kāinga Ora experts, and focussed on the evidence in support of the proposed “centres intensification” of Cambridge and Te Awamutu;
- (b) Retirement Villages Association / Ryman (Margaret Evans); and
- (c) TA Projects Ltd (Craig Shearer).

1.4 The fact that my rebuttal statement does not respond to every matter raised in the evidence of a submitter within my area of expertise should not be taken as my acceptance of the matters raised. I have focussed this rebuttal statement on the key points of difference that warrant a response.

## **2. KĀINGA ORA: CENTRES INTENSIFICATION**

2.1 The evidence of the Kāinga Ora experts<sup>1</sup> variously refer to the absence of any centres intensification in Plan Change 26 (PC26) to the Waipā District

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<sup>1</sup> For example, Evidence of Gurvinderpal Singh, paragraph 7.3; Evidence of Michael Campbell, paragraph 4.13.

Plan (District Plan). I acknowledge this and make the point that this was intentional and deliberate. As I described in my evidence in chief, our Council team simply did not have the time, resources or capacity (and I might add the in-house skill set at the time) to consider centres intensification within PC26. Rather, this was always proposed as part of the scope of Waipā's Plan Change 21 (PC21). PC21 was on track to give full effect to the National Policy Statement for Urban Development 2020 (NPSUD) until we had to divert resources to respond to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act).

- 2.2 Having now engaged consultants, considered the submissions, considered some community feedback, and had time to re-divert our minds and resources, I can now advise that the Council is open to amendments to PC26 that include centres intensification, to provide partial relief to Kāinga Ora's submission. I will summarise the details of this in my rebuttal and Council's experts will provide supporting evidence. Council has no issue with the principle of intensifying the centres of Cambridge and Te Awamutu - provided this can be affordably and adequately serviced. Council does, however, have a significant issue with the *extent* and *degree* of intensification as proposed by Kāinga Ora. At all levels (intensification planning instrument legislation, NPSUD, strategic and urban form), the Kāinga Ora centres proposals go significantly beyond what the Council considers *commensurate*, reasonable, appropriate or necessary for Waipā's Commercial-Zoned town centres under the NPSUD. The relief sought is, in terms of infrastructure, simply unaffordable (I rely on the evidence of Tony Coutts in that regard), and could not reasonably be implemented to the extent of the intensification requested. The inevitable outcome would be centres intensification that may be *plan enabled*, but would not be *infrastructure ready*.

2.3 I demonstrate this as follows:

- (a) I consider that Kāinga Ora has applied an incorrect policy basis to support the extent of their proposed intensification under the NPSUD, and they have gone beyond their mandate under the Government Policy Statement on Housing and Urban Development (GPS-HUD).
- (b) The proposed intensification is not “commensurate” as Council understands the NPSUD.
- (c) There may be a scope consideration.
- (d) There is a consideration of natural justice in potentially significant amendments as proposed by Kāinga Ora to town centres (an entire new High Density Residential Zone (HDRZ) and significantly higher and denser town centres), where Waipā residents and directly affected parties will not be afforded any opportunity to participate.

### 3. KĀINGA ORA: CORRECT POLICY BASIS

3.1 Firstly, Waipā District does not have any Metropolitan Centre Zones as defined in Policy 3(b) of the NPSUD below (emphasis added):

Policy 3(b): in **metropolitan centre zones**, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and

3.2 Policy 3(b) is unambiguous – it only applies to Metropolitan Centre Zones. While the Kāinga Ora evidence does not suggest the centres are thus zoned, it does imply that they will be<sup>2</sup>. This and Policy 3(b) appears to form their policy setting for PC26. I would go so far as to suggest that Kāinga Ora’s evidence appears to be anchored on Policy 3(b)<sup>3</sup> in respect of 6 storeys and the imposition of a new HDRZ. While evidence is

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<sup>2</sup> Evidence of Cameron Wallace, paragraph 7.6.

<sup>3</sup> For example, Evidence of Michael Campbell, paragraph 3.3.

provided to justify the economic “necessity” for 6 storeys<sup>4</sup>, this is not aligned to the relevant policy basis for a range of possible heights. The premise of Kāinga Ora’s evidence appears to be that at least 6 storeys is necessary<sup>5</sup>, with an entire new HDRZ, to enable economic viability, and vibrancy<sup>6</sup>. Mr. Osborne (paragraph 14) appears to apply an incorrect policy basis for Waipā in his reference to PC26 “*not providing for*” a high density residential choice, and in paragraphs 24 and 26, where he refers to the current height being unlikely to result in any “material” high density residential. The assumption being that high density is “*necessary*” and required under the national policy setting and is appropriate. I further observe that the policy setting for Waipā District’s density is established by the Amendment Act, the NPSUD, and also by the Waikato Regional Policy Statement (RPS). Kāinga Ora’s experts make, in my opinion, only superficial referenceto the Waikato RPS, which the District Plan is required to *give effect to*, and which in fact codifies *medium* density residential targets for both Cambridge and Te Awamutu under RPS Proposed Change 1. Future Proof has interpreted the NPSUD and density settings for the Waikato sub region, and the Waikato RPS does not propose high density in any Waipā towns. In my view the Waikato RPS is a directly relevant statutory consideration for the Hearings Panel in establishing the correct policy basis for intensification.

- 3.3 In respect of the *potential future* Metropolitan Centre Zoning for Cambridge and Te Awamutu, this has not been qualified in the Kāinga Ora evidence, and I now offer this qualification. *Potential future* Metropolitan Centre Zoning for Cambridge and Te Awamutu is identified in the 2022 Future Proof Growth Strategy<sup>7</sup> in the long term (30 years plus), Figure 1:

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<sup>4</sup> Evidence of Phil Osborne, paragraph 26.

<sup>5</sup> For example, Evidence of Cameron Wallace, paragraph 7.11.

<sup>6</sup> Evidence of Cameron Wallace, paragraph 9.5.

<sup>7</sup> <https://futureproof.org.nz/the-strategy/>

**Figure 1: 2022 Future Proof Growth Strategy Waipā Town Centre Strategy**

|              |  |   |  |
|--------------|--|---|--|
| Town centres | Cambridge<br><br>Te Awamutu<br><br>Ngaaruawaahia | Retail, administration, office and civic centres providing most commercial and servicing needs, together with non-retail economic and social activity, to their urban and rural hinterland. | Metro centre in long-term (30+ years).<br><br>*Ngaaruawaahia/Hopuhopu will be considered further through the priority development areas – northern corridor action as part of precinct planning for Ngaaruawaahia, Hopuhopu and Taupiri. |
|--------------|--|---|--|

3.4 It is not imminent or even inevitable, that Cambridge or Te Awamutu will become Metropolitan Centre Zones, and it would be premature to treat them as if they were in the District Plan. This is reinforced in the Future Proof Growth Strategy which goes on to identify several pre-conditions before implementation of any Metropolitan Centre Zoning (Figure 2):

**Figure 2: 2022 Future Proof Growth Strategy Metro Centres Conditions**

**Pre-conditions for metro centres**

In order for a centre to transition to a metro centre in future, a number of features or pre-conditions would need to be considered and weighed up. These include:

- the centre generally contains/enables medium-high density vs medium density
- the centre's role as a sub-regional destination rather than serving local needs (for example, cultural and civic facilities and tertiary education)
- the centre supports high-quality public transport with high trip generation
- the centre serves an important economic function (for example, provides for head/ regional offices vs local offices)
- the centre has/enables an evening and night economy
- the centre provides high quality, destination public spaces as opposed to local spaces that are smaller in scale
- the centre has a strong emphasis on employment with a higher employment-residential ratio than town centres
- the centre's role and function in the sub-regional hierarchy and the way in which it, in the context of the wider urban environment, contributes to a well-functioning urban environment.

- 3.5 In respect of public transport as a pre-condition, I note that Kāinga Ora’s experts also place some reliance on transport networks as being an enabler for centres intensification<sup>8</sup>. In my opinion they have made the wrong assumption that centres intensification for Cambridge and Te Awamutu meets, or will meet, the pre-condition for a Metropolitan Centre around “*high quality public transport with high trip generation*” (emphasis added). This is not the current case, with no public transport services *within* the towns, and commuter public transport from the two towns to Hamilton / return being relatively infrequent. While Council is looking at improved public transport levels of service, Kāinga Ora appear to have assumed that the levels of service will meet the Metropolitan Centres pre-conditions to support the degree and extent of centres intensification that they propose (i.e. incorrectly assumed that the extent of intensification will be *commensurate* with the level of public transport as a community service).
- 3.6 Kāinga Ora’s evidence also variously refers to different timeframes<sup>9</sup>. In respect of the Kāinga Ora evidence, I agree that:
- (a) As a plan change, the *technical* statutory timeframe that applies to PC26 is 10 years, being the “life” of a district plan before next review.
  - (b) This timeframe is inappropriate in terms of setting up a centres intensification regime that can meaningfully provide for future growth and development.
  - (c) A more practical timeframe that could be considered is 30 years, which aligns with the Waikato Future Proof Growth Strategy, the Waikato RPS and also Ahu Ake.

