

BEFORE THE HAMILTON CITY COUNCIL HEARING COMMISSIONERS

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of Variation 1 to the Proposed
Hamilton District Plan (Ruakura)

STATEMENT OF EVIDENCE OF KENNETH JOHN TREMAINE

**On behalf of the
Future Proof Implementation Committee**

1. INTRODUCTION

A. Qualifications and Experience

- 1.1 My full name is Kenneth John Tremaine. I am the director of Ken Tremaine Consulting Limited, which I founded in Auckland in 2000. Prior to this time I was the Director of the Local Government and Resource Management Unit of KPMG Management Consulting (Auckland) from 1993 to 2000. Before then I was Director of Planning at Palmerston North City Council from 1976 to 1993.
- 1.2 My academic qualifications include a Bachelor of Arts and a Postgraduate Diploma (Credit) in Urban Geography and Political Science from the University of Otago, and a Masters of Town Planning from the University of Auckland. I am also a full member of the Royal Town Planning Institute (United Kingdom), the New Zealand Planning Institute, and the Resource Management Law Association of New Zealand.
- 1.3 I have more than 40 years of professional experience in senior roles in local government, central government, and the private sector, spanning the following areas:
- Planning and resource management, including the development and implementation of regional policy statements and plans, and district/city plans under the Resource Management Act 1991 (“RMA 1991” or “the Act”);
 - Development planning and growth management, including the integration of land use¹, infrastructure, transportation, and funding under the RMA 1991, the Local Government Act 2002 (“LGA 2002”), and the Land Transport Management Act 2003 (“LTMA 2003”);
 - Central Government policy, and statutory and regulatory reform; and
 - Management consulting, including regulatory efficiency and compliance cost reduction.
- 1.4 I was the sole representative of the planning profession appointed to the Upton Review Group in 1990 which completed the drafting of the RMA 1991 in its final

¹ I will use the term “land use” as an equivalent to the RMA 1991 term “activity”.

form. I have continued to be involved in Central Government policy and regulatory development since that time.

1.5 I have extensive experience in growth management strategy development and implementation at the regional and district levels, particularly through regional policy statements and district plans. My growth management experience includes:

- the western Bay of Plenty sub-region (being the territorial administrative areas of Tauranga City Council and the Western Bay of Plenty District Council), as well as the Bay of Plenty region with the *SmartGrowth Strategy*;
- the Greater Christchurch sub-region (being the territorial administrative areas of Christchurch City Council, Waimakariri District Council and Selwyn District Council) as well as the Canterbury region with the *Greater Christchurch Urban Development Strategy*;
- the Taupo district with their growth strategy - *Taupo District 2050*;
- Whangarei district with their growth strategy - *Sustainable Futures 30/50*;
- Napier City, Hastings District and Hawke's Bay Regional Council with the *Heretaunga Plains Urban Development Strategy*.

1.6 Since 2015 I have also been a project advisor to the Waikato Plan project. This is comprehensive spatial plan and strategic direction document for the whole of the Waikato region.

B. Waikato Region and Hamilton City Experience

1.7 Currently I hold the position of Implementation Advisor for *the Future Proof Strategy* ("Future Proof" or "Strategy"); the growth management strategy for the 'Future Proof sub-region' ("sub-region"). The Future Proof sub-region refers to the territorial areas of the Waikato District Council ("Waikato DC"), the Waipa District Council ("Waipa DC"), and the Hamilton City Council ("HCC"). It is an area with ongoing population growth as well as significant levels of development. The Strategy was developed by these territorial authorities in the broad context of the LGA 2002 alongside Strategy partners the Waikato Regional Council ("Waikato RC" or "Regional Council") and Tāngata Whenua (Tainui Waka Alliance) to look at how the Future Proof sub-region should develop sustainably

into the future. The New Zealand Transport Agency (“NZTA”) and the Matamata-Piako District Council also assisted with the Strategy’s development.

1.8 Prior to Future Proof’s launch on 8 September 2009 I held the position of (Technical) Project Manager. In that role I was responsible for overseeing the Strategy’s research, drafting, public notification, submission hearings, and adoption phases. Future Proof is currently in its implementation phase and is in the process of undertaking a Strategy Update.

1.9 I have read *Variation 1 to the Proposed Hamilton District Plan* (“the Variation”) which was notified by the Hamilton City Council on 11 November 2015 and forms the subject of these proceedings.

1.10 The Future Proof Implementation Committee (“FPIC”) prepared a primary a submission in broad support of the Variation. The FPIC is a joint committee under Clause 30A of Schedule 7 of the LGA 2002 and is tasked with implementing Future Proof. My evidence will reiterate the FPIC’s main primary submission points.

