

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

**IN THE MATTER
AND
IN THE MATTER**

of the Resource Management Act 1991

**of the hearing of submissions on the Far North
Proposed District Plan**

**STATEMENT OF EVIDENCE OF MATTHEW ARMIN LINDENBERG
ON BEHALF OF FAR NORTH DISTRICT COUNCIL – HEARING TOPIC 14**

(PLANNING)

23 JUNE 2025

1. EXECUTIVE SUMMARY

1.1 I have been engaged by Far North District Council (**the Council**) to provide evidence in relation to Hearing Topic 14 (Urban Zones) of the Proposed District Plan (**PDP**). Specifically, this evidence provides a response to the queries raised by the Independent Hearings Panel in their Minute No.7, dated 16 July 2024, including how the Council's response to these queries – along with responses to submissions – has informed the recommendations set out in the Council's S42a Report for Hearing 14 (prepared by Ms Trinder on behalf of the Council, dated 23 June 2025).

1.2 The key points addressed in my evidence are:

- (a) A review and summary of the key points raised in the evidence of Ms Burnette O'Connor, on behalf of Kiwi Fresh Orange Company Limited (**KFOL**), which was presented at Hearing Topic 1 and referenced in the Panel's Minute No.7;
- (b) A response to the queries raised by the Panel in their Minute No.7, being those matters set out at paragraphs 3(a) to 3(e) of the Minute; and
- (c) In light of the above, and in response to and consideration of submissions received on the PDP, how the Council have sought to give effect to the National Policy Statement on Urban Development 2020 (**NPS:UD**) through the recommendations set out in the Council's S42a Report for Hearing 14.

2. INTRODUCTION

2.1 My name is Matthew Armin Lindenberg and I am a self-employed Planner with over 20 years of planning and resource management experience. I have the qualifications and experience set out in my 'Statement of Experience', included as **Attachment A** to this statement.

- 2.2 I am familiar with the national, regional and district planning documents relevant to the proposal.
- 2.3 I am providing planning evidence on behalf of the Council to specifically respond to the queries raised by the Independent Hearings Panel in their Minute No.7 (dated 16 July 2024).
- 2.4 In preparing this evidence I have read the relevant Section 32 and Section 42A reports, together with the associated appendices, prepared on behalf of the Council, in particular:
- (a) The Section 42A Report for Hearing 14 (Urban Zones), prepared by Ms Trinder on behalf of the Council, dated 23 June 2025;
 - (b) The expert evidence of Mr Lawrence McIlrath (Economics), on behalf of the Council, dated 23 June 2025; and
 - (c) The expert evidence of Ms Jane Rennie (Urban Design), on behalf of the Council, dated 23 June 2025.

Code of Conduct

- 2.5 Although this is a Council hearing, I have read the Environment Court's Code of Conduct contained in the Environment Court Practice Note 2023 and agree to comply with it. My qualifications as an expert are set out in **Attachment A** to this statement. I confirm that the issues addressed in this statement of evidence are 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.

3. SCOPE OF EVIDENCE

- 3.1 This statement of evidence provides a specific response to the queries raised by the Independent Hearings Panel in their Minute No.7 (dated 16 July 2024). I have structured this statement as follows in order to address these matters:

- (a) A summary of the key assessments and conclusions drawn by Ms O'Connor in her Planning expert evidence presented on behalf of KFOL for Hearing Topic 1, dated 13 May 2024;
- (b) With regard to the conclusions drawn by Ms O'Connor in her above noted evidence, my responses on behalf of the Council to the queries raised by the Panel at paragraphs 3(a) – 3(e) of their Minute No.7; and
- (c) As a result of submissions received by the Council relevant to this hearing topic, how the Council has sought to address these submissions through the recommendations set out in the S42a Report in order to give effect to the NPS:UD.

