

**UNDER** the the Resource Mangement Act 1991 ("RMA")  
**IN THE MATTER** of Proposed Waikato District Plan: Hearing 22 –  
Infrastructure and Energy

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**EVIDENCE OF MATTHEW ARMIN LINDENBERG ON BEHALF OF  
HOUSING NEW ZEALAND CORPORATION**

**PLANNING (NATIONAL GRID)**

**29 September 2020**

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## 1. Summary Statement

1.1 My full name is Matthew Armin Lindenberg. I am a Technical Director (Planning) at Beca Limited. I am providing planning evidence on behalf of Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) in relation to submissions made on the Proposed Waikato District Plan (“**the Proposed District Plan**” or “**PDP**”) insofar as they relate to this hearing. Specifically, this evidence addresses the National Grid provisions (Chapter 6, 6.2 National Grid and Chapter 14, 14.4 National Grid) of the PDP.

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

(a) The appropriateness of a more tailored and evidence-based approach to the identification of the spatial extent of the “**National Grid Subdivision Corridor**”, such that the spatial extent of the National Grid Subdivision Corridor (and thus the associated provisions in relation to the framework for managing potential adverse effects) better reflects the actual spatial extent of the effects which may be generated (e.g. the application of a variable width corridor, rather than the currently proposed default corridor widths).

1.3 The relief proposed by me reflects, and is consistent with, the outcome of extensive negotiations, in the first instance hearings, and then appeals to the High Court and Environment Court with respect to the corresponding controls in the Auckland Unitary Plan (“**AUP**”).

## 2. Introduction

2.1 My name is Matthew Armin Lindenberg. I am a Technical Director (Planning) at Beca Limited. Previous evidence I have provided on the Proposed District Plan has included my relevant experience and qualifications<sup>1</sup>, which is also set out in **Attachment A** to this statement.

2.2 Of direct relevance to this hearing topic, I also note my previous involvement through the AUP hearings and appeals processes specifically in relation to proposed plan provisions with regard to the National Grid (with the AUP also containing a ‘National Grid Overlay’ with

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<sup>1</sup> For Hearing Topics 2, 3 and 5.

associated district plan provisions), which were heard through 'Topic 042 – Infrastructure' of the AUP hearings process, as well as subsequent appeals processes which I was also involved in.

- 2.3 I am providing planning evidence on behalf of Kāinga Ora in support of its submissions and further submissions on the proposed planning provisions relating to the National Grid.
- 2.4 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.

### **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 22 addresses submission points relating to the PDP's infrastructure and energy provisions. The s42A report addresses infrastructure provisions in Chapter 6 Infrastructure, Chapter 13 Definitions and Chapter 14 Infrastructure and Energy.
- 4.2 My evidence for this hearing is limited to Kāinga Ora's submission points (749.24, 749.73, 749.155), and further submission points (FS1269.30, FS1269.45, FS1269.46), relating specifically to the National Grid and its associated provisions.
- 4.3 I have reviewed Council's s42A report and confirm support and/or agreement to the changes proposed by Council in the s42A report, insofar as they relate to the Kāinga Ora submission, for the following matters:

- (a) The general approach set out in the National Grid objectives and policies (Chapter 6) of the PDP, and as proposed to be amended through Council's s42A report - in particular Policy 6.2.6 in relation to subdivision, use and development in proximity to the National Grid;
- (b) The approach set out in Rule 14.4.1 (in relation to Permitted Activities within the National Grid Yard (P1)) of the PDP, and as proposed to be amended through Council's s42A report - in particular the provision for existing alterations / additions to buildings containing "sensitive land uses" which do not alter the existing height or footprint of the structure as a Permitted Activity. In relation to the spatial extent of the National Grid Yard, which is proposed as either 10m /12m either side depending on the transmission line, my position of support is reliant upon my understanding that Transpower has identified this as the minimum width of land required to give effect to the National Policy Statement on Electricity Transmission); and
- (c) The approach set out in Rule 14.4.2 (in relation to Restricted Discretionary Activities (RD4)) of the PDP, and as proposed to be amended through Council's s42A report - in particular the provision for subdivision (including for any development / buildings which would contain "sensitive land uses") to be provided for as a Restricted Discretionary Activity within the National Grid Subdivision Corridor.

4.4 I consider these provisions of the PDP which I have identified above closely align with the equivalent approach / provisions which resulted from the AUP hearings and appeals processes in relation to the 'National Grid Overlay'.

## **5. NATIONAL GRID SUBDIVISION CORRIDOR**

5.1 Submissions (749.24, 749.73 and 749.155) made by Kāinga Ora have sought amendments to the spatial extent of how the National Grid Subdivision Corridor ("NGSC") is identified and mapped within the Proposed District Plan. These submissions by Kāinga Ora seek a more nuanced and evidence-based approach to the identification of the spatial extent of the National Grid (and in particular the NGSC), such that the

spatial extent of the NGSC (and thus the associated provisions in relation to the framework for managing potential adverse effects) better reflect the actual spatial extent of the effects which may be generated (e.g. the application of a 'variable width corridor', rather than the currently proposed 'default' corridor widths).

