BEFORE INDEPENDENT HEARING COMMISSIONERS

IN THE WAIKATO REGION

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
WAIKATO

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of the hearing of submissions on proposed Plan Change 12 ('Enabling Housing Supply')('PC12') to the Operative Hamilton City Council District Plan.

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

(CORPORATE)

24 JULY 2024

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

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

1. EXECUTIVE SUMMARY

1.1 My name is 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) Background to Kāinga Ora

(b) The Kāinga Ora submissions

(c) Rationale for the Kāinga Ora submission

(d) Remaining Areas of Interest

1.3 Overall, Kāinga Ora considers that the proposed planning regulations notified under Plan Change 12 ("PC12")[1] constrain the ability to redevelop the public housing portfolio across the city. If the requested relief is adopted, it will enable Kāinga Ora to adequately increase and improve its public housing provision in the General and Medium Density Zones, to better meet the demand for housing identified through the Public Housing Waitlist.

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 22 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 18 years I have been employed by Kāinga Ora.

[1] As amended by Hamilton City Council on 27 May 2024

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. More recently, this has included providing oversight of Kāinga Ora submissions to Proposed District Plans (Wellington and Porirua Cities) and various other Plan Changes across Aotearoa.

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"**).

3. BACKGROUND TO KĀINGA ORA

3.1 The background to Kāinga Ora and the statutory context the organisation operates under, including it's functions under the Kāinga Ora Homes and Communities Act 2019, has been provided through my

corporate evidence for the Strategic Hearing stream for the Waikato IPIs[2].

3.2 This evidence focuses on the how the provisions of Plan Change 12 impact the ability for Kāinga Ora to continue to maintain, operate and redevelop the public housing portfolio.

4. THE KĀINGA ORA SUBMISSIONS

RATIONALE FOR THE KĀINGA ORA SUBMISSION

4.1 The Ministry for Social Development ("**MSD**") has approximately 25,527[3] applicants (based on household) for the public housing waitlist across Aotearoa, with 1,644 of this list seeking a home within Hamilton City (6.4% of the national waitlist)[4]. For context, according to 2023 Census Data, the population of Hamilton makes up approximately 3.5% of the overall population of New Zealand; therefore demonstrating the disproportionate ratio of unmet public housing demand in Hamilton City in comparison to the proportion of population within the national context.

4.2 Kāinga Ora manage a public housing portfolio of approximately 3510[5] properties across Hamilton City (being 4.8% of the national portfolio). Across the three proposed urban residential zones to be amended by PC12 (General, Medium Density and High Density), the portfolio consists of approximately 2670 land parcels within the General Residential Zone ("GRZ") 550 land parcels within the Medium Density Residential Zone ("MDRZ") and 50 land parcels within the High Density Residential Zone ("HDRZ")[6]. To this end, Kāinga Ora have an interest in the provisions of these three residential zones, to the extent of how the ability to redevelop the public housing portfolio within Hamilton City, is affected.

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[2] Corporate Evidence of Brendon Liggett, dated 1 February 2023
[3] Ministry of Social Development, Housing Register as at March 2024
[4] Ministry of Social Development, Housing Register as at March 2024
[5] Managed stock by Territorial Local Authority as at 31 December 2023. https://kaingaora.govt.nz/en_NZ/publications/oia-and-proactive-releases/housing-statistics/
[6] In accordance with the zoning for PC12, as amended May 2024

4.3 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 approximately 81% of the Kāinga Ora housing stock in Hamilton City comprising 2-3 bedroom homes, with an average lot size of 580m2 which are too large for smaller households and too small for larger households.

(c) The average age of dwellings in the Kāinga Ora portfolio across Hamilton City is approximately 30 years old.

(d) This has meant that Kāinga Ora has had to review its housing portfolio and assess how it can respond to the changes in 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.

4.4 Reflective of the change in housing composition required through the public housing waitlist, Kāinga Ora is therefore tasked with the need to redevelop and expand the existing portfolio to accommodate this.

4.5 Kāinga Ora own approximately 3,510 properties in Hamilton City, with 530 of these located within Fairfield and Enderley. The majority of these homes are reflective of the wider Hamilton portfolio; being 2-3 bedroom dwellings on lots with an average size of 580m^2, constructed in the 1970-80s era (being notably older than the average stock age across the city). Considering the age of this portfolio, the extent of property ownership and the accessibility of this area to key centres (including the central city) and community facilities, there is a strong opportunity to reimagine brownfield and infill developments at scale within this location.