4. SUMMARY OF THE PLANNING EVIDENCE OF MS O'CONNER (HEARING STREAM 1) OF BEHALF OF KIWI FRESH ORANGE COMPANY LIMITED

4.1 As part of Hearing Topic 1, expert planning evidence was provided by Ms Burnette O'Connor on behalf of KFO (dated 13 May 2024). For context, and by way of summary, the evidence of Ms O'Connor draws the following assessments and conclusions:

- (a) In relation to the Kerikeri-Waipapa urban area, Ms O'Connor supports the submissions made by KFO that the area should be considered / treated as an 'urban environment' as defined in the NPS:UD;
- (b) That the economic expert evidence of Mr Thompson (also on behalf of KFO) concludes that the Kerikeri-Waipapa area already meets the housing and labour market thresholds set out in the NPS:UD – which are utilised to assist in identifying those locations which can be defined as 'urban environments' under the NPS:UD – and, as such, it is appropriate for the Proposed District Plan to identify the Kerikeri-Waipapa area as an 'urban environment' and give effect to the relevant policy direction of the NPS:UD; and

- (c) That the NPS:UD defines an ‘urban environment’ as being an area of land that (a) is, or is intended to be, predominantly urban in character; and (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people. Ms O’Connor concludes that the Kerikeri-Waipapa urban area satisfies both these thresholds / tests, either now (with respect to being ‘predominantly urban in character’) or certainly in the future over the lifetime of the implementation of the PDP (with respect to being a housing and labour market of at least 10,000 people).

5. RESPONSE TO THE PANEL’S MINUTE 7 QUERIES REGARDING THE NPS:UD

- 5.1 I now turn to the queries outlined by the Independent Hearings Panel in their Minute 7 (at paragraphs 3(a)-(e)), dated 16 July 2024. Below I outline my responses to the Panel’s queries – in light of the evidence presented by Ms O’Connor during Hearing 1.

5.2 *Is the Kerikeri-Waipapa area an “urban environment” to which the NPS:UD applies?*

- (a) Setting aside the matter of timing (e.g. whether now, or intended to be), in my opinion the simple answer to this question is ‘Yes’.
- (b) In terms of the NPS:UD definition of “urban environment” – the Kerikeri-Waipapa area is the primary urban centre servicing the district. The Council recognise the role that Kerikeri-Waipapa plays as the key growth hub for the Far North and the challenges which ongoing growth in this area will pose over time. This is reflected in the Council’s recent work to develop a non-statutory Spatial Plan for the Kerikeri-Waipapa area – called Te Pātukurea. Earlier this year, a draft Te Pātukurea Spatial Plan we released to the community for public consultation and feedback during March – April 2025.
- (c) The Draft Spatial Plan notes the following (of relevance to the queries raised by the Panel):

- (i) The Draft Spatial Plan adopts an ambitious 'blue sky' population projection which indicates the potential for the population within the study area to reach 25,000 people by 2054. The Spatial Plan also notes that this would represent an increase of some 9,000 people – up from the currently notes population of 14,000 people.
 - (ii) The Draft Spatial Plan also confirms that Council's approach through the development of Te Pātukurea has been "to follow the NPS:UD and take a good practice, evidence-based approach to planning for growth". The Draft Spatial Plan also sets out the Council's position that when the Te Pātukurea Spatial Plan is adopted (intended to be June / July 2025), this would confirm the Kerikeri-Waipapa area as an "urban environment" under the NPS:UD (refer page 5 of the Draft Spatial Plan, dated March 2025).
- (d) In my opinion, the nature of the existing land zoning pattern for Kerikeri and Waipapa (with their mix of commercial / mixed use and residential zones), combined with the Council's intent to develop a Spatial Plan for the area, clearly indicate to me that the Kerikeri-Waipapa area is intended to be primarily urban in character into the future. Notwithstanding the 30 year time horizon of Te Pātukurea (and the fact it is a non-statutory document), the Proposed District Plan should be seeking to set and enable a growth pattern for the District for at least the next 10 years, but likely also the following 5 years (noting District Plans are required to reviewed at 10-yearly intervals) – meaning that the District Plan will be the key statutory document which helps to provide for and enable the level and direction of growth anticipated for the Kerikeri-Waipapa area, as identified through the Spatial Plan.
- (e) Therefore, in light of the above, I agree with the position of Ms O'Connor that the PDP should be providing for / treating Kerikeri-Waipapa area as an 'urban environment' under the NPS:UD.