- 5.2 My previous experience and involvement in this topic, through the AUP hearings and appeals processes, demonstrated that such a tailored approach is both appropriate – particularly in the context of existing urban areas – and achievable. The resulting spatial extent of the National Grid Overlay through the AUP process specifically responded to each 'span' length between the National Grid support structures, following an accurate analysis of likely line sway for each span.
- 5.3 In Auckland, the spatial extent of the NGSC varies depending upon the span lengths between the National Grid support structures (e.g. the further the distance between support structures, the greater the potential sway / swing of the lines and vice versa). This Auckland experience demonstrated, particularly within the urban environment, that once a detailed assessment was undertaken, due to the actual span lengths along the National Grid corridor the actual widths of the 'span-to-span' 'effects area' requiring management of subdivision activities was often much less than the 37m (for 220kV transmission lines) or 32m (for 110kV transmission lines) currently being proposed for the PDP. I have included, as **Attachment B** to this evidence, map examples (from the AUP) which visually outline the difference in the approaches which were considered in the Auckland context.
- 5.4 This tailored approach provided greater clarity and certainty as to the actual likely effects area relating to the National Grid infrastructure and thus the associated plan provisions applied to land holdings located within the NGSC which are necessary to manage any potential risks / adverse effects.
- 5.5 In my opinion it is appropriate to undertake such a more nuanced approach to the spatial identification and application of the potential 'effects area' associated with the National Grid Overlay within the Waikato District. I consider it is important that any management framework incorporated within the PDP which would impose land use restrictions – particularly within the urban environment, impose no more restriction on

the use and development of urban land than is absolutely necessary to manage potential risks or adverse effects to the National Grid infrastructure.

## **6. SECTION 32 RMA**

6.1 From a Section 32 / 32AA evaluation perspective, I consider the relief sought by Kāinga Ora with regard to the spatial extent of the NGSC will assist to create a package of Proposed District Plan provisions which are effective, efficient and the most appropriate means to achieve the stated objectives in relation to the National Grid, for the following reasons:

- (a) With regard to s32(1)(b)(i): The “reasonably practicable options” referred to in the section most obviously include the more nuanced approach adopted (after extensive mediations and hearings in the AUP-IHP, the High Court and the Environment Court) in the AUP, with regard to the extent of the NGSC. This more nuanced and tailored approach has distinct advantages as it minimises the loss of development potential on: a) existing developed sites; and b) at the margins of the area affected, while still taking account of the need to enable and provide for the ongoing operation, upgrading and development of the National Grid.
- (b) With regard to s32(1)(b)(ii) and 32(2)(a) (economic costs and benefits): it is evident that this more nuanced approach to the identification of the spatial extent of the NGSC, prior to finalisation of the associated provisions, and the additional analysis of the areas beneath and around the proposed NGSC can safely be developed. Doing so will reduce the likelihood of constraints on landowners being imposed unnecessarily and inappropriately. As a consequence, the economic cost involved in undertaking the additional analysis work will fall on Transpower rather than impacting adversely on individual landowners, which would occur if the notation was applied in the blunt way proposed in the PDP.
- (c) With regard to s32(1)(b)(ii) and 32(2)(a) (social costs and benefits): the owners and occupiers of sites that would be subject to the NGSC in terms of the provisions currently proposed by Council, but whose land would be excluded (in whole or in part) from the control if the further analysis proposed by Kāinga Ora is

undertaken, will benefit socially as well as economically from the increased development opportunities. They would be able to undertake development that would otherwise need to obtain resource consent, with the inherent costs and risks. That may well involve intensification of development on sites within urban areas.

(d) Collectively, I consider that the amendments sought by Kāinga Ora amount to a more efficient and effective set of provisions, in terms of section 32(1)(b)(ii).

6.2 I do not consider the s32 evaluation undertaken by the Council in the preparation of the PDP provisions in relation to the NGSC has appropriately addressed the relevant matters noted above. I do not consider there has been an appropriate assessment or qualification of the costs and benefits required by section 32(2) RMA, particularly in light of the submission made by Kāinga Ora in relation to the need for a more nuanced and tailored approach to the identification of the spatial extent of the NGSC.

6.3 I also consider that the need for further analysis work in relation to the NGSC, as sought by Kāinga Ora, would be consistent with Policy 3.11 ('Using evidence and analysis') of the NPS-UD 2020 which requires local authorities, when making or changing plans, to use evidence to "assess the impact of different regulatory and non-regulatory options for urban development and their contribution to: i) achieving well-functioning urban environments; and ii) meeting the requirements to provide at least sufficient development capacity."

6.4 The AUP experience demonstrated that the 'Subdivision Corridor' package of District Plan provisions were appropriate to apply to land holdings which would be impacted within a 'spatial corridor' either side of the National Grid lines, which specifically related to how far (or how wide) the National Grid lines could 'sway' or 'swing'.

