

**UNDER** the the Resource Mangement Act 1991 ("RMA")  
**IN THE MATTER** of Proposed Waikato District Plan: Hearing 5 – Definitions

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

**PLANNING**

**19 November 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 Homes and Communities (“**Kāinga Ora**”) (formally Housing New Zealand Corporation) in relation to its submissions on the Proposed Waikato District Plan (“**the Proposed District Plan**” or “**PDP**”). Specifically, this evidence relates to Chapter 13: Definitions.

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

- a) I support Council’s approach to align the definitions of the PDP with the NPS. However, I do not support Council’s approach to limit the alignment only to those definitions that have been submitted on. With the first set of NPS now in force, the current District Plan Review process is the most opportune and appropriate time and process for amending the definitions of the PDP to be consistent with the Definitions Standard of the NPS. I note that the Definitions standard is a ‘Mandatory direction’ meaning that the Council must amend its plan to be consistent with the requirements of the planning standards without going through a normal RMA Schedule 1 process (acknowledging that where additional changes are required as a consequent, and these go beyond consequential, the Schedule 1 process will be required).
- b) I support Council’s recommendation to retain the definition of “*Building Platform*” within the PDP. While the term is not defined in the National Planning Standards, the term is frequently referenced within the PDP. Notably, the Stage 2 Draft Natural Hazards Chapter relies on the term frequently within the subdivision rules and, therefore, I consider it is appropriate to retain this term to ensure consistency with its adoption.
- c) I support the amendments proposed by Council, as set out in the s42A report, to address the submissions of Kāinga Ora in relation to the definitions of “*Apartment*”, “*Multi-unit development*” and “*Service court*”;

- d) I support the submission by Kāinga Ora in relation to the definitions of “*Comprehensive Land Development Consent*” and “*Comprehensive Subdivision Consent*”, in that the defined terms in the PDP should not be location / precinct specific. I consider there is benefit to retaining a definition of these terms within the PDP, such that the defined planning mechanism may be available elsewhere in the district.
  
- e) I support the submission of Kāinga Ora in relation to the definition of “*Impermeable surfaces*” and I propose an alternate definition for this term (to that set out in the notified PDP) in order to provide clear guidance to all plan users as to what would and would not be captured by such a definition; and
  
- f) I support a number of minor amendments, consistent with the submissions by Kāinga Ora, to the definitions set out in the notified PDP in respect of “*Duplex*”, “*Landscape restoration area*” and “*Use*” . .

## 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 This statement of evidence addresses submission points relating to Chapter 13: Definitions of the PDP.

### **5. ALIGNMENT WITH THE NATIONAL PLANNING STANDARDS**

#### ***National Planning Standards - Definitions Standards***

#### **Submission Point 749.26 – Definitions – Alignment with the National Planning Standards – 14: Definitions Standard**

5.1 Kāinga Ora's primary submission<sup>1</sup> sought the alignment of the proposed definitions in the PDP with the final Definitions Standard of the National Planning Standards 2019 ("**NPS**").

5.2 In the s42A report, Council states, "*where definitions in the Definitions List have been submitted on, the Planning Standards definitions should be adopted through this plan review process*"<sup>2</sup> and further notes that "*given*

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<sup>1</sup> No. 749.26

<sup>2</sup> s42A report – Hearing 5: Chapter 13 Definitions (para. 48, pg. 19)

*the interrelationship between many of the definitions, it became apparent that it is not possible to be selective, and that an ‘all or nothing’ approach was required.”<sup>3</sup> However, Council’s position is not to adopt every definition from the Definitions Standard, rather only those definitions that have been submitted on, stating that, “there is nothing in the Planning Standards to prevent this”<sup>4</sup> and that, “time and capacity constraints imposed by the hearing timetable have mean that this has not been possible”<sup>5</sup>*

- 5.3 I support Council’s approach to align the definitions of the PDP with the NPS. However, I do not support Council’s approach to limit the alignment only to those definitions that have been submitted on. With the first set of NPS now in force, the current District Plan Review process is the most opportune and appropriate time and process for amending the definitions of the PDP to be consistent with the Definitions Standard of the NPS. I note that the Definitions standard is a ‘Mandatory direction’ meaning that the Council must amend its plan to be consistent with the requirements of the planning standards without going through a normal RMA Schedule 1 process (acknowledging that where additional changes are required as a consequent, and these go beyond consequential, the Schedule 1 process will be required).
- 5.4 In my view, 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. Additionally, by deferring the introduction of some definitions, the Council risks missing the opportunity to consider the changes within a process which provides an ability to consider the wider implications in a more holistic manner. While amending the PDP through this process to be consistent with the Definition Standards of the NPS 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. I note this is a matter which could be progressed through expert conferencing should the Commissioners consider this approach appropriate.