5.3 ***Is the wider Kerikeri area an “urban environment” now in terms of the NPS:UD, or will it be in say the next 10 years?***

- (a) In now turning to the matter of timing – and in light of my discussions above – it is my opinion that whether or not the area is an “urban environment” now, or at some time over the say next 10 or even 15 years, effectively becomes a moot point in terms of the PDP.
- (b) Mr Thompson, in his economic evidence presented on behalf of KFOL during Hearing Stream 1, as well as the peer review of this evidence undertaken by Mr McIlrath (on behalf of the Council, also to respond to a Panel request in Munte 7), give varying numbers and projections for the Kerikeri-Waipapa area. The Draft Te Pātukurea Spatial Plan also provides other projections relevant to the Spatial Plan, which are different to those mentioned in the analysis of Mr Thompson and Mr McIlrath (likely due to the broader extent of the Te Pātukurea study area, when compared to the spatial extents / area which the economic analysis refers to. I also note that while the economic evidence of Mr McIlrath (on behalf of the Council) raises a number of issues with the analysis and assumptions utilised by Mr Thompson, Mr McIlrath does also agree that the Kerikeri-Waipapa area will likely be part of a housing and labour market of at least 10,000 people during the 10-15 year timeframe of the PDP.
- (c) Given this situation of not necessarily having one sole source of truth re population figures / projections, in my view the most relevant consideration for the PDP – in light of the ‘urban environment’ definition and thresholds set out in the NPS:UD – is that:
 - (i) The Kerikeri-Waipapa area IS intending to provide for a housing and labour market of at least 10,000 people over the lifetime of the PDP; and
 - (ii) The Kerikeri-Waipapa area IS intended to be primarily urban in character over the lifetime of the PDP, and

as anticipated and planned for in Council's Draft Te Pātukurea Spatial Plan.

5.4 If Kerikeri-Waipapa is an “urban environment”, does this mean the entire Far North District is a “Tier 3 local authority” under the NPS:UD?

- (a) In my opinion the answer to this query is relatively straightforward, when reading the definition of a “Tier 3 local authority” as set out in the NDS:UD. The NPS:UD defines a “Tier 3 local authority” as:

“...means a local authority that has all or part of an urban environment within its region or district, but is not a tier 1 or 2 local authority, and tier 3 regional council and tier 3 territorial authority have corresponding meanings.”

- (b) Given my discussion above, I am of the opinion that the Kerikeri-Waipapa area will be an “urban environment” as defined by the NPS:UD during the lifetime of the PDP. In light of this, and the definition stated above, it is my opinion that the Far North District / Council will similarly be a Tier 3 local authority (as defined by the NPS:UD) for the lifetime of the PDP.

- (c) I note that my position also appears to align with that intent of Council as expressed through the Draft Te Pātukurea Spatial Plan, which states (on page 5):

“Should Council adopt the draft spatial plan in June, Kerikeri would become an ‘urban environment’ as defined by the NPS-UD, and Council would become a Tier 3 local authority”.

5.5 Should the Hearings Panel be giving effect to the NPS:UD now rather than waiting for the results of the Council's current Housing and Business Assessment study and the future Spatial Plan for Kerikeri – Waipapa? Or is it appropriate to give guidance to submitters now so that this matter can be included in evidence for upcoming hearings?

- 5.6 I note that given the timing of the Panel's Minute 7 (16 July 2024), and the time that has passed since, this question may not be as relevant now.
- 5.7 Having said that, I reiterate my view expressed above, which is that I consider it is appropriate for the PDP to treat the Kerikeri-Waipapa area as an "urban environment", and in so doing Far North District Council as a "Tier 3 local authority", as defined by the NPS:UD.
- 5.8 ***What would be the consequences of the Panel accepting the submitter's submission points with particular regard to the "urban environment"/NPS UD being applied to just part of the Far North District? For example, would this require removal of minimum car parking standards for development from the District Plan?***
- 5.9 In light of the above, it is my view that as a "Tier 3 local authority", all / any policy direction set out in the NPS:UD which applies to Tier 3 local authorities would be relevant for consideration in the PDP.
- 5.10 Subpart 8 (Car Parking) of the NPS:UD contains policy 3.38(1), which states:
- "If the district plan of a tier 1, 2, or 3 territorial authority contains objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks."*
- 5.11 In my view, as a "Tier 3 local authority", this would mean the PDP would be required to remove any minimum car parking requirements / standards from the PDP. I note, however, that the PDP can contain objectives, policies, rules and assessment criteria relating the provision of accessible parking, as well as provisions / standards relating to the minimum dimensions of car park sizes / layout. The NPS:UD Policy 3.38(1) would also not impact the ability for the PDP to contain provisions relating to bicycle parking or end-of-trip facilities etc.