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<sup>8</sup> For example, Evidence of Gurvinderpal Singh, paragraph 7.2: “rapid transport networks” and paragraph 7.6: “modal shift from private vehicle...to public transport”; Evidence of Cam Wallace, paragraph 7.7: “regular buses to/from Hamilton City Centre and Waikato University”.

<sup>9</sup> For example, Evidence of Gurvinderpal Singh, paragraph 8.1; Evidence of Michael Campbell, paragraph 3.12; Evidence of Phil Osborne, paragraph 17.

- 3.7 On these matters we are in agreement. However, my reading of Kāinga Ora’s evidence is that the extent of centres intensification seems to be based on a timeframe longer than 30 years. This is apparent from references in Mr Campbell’s evidence<sup>10</sup> to the District Plan as if it is a *spatial plan*. This may go some way to explaining why Kāinga Ora is seeking the degree and extent of centres intensification under PC26. Aside from an assumption that high density is “necessary” and required, Kāinga Ora, appears to also be approaching PC26 as a long term spatial planning exercise. My understanding has always been that district plans are the statutory policy instruments that implement and operationalise spatial plans – in this case the 2022 Waikato Future Proof Regional Spatial Plan. District plans implement spatial planning but are not in and of themselves, spatial plans.
- 3.8 I consider any implied timeframe beyond 30 years is not only speculative but also unnecessary. I am also mindful that within 10 years of the enactment of the Natural and Built Environments’ Act (NBEA), the centres and densities of Cambridge and Te Awamutu will once again go through a thorough and forensic planning examination. The difference is that the applicable regional unitary NBEA plan will be informed by Waipā’s final Ahu Ake plan, the Waikato Spatial Plan (and by inference Future Proof Strategy and the Waikato RPS), and will be undertaken in the context of a full regional review of *all* cities, towns and villages across the entire Waikato region. In my view, PC26 does not need to enable or provide for density beyond 30 years.
- 3.9 Thirdly, Kāinga Ora’s evidence incorrectly references<sup>11</sup> Waipā as a Tier 1 *urban environment*. While Waipā is a Tier 1 *local authority* for the purposes of the NPSUD, it is identified as a Tier 3 *urban environment* in the 2022 Future Proof Growth Strategy (Figure 3), not in the NPSUD Appendix itself:

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<sup>10</sup> Evidence of Michael Campbell, paragraphs 3.5; 3.7-3.14 and 4.16.

<sup>11</sup> Evidence of Gurvinderpal Singh, paragraph 8.1; Evidence of Michael Campbell, paragraph 3.3.



**Figure 3: 2022 Future Proof Growth Strategy Waipā Urban Env Tier**

| Location            | Urban environment under the NPS | Net target densities ( <i>dwelling per hectare</i> ) to be achieved over time in defined locations <sup>(*)</sup> | Future public transport service |
|---------------------|---------------------------------|---|---------------------------------|
| Te Awamutu/Kihikihi | Tier 3                          | 25-35 in defined intensification areas<br>20-35 in greenfield locations   | Frequent                        |
| Pirongia            | Tier 3                          | 20-35 in greenfield locations   | TBC                             |
| Cambridge/Hautapu   | Tier 3                          | 25-35 in defined intensification areas<br>20-25 in greenfield locations   | Frequent                        |

3.10 I sit on the Future Proof Policy and Planning Working Group, and I note the following observations:

- (a) This working group, and the Future Proof Senior Managers Group, Chief Executives Group and Implementation Committee, gave considerable thought and attention to the urban environment status of the Future Proof towns and villages. I confirm this was a matter of some debate before Future Proof confirmed an agreed status.
- (b) Secondly, Government was and is, represented on Future Proof at all levels with Ministry of Housing and Urban Development (MHUD) representatives. As a full Future Proof partner, MHUD accepted the Future Proof definition of Cambridge and Te Awamutu as being Tier 3 urban environments. I have not seen any commentary in the Kāinga Ora evidence that supports an alternative Government perspective or purports to redefine these centres as Tier 1 urban environments (which I would argue can only be done by amendment to the NPSUD Appendix anyway given the definition in clause 1.4).

- 3.11 As a Tier 3 *urban environment*, Policy 5 of the NPSUD applies (emphasis added):

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form **commensurate with the greater of:**

- a. the **level of accessibility** by existing or planned active or public transport to a range of commercial activities and community services; **or**
- b. **relative demand for housing and business use** in that location.

- 3.12 The application of Policy 5 would lead to a significantly reduced level of intensification than that proposed by Kāinga Ora.

- 3.13 However, section 80E(1)(a)(ii)(A) of the Amendment Act requires all Tier 1 territorial authorities, including Council, to give effect to Policy 3(d). Policy 3(d) was originally worded the same as Policy 5 but was amended by the Amendment Act so that the assessment could be carried out within a short timeframe. Policy 3(d) is copied below for convenience (emphasis added):

Policy 3(d): within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (**or equivalent**), building heights and densities of urban form **commensurate with the level of commercial activity and community services**

- 3.14 Policy 4 of the NPSUD (which also applies under section 80E(1)(a)(ii)(A)) is relevant as PC26 applies a number of qualifying matters including an Infrastructure Capacity Overlay:

Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

- 3.15 Finally, the policies must, on my understanding of policy implementation, be read together as a whole along with the overarching objectives. I draw the Hearing Panel's attention to Policy 6 (decision making) as being particularly relevant, along with Objective 6 as setting the outcome that the policies are seeking to achieve (emphasis added).

Objective 6: Local authority decisions on urban development **that affect urban environments** are:

- a. **integrated with infrastructure planning and funding decisions;**  
and
- b. **strategic** over the medium term and long term; and
- c. **responsive**, particularly in relation to proposals that would supply significant development capacity.

3.16 Objective 6(a) is particularly relevant, insofar as under Kāinga Ora's submission, it is quite conceivable to have an outcome of *plan enabled* intensification that is not *infrastructure ready* (i.e. funded or planned).

### **Government Policy Statement on Housing and Urban Development**

3.17 I note that Kāinga Ora's evidence has omitted any reference to the GPS-HUD<sup>12</sup> in establishing the policy basis that they are bound by as a statutory agency. This is a significant omission in my view, as page 7 of the GPS-HUD states that "*Kāinga Ora, as the Crown's public housing provider and urban development agency, **must give effect to the GPS-HUD***" (my emphasis added), noting that "*give effect to*" is the highest order of consideration. For these reasons, the GPS-HUD is in my view, directly relevant in terms of understanding the misalignment between Kāinga Ora's evidence and the GPS-HUD.

3.18 The GPS-HUD contains outcomes, focus areas, and "ways of working". These are all consistent with and implemented through the NPSUD. On my reading, the Kāinga Ora evidence has only focussed on the housing supply components of the GPS-HUD. I agree and acknowledge that housing supply is a core pillar, however an efficient and effective housing market is also supported by other pillars.

3.19 I consider the areas of misalignment between the GPS-HUD and Kāinga Ora's position on PC26 are as follows (my emphasis added):

Adaptive and response outcome

The system is integrated, self-adjusting and delivers in response to emerging challenges and opportunities. **Land-use change, infrastructure** and housing supply is **responsive to demand, well planned and well regulated.**

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<sup>12</sup> [file:///C:/Users/tqui/Downloads/HUD-GPS\\_Cabinet-Paper-CMYK-5\\_3b2-web-3.pdf](file:///C:/Users/tqui/Downloads/HUD-GPS_Cabinet-Paper-CMYK-5_3b2-web-3.pdf)

Focus areas

Plan and invest in our places

Ways of Working

Place-based approaches

Communities access and develop housing and urban solutions **that work for them in each place. Solutions are developed collaboratively and are targeted** to meet their needs.

Genuine and enduring relationships

Effective relationships, and **co-ordinated planning, investment and decision making** deliver outcomes and support **capability and capacity building** across the system.

Sustainable and reliable funding

Long-term **certain and sustainable public and private funding** is paired with regulatory and system reforms to support and incentivise housing and urban development outcomes.

3.20 There is further detail within the GPS-HUD that supports and reinforces the overall policy approach. I draw attention to a selection of specific supporting references within the GPS-HUD, such as the following (emphasis added):

- (a) “scalable” between different urban environments (pg 13);
- (b) taking a “deliberate, place based approach” (pg 14);
- (c) “sustainable funding” (pg 16);
- (d) “planning and decision making to be better aligned between central and local government; commitment to urban growth and place-based partnerships; better functioning planning, infrastructure” (pg 19);
- (e) “Joint, integrated strategic planning” (pg 25);
- (f) “facilitate place-based assessments to identify the mix of housing supply needed within an area to meet current and future community need” (pg 26);
- (g) “Our **smaller regional centres** and rural areas **need different considerations and solutions**. The economics of development in

these places mean that **high density, transit-oriented development models that work in cities won't always work in smaller centres. Instead, government needs to work with communities to find local solutions**, for example through supporting investment in papakāinga and in regional economic development and active transport networks” (pg 37);

- (h) “Ensure that the decisions made about social infrastructure and services (for example, health and education) are consistent with the housing and urban outcomes we want, and understanding the way that they affect transport demand and accessibility and help create connected communities” (pg 38);
- (i) “Ensure **infrastructure investment and planning support growth and change**” (pg 38);
- (j) “Every community has their own housing and urban development challenges and aspirations and **a ‘one size fits all’ approach will not work to address them**” (pg 39); and
- (k) “This GPSHUD sets out expectations which Kāinga Ora must give effect to when performing its functions. These build on the operating principles and functions outlined in the legislation” (pg 43).

