

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS
AT WELLINGTON**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE
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 Greater
Wellington Regional Council's Proposed
Change 1 to the Regional Policy Statement**

HEARING TOPIC: **Hearing 3 – Climate Change**

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

(CORPORATE)

14 AUGUST 2023

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1. INTRODUCTION

- 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**).
- 1.2 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**”), District Plans and Regional Plans, and Regional Policy Statements.
- 1.3 My experience includes five years in various planning roles within local government. For the past 17 years I have been employed by Kāinga Ora.
- 1.4 I have been providing development planning expertise within Kāinga Ora (including 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 (**Amendment Act**) and the NPS-UD.

2. THE KĀINGA ORA SUBMISSIONS

- 2.1 Kāinga Ora has submitted on all proposed plan changes and plan variations giving effect to the NPS-UD and Amendment Act across the Wellington Region, with an interest in establishing a regionally consistent planning framework that responds to regional growth and the relationships between the urban environments within the Wellington Region, and the shared regional resource management issues.
- 2.2 **The** Kāinga Ora submission matters related to Hearing Stream 3 – Climate Change in PC 1 (as notified) sought to ensure that provisions are effective and efficient, are clear and relate to a specific resource management issue, and provide consistent and actionable direction to Councils to appropriately manage matters which the Greater Wellington Regional Council is seeking to avoid, remedy or mitigate.

3. SCOPE OF EVIDENCE

- 3.1 This evidence is specifically related to Natural Hazard Policy 29, which, as recommended in the s42A Report¹, directs district and regional councils to include hazard overlays within District Plans.
- 3.2 Kāinga Ora supports the management of the significant risks from natural hazards within the planning framework, including the RPS. Kāinga Ora recognises that in many instances both the understanding of risks of and information about natural hazards is dynamic and can be improved through a range of circumstances, including additional

¹ Section 42A report Climate Change: Natural Hazards section 3.13

information, new modelling, reporting of actual hazard events, which can change the understanding of the risks related to the management of the hazard. Therefore, as outlined in the submissions of Kāinga Ora, the promotion of objectives, policies and rules as methods directed by the RPS is supported. Kāinga Ora however does not support directing mapped overlays as the most appropriate method for identifying the risks arising from potential natural hazards.

3.3 An example of the approach sought by Kāinga Ora regarding appropriate methods for inclusion in regional and district plans is discussed within this evidence in relation to flood-related hazards.

3.4 Kāinga Ora seeks to ensure that decision-making is based on the most accurate and based on the most up to date information and modelling of hazard risks, including risks from flooding. Where flooding risks are identified, Kāinga Ora supports district and regional plans having objectives, policies, and rules² that respond to and manage the risks of flooding when land is developed.

4. FLOOD HAZARD MAPPING

4.1 The submission of Kāinga Ora acknowledges and supports the risk-based approach to natural hazards. It also seeks an approach to flood hazard mapping to utilise non-statutory mapping that sits outside district and regional plans (**Planning Maps**) for flood hazards to guide plan users, with consequential changes to the RPS to reflect this change.

4.2 Kāinga Ora considers the RPS has an important role to play in providing the flexibility to district and regional councils to provide flood hazard information outside of Planning Maps, and consider this will more appropriately give effect to the objectives and policies of the RPS to effectively manage the risk of natural hazards.

4.3 Kāinga Ora considers that locating flood hazard mapping outside of the Planning Maps provides a more responsive and effective mechanism to identify land that may be subject to flooding risk. Kāinga Ora wishes to ensure that decision-making is based on the most accurate and up

² S158.025

to date information and modelling of hazard risks, including risks from flooding. Where flooding risks are identified, Kāinga Ora supports the District and Regional Plans having objectives, policies, and rules³ that respond to and manage the risks of flooding when land is developed.

4.4 Kāinga Ora seeks that flood hazard maps sit outside of Planning Maps as a dynamic map that is able to be updated with the most recent modelling and information without going through a time-consuming statutory process. Kāinga Ora considers that this approach provides local authorities with a more dynamic and responsive planning framework to manage flood risks, in both:

- (a) Providing for development where flood hazards have been reduced, or changes in landform from earthworks or flood events which may change the location of flood hazards); and
- (b) Managing, or where appropriate avoiding, development where flood hazards have increased (for example, due to new and updated modelling or increased flood hazards due to climate change, or changes to the landform from flood events which may change the location or risks of flood hazards).

4.5 In some instances, by the time stormwater mitigation or infrastructure works is concluded or modelling is updated to account for data from climate events that change the extent and/or location of flood hazards, the Planning Maps would no longer depict accurately the flood risks in that area and reliance on those maps would result in potential inefficient development of land. However, District and Regional Plan rules will continue to apply to the site when in fact, for example, an overland flow path and any associated inundation no longer would actually exist on the properties identified in the planning maps.

4.6 There is unnecessary cost, time and resources expended undertaking numerous plan changes under a Schedule 1 process of the RMA to amend planning maps in the District Plan in relation to changing flood

³ S158.025

hazards. Relying on maps that no longer contain current information will also impact the resource consenting process when Council is processing resource consents – the applicant and the Council processing planner will still be required to do an assessment and show evidence that the flood hazards no longer apply.

- 4.7 This approach also creates additional risk when considering the identification of flood hazards from new or updated information or events. This can alter the understanding of the risks arising from hazards, including where flood hazards are located or the impact of them on land, property and people. This can create a situation where the Council does not have the regulatory framework to manage development subject to flood hazard risk, which under a Schedule 1 process, can take years to change.
- 4.8 Kāinga Ora recognises it is an existing practice in the Greater Wellington Region to include flood hazard information as overlays in District and Regional Plan maps, but Kāinga Ora is of the view that this is no longer the best-practice approach. Other approaches have been taken nationally, and in some jurisdictions there has been a move away from the inclusion of flood hazard maps (spatial overlays) in a district plan. For example, Auckland Council has applied the approach Kāinga Ora is suggesting with the in the Auckland Unitary Plan (Operative in Part) structure, and recently Tauranga City Council has taken a similar approach in its City Plan.
- 4.9 To avoid doubt, Kāinga Ora considers it is necessary to manage development, use and subdivision of land in flood hazard areas, and recognises the heightened awareness of the risk of flood hazards due to recent flood events in Aotearoa. It is in this regard that Kāinga Ora considers it to be even more important to manage development in flood hazard areas through the use of dynamic mapping combined with an appropriate planning framework within the District Plan that provides district councils with the discretion to manage development in flood hazard areas. This provides for the identification and mapping of flood hazards with the most up to date information and modelling, and a planning framework that assists councils to ensure that flood

hazards are avoided, remedied or mitigated to reduce or not increase the risk to life and property.

BRENDON SCOTT LIGGETT

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