

**UNDER**

the the Resource Mangement Act 1991 ("RMA")

**IN THE MATTER**

of Proposed Waikato District Plan: Hearing 3 – Strategic Objectives

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**EVIDENCE OF MATTHEW ARMIN LINDENBERG ON BEHALF OF  
KĀINGA ORA (FORMERLY HOUSING NEW ZEALAND CORPORATION)  
(749, FS1269)**

**PLANNING**

**15 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) 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 strategic direction, objectives and policies.
- 1.2 In summary, the key points addressed in my evidence are:
- (a) A discussion regarding Kāinga Ora's submission point 749.92 (in relation to the Strategic Directions and Objectives), including a proposed structural amendment to better align the PDP with the first set of National Planning Standards 2019;
  - (b) A discussion regarding Kāinga Ora's submission points 749.94, 749.95 & 749.96 (in relation to the compact urban development model), where I consider amendments to the PDP are required;
  - (c) A discussion regarding Kāinga Ora's submission point 749.97 (in relation to the incorporation of the proposed Medium Density Residential Zone density targets into Policy 4.7.3) and my acknowledgement that this will be dealt with at a later hearing;
  - (d) A discussion in relation to Kāinga Ora's submission point 749.20 (in relation to the Urban Design Guidelines), where I consider amendments to the PDP are required; and
  - (e) A discussion in relation to Kāinga Ora's FS1269.95 (in relation to reliance on the Future Proof 2010 dataset), where I support Waikato District Council's ("**the Council**") recommendation on this matter.
  - (f) A discussion in relation to Kāinga Ora's FS1269.95 (in relation to the avoidance or management of reverse sensitivity effects on strategic transport infrastructure networks), where I consider amendments to the PDP are required.

## 2. Introduction

- 2.1 My name is Matthew Armin Lindenberg. I am a Senior Associate - Planning at Beca Ltd. I hold the degree of Masters of Science (Geography) from the University of Auckland and am an Associate of the New Zealand Planning Institute.
- 2.2 I am providing planning evidence on behalf of Kāinga Ora in relation to submissions made on high-level matters in the Proposed District Plan (those matters that have an over-arching effect on the structure and content of the Proposed District Plan) insofar as they relate to this hearing.
- 2.3 I confirm that I have read the submissions and further submissions by Kāinga Ora in relation to the Proposed District Plan. I am familiar with Kāinga Ora's corporate intent in respect of the provision of housing within Waikato. I am also familiar with the national, regional and district planning documents relevant to the Proposed District Plan.
- 2.4 I have 15 years' planning and resource management experience, providing technical direction on a number of key projects, particularly focussing on land development projects and policy planning. I have been involved in a number of plan review and plan change processes, including the recent Independent Hearings Panel ("IHP") hearings on the proposed Auckland Unitary Plan ("PAUP"). In particular, I have been a member of planning teams for policy planning projects including:
- (a) The Kaipara District Plan review and development of objectives and policies (for the 'Land Use and Development Strategy' and 'Residential' chapters) for the notification of that Plan;
  - (b) The Plan Variation for the site known as 'The Landing' at Hobsonville Point (undertaking through the Housing Accords and Special Housing Areas legislative process) on behalf of Hobsonville Land Company;
  - (c) The Kerikeri-Waipapa Structure Plan (2007) on behalf of the Far North District Council; and
  - (d) The preparation of the Local Development Framework and Core Strategy (the 'Spatial Plan') during my time working at the London Borough of Bexley in the United Kingdom, including leading the

‘Affordable Housing’ and ‘Sustainability/Climate Change’ workstreams as part of the plan development process.

- 2.5 I also prepared and presented evidence on numerous PAUP hearing topics on behalf of Kāinga Ora in front of the IHP. I subsequently prepared and presented evidence in the Environment Court on behalf of Kāinga Ora in relation to appeals on the PAUP related to the carparking and transport provisions as well as the Residential zone provisions.