3.21 As a Crown implementation agency, rather than *give effect to* the GPS-HUD in its evidence, Kāinga Ora in my view has applied a one size fits all, housing at any cost policy position, that is inconsistent with the GPS-HUD. The specific areas of concern are as follows (italics are references from the GPS-HUD):

- (a) A failure of Kāinga Ora to consider or incorporate *place based approaches and solutions* that are appropriate in the context of

Waipā's urban environments (which are distinct from and independent of, the Hamilton metropolitan area).

- (b) A failure of Kāinga Ora to consider *coordinated planning and investment* that supports *capability and capacity* within Waipā's urban environments (which is also codified under Objective 6 of the NPSUD).
- (c) A failure of Kāinga Ora to consider or account for *sustainable and reliable funding* limits and constraints, in particular the extent of *public infrastructure funding* necessary to support and incentivise Waipā's urban development outcomes.

### **Correct Policy Basis summary**

3.22 I have covered the policy basis for PC26 in some detail in response to Kāinga Ora's evidence as I consider this policy basis is material to then inform an appropriate and commensurate level of intensification. To summarise my key observations:

- (a) I consider that Kāinga Ora's evidence has applied an unnecessarily long term horizon (*beyond* the Future Proof Growth Strategy's 30 year planning horizon) to enable centres intensification.
- (b) It is apparent that an incorrect policy basis of *high* density has been applied whereas the correct policy basis is *medium* density.
- (c) In my opinion, Kāinga Ora bases the degree and extent of centres intensification on the assumption that the town centres are, or will, meet all the preconditions to become Metropolitan Centres, within the life of PC26, with particular reference to transport ("*high quality public transport with high trip generation*").

- (d) The Kāinga Ora evidence gives superficial consideration to the Waikato RPS and its Change 1, which PC26 and the District Plan is required to give effect to (once operative).
- (e) Finally the evidence makes no reference to the GPS-UD as the directive which provides the policy mandate, on which Kāinga Ora's evidence *should* be based.

3.23 In summary, it appears to me that Kāinga Ora's evidence goes beyond that agency's mandate, and applies a higher order policy basis for Waipā which does not achieve balance across the GPS-HUD and NPSUD outcomes that go towards an efficient, effective and affordable housing market. I offer this opinion in respect of the centres intensification as well as the relief sought to remove the qualifying matter overlays.

#### **4. KĀINGA ORA: WHAT IS "COMMENSURATE" HEIGHT AND DENSITY?**

- 4.1 Assuming Policy 3(d) of the NPSUD is the correct policy basis, and there is no "necessity" or requirement for high density, the key consideration for the Hearings Panel then becomes what is a height and density, that is "*commensurate with the level of commercial activity and community services*"?
- 4.2 In my opinion, Kāinga Ora's evidence supporting 6 storeys and 24.5m is not commensurate with "*the level of commercial activity and community services*". I have seen no compelling planning evidence that supports 24.5m and 6 storeys as being commensurate. I come to this conclusion for several reasons:
  - (a) As I have set out, Kāinga Ora's proposed degree and extent of density is in my opinion misaligned with the GPS-UD.
  - (b) Kāinga Ora has erroneously applied an unrealistic and unnecessarily long timeframe. The NBEA will establish a new

regional plan within 10 years of enactment. Building renewal and redevelopment also doesn't happen once every 50 years at the end of a building's design life, and in practice, urban renewal is ever evolving and continual. I would add that many renewals routinely follow a resource consenting pathway if the rules of the day are not fit for purpose. Departures from the centres rules are not prohibited, and they are proposed to be retained as restricted discretionary activities. In my opinion, this enables appropriate variations to the rules and the rule framework is not as restrictive as described in Kāinga Ora's evidence. I therefore do not agree that it is necessary to provide a rule framework that provides for very long term *future* density (6 storeys and 24.5m).

- (c) The *level of commercial activity* within the town centres is unlikely to keep pace with density at the level proposed by Kāinga Ora. The population forecasts for each town are across the full urban environments, and commercial activity will be spread into local suburban areas within the current and future growth cells. The level of uptake will not keep pace with the proposed density and commercial activity will not be consolidated just within the CBD. Anecdotal feedback from the Cambridge Commercial Building Owners Association<sup>13</sup> is that there needs to be *actual* rather than just modelled demand, for intensification to be delivered. Their feedback was that they did not see the demand for 6 storeys in the CBD happening anytime in the short or medium term, and certainly not 6 storeys over the *entire* CBD.
- (d) *Community services* (which I read as including infrastructure and public transport), needs to be affordable and keep pace with the level of development. I note previous references to the GPS-UD and the density proposed by Kāinga Ora is beyond the

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<sup>13</sup> Pers comms, Cambridge Commercial Building Owners meeting Ahu Ake, March 21<sup>st</sup> 2023.



affordability and capacity of Council to keep pace, and is not therefore “commensurate” in terms of the NPSUD, and is misaligned with their policy direction under the GPS-HUD.

- (e) Economic evidence is provided by Mr. Osborne in support of both 24.5m heights and HDRZ. However, this is presented on the basis of maximising the economic opportunity (e.g. paragraph 44), rather than a sound policy or planning basis. On my understanding maximising economic opportunity is not a relevant consideration under the Amendment Act, RPS, NPSUD, or GPS-HUD.
- (f) Finally, I note that the Kāinga Ora evidence does not seem to establish a clear link between enabling *affordable* housing, by way of their proposed housing intensification. This is obliquely referenced<sup>14</sup> but there is no clear and compelling policy or planning link that has been presented.

4.3 Setting aside economic maximisation, in light of the submissions and evidence received, the Council considers that providing for up to 18m heights (5 storeys) in the town centres would be commensurate in terms of NPSUD policy 3(d). This 18m height limit is based on the Auckland Design Manual<sup>15</sup>, which very helpfully provides guidance for mixed use, multi storey building heights. Based on this guide, a ground floor of 5m (4.5m stud height plus 0.5m floor height); 4 stories each of 2.8m (2.7 stud plus floor); and a roof pitch at the apex of 1.5m; gives an overall height of 17.7m. According to the design guide, these “rule of thumb” floor heights provide for future reuse of each floor and “...*this adaptability broadens the project’s market appeal, and therefore its economic viability*”. The Council is therefore comfortable with an overall 18m height limit within the Cambridge and Te Awamutu CBDs and also the Leamington

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<sup>14</sup> Evidence of Gurvinderpal Singh, paragraphs 4.1,12.1,12.2, 12.4; Evidence of Michael Campbell, paragraph 6.24; Evidence of Phil Osborne, Executive Summary C; Evidence of Phil Jaggard, paragraph 3.1.

<sup>15</sup> <https://www.aucklanddesignmanual.co.nz/sites-and-buildings/mixed-use/guidance/thebuilding/buildingform/floortoceilingheights>

commercial centre, without specifying or prescribing the number of floors. This amendment to the Commercial Zone rules as an overlay, would provide a high degree of permitted activity flexibility for building design and rebuilds, in multiple configurations, to meet changing demand and changing markets well into the foreseeable future, and addressing all of Kāinga Ora's concerns around enabling density and economy.

### **Heights vs Storeys**

- 4.4 Kāinga Ora has provided evidence<sup>16</sup> implying that development below 6-7 stories is not feasible. Applying Council's amendments, the number of storeys becomes a moot point as the proposed amendments permit up to 5 storeys and do not prescribe the number of storeys.
- 4.5 However, in preparing this rebuttal I solicited anecdotal feedback, independently, from two Waipā development companies involved in multi-storey construction (Transland Developments and Construction Advantage). The Transland Developments principal was unsure of the Kāinga Ora costings formulae for their developments, but offered that 4 stories and above is not uneconomic. The Chief Financial Officer of Construction Advantage advised me that their Leamington Development of 4 stories is "very economic" (three above ground to comply with the existing District Plan height restriction, with a basement storey). He also offered that lift installation is a modest marginal cost within an overall project budget.
- 4.6 I attach a list of Kāinga Ora's own 4 storey developments which appears to contradict evidence around development feasibility below 6 storeys (Appendix 1).

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<sup>16</sup> Evidence of Cam Wallace, paragraph 7.11.

