UNDER the the Resource Mangement Act 1991 ("RMA")

IN THE MATTER of Proposed Waikato District Plan: Hearing 2 – All of Plan Matters and Plan Structure

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SUMMARY STATEMENT OF MATTHEW ARMIN LINDENBERG ON BEHALF OF KĀINGA ORA (FORMERLY HOUSING NEW ZEALAND CORPORATION, 749 / FS1269)

9 October 2019

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1. Summary Statement

1.1 My full name is Matthew Armin Lindenberg. I am a Senior Associate at Beca Limited. I am providing planning evidence on behalf of Kāinga Ora' (formerly Housing New Zealand Corporation's) submissions made on the Proposed Waikato District Plan ("**the Proposed District Plan**" or "**PDP**") insofar as they relate to this hearing. Specifically, this hearing relates to All of Plan matters, Plan Structure, and other miscellaneous high level submission points.

1.2 In summary, the key points addressed in my evidence are:

(a) Regarding submission point 749.115 (in relation to the Appendix 1 Acoustic Insulation Standards):

(i) I am of the opinion that Council should be taking the opportunity now, given they are undertaking a comprehensive District Plan review at a time when the first tranche of National Planning Standards on the core elements of a plan's structure, format and definitions are already in place, to be formatting and structuring the PDP in a manner which is consistent with these National Planning Standards. Therefore, I consider that the PDP should be amended in such a way that a new 'Noise' chapter is included within the PDP (as required by the National Planning Standards), rather than the currently proposed structure whereby noise standards are contained within the various proposed zone chapters of the PDP.

(b) Regarding submission point 749.150 (in relation to building setbacks for sensitive land uses):

(i) I consider it is relevant to note that across various areas of the Waikato District, residential activities have existed side-by-side with land transport infrastructure such as roads and rails lines for many years. In some instances the transport infrastructure may have predated the establishment of residential activities, while in other instances, new transport infrastructure has been

established in order to better serve already existing areas of development. The key point here being – it is not always appropriate for the 'sensitive use' to bear the 'cost' of managing the identified resource management issue (adverse effects associated with land use incompatibility / reverse sensitivity). It is often the transport corridor itself (be it a road or rail line) which is generating the potential effect, and therefore the management of the effects generated from such activities needs to be fair and balanced (e.g. the application of a setback buffer within the transport corridor / designation itself to account for the effects generated by the primary activity undertaken within the transport corridor / designation).

(ii) The proposed setback rules would also apply to extensions / alterations to existing 'sensitive land uses' (not just the establishment of new land uses). If the sensitive activities (such as dwellings) already exist in areas adjoining transport infrastructure, then a 'reverse sensitivity' effect is also likely to already exist. The extension or alteration of the existing 'sensitivity activity' would not create a 'new' sensitive activity, nor a 'new' reverse sensitivity effect – it is merely an alteration of what already exists. For this reason, I consider it would be inappropriate to apply such setback provisions to any additions or alterations to existing sensitive land uses.

(iii) I am also of the option that the most appropriate District Plan method for managing any potential adverse effects (most likely related to potential noise and / or air quality effects) associated with transport infrastructure, as it relates to sensitive land uses, is through the application of noise insulation and ventilation standards, which could be set out within a dedicated Noise chapter of the PDP (as already suggested above). For these reasons, I am of the view that the proposed sensitive land use setback provisions should be deleted from the PDP.

(c) Regarding further submission FS1269.123 (in relation to the default activity status for non-compliance with development standards):

(i) I do not consider it appropriate for activities to be given default discretionary or non-complying activity status because they fail to meet a development standard. Such an approach is overly restrictive and does not improve the usability of the PDP.

(ii) Providing plan users with specifically identified and targeted matters of discretion for restricted discretionary activities will improve the usability of the PDP, as it will provide both clarity and certainty for plan users around which effects should be considered for particular activities. For these reasons, I continue to support the use of a restricted discretionary activity status in lieu of a discretionary or non -complying activity status being applied.

Matthew Armin Lindenberg

9 October 2019