### **3. Code of Conduct**

- 3.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court’s Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### **4. Scope of Evidence**

- 4.1 Hearing 3 addresses submission points relating to the PDP’s strategic direction, objectives and policies. The s42A report splits these matters into three topics:
- (a) Strategic directions and objectives;
  - (b) Urban environments (Chapter 4); and
  - (c) Rural environments (Chapter 5).
- 4.2 This evidence addresses Kāinga Ora’s submission points<sup>1</sup>, and further submission point<sup>2</sup> on the strategic matters within the PDP, as they relate to the scope of Hearing 3.

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<sup>1</sup> 749.92, 749.94, 749.95, 749.96, 749.97 and 749.20

<sup>2</sup> FS1269.95

## **5. Strategic Direction and Outcomes**

### Submission Point 749.92 – Section 1.12 - Strategic Directions and Objectives for the District

- 5.1 Kāinga Ora's primary submission sought to retain the strategic directions and objectives without further modification. In that regard, Kāinga Ora supports the direction of the PDP to achieve a more compact and efficient urban form, as well as providing for a wide variety of residential typologies to improve choice.
- 5.2 Council's s42A report has recommended the retention of Section 1.12 (strategic directions and objectives), subject to various amendments to ensure the relationship between the proposed strategic directions and the proposed strategic objectives is clear. Council has further proposed transferring the proposed strategic objectives contained in various Chapters – specifically Chapter 2: Tangata Whenua, Chapter 4: Urban Environment, Chapter 5: Rural Environment and Chapter 6: Infrastructure and Energy – into a new section (Section 1.13).
- 5.3 I support this approach of improving the distinction between the strategic directions and the strategic objectives of the PDP, clarifying how these two parts of the PDP relate to one another.
- 5.4 Regarding the reformatting of the PDP to align with the National Planning Standards, Council's s42A report has indicated that this will be undertaken once the Plan becomes operative – such that work required can be undertaken outside of the constraints of s42A reporting deadlines and hearing timeframes.
- 5.5 I disagree with this proposed approach. With the first set of National Planning Standards now in force, the current District Plan Review process is the most opportune and appropriate time and process for amending the District Plan to be consistent with the National Planning Standards. Deferring this to a later date will only create a duplication of processes, meaning additional time and resources for not just Council staff, but also for submitters. While amending the PDP through this process to be consistent with the National Planning Standards may take additional time and resource to complete, I consider this is a preferable option to undertaking this task through an entirely separate process in the future.

Submission Point 749.94, 749.95 & 749.96 – Section 4.1 – Objective and Policies  
– Compact Urban Development Model

- 5.6 In its original submission, Kāinga Ora supported the compact urban development model for concentrating growth in and around existing urban settlements in the Waikato District. However, the submission identified that more emphasis and priority was needed within the proposed policy framework – specifically relief sought on Objective 4.1.2<sup>3</sup> and Policy 4.1.3<sup>4</sup> - to ensure emphasis was placed on the importance of giving priority to the compact urban model and residential intensification in existing urban areas.
- 5.7 In the s42a report, Council has recommended that the amendment to Objective 4.1.2 be accepted, noting that it would provide clarity as to where the urban growth will be directed (the Future Proof towns and villages identified in 4.1.10-4.1.18). I support the amendment proposed by Council in relation to the inclusion of reference to 'compact urban form' in Objective 4.1.2.
- 5.8 In regard to Policy 4.1.3, Council recommended that Kāinga Ora's submission point be rejected without any direct analysis against the submission. I support Kāinga Ora's submission insofar as the submission to ensure the compact urban development model is carried through the PDP's objective, policy and rule framework.
- 5.9 National and international best practice and research, including studies undertaken by Auckland Council's Research, Investigations and Monitoring Unit<sup>5</sup>, conclude that the provision of higher densities in and around centres and public transportation nodes / corridors has the potential to support a compact urban development and result in a range of economic, environmental, social (including health) and cultural benefits. Notably, centres with greater population density show greater vibrancy and intensity of commercial land use, while local amenities such as appropriate open space will see more use and, subsequently,

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<sup>3</sup> Submission point 759.95

<sup>4</sup> Submission point 749.96

<sup>5</sup> Auckland Council (2017). *The Relationship between Pedestrian Connectivity and Economic Productivity in Auckland's City Centre (Technical Report 2017/007)*. Auckland

investment over time. The ability to achieve a compact urban development model is compromised when urban growth expands or 'sprawls', generally at lower densities, to the outer edges of urban limits, or into rural areas, rather than concentrating such growth around existing centres, as well as supporting amenities such as public transport facilities, open spaces, education and health services.

