

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT PORIRUA**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
KI PORIRUA**

**IN THE MATTER
AND
IN THE MATTER**

of the Resource Management Act 1991

**of the hearing of submissions on the Proposed
Porirua District Plan and Variation 1**

**HEARING TOPIC: Hearing Stream 7 – Variation 1; Plan Change 19;
Residential; and Commercial Zones**

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

(CORPORATE)

24 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) An overview of the Kāinga Ora housing portfolio within Porirua City.
- (c) A summary of Kāinga Ora’s submissions on the Porirua IPI, Variation 1, including the rationale for the relief sought and in particular comments about:
 - (i) The extent to which the Council is giving effect to the NPS-UD, and its use (or non-use) of qualifying matters;
 - (ii) The permitted units in High Density Residential Zone (HRZ);
 - (iii) The desirability of regional consistency;
 - (iv) Design Guides;
 - (v) References to “health”.

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.

2.2 I hold a Bachelor of Planning from the University of Auckland. I have held roles in the planning profession for more than 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 four years in various planning roles within local government. For the past 17 years I have been employed by Kāinga Ora (including as Housing New Zealand).
- 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 identification and assessment 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 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 gave evidence in Hearing Stream 3 of Porirua City Council’s Proposed District Plan process. Some of this evidence duplicates evidence I gave in that hearing stream so that it may be considered in

respect of Variation 1, but I note that that evidence specifically noted that I would provide additional evidence in future hearing streams that addressed residential zoning and housing matters. Also, relevantly, that evidence predated the HSAA.

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 brought 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 policies.
- 3.2 The Kāinga Ora - Homes and Communities Act 2019 (“**Kāinga Ora Act**”) sets out the functions of Kāinga Ora in relation to housing and urban development.
- 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 plan changes to facilitate the creation of well-designed and well-functioning urban environments.

¹ Section 12, Kāinga Ora Homes and Communities Act 2019

4. OVERVIEW OF THE KĀINGA ORA PROPERTY PORTFOLIO

- 4.1 Kāinga Ora is responsible for providing homes to those most in need from the Ministry of Social Development Housing Register. 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 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
- 4.3 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.
- 4.4 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; and

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/>

- (c) 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.
- 4.5 Kāinga Ora is undertaking a major housing delivery programme 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 2022⁶ and is seeking to meet an increasing demand to create more homes.
- 4.6 Kāinga Ora manages a portfolio of approximately 1,974⁷ properties in Porirua City (being just over 25% of the Kāinga Ora portfolio in the Wellington region⁸). 78% of the existing Kāinga Ora portfolio are three and four bedroom single-detached dwellings on large lots, with only 3% consisting of 1 bedroom dwellings.⁹ Kāinga Ora has a housing portfolio of approximately 10% of the total housing stock in Porirua City.
- 4.7 Kāinga Ora has approximately 23,000¹⁰ applicants (based on household) on the public housing waitlist across Aotearoa, with around 300 applicants seeking a home within Porirua.¹¹ This is nearly 20% of the waitlist demand for the Wellington region.¹² Majority of this demand is for 1 and 2 bedroom homes, within Porirua this need represents 84% of the waitlist. Therefore, Kāinga Ora is having to consider how it repositions its portfolio to meet this demand.

⁶ 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>

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

⁹ Managed stock by Territorial Local Authority as at 30 September 2022.

¹⁰ Ministry of Social Development, Housing Register as at December 2022

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

¹² Ministry of Social Development, Housing Register as at December 2022

5. THE KĀINGA ORA SUBMISSIONS

- 5.1 Kāinga Ora has lodged comprehensive submissions on Porirua's PDP and Variation 1. 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 in Porirua 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 Nationally, one of Kāinga Ora's strategic goals through the various IPI processes has been to ensure that local authorities implement the NPS-UD to the fullest extent. 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.
- 5.3 As New Zealand's Urban Development Agency tasked with creating more homes across New Zealand at pace, Kāinga Ora supports plans 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.
- 5.4 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.

