

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

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
WAIKATO**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on the **Waikato
IPIs - Hamilton CC PC12, Waipā DC PC26 and
Waikato DC Variation 3.**

HEARING TOPIC: Hearing 1 - Strategic Planning Approaches

**STATEMENT OF PRIMARY EVIDENCE OF BRENDON SCOTT LIGGETT
ON BEHALF OF KĀINGA ORA - HOMES AND COMMUNITIES**

(CORPORATE)

1 FEBRUARY 2023

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1. EXECUTIVE SUMMARY

1.1 My name is Brendon Scott Liggett. I hold the position of Manager of Development Planning within the Urban Planning and Design Group at Kāinga Ora - Homes and Communities (“Kāinga Ora”) and am presenting this evidence on behalf of Kāinga Ora.

1.2 The key points addressed in my evidence are:

- (a) The background to Kāinga Ora and the statutory context within which it operates.
- (b) Providing an overview of the Kāinga Ora portfolio within the Waikato Region, noting there is a disproportionate ratio of public housing demand in this region in comparison to the percentage of population that the three authorities make up.
- (c) A summary of the Kāinga Ora submissions on the Waikato Region IPI’s, including the rationale for the relief sought. Current planning regulations across the Region constrain the ability to create and deliver well-functioning urban environments. If the requested relief is adopted across the three authorities, this will not only allow Kāinga Ora to adequately increase and improve its public housing provision, but can also enable the use of under-utilised areas for developments that increase the Region’s overall housing stock.

2. INTRODUCTION

2.1 My name is Brendon Scott Liggett. I hold the position of Manager of Development Planning within the Urban Planning and Design Group at Kāinga Ora - Homes and Communities (“Kāinga Ora”).

2.2 I hold a Bachelor of Planning from the University of Auckland. I have held roles in the planning profession for the past 20 years and have been involved in advising on issues regarding the Resource Management Act 1991 (“RMA”) and District Plans.

- 2.3 My experience includes five years in various planning roles within local government. For the past 17 years I have been employed by Kāinga Ora.
- 2.4 I have been providing development planning expertise within Kāinga Ora (as Housing New Zealand) since 2006. In this role I have:
- (a) Undertaken assessment and identification of redevelopment land within the portfolio;
 - (b) Provided input into the strategic land planning, including the Asset Management Strategy, various investment and land use frameworks, and various structure plan processes of Kāinga Ora;
 - (c) Provided advice on, and management of, the regulatory planning processes associated with Kāinga Ora residential development projects;
 - (d) Managed engagement with local authorities, local communities and other agencies on matters relating to regulatory policy frameworks associated with residential development;
 - (e) Provided advice on, and management of, input into strategic planning activities including plan changes and plan review processes throughout the country, including more recently, technical lead and project management of Kāinga Ora submissions to the Proposed Whangārei District Plan, Proposed New Plymouth District Plan and the Proposed Waikato District Plan and submissions on Plan Changes implementing the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (“HSAA”) and the National Policy Statement on Urban Development 2020 (“NPS-UD”).
- 2.5 I confirm that I am authorised to give corporate evidence on behalf of Kāinga Ora in respect of Hamilton City Council’s Plan Change 12

(“PC12”), Waipā District Council’s Plan Change 26 (“PC26”) and Waikato District Council’s Proposed District Plan Variation 3 (“Variation 3”).

3. BACKGROUND TO KĀINGA ORA

3.1 Kāinga Ora was formed in 2019 as a statutory entity established under the Kāinga Ora - Homes and Communities Act 2019, and brings together Housing New Zealand Corporation, HLC (2017) Ltd and parts of the KiwiBuild Unit. Under the Crown Entities Act 2004, Kāinga Ora is a crown entity and is required to give effect to Government policy.

3.2 The Kāinga Ora - Homes and Communities Act 2019 (“the Kāinga Ora Act”) sets out the functions of Kāinga Ora in relation to housing and urban development. Under the Crown Entities Act 2004, Kāinga Ora is listed as a Crown agent as is required to give effect to Government policies.

