

**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 proposed Plan Change 13 (Te Rapa  
Racecourse) (“PC13”) to the Operative Hamilton  
City District Plan (‘ODP’)

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

**(CORPORATE)**

**09 AUGUST 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) A background to Kāinga Ora;
  - (b) Kāinga Ora submission on PC13;
  - (c) Summary of amendments to the Kāinga Ora position;
  - (d) Remaining Areas of Interest;
  - (e) The consistency of provisions between Plan Change 12 (“**PC12**”) and Plan Change 13 (“**PC13**” or “**plan change**”);
  - (f) Amendments to the permitted standards; and
  - (g) Mapping of Natural Hazards and the corresponding provisions.
- 1.3 Kāinga Ora are generally supportive of the rezoning of Major Facilities zoned land that is no longer required for the operation of the Racecourse, to Medium Density Residential zone and Industrial zone land.
- 1.4 If the requested relief sought for PC13 is adopted, it will ensure provisions are established within the Operative District Plan are consistent with the overall intent of the Medium Density Zone as proposed through PC12. PC13 will also provide for significant additional development capacity and aid in the consenting and delivery of housing in Hamilton City through the efficient use of brownfield land that provides for a greater opportunity for comprehensive residential development within the existing urban environment of Hamilton City.

## 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, the Proposed Waikato District Plan, Proposed Plan Change 9 to the Hamilton City Operative 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**”), including Plan Change 12 to the Hamilton City Operative District Plan.

2.5 I confirm that I am authorised to give corporate evidence on behalf of Kāinga Ora in respect of PC13.

### 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 objective<sup>1</sup> 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.

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<sup>1</sup> Section 12, Kāinga Ora Homes and Communities Act 2019

#### **4. THE KĀINGA ORA SUBMISSIONS**

- 4.1 Kāinga Ora generally supports the rezoning of Major Facilities zone land that is no longer required for the operation of the Racecourse, to Medium Density Residential zone and Industrial zone land.
- 4.2 Hamilton City is currently facing significant infrastructure constraints in several locations across the existing urban environment, coupled with a need for additional housing that is reflected through the MSD waitlist for public housing<sup>2</sup>. Such a scenario can often lead to pressure for a greater percentage of greenfield developments; however, the use of existing urban land where three waters infrastructure and capacity is either available or able to be created in the short-term, outside of the Long Term Plan process (“LTP”) is encouraged as a better alternative.
- 4.3 Kāinga Ora made a submission on PC13 to seek provisions that are both enabling of a medium density scale of development and are consistent with the medium density provisions proposed through PC12.

#### **5. FURTHER WORK FOLLOWING THE LODGEMENT OF KĀINGA ORA SUBMISSION**

##### Duplication of provisions

- 5.1 Due to the delays on the hearing of PC12, Kāinga Ora acknowledges that there are some submission points through PC13 regarding the duplication of provisions that cannot be accepted. It is understood from discussions with the applicant, that Hamilton City Council intend to undertake a variation following the decisions of PC12 which will ‘clean up’ the Operative Plan to ensure all provisions are aligned. On this basis, Kāinga Ora accept this and is not pursuing submission points around duplication.

##### Permitted standards (‘Height’ and ‘Height in Relation to Boundary’)

- 5.2 As discussed through the evidence of Mr Campbell, following the lodgement of the Kāinga Ora submission, further work has been

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<sup>2</sup> As of 31 March 2023, the MSD waitlist shows demand for an additional 1584 households within Hamilton City.

undertaken with regards to the permitted standards of maximum height and height in relation to boundary.

5.3 Kāinga Ora now seek the following amendments to these provisions:

- (a) A maximum permitted building height of 16m to enable building heights of up to 5 storeys, consistent with the purpose of the MDRZ; and,
- (b) An alternative Height in Relation to Boundary (HIRB) of 6m + 60° sought for developments where there are 4 or more dwellings proposed with a height that exceeds 3 storeys.

#### Noise provisions

5.4 It is acknowledged that due to the existing environment and the planning controls within the Operative Plan, a more lenient noise standard is required in respect of the relationship between the industrial zoned land and the residential land. On this basis, particularly with the additional standards being included within the District Wide Chapter of 25.8 rather than the residential chapter, Kāinga Ora accept this and is not pursuing this submission point any further.