6. Therefore, I consider the additional clause to Policy 4.1.3, as sought in Kāinga Ora's primary submission<sup>6</sup>, is appropriate in order to reduce the likelihood of urban sprawl and widespread residential growth at low densities outcome – which would not achieve a compact urban form.

Submission Point 749.97 – Policy 4.1.5 – Density / Medium Density Residential Zone

- 6.1 Kāinga Ora sought the introduction of a new Medium Density Residential Zone into the PDP. As part of seeking this proposed new zone framework, Kāinga Ora sought the inclusion of a medium density target into Policy 4.1.5. The proposed target (30 households per hectare) is higher than the 'Residential Zone' target (12-15 households per hectare), to reflect the ability to achieve a medium density residential built form outcome (approximately one dwelling per 333m<sup>2</sup> of site area), across a variety of housing types (e.g. stand-alone dwellings, duplexes, town houses, terraces etc) within the proposed Medium Density Residential Zone.
- 6.2 Council's s42A report recommends that this amendment be rejected, stating that this submission will be addressed in Hearing H8 – Residential.
- 6.3 I support Kāinga Ora's submission point. The amalgamation of former residential zones under the Waikato and Franklin sections of the Operative Waikato District Plan into one 'Residential Zone' does not adequately provide for or enable intensification within, or in proximity to, established town centres and urban settlements. Retaining a single residential target (12-15 households per hectare) under one residential zone curtails the potential for efficient and compact development of residential land in and close to town centres. Without a residential zone type to enable the delivery of medium density residential built form

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<sup>6</sup> 749.96

outcomes, I consider that the PDP's ability to deliver to the 'compact urban form' growth model which the Council is trying to achieve will be compromised.

6.4 A higher density target is required to accommodate future housing demands and population growth in the Waikato District. The new Medium Density Residential Zone proposed by Kāinga Ora will enable terrace housing and multi-unit developments close to town centres and supporting amenities. This will support economic and residential growth in and close to town centres and settlements, and will provide certainty to landowners, developers and service providers for long-term investment decisions.

6.5 Objective 3.12 of the Waikato Regional Policy Statement ("**RPS**") states:

*"Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes"*

As previously discussed, national and international research demonstrates that the provision of higher densities in and around centres and public transportation nodes results in a range of economic, environmental, social (including health) and cultural benefits. The proposed new Medium Density Residential Zone and associated density target (30 households per hectare), as sought in Kāinga Ora's primary submission (749.97), is in accordance with Objective 3.12 of the RPS, the National Planning Standards<sup>7</sup>, as well as both the existing National Policy Statement on Urban Development Capacity<sup>8</sup> ("**NPS-UDC**") and the proposed National Policy Statement for Urban Development<sup>9</sup> ("**NPS-UD**").

6.6 While I acknowledge submission 749.97 will be discussed further in Hearing H10 – Residential, particularly in relation to the provisions of the proposed Medium Density Residential Zone, I consider it will be important

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<sup>7</sup> Table 13: Zone names and descriptions (Chapter 8 – Zone Framework Standard of the National Planning Standards)

<sup>8</sup> Objective OA2, OA3, OC1 and OC2 of the NPS-UDC

<sup>9</sup> Draft Objectives O1, O2, O4, O5 and O7 of the discussion document on the proposed NPS-UD.



and necessary to amend Policy 4.1.5 should the Council and/or Commissioners decide it necessary to introduce a new Medium Density Residential Zone chapter into the PDP.