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<sup>3</sup> s42A report – Hearing 5: Chapter 13 Definitions (para. 56, pg. 20)

<sup>4</sup> s42A report – Hearing 5: Chapter 13 Definitions (para. 56, pg. 20)

<sup>5</sup> s42A Report – Hearing 5: Chapter 13 Definitions (para. 58, pg.21)



5.5 As noted in Council's s42A report, Council will need to adopt the Definitions Standard of the NPS within the next six and a half years. When considering the time taken to finalise the hearings, issue the decisions and resolve any appeals, then all the work done on the definitions during this process on will be rendered redundant once the Definitions Standard are adopted, as required.

5.6 Therefore, I consider that the "all or nothing" approach suggested by Council should extend to all the relevant definitions of the PDP and not only those definitions that have been submitted on. For clarity, the following definitions of the PDP should adopt the definition contained within the Definitions Standard of the NPS:

- Abrasive blasting;
- Accessory building;
- Allotment;
- Bed;
- Building;
- Building coverage;
- Cleanfill material;
- Commercial activity;
- Community facility;
- Contaminated land;
- Earthworks;
- Education facility;
- Functional need;
- Gross floor area;
- Hazardous substance;
- Height;
- Height in relation to boundary;
- Historic heritage;
- Home business;
- Industrial activity;
- Minor residential unit;
- Net site area;
- Network utility operator;
- Notional boundary;
- Operational need;

- Outdoor living space;
- Residential activity;
- Residential unit;
- Retirement village;
- Rural industry;
- Sign;
- Site;
- Subdivision; and
- Wetland.

Submission Points 749.28, 749.33, 749.35-36, 749.38-39, 749.45-47, 749.50-51, 749.54, 749.58-59, – “Accessory building”, “Building coverage”, “Commercial activity”, “Commercial services”, “Community activity”, “Community facilities”, “Dwelling”, “Earthworks”, “Gross floor area”, “Height”, “Height control plane”, “Living Court”, “Residential activity” and “Residential unit”

5.7 Kāinga Ora’s primary submission sought various amendments to the terms: “*Accessory building*”, “*Building coverage*”, “*Commercial activity*”, “*Commercial services*”, “*Community activity*”, “*Community facilities*”, “*Dwelling*”, “*Earthworks*”, “*Gross floor area*”, “*Height*”, “*Height control plane*”, “*Living Court*”, “*Residential activity*” and “*Residential unit*”.

5.8 In the s42A report, Council has recommended accepting Kāinga Ora’s submissions on the aforementioned terms and seeks their deletion and replacement with the relevant terms identified within the Definitions Standard of the NPS.

5.9 As previously discussed, I support the approach by Council to align the definitions of the PDP with the Definitions Standard of the NPS.

### ***National Planning Standards - Abbreviations and Acronyms***

Submission Point 749.27 - Definitions – Acronyms and Abbreviations – Alignment with the National Planning Standards – 6: District Plan Structure Standard

5.10 In its primary submission, Kāinga Ora sought that Chapter 13: Definitions be amended to create a list containing all acronyms and abbreviations and to also amend the definitions in Chapter 13: Definitions to add all acronyms and abbreviations with the principal term.

- 5.11 In the s42a report, Council has recommended accepting Kāinga Ora's submission<sup>6</sup> agreeing that any abbreviations and acronyms should sit with the principal term in the Definitions Chapter, and that an 'Abbreviations Chapter' is included in the PDP, which follows immediately after the Definitions Chapter.
- 5.12 I support the recommendation of the Council to align the abbreviations and acronyms of the PDP as directed by the District Plan Structure Standard of the NPS<sup>7</sup>.

