

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN WELLINGTON CITY**

I TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O TE WHANGANUI-A-TARA

**IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of the hearing of submissions on the Wellington
City Proposed District Plan.**

HEARING TOPIC: Hearing 4 - Centres

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

(CORPORATE)

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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 to provide a summary of the overarching Kāinga Ora submissions on the Centre Zones in the Wellington City Proposed District Plan (**PDP**), including the rationale for the relief sought, such as:
- (a) The application of the National Policy Statement on Urban Development 2020 (**NPS-UD**);
 - (b) Increased levels of intensification within centres based on a centres hierarchy, including seeking regional and national consistency;
 - (c) The application of the proposed centres hierarchy, including the introduction of a Town Centre Zone; and
 - (d) The City Outcomes Contribution policy framework.
- 1.3 Kāinga Ora considers that current and proposed planning provisions within the centre zones of Wellington City and across the wider Wellington region requires a step change in approach to intensification. Kāinga Ora considers that the relief sought will provide:
- (a) Significant development capacity and intensification in the most appropriate locations in the urban environment;
 - (b) National consistency sought through the National Planning Standards;
 - (c) National consistency with the RMA.
- 1.4 Overall, Kāinga Ora is concerned that the PDP as it stands has the potential to inappropriately disincentivise intensification in otherwise desirable locations, particularly due to the City Outcomes Contributions policy.

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.
- 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 has been set out in the evidence filed on Hearing Topic Stream 1 – Strategic Direction for this PDP.
- 2.4 I confirm that I am authorised to give corporate evidence on behalf of Kāinga Ora in respect of the PDP.

3. THE KĀINGA ORA SUBMISSIONS

- 3.1 Kāinga Ora has lodged comprehensive submissions to the PDP in relation to Centre zones. These submissions reflect a wider interest in delivering the strategic vision and outcomes sought through the objectives and policies of the NPS-UD.
- 3.2 The background to Kāinga Ora and the statutory context in which it operates was covered in my evidence filed on Hearing Topic Stream 1 – Strategic Direction.
- 3.3 The intent of the Kāinga Ora submission is to ensure the delivery of a planning framework in Wellington that provides for well-functioning urban environments that are sustainable and inclusive and which contribute towards thriving communities that provide people with good quality, affordable housing choices and support access to jobs, amenities and services.
- 3.4 Kāinga Ora has sought changes and submitted on all proposed plan changes and plan variations across the Wellington Region, with an interest in establishing a regionally consistent planning framework that responds to the regional growth projections and the natural relationships between the urban environments within the Wellington

region. A particular focus has been a consistent approach towards the application of the NPS-UD and the recent amendments to the RMA by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

- 3.5 Kāinga Ora has a particular interest in a planning framework for centres within Wellington City and the wider Wellington region that has a regionally considered and consistent centres hierarchy, and enables development at a scale that is appropriate for the role and function of centre zones.
- 3.6 The Kāinga Ora submission on the Centre zone framework in the PDP (as notified) sought to reduce regulatory constraints and increase development opportunities to give effect to the NPS-UD. Kāinga Ora notes and supports that the reporting officer has recommended to remove maximum height limits within the City Centre Zone.
- 3.7 However, Kāinga Ora considers the following key policy directives, as notified in the PDP and reflected in the section 42A report, compromise the extent to which the planning provisions enable appropriate development within Wellington:
- (a) **Intensification in Centre Zones** – The scale of development enabled within Centre Zones does not reflect the role and function of Wellington City within the region, or enable intensification to an appropriate scale to enable people to live within areas with the highest level of accessibility to commercial amenity, community services and public transport. Kāinga Ora considers that enabling further intensification within the PDP centres will support the increased use of active and public transport and facilitate the ability of the Council to plan for the provision of infrastructure and maximise the benefit of infrastructure investment;
 - (b) **Town Centre Zone in the Centres Hierarchy** – Kāinga Ora considers there is a gap in the centres hierarchy proposed by the Council, in that Town Centres have not been included. Kāinga Ora does not support the zoning of Newtown, Miramar and Tawa as Local Centres, and seeks that these are instead

zoned as Town Centres. The PDP does not provide an ability for Town Centres to support residential intensification, and vice-versa, the opportunity for residential intensification to support the vibrancy and function of the centres; and

- (c) **City Outcomes Contribution** – The complexity of the City Outcomes Contribution Policy in the Centre Zones (and High Density Residential Zone) has the potential to limit intensification in areas that are the most appropriate for intensification and development. Kāinga Ora considers the City Outcomes Contribution policy as currently proposed does not achieve the intent of “design excellence” as described by the reporting officer, and that a design outcomes policy is a more appropriate policy to manage positive design outcomes for development in Centre zones.