3.3 The Government Policy Statement on Housing and Urban Development (“GPS-HUD”) was published on September 28, 2021, and provides a shared vision and direction across housing and urban development, to guide and inform the actions of all those who contribute to the housing and urban development sector. The GPS-HUD outlines the need for concerted and ongoing action across six focus areas to realise the vision, outcomes, and future envisaged for Aotearoa New Zealand:

- (a) Ensure more affordable homes are built;
- (b) Ensure houses meet needs;
- (c) Enable people into stable, affordable homes;
- (d) Support whanau to have safe, healthy affordable homes with secure tenure;
- (e) Re-establish housing’s primary role as a home rather than a financial asset; and
- (f) Plan and invest in our places.

- 3.4 Kāinga Ora is the Government’s delivery agency for housing and urban development. Kāinga Ora therefore works across the entire housing spectrum to build complete, diverse communities that enable New Zealanders from all backgrounds to have similar opportunities in life. As a result, Kāinga Ora has two core roles:
- (a) being a world class public housing landlord; and
 - (b) leading and coordinating urban development projects.
- 3.5 The statutory objective¹ of Kāinga Ora requires it to contribute to sustainable, inclusive, and thriving communities through the promotion of a high quality urban form that:
- (a) provide people with good quality, affordable housing choices that meet diverse needs;
 - (b) support good access to jobs, amenities and services; and
 - (c) otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
- 3.6 The statutory functions of Kāinga Ora in relation to urban development extend beyond the development of housing (which includes public housing, affordable housing, homes for first home buyers, and market housing) to the development and renewal of urban environments, as well as the development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services or works.
- 3.7 In the capacity as an Urban Development Agency, the approach Kāinga Ora has taken across the IPI plan changes among Tier 1 authorities has been to ensure the intentions of the HSAA and the NPS-UD are incorporated within district plans appropriately and that ultimately permissive and/or enabling provisions are introduced through these

¹ Section 12, Kāinga Ora Homes and Communities Act 2019

plan changes to facilitate the creation of well-designed and well-functioning urban environments.

4. OVERVIEW OF THE KĀINGA ORA PROPERTY PORTFOLIO

4.1 Kāinga Ora is currently the largest residential landlord in New Zealand, providing public housing² to more than 186,000 people³ who face barriers (for a number of reasons) to housing in the wider rental and housing market.

4.2 To this end:

- (a) Kāinga Ora owns or manages more than 69,000⁴ properties throughout New Zealand, including about 3,700 properties for community groups that provide housing services.⁵
- (b) Kāinga Ora has public housing in locations spread throughout the Waikato region; managing a portfolio of approximately 3953⁶ properties across Hamilton City, Waipā and Waikato districts (being 5.7% of the national portfolio) and currently consists of 48% three and four bedroom properties, with only 5% consisting of 1 bedroom properties⁷.
- (c) Kāinga Ora has approximately 26,700⁸ applicants (based on household) for the public housing waitlist across Aotearoa, with 2,190 of this list seeking for a home within Hamilton City, Waipā District and Waikato District (8.2% of the national waitlist)⁹. For context, according to 2018 Census Data, the population of Waikato, Waipā and Hamilton makes up approximately 6.2% of the overall population of New Zealand;

² Public housing is an umbrella term for state housing and community housing.

³ Kāinga Ora – Homes and Communities Annual Report 2022

⁴ Managed stock as at 30 September 2022.

<https://kaingaora.govt.nz/assets/Publications/Managed-stock/Managed-Stock-National-Summary-September-2022.pdf>

⁵ As at 20 December 2022

<https://kaingaora.govt.nz/working-with-us/supported-housing/>

⁶ Managed stock by Territorial Local Authority as at 30 September 2022.

<https://kaingaora.govt.nz/assets/Publications/Managed-stock/Managed-Stock-TLA-September-2022.pdf>

⁷ Managed stock by Territorial Local Authority as at 30 September 2022.

<https://kaingaora.govt.nz/assets/Publications/Managed-stock/Managed-Stock-TLA-September-2022.pdf>

⁸ Ministry of Social Development, Housing Register as at June 2022

⁹ Ministry of Social Development, Housing Register as at June 2022

therefore demonstrating the disproportionate ratio of public housing demand in this region in comparison to the percentage of population that the three authorities make up.