## 5. COUNCIL'S INTENSIFICATION SOLUTION

- 5.1 The Council team has applied the correct policy framework and cascade, and undertaken site specific modelling. Accordingly, Council proposes a commensurate level of intensification in the centres of Cambridge, Te Awamutu and Leamington as follows:
- (a) A maximum height of 18m (providing for 5 stories) in Cambridge and Te Awamutu town centres and Leamington Commercial Centre as a height overlay.
  - (b) No specified number of storeys.
  - (c) Removal of the Infrastructure Capacity Overlay in a walkable proximity to the Cambridge CBD (allowing three dwellings as a permitted activity).
- 5.2 I attach as Appendix 3 a series of three plans showing the changes that are proposed within Cambridge, Te Awamutu and Leamington.
- 5.3 Note that I would also support "3x3" residential intensification within walkable distance of Te Awamutu and Leamington centres as a sound urban planning outcome. However this is not proposed by Council due to concerns around infrastructure affordability, relative to the modelled demand for this intensification and levels of uptake, well beyond the life of the Operative District Plan.
- 5.4 Council proposes commensurate intensification within the Leamington commercial centre to give full effect to the NPSUD Policy 3(d) in recognition of the Leamington Commercial Zone being an important and strategic suburban centre. The Council is also keen to consolidate Leamington as a suburban centre in anticipation of two large scale growth cells ("C4 and C5") which will between them bring around 2,000 additional houses (around 4,000 to 5,000 additional residents) to Leamington. The C4 growth cell is live-zoned now for residential and C5

is in the process of stakeholder consultation for a private plan change to “live zone” it from deferred residential. While each of these growth cells will provide for their own local commercial centres, it is important to differentiate *local* centres from the Leamington *suburban* centre, which the proposed intensification will assist with.

## 6. KĀINGA ORA: OTHER MATTERS

### Scope and Consultation on Centres Intensification

- 6.1 In considering centres intensification, there is a question of possible scope. I understand that no parties have challenged scope to include centres intensification (on the basis it did not form part of the plan change as notified), and I confirm that the Council is open to amending the District Plan to include centres intensification, as proposed by the Council. I do however have concerns regarding the scope of introducing an entire new HDRZ as proposed, and leave the Hearings Panel to determine if centres intensification as an entire new zone, is within the scope of amendments that can lawfully be made to the District Plan through PC26.
- 6.2 A more concerning issue, related to scope, is that the centres intensification has not been consulted on. Centres intensification did not form part of PC26 as notified (it was intended to be part of PC21), and Waipā residents have not had any opportunity to provide a community view, either on Kāinga Ora’s proposal or Council’s proposal. Kāinga Ora have offered no commentary in their evidence around this aspect, aside from noting the significant change from the Operative District Plan to what they propose.
- 6.3 In this regard I bring to the Hearing Panel’s attention a matter of *natural justice*, in making a quite significant change to Cambridge’s and Te Awamutu’s future form and function. I would describe Kāinga Ora’s centres intensification proposals (as well as permitting 3x3 everywhere

by removing the qualifying overlays) as “big planning” - the kind of planning reset typically occurring once in the life of a district plan document, requiring extensive public consultation, and (rightly) led by the Councils who have responsibility for administering their plans, and funding infrastructure (hard and soft) to support intensification. In particular, the degree and extent of the HDRZ was never contemplated in PC26 as notified, and Mr. Campbell at paragraph 4.29 alludes to this where he refers to “further work” and a range of significant changes he considers necessary to implement an entirely new zone, which was not publicly notified. I can only assume that he is proposing to introduce the HDRZ and these changes as some kind of consequential amendments. In my opinion, the HDRZ, as an entirely new zoning, goes significantly beyond what could reasonably be considered as a consequential amendment, or one that should be introduced in to the District Plan by way of submission. This is, in my opinion, quite different to Council’s own proposal to “relax” the as-notified Infrastructure Overlay within a walkable catchment and to introduce a new commercial height overlay (without introducing a whole new zone).

### **Ahu Ake**

6.4 In respect of community consultation on intensification, Ahu Ake is Council’s 30 year spatial plan for the form and function of Waipā. It is the next level of hierarchy below the Future Proof Growth Strategy, and Ahu Ake will at a high level, set and inform the future form and function of Waipā’s towns and villages. It will follow a special consultative procedure under the Local Government Act 2002 and, at the time of writing my evidence, consultation on Ahu Ake has closed. This consultation occurred from 13 February to 27 March 2023, with over 2,000 comments being received, 15 events across 11 towns and villages, mana whenua consultation, community organisation consultation and opportunity for public feedback. Ahu Ake has been Council’s single biggest consultation

exercise to date, and the Hearings Panel can be confident the consultation was broad and inclusive.

- 6.5 It may therefore be of some assistance for the Hearings Panel to consider the consultation feedback provided by Ahu Ake in respect of centres intensification proposed in Kāinga Ora's evidence. Acknowledging that Ahu Ake is not a statutory document under section 74 of the Act, in my opinion the public feedback provided through the Ahu Ake process would usefully help inform the Hearings Panel's recommendations around centres intensification, and would go some way to addressing the issue of natural justice over the lack of opportunity for the Waipā community to comment on the centres intensification proposal proposed as part of PC26.
- 6.6 The Ahu Ake consultation feedback most relevant to centres intensification is set out in Appendix 2 to my rebuttal. Pertinently in my view, the community was asked to comment on a 2050 future of the Waipā district, where Cambridge and Te Awamutu are depicted as Metropolitan Centre Zones (as per the 2022 Future Proof Growth Strategy Metro Centres Conditions). Note that this consultation analysis is still in progress and is not yet complete.
- 6.7 Generally, the Ahu Ake consultation and engagement confirms community support for more housing typologies and potentially more affordable options. There is a wide understanding that Cambridge and Te Awamutu will continue to grow as our two major towns in Waipā, and the younger group of participants are open to this change. Nonetheless, the feedback identified that character and identity are what makes those towns important and liveable, with a strong call to retain and enhance this. In my opinion, retaining and enhancing the character and identity of Cambridge and Te Awamutu would be better delivered through the Council's proposed centres intensification. I consider the degree and

extent of intensification proposed by Kāinga Ora would substantially erode the character and identify of Cambridge and Te Awamutu.

### Thriving Communities

- 6.8 I note the Kāinga Ora evidence<sup>17</sup> places some emphasis on vibrancy with the inference that the proposed intensification is necessary to establish both Cambridge and Te Awamutu as (more) thriving and vibrant communities.
- 6.9 Vibrancy is one of the core pillars of urban environments under the GPS-HUD. In my role at Council I would venture to suggest that both Cambridge and Te Awamutu are not only already vibrant and thriving, but have been for some considerable time. Intensification in and of itself is not a driver for vibrancy, economy, and thriving-ness, as comes across as a theme in Kāinga Ora's evidence, with many global examples of intensification that has led to very poor urban outcomes. Waipā (as a district and its urban environments) has managed to be thriving and vibrant in the *absence* of MDRS and centres intensification, or indeed a HDRZ.
- 6.10 In this respect also I disagree with Mr. Singh's assertion (paragraph 8.3) that HDRZ is "imperative" to enable Cambridge's "growth" to a regionally important town centre. I would suggest that Cambridge already serves this function more than adequately, without any HDRZ, and that Mr. Singh's evidence is at odds with that of Mr. Osborne's evidence (paragraph 17) on the *existing* economic significance of Cambridge (40% of all employment within Cambridge centre) and Te Awamutu (11% of all employment within Te Awamutu centre). As further evidence of *existing* vibrancy and economy, at the time of writing the commercial vacancies in the CBDs are negligible:

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<sup>17</sup> Evidence of Cam Wallace, paragraphs 7.15, 9.6; Evidence of Gurvinderpal Singh, paragraph 4.1.

## Cambridge CBD:

- 2 only retail vacancies for lease
- 1 only occupied retail unit for lease
- Bunnings vacant (purchased and resource consent application lodged for a high end car dealership, \$20m redevelopment)
- 1 only office vacancy
- Plus 1 consented 4 storey mixed use development, construction starting 2023

Cambridge Lakewood<sup>18</sup> shopping centre (CBD north extension):

- 4 only retail units unoccupied/not fitted out

## Leamington:

- No vacancies or for lease

## Te Awamutu:

- 4 only retail vacancies for lease
- Bunnings vacant (purchased by Waipā District Council for museum)

6.11 In a similar vein, Mr. Wallace at paragraph 7.6 appears to compare Cambridge Town Centre as similar to Papakura and Takapuna in size and offering. I consider this irrelevant as Cambridge is functionally *very* different in almost every way to two supercity suburbs (e.g. in context, setting, transport options, zoning etc). A more useful and functional comparison might be Rolleston or Rangiora in Canterbury – towns in their own right, with comparable sizes and offerings, but (like Cambridge and Te Awamutu) *satellite* service towns, with different planning jurisdictions, that interact closely with a larger neighbouring metro centre.