- 3.8 If the Kāinga Ora submissions on Centres are adopted, particularly in relation to the above issues and as sought by the expert evidence submitted on behalf of Kāinga Ora, then the constraints inherent in the PDP in its notified form would be reduced, and the PDP would enable greater development capacity in the areas of Wellington City that are most appropriate for urban intensification.

4. THE APPLICATION OF THE NPS-UD

- 4.1 As outlined in Hearing Stream 1, within Wellington City and across the Wellington region, Kāinga Ora has sought an increased application of the intensification policies of the NPS-UD to an extent that seeks to facilitate the creation of well-functioning urban environments.
- 4.2 While the reporting officer generally disagrees with the Kāinga Ora submission in this regard, Kāinga Ora considers that the intensification policies of the NPS-UD as these relate to centres in Tier 1 environments (Policy 3(a), (b), and (d)) establish a minimum requirement for the level of intensification and development a Tier 1 Local Authority must enable within centre zones.
- 4.3 Kāinga Ora remains interested in ensuring that building heights and densities are enabled which encourage the efficient use of land and

reflect the level of current and planned commercial activity and community services within a centre.

- 4.4 As such, in giving effect to the objectives and policies of the NPS-UD, Tier 1 local authorities should look for opportunities for additional intensification beyond the requirements of Policy 3 to support well-functioning urban environments, subject to limitations only to the extent necessary to appropriately give effect to Policy 4 of the NPS-UD. It is important for Council to aim, set and deliver more than the minimum, and seek a greater level of capacity and degree of certainty.

5. APPROACH TO EVIDENCE AND INTENSIFICATION IN CENTRES

- 5.1 In its primary submission on the PDP and consistent with other IPIs in the Wellington Region, Kāinga Ora has taken a principled approach to walkable catchments and intensification within centres in response to the NPS-UD. This approach has been used as a starting point to conduct location-specific analysis to test the principles and the appropriate response within a local context.
- 5.2 As specified in the evidence of Mr Heale, Mr Rae, and Mr Cullen, site visits and local research have been carried out to undertake further assessment to determine appropriate spatial extents, intensification, and built form outcomes in Wellington City centres.
- 5.3 The locally-specific zone and built form outcomes sought in the Kāinga Ora submissions and expert evidence reflects the outcomes that Kāinga Ora seeks to achieve in providing for well-functioning urban environments through the application of the PDP. These outcomes are responsive to the local and regional context and are supported by appropriate planning, urban design and economic expertise.
- 5.4 The expert evidence submitted on behalf of Kāinga Ora reflects both the strong interest and the approach that Kāinga Ora has taken to ensure the outcomes sought are evidence-based and enable positive urban environment outcomes for Wellington City.

6. CITY CENTRE ZONE, TOWN CENTRES AND THE CENTRES HIERARCHY

- 6.1 Kāinga Ora has an interest in the application of planning principles and frameworks by Councils, including the appropriate application of a centres hierarchy to align with the National Planning Standards and to provide greater clarity to plan users and communities on the role and function of centres within the city.
- 6.2 Kāinga Ora supports the recommendations of the reporting officer to remove maximum height limits in the City Centre Zone to give effect to Policy 3(a) of the NPS-UD. However, Kāinga Ora considers the notified planning framework does not correctly identify a centres hierarchy and enable development at a scale that responds to the form, role and function of its centres.
- 6.3 Within the Wellington context, Kāinga Ora considers more robust identification and hierarchy of centres is required in order to identify centres which provide more employment opportunities, amenities and services to surrounding suburban catchments. Kāinga Ora considers the centre functions listed above are beyond what is generally provided by local centres, and enable built form outcomes that reflect the role of the centre in the urban environment.
- 6.4 As such, Kāinga Ora seeks the inclusion of Town Centre in the centres hierarchy and strategic objectives of the PDP as informed by the above regulatory framework.
- 6.5 Specifically, Kāinga Ora considers that Newtown, Miramar, and Tawa centres meet the definition for Town Centre Zone as outlined by the National Planning Standards. The application of this classification reflects the outcomes that Kāinga Ora seeks to achieve in providing for well-functioning urban environments and its position is informed by independent planning, urban design and economic expertise.
- 6.6 It is unclear from the reporting officers rejection of the Kāinga Ora submission on this matter why a more robust and hierarchical approach to centres is not being provided within the District Plan. Overall, Kāinga Ora considers the inclusion of a Town Centre Zone within the PDP

centres hierarchy is a matter of good planning practice and district planning.