Submission Points 749.10 – 749.15; FS1269.77 - FS1269.84 – Town / Location-specific Policies (Policies 4.1.10 Tuakau – 4.1.18 Raglan) and ‘Reverse Sensitivity’

- 6.7 Kāinga Ora’s made a primary submission in relation to Policies 4.1.10 – 4.1.18, as well as a number of further submissions<sup>10</sup> which primarily related to opposing the submissions by KiwiRail<sup>11</sup> in relation to their amendments sought regarding reverse sensitivity.
- 6.8 In their s42a report, the Council has recommended accepting all of KiwiRail’s submission points, acknowledging the North Island Main Trunk Railway and State Highway 1 both traverse the District and need to be recognised with respect to reverse sensitivity. Further, in respect of KiwiRail’s submission point<sup>12</sup> on Policy 4.1.10(a) – Tuakua, Council acknowledged the relief sought will support Rule 16.3.9.2 – Building setback Sensitive land use. I note, as set out in my primary evidence in relation to Hearing 2, Kāinga Ora also made a submission seeking this ‘sensitive land use’ building setback rule be deleted from the PDP.
- 6.9 In the first instance, I note that the Council, in accepting the submissions of KiwiRail, has fundamentally shifted the focus of the notified District Plan wording in relation to the existing clauses within Policies 4.1.11 Pokeno, 4.1.13 Huntly and 4.1.16 Horotiu as they relate to reverse sensitivity. The notified District Plan wording for the ‘reverse sensitivity clause’ in these three policies read as follows:

*“Reverse sensitivity effects from the strategic transport infrastructure networks are avoided or minimised”.*

- 6.10 This notified District Plan approach was drafted in such a way that the issue to be managed was the potential reverse sensitivity effects “from”

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<sup>10</sup> FS1269.77 - FS1269.84

<sup>11</sup> 986.14, 986.16, 986.17, 986.18, 986.19, 986.20, 986.24

<sup>12</sup> 986.14

the strategic transport infrastructure – on the development of Pokeno, Huntly and Horotiu.

- 6.11 In response to the submissions by KiwiRail, the Council has now proposed the following amendment to the notified wording of the ‘reverse sensitivity clauses’ in Policies 4.1.11, 4.1.13 and 4.1.16 as follows:

*“Reverse sensitivity effects ~~from~~on the strategic transport infrastructure networks are avoided or minimised”.*

- 6.12 This proposed amendment has now ‘flipped’ the original focus of the notified wording, such that it is now the potential reverse sensitivity effects of the development of Pokeno, Huntly and Horotiu on strategic transport infrastructure which now needs to be managed or avoided. I note the Council’s s42a report provides no specific justification or reasoning for this fundamental shift in the approach to the notified District Plan wording, what the potential costs and benefits of such a shift in approach would be, and why such a policy shift is considered to be appropriate.

- 6.13 I also note that the notified wording of the ‘reverse sensitivity clauses’ in Policies 4.1.10 Tuakau and 4.1.15 Ngaruawahia differed from that discussed above, in relation to Policies 4.1.11, 4.1.13 and 4.1.16. The notified wording of the ‘reverse sensitivity clause’ in Policies 4.1.10 and 4.1.15 read as follows:

*“Existing intensive farming and industrial activities are protected from the effects of reverse sensitivity when locating new residential development”.*

- 6.14 In response to the submissions from KiwiRail, the Council has proposed to amend this notified wording as follows, in order to include reference to ‘strategic infrastructure’:

*“Existing intensive farming, strategic infrastructure and industrial activities are protected from the effects of reverse sensitivity when locating new residential development”.*

- 6.15 Furthermore, the notified versions of Policies 4.1.12 Te Kauwhata and 4.1.14 Taupiri contained no such ‘reverse sensitivity clause’ at the time the PDP was notified. In response to KiwiRail’s submissions, the Council has now agreed to include a new ‘reverse sensitivity clause’ into Policies