6.12 Mr. Wallace further references Cambridge’s “classification” as a proposed metropolitan centre under the Hamilton-Waikato Metropolitan Spatial Plan. While this is indeed identified in that plan, I would note that the “Metro Spatial Plan” did not follow a Local Government Act special consultative process, did not call for public submissions and on my understanding carries no legal or statutory weight. Rather, the *key aspects* of the Metro Spatial Plan (not the entire plan) were incorporated into the 2022 Future Proof Growth Strategy, which did follow a special consultative procedure and invited submissions

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<sup>18</sup> <https://www.lakewoodcambridge.co.nz/>



and public hearings on new growth areas. The Future Proof Growth Strategy has legal status (under the Local Government Act 2002) and also directly informed Change 1 to the Waikato RPS, so is the relevant document for consideration. I have referred earlier to the qualifications and pre-conditions contained within that strategy around *potential* future Metropolitan Centre classification of Cambridge and Te Awamutu (also I note, sometime after 2053 i.e. after the next 30 years).

### **Te Ture Whaimana betterment**

6.13 At paragraph 6.42, Mr. Campbell opines that “betterment” or “restoration” is not the sole yardstick against which to measure IPIs. He then presents an argument that, when reading the Te Ture Whaimana policies together, “avoiding cumulative effects” is an alternative measure. I agree entirely with Mr Campbell – betterment and restoration is not the *sole* yardstick. Rather it is the *highest* yardstick, or the lowest bar, and therefore all other objectives must by definition be subservient to “*restore and protect*”. In other words the other objectives seek to support the primary objective of “*restore and protect*”. Certainly this is the way that the Waikato agencies are all interpreting Te Ture Whaimana.

### **Design Guides**

6.14 Mr. Singh at paragraph 11; Mr. Campbell at paragraph 9.3; and Mr. Wallace at paragraphs 6.12-6.14 all refer to design guides and suggest they should sit outside the district plan. I am unsure of the reasons relating to efficiency, effectiveness, costs, benefits and appropriateness of this position. Design guides within the District Plan have in fact served an important role in achieving good urban design outcomes. By way of example, applications that are “generally in accordance” with these guides are permitted. While the interpretation of “generally in accordance” can be problematic, in practice any departures from “general accordance” is a discretionary activity which applicants are able to submit a consent application for. I further note that this assessment

criteria would also include the NZ Urban Design Protocol of which Waipā District Council is a signatory. In my opinion, *relevant urban guides* are a legitimate and useful assessment matter in helping to deliver a well functioning urban environment.

### **Urban Design and walkability**

6.15 Mr. Wallace (Kāinga Ora Urban Design expert), states that he visited Cambridge and Te Awamutu on 8<sup>th</sup> and 9<sup>th</sup> September 2022 for the purposes of “*reviewing the existing environment*” from locations on the public road and public reserves. I would note that Aotearoa was still subject to the COVID traffic light restrictions at this time, and that these restrictions finally eased on 12<sup>th</sup> September 2022. The Hearings Panel may like to consider whether the observations of Mr. Wallace for the purpose of his evidence were truly representative of the two Waipā towns in respect of his reference to vibrancy (paragraph 7.15).

### **Roof Pitch**

6.16 Mr. Wallace (paragraphs 5.29 to 5.34) provides commentary on the proposed roof pitch rules. Mr. Wallace’s quotation (paragraph 5.30) from the s42A report explains the background to this rule in response to a desire to retain and enhance character and identity of Cambridge and Te Awamutu. For additional context, this “character and identity” commonly comes up during Council’s urban and growth conversations, and I have provided feedback from the Ahu Ake consultation in my rebuttal confirming this. When I have heard this in forums that I’ve attended<sup>19</sup> and asked “what does character meant to you”, gable roofs and roof pitch is a common response.

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<sup>19</sup> E.g. various housing workshops (internal and external); developer meetings

- 6.17 Mr. Wallace has helpfully provided a series of photos of different designs. From my experience<sup>20</sup> these photos demonstrate that roof pitch is a defining feature. I further observe that *modulation* is another visual cue that comes through the photos, and Figure 2 (Christchurch row housing) is the kind of unmodulated monorooft that would be incompatible with Waipā 's towns. Figure 3 (Hobsonville) has modulation but no pitch. Figure 4 (Hobsonville) is most representative of the "character and identity" outcome which this rule is trying to retain and enhance for Waipā 's urban environments.
- 6.18 In my opinion roof pitch is common and representative of Cambridge and Te Awamutu, and doesn't need to be consistent everywhere (Mr. Wallace paragraph 5.34) for the rule to be effective and efficient (section 32 of the Resource Management Act 1991).
- 6.19 I acknowledge Mr. Wallace's advice around ambiguity and that there may be opportunity to further clarify the rule (e.g. so that it provides for mono-pitch, or for comprehensive housing).

### **Stormwater Overlay and Flood Hazard Overlay**

- 6.20 Phil Jaggard at paragraphs 11.4 and 11.5 refers to updated flood mapping undertaken by Council. I confirm his understanding that Council did look to originally update the flood overlay as part of PC26, but this was not pursued due to concerns about insufficient time to engage with affected parties. At the time of writing, Council is looking at updating its flood hazard overlay as a separate plan change, which could also be incorporated into a programmed plan change. Due to capacity, budget and priority constraints, at this stage an update to the flood hazard overlay is in Council's our work programme, but is not yet funded or scoped.

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<sup>20</sup> Example, founding member of the NZ Urban Design Forum; author of the Nelson Urban Design Guide; advisor on the NZ Urban Design Protocol.

- 6.21 Michael Campbell at paragraph 6.66 suggests that flooding information and constraint mapping should be a non-statutory layer. With respect, I disagree. The inclusion of flood overlays in the District Plan enables Council(s) to regulate location and floor heights of buildings in hazard areas, to impose conditions, and to regulate subdivision and urban intensification in high hazard locations<sup>21</sup>. This is very closely aligned to the following sections of the Act: Section 6 (Matters of National Importance), section 30 (functions of territorial authority), section 75 (contents of district plans), section 106 (refusal of subdivision), section 108 (consent conditions), section 220 (conditions of subdivision consent) and schedule 4(7) matters that *must* be addressed in an Assessment of Environmental Effects including natural hazards.
- 6.22 In contrast, an overlay sitting outside the District Plan does not enable the flexibility and site specific response under the Act. While building consents can also impose minimum floor heights, the hazard regulatory controls under sections 71 and 72 of the Building Act 2004 are considerably more limited than the avoid, remedy or mitigate controls and ability to condition, under the Act. Flood hazard controls are also sharply in focus at the present time following recent weather events, and having these sitting outside a district plan means that councils would have zero ability to manage, control or decline subdivision consents in high risk flood hazard locations. In my view it is therefore entirely appropriate, and common, to include flood hazard controls within a district plan.
- 6.23 Michael Campbell in paragraph 6.70 also suggests (to paraphrase) that the stormwater overlay can be removed because the flood hazard overlay serves the same purpose. They are of course inter-related, but the two overlays serve very different planning purposes, and have different planning considerations in assessing resource consent proposals, as well

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<sup>21</sup> Operative Waipā District Plan, Section 15 – Infrastructure, Hazards, Development and Subdivision at 15.2.1, 15.4.2.14 and 15.4.2.15.

as building consents. My understanding is that stormwater management is about managing (reducing) the runoff coefficient from developments (the volume and velocity of runoff), in order to avoid, remedy or mitigate adverse effects on downstream pipes, pumps and ultimately point-source discharges effects, and associated regional discharge consent limits. The purpose of hazard overlays on the other hand, is to avoid, remedy or mitigate the effects (risks) of natural hazards on people and property. The stormwater overlay is whole of *system* management. The flood hazard overlay is *location specific* management. I would note also that Waipā's urban environments function very differently to Auckland's, with Cambridge in particular featuring flat topography. I note this in reference to Kāinga Ora's theme in their evidence around consistency of MDRS rules, and I wonder if they are also seeking to apply a nationally or Auckland consistent approach to stormwater management without understanding the local nuances that demand a local solution. I therefore do not agree that the stormwater overlay (which is based on the updated flood hazard investigations) can be removed on the basis it is addressed by the existing flood hazard overlay, as a surrogate for stormwater management.

- 6.24 I would add here that the proposed PC26 stormwater overlay is based on the updated 2021 flood hazard modelling while the Operative District Plan flood overlay is based on the old flood modelling. The two overlays are therefore inconsistent in their base data. Mr. Jaggard also suggests (paragraph 1.12) a related update to the District Plan, which I would support. If the Hearings Panel is so minded, and scope is not a barrier, the Council would be open to considering updating the existing flood hazard overlay as a consequential amendment. This would be in the interest of achieving consistency between the existing flood hazard overlay (that is based on the old flood modelling) and the proposed PC26 stormwater overlay (that is based on the updated flood modelling). In respect of affected parties process and natural justice, I would note that all households that were affected by the updated flood hazard review

received 2 direct-service letters during the review, informing them both of the process, and the outcomes for their properties (being either wet grass or wet carpets). To the best of my knowledge affected households were largely accepting and there was no strong reaction to the flood hazard review. This may provide comfort to the panel around a level of awareness of those households, should the panel consider it within scope to update the operative flood hazard overlay for consistency of modelling.