6. HOW THE COUNCIL'S POSITION IN RELATION TO THE NPS:UD HAS INFORMED RECOMMENDATIONS FOR TOPIC 14

- 6.1 Given the context of treating the Kerikeri-Waipapa area as an “urban environment”, as well as the District / Council as a “Tier 3 local authority”, a number of key recommendations have been set out in the Council's S42A report for consideration as part of Hearing Topic 14 (which will also have likely implications for future recommendations to be made by the Council in relation to the upcoming Topic 15 Rezoning hearings later this year).
- 6.2 These key recommendations relate to:
- (a) The identification of a new ‘Medium Density Residential Zone’ (**MDRZ**) for inclusion within the PDP; as well as
 - (b) The identification of a new ‘Town Centre Zone’ (**TCZ**) for inclusion within the PDP.
- 6.3 The Council's S42a Report discusses the submission scope which sites behind these recommendations (both new zones were requested by Kāinga Ora, submitter #561), and Ms Rennie has also provided urban design expert evidence on behalf of the Council to address in more detail the specific nature / detail of these requests and the various rules / standards which were detailed in the proposed MDRZ and TCZ zone chapters contained in the Kāinga Ora submission.
- 6.4 Within the context of treating Kerikeri-Waipapa as an “urban environment”, and the District as a “Tier 3 local authority”, under the NPS:UD – as well as consideration of the growth pressures and spatial growth options being considered through the Draft Te Pātukurea Spatial Plan – I'm of the opinion that it is both appropriate and necessary to recommend the inclusion of new MRDZ and TCZ zones within the PDP, in particular to give effect to the relevant policy direction of the NPS:UD which would apply to “Tier 3 local authorities”.
- 6.5 As a Tier 3 local authority, I consider that the following NPS:UD objectives and policy direction are particularly relevant for consideration in Hearing Topic 14 as part of developing the PDP:

Objective 3: *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

- *the area is in or near a centre zone or other area with many employment opportunities*
- *the area is well-serviced by existing or planned public transport*
- *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

Objective 4: *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- *have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; and (ii) enable Māori to express their cultural traditions and norms; and*
- *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- *support reductions in greenhouse gas emissions; and*
- *are resilient to the likely current and future effects of climate change.*

Policy 2: *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*

Policy 5: *Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:*

- *the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
- *relative demand for housing and business use in that location.*

- 6.6 Given, at the time the PDP was notified, the Council was still early in the process of seeking updated population projections (through an updated of its HBA) and very early on in their thinking / development of a Spatial Plan for the Kerikeri-Waipapa area, the notified PDP (along with the supporting s32 assessments) was not initially taking an approach of treating Kerikeri-Waipapa as an “urban environment” under the NPS:UD (and by extension, not considering the District / Council itself as a “Tier 3 local authority”). This meant that the notified PDP did not include a ‘MDRZ’, nor a ‘TCZ’. The notified PDP approach utilised a General Residential Zone (GRZ) as the primary residential zone-type for the District, as well as utilising a ‘Mixed Use Zone’ as the primary zone-type for the District’s various commercial centres.
- 6.7 In light of the current position / recommendation by the Council with regard to now treating the Kerikeri-Waipapa area as an “urban environment”, and the wider District / Council as a “Tier 3 local authority” (as defined by the NPS:UD), it is my opinion that the approach to the residential and commercial zone types identified in the notified PDP could not be considered to be appropriately giving effect to the relevant policy direction of the NPS:UD.
- 6.8 I do not consider that the notified PDP approach would have appropriately:
- Enabled the urban environment of Kerikeri-Waipapa to grow and change over time, along with its associated amenity values and expectations – as anticipated by Objective 4 and Policy 6 of the NPS:UD; and
 - enabled a variety of homes and that would meet the needs, in terms of type, price, and location, of different households; nor enable a variety of sites that are suitable for different business

sectors in terms of location and site size – as anticipated by Policy 1 of the NPS:UD.