4.1.12 and 4.1.14 as follows (to be consistent with the wording of the equivalent clauses in Policies 4.1.11, 4.1.13 and 4.1.16):

*“Reverse sensitivity effects on the strategic transport infrastructure networks are avoided or minimised”.*

- 6.16 The end result of these proposed amendments has created a policy approach, relative to ‘reverse sensitivity’, which now has variations in wording and focus – relative to specific towns / locations. The policies relating to Pokeno (4.1.11), Te Kauwhata (4.1.12), Huntly (4.1.13), Taupiri (4.1.14) and Horotiu (4.1.16) now contain ‘reverse sensitivity clauses’ which read as follows:

*“Reverse sensitivity effects on the strategic transport infrastructure networks are avoided or minimised”.*

- 6.17 On the other hand, the Policies relating to Tuakau (4.1.10) and Ngaruawahia (4.1.15), have now been amended to contain ‘reverse sensitivity clauses’ which read as follows:

*“Existing intensive farming, strategic infrastructure and industrial activities are protected from the effects of reverse sensitivity when locating new residential development”.*

- 6.18 Furthermore, Policy 4.1.17 in relation to Te Kowhai and Policy 4.1.18 in relation to Raglan contain no specific ‘reverse sensitivity clause’.

- 6.19 I am uncertain as to why exactly there is a need for the difference in this variation in wording / approach, specific to different towns. In addition, there are some specific variations across the two differing policy approaches which I consider are very important in the consideration how issues of reverse sensitivity are to be managed.

- 6.20 I consider a fundamental aspect of the concept of ‘reverse sensitivity’ is the aspect of timing – the establishment of one activity, relative to the establishment of another activity which comes later and in doing so creates a ‘reverse sensitivity’ effect for that activity which was established first. This element of timing is the key differentiator between the issue of ‘reverse sensitivity’ and the broader resource management issue which relates to the management of incompatible activities / land uses.

- 6.21 For this reason, I am of the opinion that, for the use of any 'reverse sensitivity clause' within all of Policies 4.1.10 – 4.1.16, the wording of such a clause must capture this aspect of timing. I therefore consider that the most appropriate policy approach for all of Policies 4.1.10 – 4.1.16 is that which has been proposed in relation to Tuakau (4.1.10) and Ngaruawahia (4.1.15), which would read as follows:

*“Existing intensive farming, strategic infrastructure and industrial activities are protected from the effects of reverse sensitivity when locating new residential development”.*

Submission Point 749.20 – Policy 4.7.3 – Residential Subdivision and Urban Design Guidelines (Appendix 3)

- 6.22 Kāinga Ora's primary submission sought the retention of the objectives and policies in Chapter 4 of the plan, subject to an amendment to Policy 4.7.3 (Residential Subdivision). The amendment sought to delete reference within the Policy to the Urban Design Guidelines Residential Subdivision 2018 contained in Appendix 3.1 of the PDP. The Urban Design Guidelines should be treated as non-statutory documents to inform design and development within the District.
- 6.23 Council has recommended that this amendment be rejected, noting that there is no requirement to 'adhere' to or 'meet' the guidelines as the policy seeks that new development 'responds' to the guidelines. Furthermore, the Council notes any amendments to the guidelines would require formal variation or change to the plan.
- 6.24 I support Kāinga Ora's submission on this matter. While I am not opposed to the use of urban design guidelines by Council to provide further detail and guidance regarding best practice design outcomes, I am opposed to providing any statutory weight to these documents through District Plans, particularly any approach within a statutory district plan which would require compliance with any non-statutory design guidelines. I consider that such documents should be treated as non-statutory documents to inform design and development and I do not support any policy or rule approach which would require a development proposal to comply with design guidelines. Further, the incorporation of the design guidelines within the PDP results in the requirement to undertake a formal RMA Schedule 1 plan change process to alter or update the guidelines – as

identified in Council's s42A Report – which I do not consider to be an efficient approach from a plan-making point of view.