1.11 I have also read the:

- Summary of Submissions to the Variation which the Hamilton City Council notified in February 2016; and
- Council’s Section 42A Reports (“Staff Reports”) which were released on 8 July 2016.

1.12 As a result of my experience, I have a comprehensive working knowledge of developing and implementing district plans under the RMA 1991. Furthermore having been involved in the sub-region on a number of issues associated with Future Proof implementation, I also have considerable knowledge of:

- a) Growth issues facing the Future Proof sub-region;
- b) The Future Proof Strategy framework that sits alongside the Hamilton City Council’s policy framework;
- c) The context for the Variation; and
- d) The role of Ruakura in key documents, including Future Proof and the Regional Policy Statement.

C. Code of Conduct

1.13 I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note (2014) and I agree to comply with it. In that regard I confirm that this evidence is written within my expertise, except where otherwise stated, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. EVIDENCE SCOPE

2.1 I have been authorised by the FPIC to present this evidence in support of its submission on the Variation.

2.2 My evidence brief covers the following:

- a) The importance of the Variation in terms of implementing the Future Proof Strategy;
- b) Ruakura in the Waikato Regional Policy Statement (“RPS”);
- c) The FPIC’s main submission points to the Variation;
- d) The recommendations of the Staff Report; and
- e) Conclusions.

3. THE FUTURE PROOF STRATEGY

3.1 As stated in paragraph 1.7 of my evidence brief, Future Proof is the growth management strategy for the Future Proof sub-region. The Strategy emerged as a result of concerns about the lack of collaboration and leadership in the management of growth across Hamilton City, Waipa District and Waikato District’s territorial boundaries.² The administrative areas of these three territorial

² Future Proof Growth Strategy & Implementation Plan 2009, page 3.

authorities are projected to contain 89%³ of the entire Waikato region's population growth out to 2031. This increase in population and employment presents a number of challenges, especially in terms of managing the cumulative effects of this growth over time.

3.2 With the aim of creating a strong and sustainable future for the Future Proof sub-region, the Strategy's partners came together in 2007 to consider some of the challenging issues associated with growth including future urban and rural land use, natural and cultural resources, and essential infrastructure.

3.3 The Future Proof Strategy is focussed on:

- Long term vision and outcomes
- Growth forecasts for the sub-region
- Broad environmental constraints and opportunities
- Distribution and timing of growth in settlements and rural areas
- Major infrastructure development timing, including strategic transportation projects of both national and regional significance.⁴

3.4 Future Proof has been developed within the broad context of the LGA 2002 and it takes a strategic, integrated approach to long term planning and growth management. The Strategy identifies 50-year land supply needs⁵ in the sub-region and sequences its release and development according to its ability to be serviced by appropriate infrastructure and equitable funding.

3.5 Future Proof seeks to provide a consistent knowledge base and vision for its partner councils and other agencies in order to plan for, and sustainably manage growth in an integrated manner. Therefore the Strategy's operational and implementation processes have been designed to be consistent with the three major planning statutes relevant to local government being the RMA 1991, LGA 2002 and the LTMA 2003. This approach supports the Future Proof partner councils of the Waikato RC, HCC, Waipa DC and Waikato DC, in achieving their compliance obligations across all three planning statutes during Strategy implementation.

³ Demographic projections completed for Future Proof by the National Institute of Demographic and Economic Analysis (University of Waikato), 2015, using data from 2013-2031

⁴ Future Proof Growth Strategy & Implementation Plan 2009, page 11

⁵ Future Proof Growth Strategy & Implementation Plan 2009, page 11.

- 3.6 The strategic approach underpinning Future Proof is a blend of compact settlement and concentrated growth. The Strategy supports a fundamental shift in growth management from focusing largely on accommodating low-density suburban residential development to supporting a more compact urban form. The majority of growth is to be concentrated in Hamilton City which will contain 67% of the sub-region's population by 2061 with about 21% allocated to larger rural townships⁶. This is the basis for the sub-regional settlement pattern contained in Future Proof⁷. An anchored land use or settlement pattern allows the costs of growth to be identified early which can deliver a more cost-effective form of infrastructure. It also provides land use certainty to the community, developers, local government and central government.
- 3.7 It is important to also point out that the Future Proof settlement pattern was mandated by the sub-regional community. The strategic options for land use were publicly consulted on as was the draft Strategy. The scenarios were also evaluated through a set of criteria derived from the Future Proof Strategy vision. The preferred settlement pattern scenario which forms the basis of the Future Proof Strategy was selected on the basis of the public feedback and the evaluation results.
- 3.8 The sub-regional settlement pattern is the cornerstone of the Future Proof Strategy⁸ and is a key part of the integrated approach to land use, infrastructure and funding.
- 3.9 The Future Proof settlement pattern is also crucial to achieving the sustainable management of growth for the sub-region and the wider region as anticipated by Part 2 of the RMA 1991, in particular section 5(2) of the Act to manage "*the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety...*"
- 3.10 The Future Proof Strategy is currently being updated with a revised Strategy due out for public consultation early next year. The update will not alter the

⁶ Future Proof Growth Strategy & Implementation Plan 2009, page 61.