## 6. DELETION OF DEFINITIONS

### Submission Point 749.34 – “Building Platform” and “Hazard”

- 6.1 Kāinga Ora sought the deletion of both the definitions of “*Building Platform*”<sup>8</sup> and “*Hazard*”<sup>9</sup>, in their entirety.

#### ***Building Platform***

- 6.2 In relation to “*Building Platform*”, Kāinga Ora's submission noted that it was unclear as to why the definition was necessary, and as to its relevance to “*Building Coverage*”.
- 6.3 Council's s42A report recommends the retention of the definition of “*Building Platform*”, stating that the term is frequently used in the PDP, including in a number of rules, and that there is a relationship between “*building coverage*” and “*building platform*” that needs to be articulated in the PDP. I support Council's recommendation to retain the definition of “*Building Platform*” within the PDP. While the term is not defined in the National Planning Standards, the term is frequently referenced within the PDP. Notably, the Stage 2 Draft Natural Hazards Chapter relies on the term frequently within the subdivision rules and, therefore, I consider it is appropriate to retain this term to ensure consistency with its adoption.

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<sup>6</sup> No. 749.27

<sup>7</sup> s42A report – Hearing 5: Chapter 13 Definitions (para. 1327, pg. 339)

<sup>8</sup> No. 749.34

<sup>9</sup> No. 749.49

### **Hazard**

- 6.4 In regard to the definition of “*Hazard*”, Kāinga Ora’s submission noted that the term could apply to a range of matters that are not included in the proposed definition, such as natural hazards or hazards related to health & safety, and that because definitions such as “*Hazardous substances*”, “*hazardous facility*” and “*hazardous waste*” are already defined in the PDP it was not necessary to have a specific definition of “*Hazard*”.
- 6.5 I understand that this definition will be addressed in Topic 8 – Hazardous Substances and Contaminated Land.
- 6.6 Ahead of that hearing I record my agreement with the reasons outlined in Kāinga Ora’s submission in support of the deletion of the definition of “hazard”, namely that the term can apply to a range of hazards of very different natures and scales, which may have implications for the range of activities and/or processes that it may apply to in terms how the definition is applied and/or addressed throughout the plan. In addition, the PDP already provides for a handful of (more specific) definitions in the PDP. I also note that “hazard” is a commonly defined term, and as such reliance could be made on the dictionary definition of the term, without the need for a definition within the PDP. Therefore, I support the deletion of the term “*Hazards*” from the PDP.

## **7. RETENTION OF DEFINITIONS**

Submission Point 749.31, 749.37, 749.55, 749.57 and 749.62. – “Boundary”, “Community Service Court”, “Minor Dwelling”, “Net Site Area” and “Site”

- 7.1 Kāinga Ora’s primary submission sought the retention of the terms: “*Boundary*”<sup>10</sup>; “*Community Service Court*”<sup>11</sup>; “*Minor Dwelling*”<sup>12</sup>; “*Net Site Area*”<sup>13</sup>; “*Road Network Activities*”; “*Site*”<sup>14</sup>; and “*Visually Permeable*”, as notified.

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<sup>10</sup> No. 749.31

<sup>11</sup> No. 749.37

<sup>12</sup> No. 749.55

<sup>13</sup> No.749.57

<sup>14</sup> No. 749.62

### **Community Service Court, Road Network and Visually Permeable**

- 7.2 In their s42a report, Council has:
- a) Recommended accepting Kāinga Ora's submission to retain the term "*Community Service Court*", subject to a minor amendment to reflect a change from the term "*living court*" to "*outdoor living space*" to align with the NPS.
  - b) Retained the definitions of "*Road network activities*" and "*Visually permeable*" as notified.
- 7.3 I support the retention of the terms "*Community Service Court*", "*Road network activities*" and "*Visually permeable*", as notified, as recommended by Council. For clarity, I support the minor changes recommended in the s42a report to the term "*Community service court*".

### **Boundary**

- 7.4 In regard to the term "*Boundary*", Council recommends the term is amended to reflect appropriate terminology to use when referring to the internal boundaries of cross-leases, and notes that "*this terminology has been supported by legal advice to the Council.*"<sup>15</sup> I support the adoption of the appropriate terminology as recommended by Council.