## **7. TA PROJECTS LTD: CRAIG SHEARER**

- 7.1 Mr. Shearer for TA Projects Ltd provides evidence in respect of his clients' greenfields land at Bond Road, known as the "T3" growth cell, with capacity (as set out in the Operative District Plan) of around 120 dwellings. This is greenfields that is "live-zoned" for residential development, and TA Projects Ltd seeks that the stormwater and infrastructure overlays be removed from residentially zoned greenfields land.
- 7.2 I will leave the Council's experts to respond on technical matters and the merits of the request. For context, for a project of this scale where there is single ownership, Council's standard approach is to work in partnership with landowners to enable development. This partnership involves the developer proposing a structure plan/layout and demonstrating how the development is able to be serviced. For infrastructure funding, Council may enter into a development agreement (DA) and infrastructure works agreement (IWA) with the developer. This has proven a successful model and each DA and IWA is a legally binding agreement that is tailored to each individual development.
- 7.3 As a result, I do not consider that the identification of the Stormwater and Infrastructure Overlays on greenfields land will impose any additional costs or obligations that are not already part of the current consenting pathway.

## 8. RETIREMENT VILLAGES ASSOCIATION / RYMAN

- 8.1 Evidence has been presented (Maggie Owens, Retirement Villages Association, and Nicola Williams, RVA and Ryman Healthcare) seeking a more permitted planning regime for retirement villages, whereby (as I understand it), Retirement Villages would be defined and permitted, with the building *construction* of a Retirement Village being restricted discretionary, with no notification (public or limited). I will leave technical responses to Council's experts, but provide the following comments for context.
- 8.2 The District Plan manages retirement villages (and associated care facilities) differently to standard residential activities. The residential *activity* undertaken within retirement villages falls within the definition of residential activity. However the retirement *village* (the associated activities and the buildings) have different planning controls. This is reflective of the different effects arising from a comprehensive development. These developments are typically gated (ostensibly for the security and peace of mind of the residents), contain corporate signage, include on-site community facilities, may include some on-site commercial activities for residents (e.g. retail, hairdresser, café), and often have low public permeability. While non-care residents are very clearly undertaking a residential activity, the way that comprehensive retirement villages function as a comprehensive development is very different from "standard" residential activities. For these reasons, the District Plan lists retirement villages as a restricted discretionary activity, with matters of discretion as set out below in Figure 4:

**Figure 4: Retirement Village Matters of Discretion**

|     |   |
|-----|---|
| (e) | <p>Retirement village accommodation and associated care facilities and rest homes within or outside the compact housing overlay identified on the Planning Maps.</p>  |
|     | <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Building location, bulk and design; and</li> <li>▪ Landscaping; and</li> <li>▪ Location of parking areas and vehicle manoeuvring; and</li> <li>▪ CPTED; and</li> <li>▪ Traffic generation and connectivity; and</li> <li>▪ Benefits provided to residents from onsite communal facilities; and</li> <li>▪ Noise; and</li> <li>▪ Stormwater disposal.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p> |

8.3 Council has granted consents for multiple rest homes in Cambridge and Te Awamutu, with more enquiries underway. This continues to be a high growth market, and there is no doubt that retirement villages helpfully cater to a vulnerable section of society who opt-in for supported, community living. From a planning perspective, my own observation over the years has been increased social segregation of a particular age group from mainstream society. My own personal experience with aged parents in an Arvida complex has seen a shift in mindset which involves security and peace of mind, but also a fear of the outside world. This social segregation became very obvious during COVID, which included specific restrictions on family visitations, with some distress apparent for residents unaffected by COVID during these restrictions. It is not a matter for PC26 as to whether social segregation of the aged is a positive trend, but a relevant planning consideration is that some current retirement villages may at some point in the future, be re-purposed for standard residential as demographics swing back to a younger population. I would also add that enabling second dwellings under PC26 also provides the opportunity for “granny flats” and for aged residents to reside with their own families, on family land. Waipā is just starting to see some very early interest in enquiries around on-site granny flats or tiny houses for the aged, as an alternative to community retirement villages. This is one



beneficial outcome of PC26 in expanding the range of housing choices and typologies, for all social demographics.

- 8.4 By way of an example of how the District Plan's planning controls are applied to retirement villages, consent was recently issued (28 February 2023) for a Ryman development within the C2 growth cell as a listed Restricted Discretionary activity in the Residential Zone. In addition to residential housing for the aged, this village development includes: bowling green, residents' workshop, village centre, library, salon, community lounge, pool and spa, gym, café/shop, cinema, games and activities facilities, lounge and bar, reflection room, commercial kitchen, and comprehensive care units. The proposal required resource consent as a discretionary activity due to the exceedance of the 9m height limit, with the development proposing a building of up to 12.95m in height, and with associated signage and corporate branding that exceeded the 2m<sup>3</sup> limit. The application was processed overall as a non-complying activity, as at the time the site was also located in the Deferred Residential Zone and all new development in the Deferred Residential Zone required non-complying activity consent. Subsequent to this, Plan Change 13 became operative and 'live' zoned the site as Residential Zone. Consent was subsequently granted.
- 8.5 As demonstrated in this example, while non-care residents within a rest home are clearly undertaking residential *activities*, the communal village, way the village functions as a whole, and the associated facilities they provide, is quite atypical of residential activities. For these reasons I do not see any justification (in terms of s32 RMA) for amending the current planning controls through PC26, and would add that these controls have not prevented or stalled the development of a vibrant, thriving and quickly expanding rest home industry in Waipā.

## 9. CONCLUSIONS – KĀINGA ORA

- 9.1 It is my opinion that Kāinga Ora has failed to apply the correct policy basis, both in terms of the NPSUD and also in terms of given effect to the GPS-UD. As a result they are in effect proposing a Metropolitan Centre Zone solution for existing town centres.
- 9.2 While I acknowledge Kāinga Ora's desire to look beyond 30 years, my understanding of planning law is that the panel can only consider the existing zoning (Commercial Zone i.e. town centre equivalent), apply the relevant policy (NPSUD 3(d)), and is precluded from making decisions or applying a policy framework that assume some form of future zoning, not yet in force.
- 9.3 While the *technically correct* policy framework is in fact Policy 5 (on the basis Waipā has Tier 3 Urban Environments) the Amendment Act requires the Council to apply the Tier 1 Urban Environments policy (3(d)) in recognition of the strategic functional proximity of Waipā to Hamilton and the rate of growth. In my view this is a reasonable, considered and rational planning response that goes some way towards providing for the relief sought in Kāinga Ora's submission.
- 9.4 Council agrees that some form of centres intensification is appropriate, and we propose commensurate intensification in response to Kāinga Ora's submission and evidence. We don't disagree with the merits of centres intensification, only the extent of this.
- 9.5 I consider the consultation feedback through the Ahu Ake process is a materially relevant consideration to inform the consideration of centres intensification.
- 9.6 Finally, I would like to leave the Hearings Panel with some closing observations:

- (a) Urban intensification is inevitable; creating good places is not.
- (b) Place-making is through design i.e. right policy; right controls; right delivery.
- (c) Legacy is through decisions i.e. informed; balanced; location-appropriate.

**Tony Quickfall**  
**Dated 19 April 2023**

## Appendix 1: Kāinga Ora 4 storey example developments

### Kaipatiki Rd Auckland

<https://kaingaora.govt.nz/developments-and-programmes/what-were-building/public-housing-developments/auckland-region/kaipatiki-road>

|                  |   |
|------------------|---|
| Location:        | Kaipātiki Road, Glenfield, Auckland, Auckland |
| Land area:       | 1,876 sqm                                     |
| Type:            | Apartments                                    |
| Total new homes: | 34  |
| Rooms:           | 20 one-bedroom and 14 two-bedroom             |
| Status:          | Estimated completion first half 2023          |

### Beauchamp Dr and Reverie Place Auckland

[Beauchamp Drive and Reverie Place :: Kāinga Ora – Homes and Communities \(kaingaora.govt.nz\)](https://kaingaora.govt.nz/developments-and-programmes/what-were-building/public-housing-developments/auckland-region/beauchamp-drive-and-reverie-place)

|                  |   |
|------------------|---|
| Location:        | Beauchamp Drive and Reverie Place, Massey, Auckland, Auckland     |
| Land area:       | 3,145 sqm   |
| Type:            | Apartments and walk-up homes                                      |
| Total new homes: | 65  |
| Rooms:           | 6 one-bedroom, 48 two-bedroom, 8 three-bedroom and 3 four-bedroom |
| Status:          | Estimated completion first half 2024                              |