6.5 Applying a wider 'subdivision corridor' width, along with the associated PDP provisions, than is actually necessary to manage the potential adverse effects or risks to the National Grid infrastructure would, in my opinion, be inappropriate – as it would effectively lead to the situation where a framework of management provisions are being applied to areas of land where such management would not be warranted. Therefore, I

support and recommend that a similar 'span-to-span' approach for identification of the NGSC that was undertaken in Auckland is also utilised and applied for identification of the spatial extent of the Overlay now being proposed in Waikato.

## **7. Conclusion**

- 7.1 I am of the view that a more fulsome assessment of the costs and broader impacts of imposing the PDP National Grid Overlay package of provisions is required to be undertaken, particularly in relation to urban land. I consider that the currently proposed spatial extent of the National Grid Subdivision Corridor Overlay should be deleted from the PDP and reviewed in full – consistent with the approach which was undertaken through the AUP process.

**Mathew Armin Lindenberg**

29 September 2020

**ATTACHMENT A:**

**Statement of Experience – Matthew Armin Lindenberg**

**Matthew Lindenberg:**

I am a Planner and hold the position of Technical Director at Beca Limited. I hold a Master of Science in Geography (Second Class Honours) and a Bachelor of Science, both from the University of Auckland. I am an Associate member of the New Zealand Planning Institute

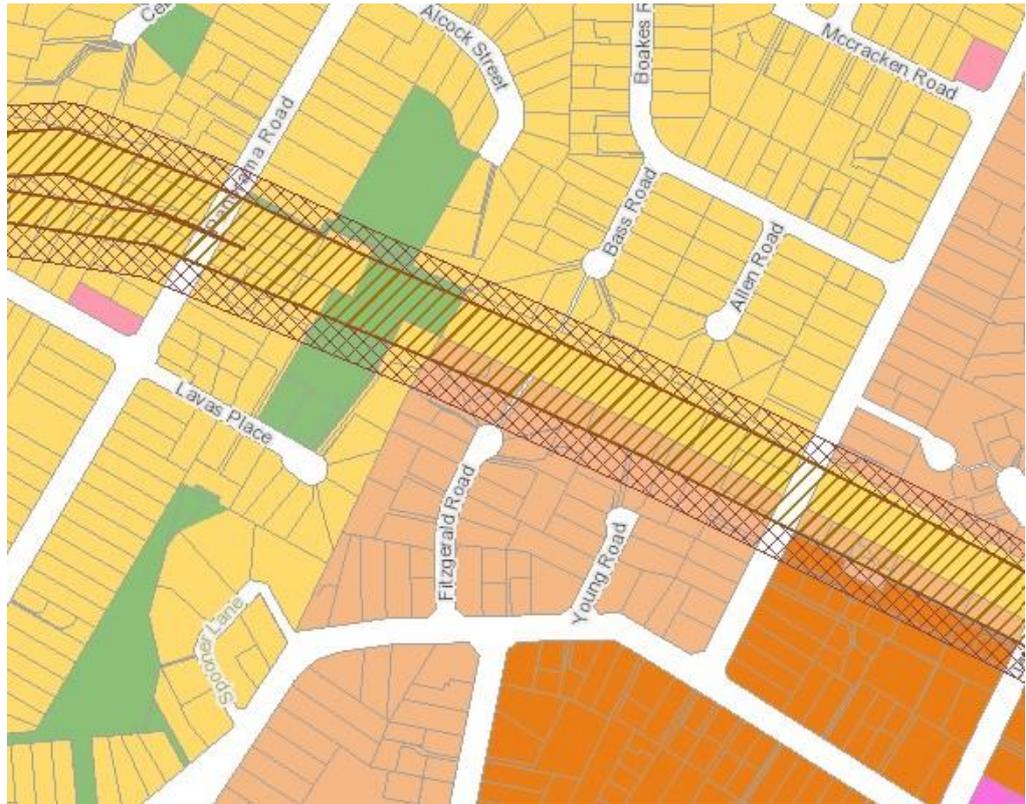
I have 15 years' planning and resource management experience, providing technical direction on a number of key projects, particularly focussing on land development projects and policy planning. I have been involved in a number of plan review and plan change processes, including the recent Independent 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.

I also prepared and presented evidence on numerous PAUP hearing topics on behalf of Kāinga Ora (then Housing NZ) in front of the IHP, including Topic 042 (Infrastructure), which specifically addressed the 'National Grid Overlay' topic and associated plan provisions.

## **ATTACHMENT B:**

### **Map Examples – National Grid Subdivision Corridor Widths (Auckland Context)**



**Map 1:** showing an example of the spatial extent of the 'full NGSC' (32m or 37m in width), consistent with the current approach set out in the PDP (Panorama Rd, Mt Wellington).



**Map 2:** showing an example of the spatial extent of the 'nuanced / tailored NGSC' ('variable width corridor'), consistent with the approach sought by Kāinga Ora (Panorama Rd, Mt Wellington).