- 5.5 Kāinga Ora has focused on ensuring that local authorities do not undermine the step-change intended by the NPS-UD by protecting the status quo through overly liberal use of qualifying matters to reduce the application of the policy 3 directives and MDRS. Seeking to favour the status quo in this way defeats the purpose of the NPS-UD and is inconsistent with policy 6(b).
- 5.6 It is important that decision-makers appreciate the need to create a substantially more enabling planning framework. Not enabling higher density in an area based on its current attributes could lead, advertently or inadvertently, to undue planning restrictions in the medium to long term. What is (not) feasible today will change in the future as housing preferences continue to change and market conditions develop. The key is to ensure the PDP does not act as the limiting factor in the event that market conditions change and higher density housing typologies and their development becomes more viable.
- 5.7 Looked at in the round, Kāinga Ora considers that the Council has implemented the NPS-UD and HSAA through Variation 1 fairly well. There are areas where Kāinga Ora considers that provisions can still be more enabling, and these are addressed in the expert evidence to be filed. It has residual concerns about three main areas in which it considers that the implementation is lacking:
- (a) The first area is in Pukerua Bay and Paremata, where the Council has failed to implement the NPS-UD policy 3 directive without appearing to identify and justify this through any qualifying matter. What I understand to be the Council's approach is that these areas are not presently well-functioning urban environments because they do not have walkable access to amenities such as supermarkets. In my opinion, that puts the cart before the horse. Both areas have good access to public transport, enabling people to access amenities in other locations, as well as any amenities that the market will provide in response to the enabled intensification in these urban areas.

- (b) The second area is the shading on steep south-facing slopes. Kāinga Ora questions whether this can be a legitimate qualifying matter. Shading will be an acknowledged outcome of a more intensified urban environment. Even if it may be a qualifying matter, we question whether the costs justify the asserted benefits, and whether the Council's approach is consistent with the process required by section 771 of the HSA.
- (c) The third is more a question of process around the Radio New Zealand (RNZ) transmitter on Whitioreia Peninsula, Titahi Bay. Kāinga Ora has reviewed the evidence relied on to justify reduction of the application of the MDRS and has been unable to understand how the reduction is justified. Having taken advice from an expert in the field of electro-magnetic fields, we remain in the dark. Kāinga Ora of course accepts that the matter may in principle amount to a qualifying matter (and indeed that potentially greater restrictions may be justifiable if the transmitter may affect human health), but the extent of reduction and the proposed and costs and benefits of doing so have been inadequately explored in the evidence.

6. THE DESIRABILITY OF REGIONAL CONSISTENCY

- 6.1 Kāinga Ora's submission on Variation 1 have as one objective achieving broad consistency to intensification outcomes across Tier 1 councils, and more specifically, achieving a higher degree of regional consistency in Plans across the wider Wellington region – recognising that the Wellington housing and employment market operates in a regional context.
- 6.2 A theme of the Kāinga Ora submissions on the various IPI processes occurring concurrently across the Wellington region, is the extent to which each IPI has appropriately responded to the shifts in national direction represented by the NPS-UD and whether the proposed approaches to spatial zoning application and qualifying matters

frustrate the extent to which the IPIs can deliver development in a manner consistent with the NPS-UD and the intent of the HSAA.

6.3 While there are certainly some areas of commonality and consistency across the plan changes/reviews, there are many divergences also. This includes:

- (a) variation in the residential zoning framework to give effect to the enabling requirements, where the HRZ has been applied based on varying walkable catchment approaches;
- (b) what height limits apply in areas subject to intensification as directed through Policy 3 of the NPSUD;
- (c) approach to the application of qualifying matters;
- (d) varied application of MDRS in locations and/or zones where greater intensification is to be enabled; and
- (e) how centres are classified.

6.4 I encourage the IHP to take into account to the extent possible the approaches being taken to similar matters by the other authorities in the region to achieve a degree of consistency in approach.

7. NUMBER OF PERMITTED UNITS WITHIN HDZ

7.1 Kāinga Ora's submission on Variation 1 sought changes to HRZ-S1 to enable up to 6 units as permitted complying with a number of core bulk and location standards. The intention of the submission was to emphasise the different outcomes sought from those within the MRZ and to encourage a greater degree of intensity of built form and density consistent with the HRZ objectives. Kāinga Ora seeks that the number of residential units enabled as a permitted activity in the HRZ is greater than the MRZ and MDRS, to six units on a site.