- 4.3 To meet this need, Kāinga Ora is undertaking one of the largest housing delivery programmes, with an additional 2,973 new public homes (including 946 leased to community housing providers) being added to the Kāinga Ora housing portfolio between October 2019 and October 2022¹⁰ and a continued demand to create more homes.
- 4.4 Public housing is a subset of affordable housing, and meets the housing needs of people who face barriers to housing in the wider rental and housing market. In general terms housing supply issues and broader events such as the Covid-19 global pandemic and financial market issues have made housing less affordable and as such there is an increased demand for public housing. This is particularly so in the wider Waikato region, which has seen a marked increase by percentage in the Housing Register compared to September 2019 (50% increase or 1,089 applicants).¹¹
- 4.5 There has been a marked change in the type of public housing that is required by the Kāinga Ora tenant base:
- (a) Demand has increased for single bedroom housing required for single persons, the elderly or disabled, and larger homes with four to six bedrooms required to house larger families.
 - (b) As a result, the size of many state houses does not match the changing demand for public housing, with a large proportion of the Kāinga Ora housing stock comprising older 2-3 bedroom homes on large lots which are too large for smaller households and too small for larger households.
 - (c) This has meant that Kāinga Ora has had to review its housing portfolio and assess how it can respond to the changes in

¹⁰ Ministry of Housing and Urban Development, Government Housing Dashboard <https://www.hud.govt.nz/stats-and-insights/the-government-housing-dashboard/change-in-public-homes/#tabset>

¹¹ Ministry of Social Development, Housing Register as at June 2022

demand, given its current housing supply is skewed towards 2-3-bedroom houses that do not meet the needs of tenants and/or are uneconomic to maintain.

5. THE KĀINGA ORA SUBMISSIONS

5.1 Kāinga Ora has lodged comprehensive submissions to PC12, PC26 and Variation 3. These submissions arise from the operational and development needs of Kāinga Ora, but also reflect a wider interest in delivering the strategic vision and outcomes sought through the HSAA and the NPS-UD. The intent of the submissions is to ensure the delivery of a planning framework across the Waikato region that contributes to well-functioning urban environments that are sustainable, inclusive and contributes towards thriving communities that provide people with good quality, affordable housing choices and support access to jobs, amenities and services.

5.2 It is acknowledged that PC12, PC26 and Variation 3 as notified, have the potential to reduce regulatory constraints and increase housing supply as required through both the HSAA and the NPS-UD. However, the following key themes of the three plan changes, as notified, compromise the extent to which they enable appropriate development across the Waikato region:

- (a) The limited extent to which NPS-UD policy 3 and the corresponding density provisions have been given effect.
- (b) The extent to and manner in which the following Qualifying Matters have been relied upon:
 - (i) Te Ture Whaimana o Te Awa o Waikato.
 - (ii) Heritage and Special Character.
 - (iii) Urban Fringe.

5.3 If the Kāinga Ora submissions on PC12, PC26 and Variation 3 are adopted, particularly in relation to the above, then the constraints inherent in the respective IPI's in their notified form would be reduced, and the plan changes would enable greater development

capacity for additional public and affordable dwellings on Kāinga Ora land and elsewhere.

6. THE APPLICATION OF THE NPS-UD AND THE HSAA

- 6.1 Across the three proposed plan changes/variations, Kāinga Ora has sought an increased application of Medium and High Density Residential Zones (“MDRZ¹²” and “HDRZ”) to an extent that seeks to facilitate the creation of well-functioning urban environments and enable the delivery of a variety of homes to meet the needs of all people of Aotearoa, through the sustainable management of natural and physical resources in accordance with the purpose and principles of the RMA (as amended).
- 6.2 The submissions have sought a spatial application of zoning patterns that acknowledges and responds appropriately to walkable catchments, corridors with frequent transport routes, and proximity to other services, employment opportunities and the like, in a manner that is consistent with the principles of the NPS-UD. This includes seeking a defined and distinct spatial hierarchy and distinction between the proposed residential zones and enabled heights commensurate with the anticipated future level of commercial activity and community services.
- 6.3 There is a high demand for housing in Aotearoa, and to supply a greater number of homes in locations that connect well to jobs, education, transport and amenities. There is, therefore, a strong need to build up, rather than out. Intensification, when done well, can bring a range of benefits to an area, such as greater opportunity for investment in infrastructure and local amenities, increased safety and a stronger sense of community and more public green spaces when part of comprehensive redevelopments.
- 6.4 As New Zealand’s Urban Development Agency tasked with creating more homes across New Zealand at pace, Kāinga Ora supports plans

¹² This is to be distinguished from the Medium Density Residential Standards (MDRS) which is created under the HSAA.

that enable more people to live in locations that have good access to jobs, amenities and services that meet their day to day needs, and that enable enough housing supply so that current pressures are eased.