### Galway St Auckland

[Galway Street :: Kāinga Ora – Homes and Communities \(kaingaora.govt.nz\)](https://kaingaora.govt.nz/developments-and-programmes/what-were-building/public-housing-developments/auckland-region/galway-street)

|                  |   |
|------------------|---|
| Location:        | Galway Street, Onehunga, Auckland, Auckland |
| Land area:       | 4,965 sqm                                   |
| Type:            | Apartments                                  |
| Total new homes: | 71  |
| Rooms:           | 52 one-bedroom and 19 two-bedroom           |
| Status:          | Completed June 2020                         |

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### Evans Bay Parade Wellington

[Evans Bay Parade :: Kāinga Ora – Homes and Communities \(kaingaora.govt.nz\)](https://kaingaora.govt.nz/developments-and-programmes/what-were-building/public-housing-developments/wellington-region/evans-bay-parade)

Location: Evans Bay Parade, Kilbirnie, Wellington, Wellington  
Land area: 4,995 sqm  
Type: Apartments and duplex homes  
Total new homes: 80  
Rooms: 36 one-bedroom, 40 two-bedroom and 4 four-bedroom  
Status: Estimated completion second half 2025

## Rolleston St Wellington

[Rolleston Street :: Kāinga Ora – Homes and Communities \(kaingaora.govt.nz\)](#)

Location: Rolleston Street, Mount Cook, Wellington, Wellington  
Land area: 4,905 sqm  
Type: Apartments  
Total new homes: 80  
Rooms: 36 one-bedroom, 29 two-bedroom and 15 studios  
Status: Estimated completion date mid-2023

## Appendix 2: Ahu Ake Community Feedback

Waipā District Council received 389 comments on our 'Growth, Housing and Papakāinga' chapter, which encompassed discussions on housing choices, growing to Waipā's 2050 boundaries, high economic growth areas, Ōhaupō growth and the vibrancy of Waipā's town centres.

Out of these 389 pieces of feedback, 75 were identified to comment specifically on the high-density/ intensification of Cambridge and Te Awamutu, on the basis of a 2050 vision with Cambridge and te Awamutu zoned as Metropolitan City Centres. A brief summary is provided below with relevant verbatim quotes.

- **29 in support** of acknowledging that intensification is a way to protect the environment and farming land. This is to cater sustainably to the growth in the population of Waipā and would provide for a mix of housing typologies and potentially provide more affordable options.
- **11 in support with conditions**. Feedback was supportive of aspects of intensification of our towns (providing more options and keeping up with growth), however, it highlighted concerns on the way this will be delivered and managed. The main concerns are 1. intensification will trigger the rapid/reactive (not planned) infrastructure upgrade and 2. uncontrolled intensification hinders good urban design and could impede the much loved established character of both towns.
- **34 opposed**. Feedback was strongly opposing the intensification of both towns. The main concerns outlined are one-policy fits all cannot be applied to a smaller community, lack of infrastructure and the cost to upgrade in difficult economic times. This requirement will induce a missed opportunity for good street activation and urban design, with a high risk of losing the character of the towns that have attracted many in Waipā. The perception of intensification still aligns with an image of 'slums', 'ghettos', and 'hoods'.

### **Extract of Feedback - In Favour:**

*'Large residential sections no longer sustainable' Community event*

*'Apartments above shops area a great idea. Cambridge needs more development like this in areas accessible and central to town.'* Social Pinpoint comment

*'Need to keep growing up rather than out. Once you build on land - you can't use it for growing food. We need all the good land for food.'* Community Event

**Extract of Feedback - In favour with conditions**

*'Public transport. Control development until infrastructure is built. Stop 3 storey houses ruining people's views and privacy. Focus less on bikes and put some orbiter buses on. 1 to Waikato hospital. More to Hamilton and back including a later night one. More green areas preserved. Playgrounds for new housing areas.'*  
Social Media

*'Really would not like to see 3 story blocks of housing here [Te Awamutu]. Two stories would be ample to retain a more rural feel.'* Social Pinpoint

*'I support targeted intensification in appropriate areas and with appropriate infrastructure (including parks etc)c. However this type of development is not suitable everywhere. High density developments need be of high-quality meeting good urban design standards and befitting the character of the community we want to create/maintain. I do not support MDRS everywhere.'* Social Pinpoint

**Extract of Feedback - Not in favour:**

*'Not really, too much "in fill" housing changing the character of the towns and without additional infrastructure in place before the expansion of population, causing problems with lack of parking, lack of off street parking for dwellings, overcrowding in schools and insufficient medical services as the present 2 medical services cannot provide urgent care.'* Social Pinpoint

*'Please retain the pleasant rural town atmosphere. Avoid large developments of multiplex, high density housing such as that happening in parts of Hamilton (that in 20 years will have become 'the ghetto/hood'). Rational yet sympathetic forward thinking is needed.'* Social Pinpoint

*'We live in TA because we purposely chose a small town. We do not want URBAN Te Awamutu. Disappointed that this plan has been developed this far without consistent, detailed public input.'* Social Pinpoint

*'Housing intensification in urban areas lead to slum areas. Proven around the world to be true. And yet you do not allow farmers to put more than one dwelling on their property, free of exorbitant fees. This is restrictive and very very poor planning.'* Social Pinpoint

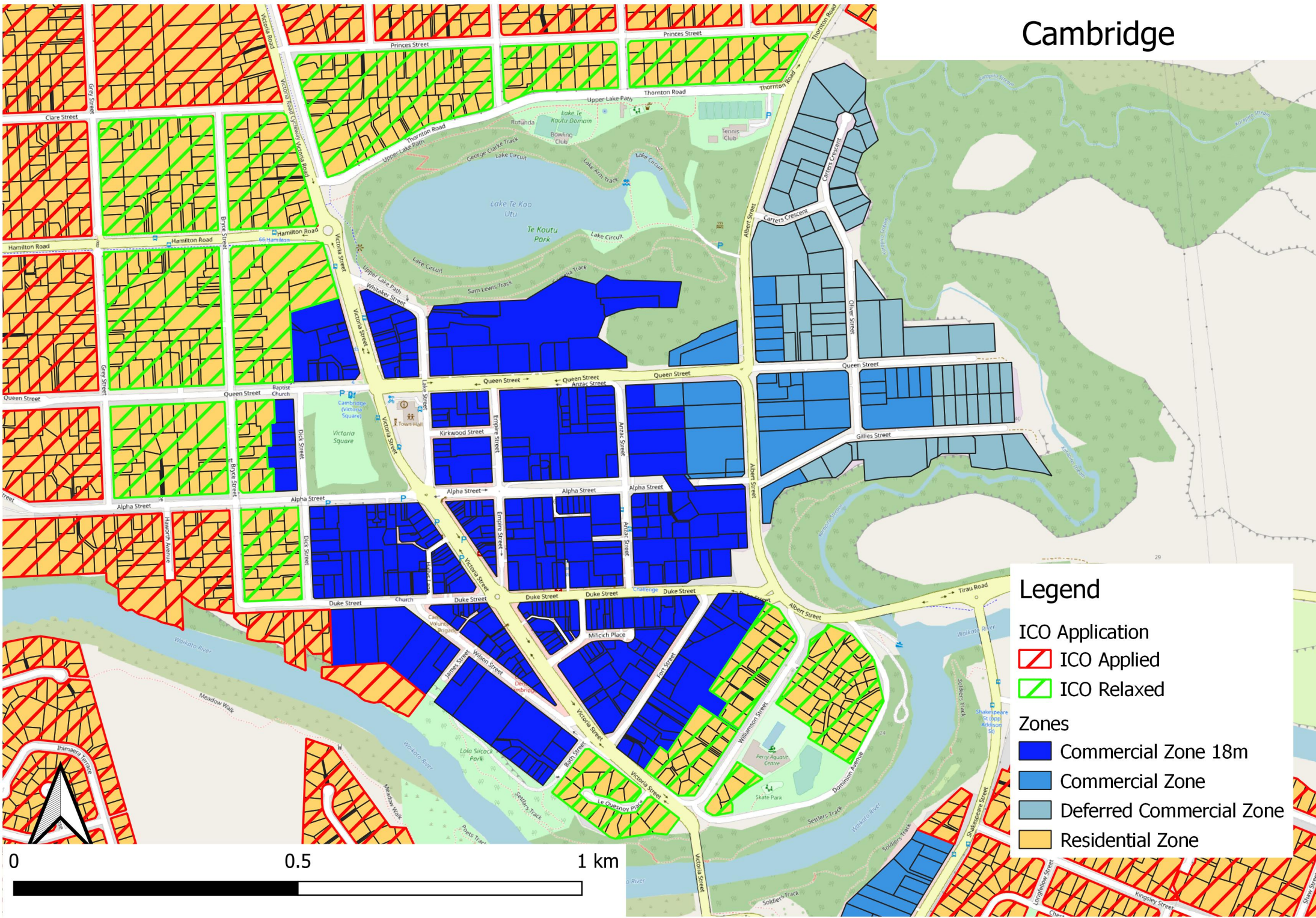
*'High density housing is a direct contradiction to what Waipā offers. This is still a rural/semi rural district. The economic growth would not offset the community and social issues high density brings. Infrastructure is not reflected here (alternate routes across the river, widened lanes, increased social services). We have a heritage culture here of space and land. You need a highway across town to service what you're proposing, and that will just make a mockery of what we have.'* Social Pinpoint