- 6.7 Based on the evidence of Kāinga Ora experts, Kāinga Ora continues to seek this classification as a positive outcome for Wellington City. It considers that the proposed classification of Newtown, Miramar, and Tawa as Town Centre Zones recognise the current and future role and function of these centres. Consequentially the PDP should provide a more enabling planning framework in relation to these centres to enable more people to live within and around them with a higher level of amenity and services.

7. CITY OUTCOMES CONTRIBUTION POLICY

Context

- 7.1 As a plan-user, leader in urban development, facilitator and supplier of housing within the Wellington region, Kāinga Ora has an interest in ensuring that zone provisions establish a simplified and enabling planning framework, provide certainty in the resource consenting process and are generally regionally consistent as appropriate.
- 7.2 Kāinga Ora has an interest in the supply of affordable housing and positive urban development outcomes. However, Kāinga Ora is concerned that the City Outcomes Contribution Policy as proposed will result in unintended consequences across the residential and centre zones. Kāinga Ora considers that plan provisions that require and assess proposed developments against matters not related to their actual and potential effects on the environment are inconsistent with the RMA. Further, Kāinga Ora is concerned that the City Outcomes Contribution policy will disincentivise intensification in locations where intensification may otherwise be appropriate.

Reporting Officer Recommended City Outcomes Contribution

- 7.3 As currently proposed, and further assessed in the evidence of Mr Rae and Mr Heale, the City Outcomes Contribution outcome has the potential to complicate and unintentionally limit development within centre zones and not lead to positive city outcomes as intended.

- 7.4 The City Outcomes Contribution Policy includes requirements that are considered to be inappropriate, including:

Public Open Space

- (a) The provision of public open space is best planned and provided for by the Council in relation to public open space needs and strategic network planning;
- (b) Developments are currently required to contribute to the provision of public open space through the Development Contributions Framework under the Local Government Act 2002, which provides the Council with the resources to plan and invest in the provision of public space; and
- (c) The inclusion of a requirement for assessment of the need for additional public open space simply derived from the height of built form has the potential to result in an assessment which does not address the actual or potential effects of building height. This may require inappropriate amendments to proposals, or potentially discourage development that would otherwise be desirable within centres.

Building Act 2004

- (d) The consideration of the long-term performance of a building and its maintenance via assessment of the construction methods, materials and product specification is governed and informed by the Building Act. The inclusion of this within the scope of the City Outcomes Contribution Policy requires planners to consider matters governed by other legislation. Kāinga Ora considers such regulation within the District Plan is not appropriate and is outside the jurisdiction of the RMA.
- (e) The Building Act provides for enabling access for people of all ages and mobility through requirements relating to car parking design and building design. Kāinga Ora considers that the inclusion of this internal amenity design within the scope of the District Plan sits outside the jurisdiction of the RMA.

Assisted Housing

- (f) As outlined in the evidence for Hearing Stream 1, Kāinga Ora is opposed to definitions for “assisted housing” that differentiate assisted housing from residential activity generally. Kāinga Ora considers the use of this term has the potential to stigmatise public housing developments and may subject social, affordable and public housing providers to encumbrances that limit their ability to effectively manage their portfolio and land.
- (g) The City Outcomes Contribution Policy has the same effect, and is considered to disincentivise higher levels of development when it may be appropriate based on the site opportunities and constraints.

Maximum (and Minimum for CCZ) Minimum Height Thresholds

- (h) Kāinga Ora opposes the matters in the City Outcomes Contribution Policy being related to height thresholds, on the premise that these effects should be assessed in relation to specific non-compliances of the District Plan and that height is not the appropriate standard through which this should be realised.