- 6.5 The creation of provisions within District Plans to enable development in accordance with the NPS-UD will contribute towards a planning system that facilitates the delivery of a variety of homes with a focus on connectivity and functionality within the urban environment. Kāinga Ora acknowledges the steps that have been taken through PC12, PC26 and Variation 3 to give effect to the NPS-UD; however, in accordance with the submissions made under the respective plan changes/variations, seeks amendments to reduce complexity and limitations that have been imposed to ensure a more streamlined and enabling framework for urban development.

7. THE USE OF QUALIFYING MATTERS

Te Ture Whaimana o Te Awa o Waikato

- 7.1 Hamilton City Council through its Proposed PC12 and Waipā District Council through PC26 has referred to Te Ture Whaimana o Te Awa o Waikato (“**Te Ture Whaimana**”) as a qualifying matter, under section 77L of the HSAA.
- 7.2 The two key provisions through these plan changes that are proposed to give effect to Te Ture Whaimana are:
- (a) Infrastructure Capacity through an Infrastructure Capacity Overlay; and,
 - (b) Financial Contributions.
- 7.3 Firstly, Kāinga Ora does not dispute the status of Te Ture Whaimana as an overriding strategic document that is to be given effect to by the Councils in the plans. Kāinga Ora acknowledges and supports the ability to consider matters to give effect to Te Ture Whaimana in the context of the Waikato region. However, Kāinga Ora is concerned that

the matters identified by the councils are not justified nor are they appropriate mechanisms to give effect to Te Ture Whaimana.

- 7.4 Kāinga Ora is of the view that the provision of adequate three waters infrastructure for any development, whilst important, is not sufficient on its own to deliver the purpose of restoring and enhancing the Waikato River and its catchments. Instead, a broad range of measures addressing existing development, infrastructure and management regimes as well as the form and quality of future development will need to be implemented to give effect to Te Ture Whaimana. The mechanism of an Infrastructure Capacity Overlay has been used as a means to limit urban development at an increased density; however, intensification of the urban environment is capable of contributing to the restoration and protection of the Waikato River where appropriately located, designed, implemented and managed.
- 7.5 Thereby infrastructure (and associated overlays) should not be used as limiting factors for the application of intensification across the city and district but rather as a matter to be considered alongside development that exceeds permitted thresholds of the District Plan (i.e., the number of dwellings).
- 7.6 The difference between mitigation of effects under a Resource Management system and seeking to restore and protect the Waikato River is an important consideration in determining appropriate measures to be taken within the planning framework. The current plan changes have largely focussed on the number of dwellings as a trigger for consideration as to whether an urban development would adversely impact the health and wellbeing of the Waikato River through the pressure it would place on the three waters network.
- 7.7 The number of dwellings on a site is not necessarily reflective of the impact development may have on the health and wellbeing of the river, nor the ability for development to contribute to the restoration and protection of the Waikato River and its catchments. As such, Kāinga Ora seeks that the provisions enable the policy outcome sought of an increased delivery of homes while managing effects to ensure

the restoration and protection of the Waikato River. This is further expanded upon through the planning evidence prepared by Michael Campbell on behalf of Kāinga Ora.

Historic Heritage and Special Character areas

- 7.8 Kāinga Ora acknowledges the ability to protect areas of historic heritage where the requirements of Section 6 of the RMA are met. Similarly, Kāinga Ora understands that the council may consider special character as qualifying matter under s77I(j). However, in accordance with the Kāinga Ora submissions on Hamilton City’s Plan Change 9 (“PC9”) (which introduces widespread Historic Heritage Areas through the city) and PC12, and Waipā District’s PC26, Kāinga Ora is concerned that the proposed Historic Heritage Areas (“HHAs”) in Hamilton and character clusters in Waipā have not been appropriately assessed against the tests of s77J and s77L of the HSAA and the subsequent recommendations and associated provisions cannot be supported to the extent that intensification and urban development are restricted.
- 7.9 Kāinga Ora has substantial landholdings within a number of the HHAs proposed within Hamilton City. The proposed HHAs will place a significant constraint on (if not, preclude) the ability for Kāinga Ora to comprehensively plan for and enable, sustainable land-use efficiency in the ongoing delivery of its housing programme. This also includes the ability to consolidate urban development blocks, the constraint subsequently placed on its build-partners and Community Housing Group providers who aid in that delivery, and the burden that such restrictions would impose on the ability to contribute to and deliver well-functioning urban environments.
- 7.10 The limitation of density across the proposed HHAs, through the provisions of PC12 is contrary to the purpose and principles of the HSAA and the NPS-UD. The HHAs proposed through PC9 seek the protection of a large proportion of suburban land across Hamilton City and inhibit the delivery of outcomes sought by both the HSAA and the NPS-UD. Whilst such a limitation could be supported where heritage