⁷ Ibid, pages 54-69.

⁸ Ibid, page 112.

fundamental principles of the Strategy or the overall approach to the settlement pattern.

- 3.11 The Variation gives statutory effect to the Future Proof sub-regional settlement pattern through the rezoning of Ruakura which is identified in Future Proof as a growth area, comprehensive structure planning, staging of the development, and infrastructure and transport requirements which support the development.

4. IMPORTANCE OF THE VARIATION TO FUTURE PROOF IMPLEMENTATION

- 4.1 The Variation incorporates the decision of the Board of Inquiry (“BOI”) on the Ruakura Development Plan Change which was released in September 2014. Future Proof was a submitter to this Plan Change and I presented evidence on behalf of the FPIC at the Board of Inquiry hearing.
- 4.2 The Variation, which translates the BOI decision into the PDP, is an important part of giving effect to the strategic growth management approach of the Future Proof Strategy.
- 4.3 Ruakura is an identified growth area in the Future Proof Strategy.⁹ The concept of locating employment land at Ruakura has been planned for the last 10 years or more. The site itself has been earmarked for some form of development since the 1960’s. Ruakura is also an identified growth area in the Hamilton Urban Growth Strategy.¹⁰
- 4.4 When the Future Proof Strategy was developed in 2008 and 2009 it was anticipated that Ruakura may become a high technology innovation precinct and a more general employment area into the future. Ruakura is identified in the Future Proof allocation of industrial business land noting that it has locational advantages such as its proximity to rail and arterial roads, it builds on established activity and the innovation precinct, and it is a large site.
- 4.5 At the time the Future Proof Strategy was developed the ultimate land use for the site was not known. It was always intended for some form of industrial activity

⁹ Future Proof Strategy & Implementation Plan, 2009 at pages 55 & 59

¹⁰ Hamilton Urban Growth Strategy, 2009 at page 14

and knowledge zone, however it was not until Tainui Group Holdings Ltd (“TGHL”) progressed a detailed structure plan in 2011 that all of the uses for the site were fully explored, including the concept of an inland port.

- 4.6 Ruakura forms a clear part of the Future Proof settlement pattern. The Future Proof settlement pattern map identifies Ruakura as a future greenfield area and within the urban limits. It is also a key component of the ‘central’ corridor¹¹ which includes the growth areas of the existing Hamilton urban node, Hamilton greenfields, intensification areas, the Hamilton Central City as well as important transport routes.
- 4.7 There is an acknowledgement in the Future Proof Strategy that the quantum for industrial land provided were estimates only based on the best available information. At the time the industrial business land section of the Future Proof Strategy was drafted, the partner Councils acknowledged that the allocations would need to be reviewed in order to provide for future growth as a sub-region in a sustainable and affordable way.
- 4.8 In early 2010 the Future Proof partners commissioned a Future Proof Business Land Review project in order to review the business land figures contained in the Strategy. The Future Proof industrial land quantum and allocations needed to be investigated further because of the amount of land and the dispersed nature of the locations. It was recognised that if all of the land was developed that this had the potential for significant impacts on the transport network, in particular the number of access points required to the Waikato Expressway and the potential to compromise the efficiency of the Expressway. Other infrastructure servicing issues were also identified in relation to some of the locations contained in Future Proof, for example water and wastewater.
- 4.9 The Future Proof Business Land Review¹² recommended Ruakura as a strategic industrial node. However, the Business Land Review only allocated 120 ha of industrial land to the area. The main reason for this was not about the suitability of the site but about ensuring that industrial land supply in the sub-region did not exceed the forecast of 805 ha. In forecasting the amount of industrial land needed the Future Proof Business Land Review used labour force data which is

¹¹ Future Proof Strategy & Implementation Plan, 2009 at pages 138-139

¹² *Future Proof Business Land Review: Summary Report of Findings and Recommendations*, October 2010

demographically based. However, there is also room for a certain amount of demand driven growth.¹³