### **Minor Dwelling, Net Site Area and Site**

- 7.5 In relation to the terms "*Minor dwelling*", "*Net Site Area*" and "*Site*", the Council has recommended replacing the notified definitions with those set out in the NPS.

I support the recommendation of Council to delete the notified terms "*Minor dwelling*", "*Net Site Area*" and "*Site*" from the PDP and replace them with the terms "*minor residential unit*", "*net site area*" and "*site*", respectively, from the Definition Standards of the NPS. I refer to the rationale for my support in aligning the definitions of the PDP with the Definitions Standard of the NPS above.

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<sup>15</sup> s42A report – Hearing 5: Chapter 13 Definitions (para. 124, pg. 38)

## 8. ADDITIONS OF DEFINITIONS

### Submission Point 749.66 – “Structure”

- 8.1 Kāinga Ora’s primary submission<sup>16</sup> sought to insert a definition for the term “*structure*” into the PDP. The definition proposed was that from the draft Definitions Standard of the NPS, which would have captured both fixed and unfixed objects (such as trailers and caravans parking in a driveway, even if only temporarily).
- 8.2 Council has recommended that the term “*structure*” be introduced into the PDP as set out in the gazetted Definitions Standard of the NPS (noting that the definition included in the gazetted Definitions Standard differs from the definition as it was included in the draft Definitions Standard, as the Resource Management Act 1991 definition of “*structure*” was adopted and this only provides for objects that are fixed to land).
- 8.3 I support the recommendation of Council and I consider it appropriate to adopt the recommended wording by Council which reflects the current Definition Standards of the NPS.

## 9. AMENDMENTS TO DEFINITIONS

### Submission Point 749.29, 749.56 and 749.61 – “Apartment”, “Multi-Unit Development” and “Service Court”

#### ***‘Apartment’, ‘Multi-Unit Development’ and ‘Service Court’***

- 9.1 Kāinga Ora’s primary submission<sup>17</sup> sought to:
- (a) amend the definition of “*Apartment*”<sup>18</sup> to clarify that an apartment is a building that contains three or more residential units;
  - (b) amend the definition of “*Multi-unit development*”<sup>19</sup> to align it with the definition of “*Multi-unit development*” within the ‘Multi-unit

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<sup>16</sup> No. 749.66

<sup>17</sup> No. 749.29, 749.56 and 749.61

<sup>18</sup> No. 749.29

<sup>19</sup> No. 749.56

development urban design guidelines' (which Kāinga Ora sought be deleted); and

- (c) amend the definition of "*Service court*"<sup>20</sup> to align with a previous change requested to the definition of "*living court*".

9.2 Council has recommended accepting the amendments sought by Kāinga Ora to the terms "*Apartment*", "*Multi-unit development*" and "*Service court*".

9.3 I support the recommendation of Council for the reasons outlined in the 42A report in relation to Kāinga Ora's submissions.

Submission Point 749.30 - "Boarding, breeding or animal training establishment"

**'Boarding, breeding or animal training establishment'**

9.4 Kāinga Ora's primary submission sought to amend the notified definition of "*Boarding, breeding or animal training establishment*" to make it clear that reference to "boarding" was specific to 'animal boarding', as well as to propose a new, separate definition for "*Boarding house*", noting that the term 'boarding establishment' is referenced within the PDP, however no definition of this term was included in the notified PDP.

9.5 In relation to the notified PDP definition for "*Boarding, breeding or animal training establishment*", the Council has recommended a number of amendments in their s42a report to assist to clarify that the term is specific to animal related uses / facilities only. I support these amendments proposed by Council and consider that they appropriately address the matters raised in the Kāinga Ora submission.

9.6 In relation to Kāinga Ora's request for the inclusion within the PDP of a new definition for "*Boarding house*", the Council has rejected this request on the grounds that they consider the NPS definition of "*residential activity*" is suitably broad to capture 'boarding houses', and that no separate definition for the term is required in the PDP. The Council has recommended that the NPS definition of "*residential activity*" be adopted

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<sup>20</sup> No. 749.61

within the PDP (in place of the notified definition of the same term). The NPS defines the term “Residential activity” as follows:

*“Means the use of land and building(s) for people’s living accommodation.”*

- 9.7 I agree with the Council that the NPS definition is suitably broad to capture the meaning of ‘boarding house’ and as such I am satisfied that the introduction of a new definition for “*Boarding house*” within the PDP is not necessary.