SUMMARY OF AMENDMENTS TO THE KĀINGA ORA SUBMISSION

4.6 Kāinga Ora has lodged comprehensive submissions across PC12. However, following the amendments made by Council, filed on 27 May 2024, Kāinga Ora have refocussed its submissions to focus on how the provisions will impact on the ability to redevelop the public housing portfolio.

4.7 Subject to the changes requested to the performance standards discussed further in this evidence Kāinga Ora support the spatial zoning extent, as amended by the Council on 27 May 2024.

4.8 **Remaining Areas of Interest**

a. Impact of the following performance standards on the ability to redevelop residential land, specifically the Urban tree canopy; Deep Soil Areas; Water conseration measures; and Universal Access standards;

b. Te Ture Whaimana: the application of the Infrastructure Constraint Overlay and other controls associated with Three Waters;

c. Financial Contributions; and

d. Enderley-Porrit Redevelopment Area;

4.9 The evidence will discuss these areas of continued interest in further detail below.

5. THE IMPACT OF PERFORMANCE STANDARDS ON THE ABILITY TO REDEVELOP RESIDENTIAL LAND

5.1 Kāinga Ora acknowledges that the Council's 27 May 2024 proposed PC12 provisions are generally more enabling than the current Operative District Plan ("ODP") provisions and that this provides reduced regulatory constraint to the redevelopment of Kāinga Ora housing portfolio than the status quo. Specifically, the move to

increasing the number of permitted dwellings, for example, within the GRZ 2 dwellings are permitted to be constructed on a site (subject to infrastructure matters and compliance with bulk and massing). Whereas, under the ODP, density controls in place restrict development to 1 dwelling per 400m2 or a set of duplex dwellings to 200m2 per unit.

5.2 However, as explored through the evidence of Michael Campbell[7], PC12 has introduced additional performance standards beyond what is included within the ODP, to further shape permitted levels of development and achieve 'green outcomes' for the city. These are:

(a) Urban Tree Canopy (standard 4.2.5.3f and 4.3.4.3f): Each residential development shall provide sufficient trees to produce 20% site coverage by tree canopy (at maturity)

(b) Deep Soil Area (standard 4.2.5.3c and 4.3.4.3c): 50% of the landscaped area shall be provided as Deep Soil Area

(i) To support shrubs and plants (but not lawn) on uncompacted soil of 400mm depth and;

(ii) For all trees, topsoil depth is required to increase to 1m.

(c) Water Conservation Measures (standard 25.13.4.5):

(i) Rainwater tank of minimum size of 3,000 litres for non-potable use (e.g. garden watering, toilet, or laundry)

5.3 Whilst the principles behind these provisions are generally understood, such provisions result in greater uncertainty when considering the redevelopment of the Kāinga Ora portfolio and create ongoing challenges associated with maintenance. This is to the extent that these provisions, collectively with other performance standards, will pose additional costs and design constraints that will likely render permitted redevelopment of the majority of Kāinga Ora properties financially unfeasible, in addition to the introduction of further uncertainty through the resource consenting process.

[7] Evidence of Michael Campbell, dated 24 July 2024

Universal Access

5.4 In addition to the above, PC12 has introduced a standard within the GRZ, MDRZ and the HDRZ which requires 10% of units, within a development of 10 or more units, to have universal access. Kāinga Ora support the principle of universal access, and actively deliver new housing into its portfolio consistent with the Kāinga Ora accessibility policy[8], across 15% of our portfolios. However, as this is managed by Kāinga Ora across the portfolio the requirement of this through a performance standard in the District Plan applied to each project of scale has proved to be difficult and in some instances inappropriate to comply with when balancing compliance with other standards and design requirements.

5.5 Kāinga Ora considers that a better approach to ensuring that universal access is considered through larger scale developments, would be to include such an assessment under the 'Design' assessment criteria for the Restricted Discretionary Activity required to exceed the permitted number of dwellings, and supported by objectives and policies that are clear on the intended outcomes. Such an approach would ensure that a balanced assessment is taken on a site-by-site basis; i.e. where a site is prone to flooding and is not capable of providing universal access, the flood resilient design requirements are able to be better considered against the universal access outcomes.