*'Are the Councils in Wanaka and some of the other wealthy areas of NZ making their residents build 3X3 apartments, townhomes, and duplexes too? Will they be living on top of their neighbours, as well?'* Social Pinpoint



## **Appendix 3: Council's Alternative Proposal**

# Cambridge



### Legend

**ICO Application**

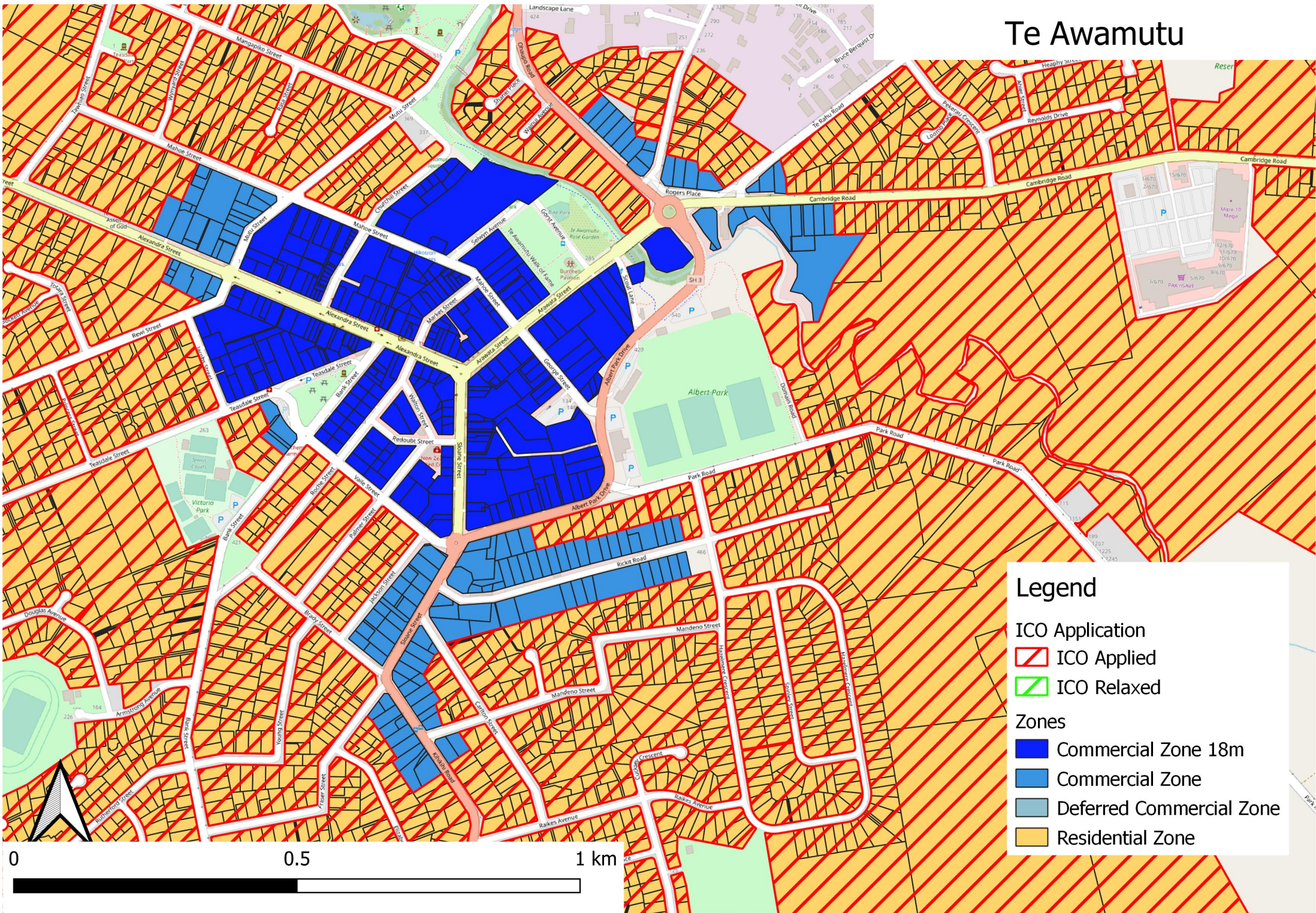
- ICO Applied (Red diagonal hatching)
- ICO Relaxed (Green diagonal hatching)

**Zones**

- Commercial Zone 18m (Dark blue)
- Commercial Zone (Medium blue)
- Deferred Commercial Zone (Light blue)
- Residential Zone (Orange)



# Te Awamutu



## Legend

ICO Application

 ICO Applied

 ICO Relaxed

Zones

 Commercial Zone 18m

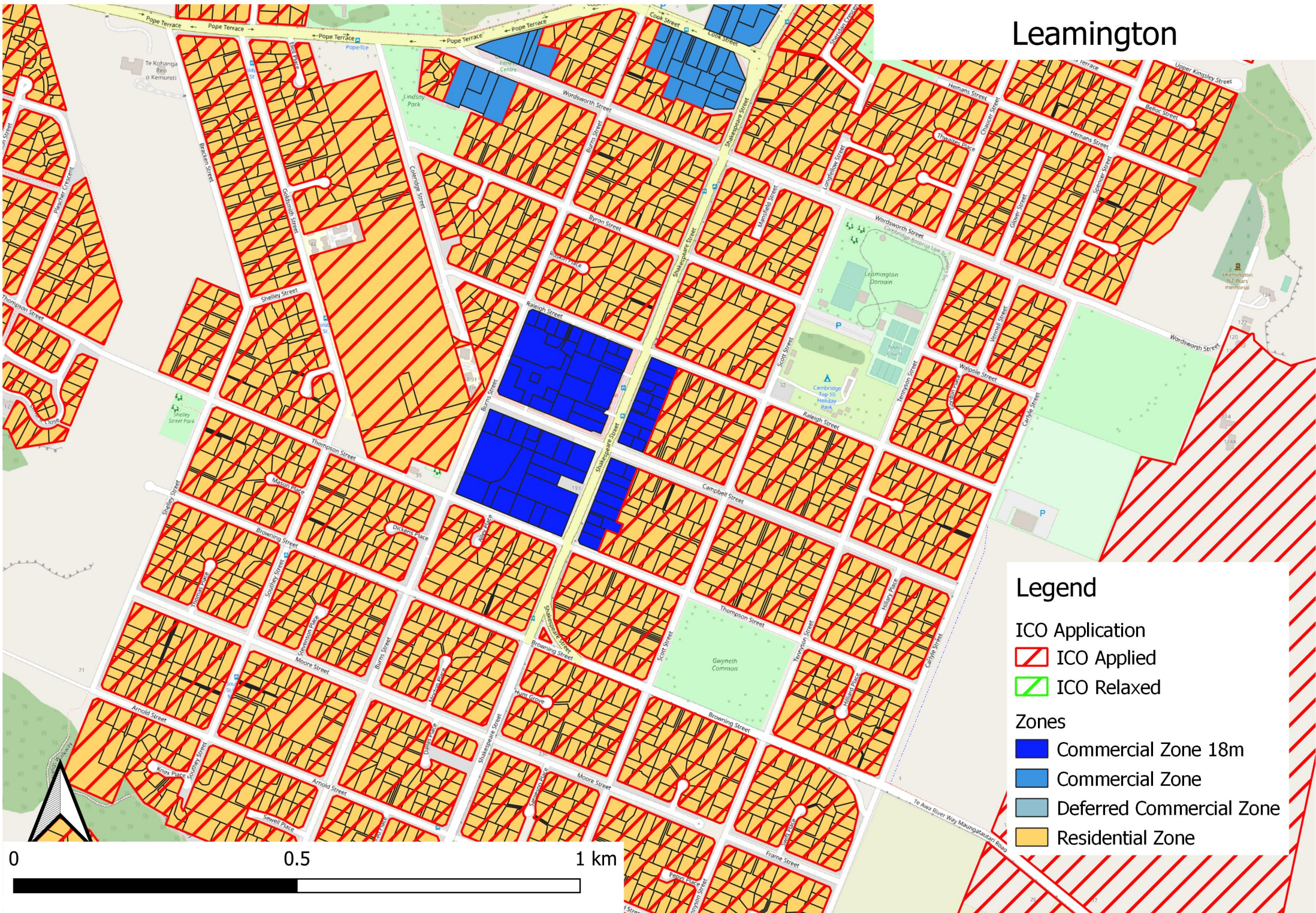
 Commercial Zone

 Deferred Commercial Zone

 Residential Zone



# Leamington



## Legend

ICO Application

 ICO Applied

 ICO Relaxed

Zones

 Commercial Zone 18m

 Commercial Zone

 Deferred Commercial Zone

 Residential Zone