#### Submission Point 749.32 - “Building”

##### ***‘Building’***

- 9.8 Kāinga Ora’s primary submission sought to amend the definition of “*Building*” in the PDP, to clarify that the term has the same meaning as set out in the Building Act 2004.
- 9.9 In the s42a report that Council has considered feedback received from a number of submitters and have recommended that the notified PDP definition of “*Building*” be replaced with the NPS definition of the same term. I support the approach by Council to adopt the NPD definitions for terms within the PDP wherever possible and as such I consider the amendment proposed by Council is appropriate.

#### Submission Point 749.40 - “Comprehensive land development consent”

##### ***‘Comprehensive Land Development Consent’***

- 9.10 Kāinga Ora’s primary submission sought to amend the notified PDP definitions of the terms “Comprehensive Land Development Consent” and “Comprehensive Subdivision Consent”, to remove the specific references to the ‘Te Kauwhata Lakeside Precinct Plan Area’, noting that such a comprehensive consent mechanism may be suitable in other locations across the district.
- 9.11 In the s42a report the Council has recommended rejecting Kāinga Ora’s submission. While the Council note that they agree with Kāinga Ora’s submission in that such a mechanism could be usefully applied elsewhere in the district, they consider that the notified definition has a number of matters within it which are very specific to the Te Kauwhata Lakeside



Precinct Plan provisions (and likely the private plan change process that created these precinct provisions).

- 9.12 I continue to support the submission by Kāinga Ora, that the defined term in the PDP should not be location / precinct specific. I consider there is benefit to retaining a definition of the term within the PDP, such that the defined planning mechanism may be available elsewhere in the district. I therefore support the following amendments being made to the definitions of these terms:

***Comprehensive Land Development Consent***

*Means a bundle of land use consents that apply to an area of land of 5ha or more which provides for staged and integrated development ~~within the Te Kauwhata Lakeside Precinct Plan Area~~ and can cover a range of Residential, Business and Rural zonings.*

*A Comprehensive Land Development Consent may includes the provision of earthworks, roading networks, wastewater infrastructure including treatment plants, pipelines and associated wetlands, stormwater infrastructure, network utilities and other infrastructure, open space, ecological restoration, works in the flood plain, landscaping and planting, community facilities, walkways and cycle ways and associated land decontamination.*

*A Comprehensive Land Development Consent may be applied for concurrently with a Comprehensive Subdivision Consent, or separately.*

***Comprehensive Subdivision Consent***

~~*Means a comprehensive subdivision consent that relates to the Te Kauwhata Lakeside Precinct Plan.*~~ *A comprehensive subdivision is a subdivision of 5ha or more which provides for staged and integrated development ~~within the Te Kauwhata Lakeside Precinct Plan Area~~ and can cover a range of Residential, Business and Rural zonings.*

*A Comprehensive Subdivision Consent may includes the provision of sites for roading, walking and cycling trails, sites for open space and community facilities, dedicated sites for wastewater and stormwater infrastructure and development sites for housing, business and other activities provided for within the relevant zone/structure plan. It also includes sites for associated infrastructure.*

*A Comprehensive Subdivision Consent may be applied for concurrently with a Comprehensive Land Development Consent or separately.*

Submission Point 749.42 - “Contiguous”

**‘Contiguous’**

- 9.13 Kāinga Ora’s primary submission sought minor amendments to the wording of the notified PDP definition of “Contiguous”, primarily for clarity.
- 9.14 The Council has recommended an amendment in their s42a report to clarify the wording of the definition, to delete the word “some”. I consider this amendment proposed by Council is appropriate, and as such I support the change set out in the s42a report.