6. TE TURE WHAIMANA O TE AWA O WAIKATO: THE APPLICATION OF THE INFRASTRUCTURE CAPACITY OVERLAY ASSOCIATED WITH THREE WATERS

6.1 Kāinga Ora acknowledge the importance of Te Ture Whaimana and the requirement to give effect to the strategy in the planning framework. However, as discussed through the corporate evidence filed for the strategic hearings[9] and through the evidence prepared by Mr Philip Jaggard on behalf of Kāinga Ora, Kāinga Ora maintains the position that the methods proposed through both the notified version of PC12

[8] https://kaingaora.govt.nz/assets/Tenants-and-communities/Documents/Kainga-Ora-Accessibility-Policy-PDF-FINAL-15.11.19.pdf
[9] Corporate Evidence of Brendon Liggett, dated 1 February 2023

and the subsequent amendments made on 27 May 2024, are not justified or appropriate as effective and efficient methods to address the relationship between urban development and the health and wellbeing of the Awa.

6.2 The retention of the density standards associated with three waters infrastructure capacity overlay, in addition to the duplication of these within the performance standards of the GRZ and MDRZ, is considered to unnecessarily complicate the planning framework.

6.3 It is acknowledged that the intent of these triggers is to ensure that three waters infrastructure capacity associated with development beyond that which is anticipated by the Operative District Plan ("ODP") is not only considered, but is clearly highlighted as a potential issue for development, when located within the Infrastructure Capacity Overlay[10].

6.4 In the GRZ, it is accepted that the permitted number of dwellings is reduced to 2 per site[11]. In those circumstances, a control which then requires an infrastructure capacity assessment when either 3 or more dwellings are proposed or the net density of development exceeds 1:200, is redundant. Using the Kāinga Ora portfolio as an example, the average lot size within the General Residential Zone is approximately 580m2; Therefore any development of 3+ dwellings on a site is likely to exceed the density trigger of 1:200, while also requiring a Restricted Discretionary Activity consent to infringe the permitted number of dwellings. Therefore, there is no reason why infrastructure capacity as an assessment criterion would not be sufficient to ensure that this is considered at resource consent stage.

6.5 Similarly, in the MDRZ, it is unlikely that any development exceeding the 1:150 threshold would not also exceed the threshold of 4 or more dwellings,, when considering average existing lot sizes, and net density calculations post development.

[10] Statement of Evidence of Emily Chee Win Buckingham (Three Waters), dated 26 June 2024
[11] As amended by Hamilton City Council 27 May 2024

6.6 There is concern that by including a density standard within the residential chapters, as opposed to it being assessment criteria within the RDA framework, the standard may be applied in a manner that results in the assessment of proposals becoming subject to other considerations beyond matters relating to infrastructure capacity. For example recent Kāinga Ora consent applications that have exceeded this density control have been subject to greater urban design scrutiny, requiring assessment from the Council urban design panel and additional requirements on design being imposed to an extent that is considered disproportionate to the effects of the development, and not in any way related to the effects of the development on infrastructure capacity or effects on the Awa that the rule is purported to be seeking to manage. This approach is taken despite the developments being largely compliant with other performance standards relating to bulk and massing of a development managing other design effects.

6.7 Kāinga Ora maintains its position that a more efficient, effective, appropriate and transparent approach to the management of effects on infrastructure capacity, is to include this as assessment criteria under the Restricted Discretionary Activity framework, assessed where a development exceeds the permitted number of dwellings. Whilst a rule of this nature would ideally sit within the city-wide, Three Waters chapter of the District Plan, it is acknowledged that if adopted as an assessment criterion against the number of units on a site then this would be appropriately contained within residential provisions of the Plan.

6.8 PC12 has also sought to require the inclusion of stormwater reuse tanks within residential developments, as a means of both reducing the burden increased development places on the public stormwater network and the pressure placed on the public water supply. For the reasons discussed through the evidence of Mr Philip Jaggard[12] and as outlined in the Kāinga Ora response to questions from the Panel in the strategic hearing, Kāinga Ora do not consider this method to be a cost

[12] Evidence of Philip Jaggard, dated July 2024

efficient or effective solution available to the Council in addressing its concern. Rather, the proposal by Council is one of several solutions of which should be reflected through the provisions of the District Plan.

6.9 Kāinga Ora commissioned Mr Jaggard to undertake a case study[13] alongside a redevelopment example, to demonstrate the difference in providing a detention versus a reuse tank within a residential development. The conclusion of Mr Jaggard's case study was that the on-going maintenance and costs associated with a reuse tank were far greater than that of a detention tank, with very little to no additional benefits on the public infrastructure networks.