- 4.10 The Future Proof partners identified that the industrial land at Ruakura has key strategic advantages, including its location on the road and rail networks and unified ownership, which make it different from other industrial areas. Further analysis was undertaken and the Future Proof partners put forward a joint case at the Proposed Waikato Regional Policy Statement hearings which advocated for an increase in the amount of industrial land allocated to Ruakura on the basis that the inter-modal terminal / logistics hub necessitates a large amount of land.
- 4.11 It is the inter-modal terminal / logistics hub and the innovation components of the Ruakura development that are of most significance for the region. It is these features that have the potential to contribute to the Waikato region's competitive advantage in agricultural research and as a transport hub supporting Upper North Island economic development.
- 4.12 It has become quite clear to the Future Proof partners that making provision for this site is about growing the economy and the promotion of economic development, in a regional, Upper North Island and national context.

5. RUAKURA IN THE WAIKATO REGIONAL POLICY STATEMENT

- 5.1 The Proposed Waikato Regional Policy Statement was made operative on 20 May 2016.
- 5.2 The RPS, particularly in Chapters 6 to 6D on the Built Environment, implements a Future Proof priority action to develop and notify a proposed change to the Waikato RPS. The aim is to anchor the Future Proof sub-regional policy framework and long term settlement pattern. This has now been achieved.
- 5.3 The RPS sets the direction for growth management in the Waikato region. The RPS also provides district plans with policy direction in key areas, including the

¹³ *Industrial Land Release in the Waikato Regional Policy Statement: An Evaluation of the Impacts at Ruakura*, Castalia Strategic Advisors for Tainui Group Holdings, February 2012, pages i, 5-7. See also Report to SmartGrowth, *Business Land Requirements Review Western Bay of Plenty*, Phil McDermott Consultants, October 2006 at page 2 where demand driven growth is discussed.

strategic integration of infrastructure with land use as required by Section 30(1)(gb) of the RMA 1991.

- 5.4 The RPS gives statutory effect to the Future Proof sub-regional settlement pattern through the use of urban limits, outlining growth allocations, providing for target residential densities, and the identification of growth areas and associated timing.
- 5.5 In line with the Future Proof Strategy, Ruakura has been identified as a Strategic Industrial Node in the RPS and included within the urban limits.¹⁴
- 5.6 Policy 6.14(c) of the RPS states that within the Future Proof area new industrial development should predominantly be located in the strategic industrial nodes in Table 6-2 (section 6D) and in accordance with the indicative timings in that table. Table 6-2 includes Ruakura and provides for a total allocation of 405ha staged over 50 years. The first stage of 2010-2021 provides for 80ha, the second stage of 2021-2041 115 ha and the final stage from 2041-2061 allocates 210ha.
- 5.7 The explanation which accompanies Table 6-2 is as follows¹⁵:

Ruakura

The Ruakura Industrial Node is part of an 820ha parcel of land that has been identified by Hamilton City for future urban growth, known as the R1 growth cell.

The 405ha identified in Table 6-2 comprises the Ruakura inland port and logistics zone (approximately 195ha) and general industrial land (approximately 210ha) to be advanced through a district plan structure planning process and subsequent Resource Management Act First Schedule process. The staging and timing identified in Table 6-2 provides for Stage 1 of the inland port and logistics zone, and up to 30 hectares of general industrial development to 2021. The Ruakura Structure plan is linked to the development of the Hamilton section of the Waikato Expressway. Further development after 2021, beyond the initial 80ha identified for the 2010-2021 period, should not occur until the Hamilton section of the Waikato Expressway is completed and connected to the Ruakura

¹⁴ Operative Waikato Regional Policy Statement, May 2016, Section 6D, Table 6-2 at page 6-33 and Section 6C, Map 6-2 at page 6-31

¹⁵ Operative Waikato Regional Policy Statement, May 2016, Section 6D, Explanation to Table 6-2 at page 6-34

land in a manner that does not undermine the efficient functioning and safety of the transport network, or another infrastructure solution has been demonstrated to satisfy the relevant criteria for alternative land release in Method 6.14.3.

- 5.8 My colleague Mr Dylan Gardiner is providing more detailed evidence on behalf of the Waikato Regional Council on the RPS and the role of Ruakura in that document.

6. FPIC'S SUBMISSIONS ON THE VARIATION

- 6.1 The focus of the FPIC's submission is to support the Variation as it implements key aspects of the Future Proof Strategy and settlement pattern. Ruakura is an identified growth area in the Future Proof Strategy.

- 6.2 In particular, Future Proof supports provisions of the Variation which:

- Give effect to the BOI decision;
- Give effect to the Future Proof settlement pattern and key principles;
- Provide for the sequencing and/or staging of development; and
- Are consistent with the RPS.