as a section 6 matter has been identified, the methodology used to identify and protect these land parcels has not been assessed or tested through the plan change process, given that PC9 was only notified in July 2022. It is the view of Kāinga Ora that, as a result of this, the HHA overlays within Hamilton City should not have been afforded the same weight as existing qualifying matters pursuant to PC12, and the overlays should have been assessed on a site-by-site basis in accordance with the requirements of section 77L of the HSAA in order to ascertain whether the protection of these sites should supersede the government direction and priority to deliver more homes.

- 7.11 With regard to the use of character clusters as an overlay that restricts the application of density standards across Cambridge and Te Awamutu within the Waipā District, as previously noted, Kāinga Ora understands that the council may consider such features as qualifying matters and thereby limit the application of density. However, in the context of the methodology and values that have been identified within these character clusters, in accordance with section 77L(b) of the HSAA, Kāinga Ora does not support the approach where the identified characteristics have been assumed to necessarily render the level of development sought through the application of the MDRS inappropriate, particularly in light of the national direction for urban intensification and development.

Urban Fringe - Waikato District Council

- 7.12 In accordance with the memo received from Waikato District Council, dated 16 December 2022, Kāinga Ora understands that the Urban Fringe qualifying matter is to be removed from the provisions proposed through Variation 3. Kāinga Ora supports this decision and looks forward to understanding any amendments made to the provisions of the proposed Variation 3 as a result. Kāinga Ora considers that the Medium Density Standards must be applied to all 'relevant residential zones' within a Tier 1 urban environment as required by the HSAA.

8. CONCLUSION

- 8.1 Current planning regulations across Hamilton City, Waipā District and Waikato District councils constrain the ability to create and deliver well-functioning urban environments, in accordance with the HSAA and the NPS-UD. Overly restrictive regulations contribute to both land and housing supply issues. This puts pressure on house prices and contributes to the lack of affordable housing options across both the public and private housing sectors, whilst also failing to prioritise the redevelopment and intensification of the existing urban environment, particularly around strategic locations such as commercial centres and along key public transport nodes.
- 8.2 Kāinga Ora considers that PC12, PC26 and Variation 3, as notified by the respective councils, have the potential to reduce regulatory constraints and increase housing supply. However, I consider that if the Kāinga Ora submissions on these plan changes and variation are adopted, then the constraints applied by the zoning and provisions of the Plans in their notified form would be further reduced. It would provide a development capacity for delivery of significant additional public housing, affordable housing, homes for first-home buyers, and significant market capacity across the Waikato region.
- 8.3 The Kāinga Ora submissions partially arise from the operational and development needs of Kāinga Ora. The Kāinga Ora submissions also ensure Kāinga Ora can economically and socially manage and reconfigure its housing portfolio. This is to enable provision of warm dry and healthy homes that are in the right location, right condition and of the right type to meet the current and future needs of those people requiring public housing assistance, as well as enable the development of affordable housing more generally.
- 8.4 The creation of a planning framework that provides for efficient use of residential land will allow for the evolution of urban environments with greater social and cultural vitality, thereby reducing deprivation in low socio-economic communities. If the requested relief is adopted across the three authorities, this will not only allow Kāinga Ora to

adequately increase and improve its public housing provision, but can also enable the use of under-utilised areas for developments that increase the Region's overall housing stock.

- 8.5 In particular, the amendments sought by Kāinga Ora will enable the delivery in a wider range of locations in the region of a range of housing typologies that are otherwise not currently provided for across the Waikato region.
- 8.6 Through its submissions on PC12, PC26 and Variation 3, Kāinga Ora is seeking to assist the three authorities achieve the objective of creating a well-functioning urban environment. This can be done in a manner which enables the redevelopment of existing brownfield land to make better use of infrastructure (including social infrastructure) and improve the social and economic wellbeing of the community and is in line with the HSAA and the NPS-UD.

BRENDON SCOTT LIGGETT

1 FEBRUARY 2023