6.10 In development, maintaining and operating its housing portfolio Kāinga Ora aims to manage the whole of life costs. This means that the ongoing costs of maintaining systems is a consideration in the investment decisions Kāinga Ora makes when specifying components and systems within its buildings. Kāinga Ora understands that to comply with the expectations of the Councils Practice Note, the additional operational and maintenance requirements of a reuse system will likely result in at least four additional visits to a property, per year[14]. From an operational perspective, this places disproportionate operating burden on asset managers, especially when, over time, applied to the current 4,300 dwellings within its portfolio across Hamilton City. As well as the additional Kāinga Ora operational cost this would also result in increased disruption to tenants.

7. FINANCIAL CONTRIBUTIONS

7.1 The financial contribution requirements proposed through focus on the following matters:

(a) Three waters/transport infrastructure network

[13] Evidence of Philip Jaggard, dated July 2024
[14] Three Waters Management Practice Note- HCC 02: Rainwater reuse tank (rain tank), Revision 4, dated 31/01/2022

(b) Residential amenity

(c) Te Ture Whaimana

7.2 Kāinga Ora has a number of issues with the Financial Contribution provisions proposed, including:

(a) It is unclear what would trigger a financial contribution, with the rules focussing on how the financial contribution is to be acquired (i.e. at what stage in the consenting/development process) rather than what actually triggers it.

(b) Without certainty surrounding triggers, it is difficult for Kāinga Ora to understand how to manage this requirement within the redevelopment of its portfolio (e.g. whether it is possible to design development in such a way that offsetting via financial contributions is not required).

(c) Financial contributions are imposed to mitigate adverse effects; the trigger for the contribution therefore needs to correlate to a level of effect that warrants mitigation. Moreover, as the trigger has not been identified, it is not clear whether a financial contribution would be warranted.

(d) The amended approach to financial contributions through PC12 sees the replacement of the bedroom-based approach with a charge based on 1 PUD/dwelling. Appendix 18 of PC12 justifies this as ensuring 'that larger developments will pay a larger contribution'[15]. This fails to acknowledge that the number of dwellings within a development is not inherently linked to an effect a development could have on the wider environment. For example, any external visual amenity effects of a development which realises the maximum potential of the bulk and location controls are likely to be the same irrespective of the number of dwellings within that development.

[15] Plan Change 12- Appendix 18 – Financial Contributions

(e) This is of particular concern to Kāinga Ora given the greater demand for it to provide for smaller 1-2 bedroom homes within the housing portfolio. Over time these additional costs will likely impact on the feasibility of delivering the types of houses needed.

For these reasons, Kāinga Ora maintain that the financial contributions provisions proposed through PC12 should be deleted and further work be done to demonstrate that there is a clear link between the cause and effect.

8. ENDERLEY-PORRIT REDEVELOPMENT AREA

8.1 Kāinga Ora support the zoning of this area of land, particularly acknowledging the Medium Density zoning that has been applied along the Hukanui Road and Peach Grove transport corridor. This zoning reflects the accessibility of this corridor to key employment locations in Chartwell, and to the central city, in addition to amenities such as shops and community facilities. Moreover, this corridor has been identified through the Eastern Pathways (School Link) transport programme which intends to provide safer cycling and walking options and improve public transport priority[16].

8.2 Aligning zoning with strategic transport corridors and connections is considered to reflect the intention and desired outcomes of policy 3c of the NPS-UD.

9. CONCLUSION

9.1 The Kāinga Ora position outlined in this evidence and supported further by the evidence of Michael Campbell (Planning), Phil Osborne (Economics) and Philip Jaggard (Three Waters) arise from the operational and development needs of Kāinga Ora. The Kāinga Ora submissions also ensure Kāinga Ora can manage and reconfigure its housing portfolio. This is to enable provision of warm dry and healthy

[16] National Land Transport Programme 2021-2024
https://www.nzta.govt.nz/assets/planning-and-investment/nltp/2021/NLTP-2021-24.pdf

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.

9.2 The creation of a planning framework that provides for efficient use of residential land will allow for the development of well-functioning urban environments. If the requested relief is adopted, this will enable Kāinga Ora to appropriately develop, operate and maintain its housing portfolio to provide warm, safe and dry housing solutions to meet demand in in an efficient manner.

BRENDON SCOTT LIGGETT

24 JULY 2024