Structure Plan

- 6.3 Future Proof supports the changes to section 3.7. These amendments align with the Ruakura Development Plan Change Board of Inquiry Decision ("BOI Decision"). Future Proof gave evidence at this hearing largely in support of the Ruakura development but with some amendments in order to ensure good outcomes were achieved.

- 6.4 This section also aligns with the Future Proof Strategy and the RPS. The inclusion of the Industrial Land Allocation table of the RPS in section 3.7 is strongly supported.

- 6.5 Future Proof supports the objectives and policies in section 3.7.2. Policy 3.7.2.3c and associated Rule 3.7.3.2 which references the Land Development Plan is supported as this was part of the BOI Decision.

- 6.6 The use of Integrated Transport Assessments are also supported. These provide an important mechanism to understand and assess the potential transport impacts of the development.
- 6.7 Rules 3.7.3.3.1 and 3.7.3.3.2 - Industrial Land Staging (PRPS Allocation) is supported as it aligns with the Future Proof Strategy and the RPS. Future Proof wishes to ensure that industrial land is rolled out in a staged manner as set out in the RPS so that it can be integrated with infrastructure and funding and that we do not end up with an oversupply of industrial land.
- 6.8 Future Proof supports the inclusion of Ruakura Strategic Infrastructure in provisions 3.7.1.12, 3.7.3.4, and amendments to the Objectives and Policies. A detailed understanding of the strategic infrastructure requirements will clearly identify expectations for growth.

Zones

- 6.9 Future Proof supports the amendments to the Residential, Knowledge, Ruakura Logistics, Ruakura Industrial Park, Open Space zones. These are consistent with the BOI Decision, the Future Proof Strategy and the RPS.
- 6.10 In terms of the Residential Zones, we support the use of the Land Development Plan. We also support the one integrated retail development as set out in 4.8.1.
- 6.11 Future Proof supports the extension of a Community Liaison Committee within the Ruakura Logistics Zone. The Community Liaison Committee was an important recommendation of the BOI in terms of ensuring good communication between the developer and the community / residents.
- 6.12 Future Proof supports the amendments in the Open Space Zones chapter, specifically the inclusion of the Ruakura Open Space Zone and the multifunctional use of this zoning.

Appendices

- 6.13 Future Proof supports the amendments to Appendix 1.2 Information Requirements and Appendix 1.3 Matters of Discretion. These are supported as they are consistent with the BOI decision, the Future Proof Strategy and the RPS.
- 6.14 The long term use of the Percival / Ryburn Enclave as Logistics as set out in Figure 2-14 in Appendix 2 on Structure Plans is supported. It is important that a long-term intention to rezone the existing rural-residential properties is signalled. This provides certainty and over time will allow for a comprehensive and integrated approach to the area. In the long-term the land-use incompatibility and reverse sensitivity issues are such that the area needs to be incorporated into the Logistics Zone.
- 6.15 Future Proof supports the Large Lot Residential Zoning for the Percival / Ryburn Enclave in the shorter term as shown in Appendix 17 – Planning Maps – 40A. Future Proof is of the view that large lot residential is appropriate in the short term until the area transitions in the long term to being a logistics hub.

7. THE STAFF REPORT

- 7.1 Future Proof supports the recommendations made in the Staff Report. All of Future Proof's submission points have been accepted or accepted in part. The reason why the submissions have been accepted in part is due to amendments in response to other submissions.
- 7.2 The amendments proposed to the sections of the Variation that Future Proof submitted on are supported.

8. CONCLUSIONS

- 8.1 Future Proof supports Variation 1 to the Proposed Hamilton District Plan as it gives effect to the BOI decision on the Ruakura development, the Future Proof Strategy and the RPS.
- 8.2 Ruakura is identified as a growth area in the Future Proof Strategy and as a strategic industrial node in the RPS. The Variation helps to implement the Future Proof Strategy by anchoring the BOI decision in the PDP.
- 8.3 Ruakura represents a significant national and regional opportunity given the inland port component of the development. Ruakura is a unique site and is important from an Upper North Island perspective.
- 8.4 The focus of Future Proof's submission is to support the Variation. In particular, Future Proof has supported the structure plan section; the Residential, Knowledge, Ruakura Logistics, Ruakura Industrial Park and Open Space zones; the information requirements and matters of discretion in the appendices. Future Proof also supports signalling the long-term use of the Percival / Ryburn Enclave as Logistics. This provides certainty and over time will allow for a comprehensive and integrated approach to the area.
- 8.5 The Variation supports the implementation of the Future Proof Strategy, which is imperative to the sustainable management of growth in the sub-region.

Ken Tremaine

14 July 2016