- 6.25 I also acknowledge that there is no requirement to 'adhere' or 'meet' the guidelines as Policy 4.7.3 explicitly states that new development 'responds to the outcomes' of the guidelines. However, as an example, the proposed Multi-Unit Development Guidelines in the PDP states a design statement should be provided with every development. Retaining reference to the guidelines within Policy 4.7.3 creates ambiguity and uncertainty of how one 'responds' to the provision of a design statement without providing a design statement.
- 6.26 Therefore, I support Kāinga Ora's submission to remove all design guidelines from the PDP to ensure there is no uncertainty in responding to the guidelines, while allowing the guidelines to be updated frequently in response to updated best practice design outcomes.
- 6.27 Specific to Policy 4.7.3, the intent in relation to the outcomes the policy is seeking can still be achieved, without the need for a specific reference to the design guidelines themselves within the policy. I consider that policies, rules and assessment frameworks (e.g. matters of discretion and assessment criteria) within District Plans should identify and articulate the built form / design outcome which the Council is seeking to achieve, with non-statutory design guidelines sitting outside the district plan to provide additional guidance, usually with regard to a variety of differing design approaches or responses, which can assist an applicant to achieve the outcomes stated in the district plan.
- 6.28 I therefore consider that an appropriate alternative wording for Policy 4.7.3 would read as follows in ~~red strikethrough~~ and underline (which also incorporates the amendment proposed by the Council in their s42a report):

*~~"The design of subdivision Development particularly within new growth areas and for large infill or redevelopment within existing residential areas should demonstrate how it responds to the following outcomes of Waikato District Council's Urban Design Guidelines Residential Subdivision (Appendix 3.1), section 4 (Connectivity and Movement Networks), section 5 (Neighbourhood Character), section 6 (Residential Block and Street~~*

~~Layout), section 7 (Open Space and Landscape Treatment), and section 8 (Low Impact Urban Design), in particular by:~~

...

- 6.29 I consider the amendment set out above will still assist to deliver upon the subdivision design outcomes which the Council is seeking to achieve, without the need for specific reference within Policy 4.7.3 to the urban design guidelines for residential subdivision.

Further Submission Point FS1269.95 – Reliance on Future Proof 2010 Data

- 6.30 Kāinga Ora submitted support, in part, of submission point 198.5. This submission point seeks to amend the PDP to strongly support urban growth in a way that does not rely solely on the Future Proof 2010 data.
- 6.31 Council has recommended that submission point 198.5 is accepted. I acknowledge reference to the Future Proof 2010 data has been updated to refer to the Future Proof 2017 dataset. I support the inclusion of the updated data set as directed by way of the NPS-UDC.
- 6.32 I am still of the opinion that it is important that the PDP utilises more ambitious growth estimates in the region to support urban growth. Located between Auckland in the north and Hamilton in the south, there is increasing demand to provide for residential intensification in existing settlements within the Waikato District and this has been reflected in the newly proposed NPS-UD which identifies the Waikato District as part of the Hamilton 'major urban centre' (along with Waikato Regional Council, Hamilton City Council and Waipa District Council). Overflow in demand from large growth in the Auckland Region has contributed to, and will continue to contribute to, significant growth and expansion of a number of urban settlements in the Waikato area. The Waikato District faces the challenge of responding to this growth as Auckland continues to grow.
- 6.33 Therefore, I support the amendments sought by Kāinga Ora to Policy 4.1.3(b) and (c) - submission point 749.96 – to encourage and direct future growth to be within the existing urban limits, and to avoid urban subdivision, use land development within the rural environment, consistent with the compact urban form model which the Council is seeking to achieve.

## **7. Conclusion**

- 7.1 In conclusion, I am of the opinion that the amendments sought by Kāinga Ora (as outlined in this evidence) are appropriate and will assist in improving the consistency, usability and interpretation of provisions within the Proposed District Plan, including how provisions are interpreted and implemented by both plan users and Council alike.

**Matthew Armin Lindenberg**

15 October 2019