7.2 It is Kāinga Ora's view that there is a need to incentivise and enable development in the HRZ that is at a greater scale than that enabled and prescribed in the MRZ (up to 3 units) and of MDRS (up to 3 units)

given the locational characteristics of where Kāinga Ora has sought that the HRZ be applied.

- 7.3 The risk of not enabling more residential units in the HRZ could result in medium-density residential outcomes being built in the high-density residential zone, where landowners either underutilise the land only to develop up to 3 units; or that the application of the permitted effects arising from the number of dwellings permitted on a site does not accord with the bulk and scale of buildings anticipated by the HRZ, thereby creating added complexity to the consenting process for those proposals seeking to give effect to the objectives of the zone and the outcomes of policy 3 of the NPS UD.

8. DESIGN GUIDES

- 8.1 Kāinga Ora takes a consistent position on the use of design guides in District Plans nationally.
- 8.2 Overall, Kāinga Ora seeks that Design Guidelines generally sit outside of the plan as a non-statutory document and assist the plan user as a guide informing the design process for proposals and to assist applicants understand how to achieve the planned outcomes of the plan. The planned outcomes should be clearly described and identified in objectives, policies, rules and relevant matters of discretion for activities and rules.
- 8.3 Design guidance should be seen as a tool to assist an applicant to understand the relevant objectives, policies and assessment criteria of the PDP. The guide is simply that, a guide, and directly including it in the assessment criteria elevates the guide to a de facto rule or standard in its own right.
- 8.4 If there are critical outcomes that the Design Guidelines are trying to achieve, then these matters should be referred to in the relevant assessment criteria and/or matters of discretion and effects standards/rules in the PDP. Design Guidelines are more appropriate as a non-statutory planning and advisory tool that can assist the plan-

user in interpreting and complying with the District Plan provisions and, more importantly, any such guidelines can be updated and amended accordingly to best practice without having to go through a Schedule 1 process.

- 8.5 To some extent, this position is consistent with Kāinga Ora's position on matters such as the appropriate approach to hazard maps which, because of their dynamic nature, 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. The Panel will recall my evidence in Hearing Stream 3 about that issue.

9. REFERENCES TO "HEALTH"

- 9.1 Health and wellbeing is referred to in Objective 1 of the NPS-UD, reflecting that provision of healthy homes and living environments is imperative to achieving a well-functioning urban environment. But it is significant, in my opinion, that the policies in the NPS-UD implementing Objective 1 do not contain references to "health".
- 9.2 The policy framework proposed (RESZ-P5, LCZ-P3, LFRZ-P3, MUZ-P3, MCZ-P3, and NCZ-P3) places an undue emphasis on determining whether a health outcome is achieved (or compromised), with no overt consideration being given to quality residential amenity as an outcome. This is despite the fact that the issues under consideration in these policies relate to matters that are commonly understood to be those that provide for residential amenity values – i.e. access to sunlight, daylight, outdoor living space and privacy.
- 9.3 Based on my experience, I regard planners to be well experienced in making informed judgements in relation to residential amenity outcomes but the policy wording as proposed, places emphasis on questions of health, particularly the field of public health (which I consider planners are ill-equipped to determine), with little reference to amenity values that provide for a quality living environment.

- 9.4 I consider that the proposed amendments in the evidence of Karen Williams better give effect to the NPS-UD.

10. CONCLUSION

- 10.1 Current planning regulations in Porirua constrain the ability to create and deliver well-functioning urban environments, as required by 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.
- 10.2 Kāinga Ora considers that the PDP, as amended by Variation 1, goes a long way towards reducing these regulatory constraints and increasing 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 Variation in its 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 city.
- 10.3 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, which, as I have noted, is important to ensure housing stock is matched to demand. 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.
- 10.4 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, 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 city's overall housing stock.

- 10.5 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 adequately provided for in Porirua.
- 10.6 Through its submissions on the PDP and Variation 1, Kāinga Ora is seeking to assist the Council to 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

24 FEBRUARY 2023