## **6. REMAINING AREAS OF INTEREST**

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

- (a) The consistency of provisions between PC12 and PC13;
- (b) Amendments to the permitted standards; and
- (c) Mapping of Natural Hazards and the corresponding provisions.

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

## 7. CONSISTENCY OF PROVISIONS

- 7.1 The primary concern of the Kāinga Ora submissions relates to the consistency of provisions across PC13 and PC12, as a result of the timing of these plan changes being heard and determined.
- 7.2 PC13 proposes to introduce the Medium Density Residential Zone (“**MDRZ**”) to the land subject to the plan change. When notified, included within the purpose of the zone was the intent to enable the construction of 3-5 storey buildings; this was then supported by objectives 4.2.15 and 4.2.16 and policies 4.2.15e and 4.2.16.a.
- 7.3 Through submissions, Kāinga Ora sought to have reference to three storeys removed, with the intent of the zone being to enable residential development of heights up to 5 storeys. Amendments have since been made to the provisions, as detailed through attachment 1 of John Olliver’s evidence; these have seen the reference of ‘3-5 storeys’ replaced with ‘4 storeys’. Through engagement with Mr Olliver prior to evidence being circulated, it was highlighted that the amendment did not address the Kāinga Ora submission point and it was the preference of Kāinga Ora that the original text be retained. There is no clear explanation for this change detailed through either the s42A report or Mr Olliver’s evidence.
- 7.4 For context, PC12 has proposed the following zone hierarchy:
- (a) The General Residential Zone (“**GRZ**”) has incorporated the Medium Density Residential Standards (“**MDRS**”) provisions, notably with a permitted height of 11m (3 storeys);
  - (b) The MDRZ is proposed to enable buildings with heights of up to 5 storeys<sup>3</sup>; and
  - (c) The High Density Residential Zone (“**HDRZ**”) is proposed to enable heights of at least 6 storeys<sup>4</sup>.

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<sup>3</sup> With a permitted height of 15m proposed, of which Kāinga Ora has sought to have increased as discussed in the evidence of Mr Michael Campbell.

<sup>4</sup> With a permitted height of 21m proposed, of which Kāinga Ora has sought to have increased through the PC12 submission process.



- 7.5 It is the view of Kāinga Ora, that to ensure consistency with the overall intent of PC12, ease of use for plan users and the direction of both the NPS-UD and the Resource Management Act (as amended), the MDRZ provisions proposed through PC13 must remain consistent with the overall direction of the notified version of PC12. In doing this, duplication and the creation of unnecessary, bespoke planning provisions where there are ultimately two MDRZ outcomes sought through a single plan, will be avoided.
- 7.6 Additionally, the likelihood of the delivery of 4 storey buildings is generally low. The feasibility of a development decreases significantly when the height of a building goes from 3 to 4 storeys. On this basis, the amendments to Objective 4.2.15 and policy 4.2.15e firstly fail to encourage development that is aligned with the purpose of the overall MDRZ and secondly, will unintentionally direct developments within the Te Rapa Precinct to an outcome that is no different to the lower, GRZ.

## **8. AMENDMENTS TO THE PERMITTED STANDARDS**

- 8.1 As discussed in paragraphs 4.2-4.3 of this evidence, Kāinga Ora have refined the submission sought for a greater permitted standard for both maximum building height and height in relation to boundary within the MDRZ.
- 8.2 The purpose behind this relief is to ensure provisions are created within the MDRZ that align with the overall purpose of the zone, and provide a degree of certainty for developments that are of a scale envisaged for the zone, particularly through reducing notification risks. This is further addressed through the evidence of Mr Campbell.

## **9. MAPPING OF NATURAL HAZARDS**

- 9.1 Kāinga Ora acknowledge that the flood hazards identified within the precinct are not shown on the existing planning maps, in which the rules within the district wide, Natural Hazards chapter refer to. This has then resulted in bespoke flood hazard rules being included within the residential chapter.

- 9.2 As detailed in the evidence of Mr Campbell, this plan change is not confined to amendments only to the residential chapter and there is no reason as to why the flood hazard rules could not be included within the Natural Hazards chapter to align with the existing format of the Operative Plan.
- 9.3 Additionally, Kāinga Ora submit that due to the dynamic nature of flood hazards, these are best left as non-statutory documents informing the approach to risk mitigation in the relevant plan, rather than being incorporated into the plan itself through statutory planning maps.

**Brendon Liggett**

09 August 2023