- 6.9 The notified PDP approach would also now not be aligned with the developing Draft Te Pātukurea Spatial Plan – which identifies both Kerikeri and Waipapa as key commercial / industrial centres for the District (with Kerikeri also being considered the primary ‘town centre’), along with locations of residential intensification / medium density residential development also being provided for within close proximity to the commercial centres of both Kerikeri and Waipapa.
- 6.10 As a result, it is my opinion that inclusion of both a new MDRZ as well as a new TCZ within the PDP is the most appropriate means by which the Council is able to give effect to the relevant policy direction of the NPS:UD, whilst also making recommendations for amendments to the PDP which are in scope of submissions received. I also consider that the inclusion of the new MDRZ and TCZ into the PDP will assist to better align the PDP with the developing approach and growth options currently set out in the Draft Te Pātukurea Spatial Plan for the Kerikeri-Waipapa area.

7. SECTION 32AA ASSESSMENT

- 7.1 In respect of a Section 32 / 32AA evaluation of the issues raised above, along with the proposed amendments which the Council has recommended in the S42a Report with regard to the inclusion of a new MDRZ and TCZ within the PDP, I provide the following assessment and commentary:
- (a) I consider that the amendments recommended are the most appropriate means to:
- (i) Enabling the creation of effective and efficient, well-functioning urban environments, which will provide for ongoing development and change over time;
 - (ii) The provision of sufficient development capacity to meet the needs of people and communities, as well as future generations;

- (iii) Improved enablement (compared to the notified PDP approach) of a variety of housing choices and types to meet the present and future needs of the community, as well as an improved range of site sizes / locations to provide for the needs of the business sector over the lifetime of the District Plan.
- (b) I consider that the potential benefits associated with my recommended amendments include:
 - (i) Enabling an increase in the number and variety of housing choices through the inclusion of a MDRZ in the PDP which will allow for continuing growth and change over time, whilst also managing the potential for adverse effects to adjoining properties and the surrounding urban environment.

8. CONCLUSION

- 8.1 In my opinion the amendments recommended by the Council, as set out in the S42a Report for Hearing Topic 14, will better enable the PDP to give effect to the relevant policy direction of the NPS:UD, as well as better align the PDP with the Council's approach to the development of the Draft Te Pātukurea Spatial Plan for the Kerikeri-Waipapa area.

Matthew Lindenberg

23 June 2025

ATTACHMENT A:

STATEMENT OF EXPERIENCE – MATHEW LINDENBERG

Matthew Lindenberg:

I am a self-employed Planner, having previously held the position of Technical Director - Planning 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 over 20 years' planning and resource management experience, providing technical direction on a number of key projects, particularly focussing on strategic 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) Numerous IPI / ISPP plan change processes relating to implementation of NPS-UD intensification policy direction, in particular plan changes relating to Auckland Council, Wellington City Council, Christchurch City Council as well as the Waimakariri District Council;
- (b) The Whangārei District Plan Urban and Services Plan Changes submission, hearing and appeal processes;
- (c) The Waikato District Council Stage One District Plan Review submission, hearing and appeal processes;
- (d) Submission and hearings processes in relation to numerous plan changes to the Auckland Unitary Plan (including PC3, PC4, PCs 14-17, PC23, PC26 and PC34);
- (e) The submission, hearing and appeals process in relation to Tauranga City Council's Plan Change 27 (Flooding from intense rainfall), as well as Variation 1 to Plan Change 33 (Tauriko West Urban Growth Area);
- (f) The submission and hearing process in relation to Tauranga City Council's Variation 1 to Plan Change 33 (Tauriko West Urban Growth Area);

- (g) 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;
- (h) The Plan Variation for the site known as 'The Landing' at Hobsonville Point (undertaken through the Housing Accords and Special Housing Areas legislative process) on behalf of Hobsonville Land Company;
- (i) The Kerikeri-Waipapa Structure Plan on behalf of the Far North District Council; and
- (j) 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 have 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.