Submission Point 749.52 - “Impervious surface”

**‘Impervious Surface’**

- 9.15 Kāinga Ora’s primary submission sought to propose an alternate definition of “*Impervious surface*” to that set out in the notified PDP, to more clearly articulate what is specifically included and excluded from such a definition.
- 9.16 In the s42a report that Council has recommended that Kāinga Ora’s submission be rejected, noting they consider the relief sought by Kāinga Ora would make the definition more complex than the definition already contained in the notified PDP. To the contrary, I consider the submission of Kāinga Ora seeks to propose a definition which provides clear guidance to all plan users as to what would and would not be captured by such a definition. I consider the relief sought by Kāinga Ora is appropriate and as such a proposed the following amended wording for the definition of “*Impermeable surfaces*”:

(delete notified PDP definition and replace in full with the following)

**Impervious surface**

*Means a surface that is not vegetated, does not infiltrate runoff, and prevents or significantly retards the soakage of water into the ground.*

*This includes:*

- *roofs;*
- *paved areas including driveways and sealed/compacted metal parking areas;*

- patios;
- sealed and compacted metal roads; and
- layers engineered to be impervious such as highly-compacted soil.

Excludes:

- wooden decks with spacing between boards of 4mm or more, where water is allowed to
- drain through to a permeable surface below the deck;
- grass and bush areas;
- gardens and other vegetated areas;
- porous or permeable paving and living roofs;
- permeable artificial surfaces, fields or lawns;
- slatted decks;
- swimming pools, ponds and dammed water; and
- rain tanks.

Submission Point 749.44, 749.53 and 749.63 - “Duplex”, “Landscape restoration area” and ‘Use’

***‘Duplex’, ‘Landscape Restoration Area’ and ‘Use’***

9.17 Kāinga Ora’s primary submission sought to:

- a) amend the definition of “*Duplex*” to note that a duplex could be connected by a common wall and / or by an accessory building, such as a garage or a carport;
- b) amend the definition of “*Landscape restoration area*” to remove reference to “*Rangitahi Peninsula Zone*” on the basis that it is inappropriate to have a general terms used for a specific precinct area and limit the application and use to a specific area, rather the term should be allowed to apply in an precinct area or zone; and
- c) amend the term “*Use*” insofar as the term is too broad and should not be included as a definition within the PDP. Kāinga Ora further

noted that the definition provided with the term “use” should include the words ‘hazardous’ as it relates to more ‘hazardous use’ than in a general application of ‘use’.

- 9.18 I understand that these definitions will be addressed in subsequent topics.<sup>21</sup> Ahead of those hearings I note that I do not support the retention of the terms “Duplex”, “landscape restoration area” and “Use”, as notified, for the reasons outlined in Kāinga Ora’s primary submission.<sup>22</sup> Therefore, I support the amendments to terms as sought in Kāinga Ora’s primary submission (~~striketrough~~ marks deletions and underline marks additions), as follows:

*Duplex*

*Means two attached residential units, ~~including two units~~ connected by a common wall and / or an accessory building, such as a garage or a carport.*

*Landscape restoration area*

*Means an area ~~shown on the planning maps, within the Rangitahi Peninsula Zone,~~ where existing native vegetation is to be complemented by additional landscape restoration planting. The purpose of the area is to promote stabilisation of steep slopes, encourage ecological and habitat linkages and enhance landscape amenity, particularly in and near coastal areas and on visually-prominent landforms.*

*Hazardous Use*

*Means with respect to a hazardous substance, the manufacturing, processing or handling of a hazardous substance for a particular activity without necessarily changing the physical state or chemical structure of the hazardous substance involved. This includes mixing, blending and packaging operations, or the use of a hazardous substance as a cooling or heating medium. It does not include the filling or drawing of a hazardous substance from bulk storage tanks unless the processing is permanently connected to the bulk storage, and does not include loading out and dispensing of petroleum products.*

## 10. CONCLUSION

- 10.1 In conclusion, I am of the opinion that with the amendments sought (or supported) by Kāinga Ora, and as outlined in this evidence, the definitions

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<sup>21</sup> Topic 10 – Residential; Topic 15 Rangitahi Peninsular Zone; and Topic 8 – Hazardous Substances and Contaminated Land.

<sup>22</sup> ID 45, 57 and 64 of Housing New Zealand Corporation’s primary submission table.

contained in Chapter 13 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**

19 November 2019