7.5 Kāinga Ora therefore opposes the City Outcomes Contribution Policy as currently proposed in the Section 42A report for the following reasons:

Complicated Framework

- (a) The City Outcomes Contribution Policy, and associated Appendix, is overly complicated. It is not clear how this will achieve positive city outcomes from development within centre zones and the High Density Residential Zone;

Contrary to the NPS-UD

- (b) The requirements of the City Outcomes Contribution Policy has the potential to inappropriately limit intensification within centres, particularly the city centre zone;

- (c) Generally all development should be encouraged to provide for the outcomes contained within the policy regardless of their bulk and scale. The policy should not be arbitrarily associated with height thresholds that in practise will have the effect of reducing the enablement of building heights in circumstances where a Qualifying Matter is not present.

Unclear Intent

- (d) The requirements of the Policy do not reflect the intent as described by the reporting officer, which is a carry-over from the Operative District Plan to achieve “design excellence”¹.
- (e) A design outcomes policy would more appropriately support the intent of achieving quality high density design outcomes.

Not Appropriate for District Plan Framework

- (f) The Policy, as proposed, is related to infringement of maximum height standards (and minimum in the City Centre Zone), and includes a point-based appendix that provides for additional height if specific criteria are met. Kāinga Ora oppose the use of the City Outcomes Contributions Policy in relation to height non-compliances on the basis that it is inappropriate for the provision of these publicly beneficial outcomes to be connected to non-compliance with height rules.
- (g) Developments that breach height standards should instead be assessed based on their potential or actual effects. The height of built form does not necessarily give rise to any adverse effects in relation to the matters contained within the policy. As such Kāinga Ora consider that requiring such outcomes in the manner proposed is likely to be vires the Act.

7.6 In summary, Kāinga Ora considers the proposed City Outcomes Contribution Policy to be inappropriate for a District Plan framework, overly complicated and disincentivising to development. Consequentially, Kāinga Ora does not support the Policy as currently proposed.

¹ [Paragraph 176, 180-182.](#)

Relief Sought

- 7.7 In this context, Kāinga Ora opposes in full the inclusion of the City Outcomes Contribution policy within the Plan. Specifically, Kāinga Ora has concerns with the *requirement* pretext of the policy as proposed. If the policy is to be retained in part, then Kāinga Ora considers that the policy should *encourage* positive city outcomes for all development rather than *require* assessment of matters that are not linked to the effects of a proposal.
- 7.8 If retained at all Kāinga Ora suggests the amendments to the City Outcomes Contribution Policy that encourages these outcomes, as described in the evidence of Mr Heale, where the Policy is not included within Matters of Discretion as “hooks”, as described by the reporting officer².
- 7.9 Although Kāinga Ora has proposed changes to reframe the policy within its submission as an “encourage policy”, it is noted that a number of submitters³ have sought the City Outcomes Contribution Policy to be deleted in full, and therefore the Hearing Panel has the ability to delete the policy from the PDP in consideration of the matters described within this evidence.

Other submissions

- 7.10 Kāinga Ora supports the submissions of other submitters that oppose, or seek to amend the requirement direction, the inclusion of the City Outcomes Contributions policy within the PDP. A number of these submitters have highlighted the potential negative consequences of such an approach to development consistent with our concerns.

8. CONCLUSION

- 8.1 Wellington City has an important role within the wider Wellington region, as the main employment hub and main business centre for the region. The planning framework should reflect this role and function and enable

² [Paragraph 181.](#)

³ [Mc'Donalds, Property Council New Zealand, Restaurant Brands Ltd, Retirement Villages Association of New Zealand Incorporated, Investore Property Limited, Fabric Property Limited, and Foodstuffs North Island.](#)

as many people as possible to live in areas of high demand and accessibility to jobs, amenity and services.

- 8.2 As a Tier 1 urban environment and the capital city of Aotearoa, Wellington should be guided by the objectives of the NPS-UD and seek to provide for intensification to create a well-functioning urban environment, where people live close to employment, public transport, commercial activities and community services.
- 8.3 Through its submissions on WCC PDP, Kāinga Ora is seeking to assist Wellington City to achieve the objective of creating a well-functioning urban environment and the PDP's strategic direction of providing a compact urban environment.
- 8.4 The Kāinga Ora submissions on the WCC PDP are intended to support the creation of a comprehensive and efficient planning framework that is simple to interpret and encourages well-designed development and intensification within centres.

Brendon Scott Liggett

12 June 2023