

**IN THE ENVIRONMENT COURT
ENV-2020-AKL-000038**

IN THE MATTER of the Resource Management Act
1991

AND of an appeal pursuant to Schedule 1,
IN THE MATTER clause 14(1) of the Resource
Management Act 1991

BETWEEN AFFCO New Zealand Limited
Appellant

AND Hamilton City Council
Respondent

**NOTICE OF A WISH TO BE PARTY TO PROCEEDINGS UNDER
SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991**

Dated: 20 May 2020

Contact Person:

Ken Tremaine: Future Proof Implementation Advisor
C/- Ken Tremaine Consulting Ltd
1601/18 Beach Road
Auckland Central
AUCKLAND 1010
P. (09) 309 2515
M. (0274) 768 300
E. ken@kentremaine.co.nz

To the Registrar
Environment Court
Auckland

1. The **Future Proof Implementation Committee (“FPIC”)** wishes to be a party to the appeal by **AFFCO New Zealand Limited (“AFFCO”)** against the decision of the **Hamilton City Council (“Council”)** to approve Proposed Plan Change 2 to the Hamilton City District Plan – Te Awa Lakes Private Plan Change (“PPC2”).
2. The Future Proof Implementation Committee (“FPIC”) claims status to be heard as a person who has an interest in the proposal that is greater than the interest that the general public has under Section 274(1)(d) of the Resource Management Act 1991 (“RMA 1991”).
3. The FPIC is the implementation arm of the Future Proof Growth Strategy; the growth management strategy for the Future Proof sub-region which refers to the territorial administrative areas of the Hamilton City Council, the Waipa District Council and the Waikato District Council.
4. Future Proof’s sub-regional policy framework and settlement pattern are implemented via the Waikato Regional Policy Statement (“RPS”) and District Plans. District Plans are a key implementation tool for giving statutory effect to the settlement pattern and Future Proof principles. The site of PPC2 is within a node identified in the Future Proof Strategy and the RPS. The FPIC is therefore affected by this application and the associated appeal.
5. The Future Proof Implementation Committee is not a trade competitor for the purposes of section 308C of the Act.
6. The FPIC is interested in the AFFCO appeal in its entirety.

7. The FPIC **opposes the relief sought** as set out in the Notice of Appeal, for the following reasons:
- (a) The proposed Te Awa Lakes development area sits within an acknowledged industrial growth area in both the Future Proof Strategy and the RPS, being the Te Rapa North Strategic Industrial Node.¹
 - (b) The proposed Te Awa Lakes development area falls within the urban limits as set out in both the Future Proof Strategy and the RPS.² For this reason PPC2 becomes a question of change of use, not whether there should be a growth area in this location or not.
 - (c) Future Proof takes a responsive approach to growth management and development planning. The situation has changed since the Te Rapa North Strategic Industrial Node was first identified. This includes high demand for housing in Hamilton City³, information now available around the feasibility of using the land in question for its zoned industrial purpose⁴, and the introduction of the National Policy Statement on Urban Development Capacity in 2016 which has a focus on responsive urban environments and adapting policy frameworks to meet emerging needs.⁵
 - (d) PPC2 aligns with Future Proof Strategy principles, gives effect to the RPS and is consistent with the strategic framework of the Hamilton District Plan.
 - (e) PPC2 is consistent with Part 2 of the RMA 1991 and meets its sustainable management purpose.

¹ *Future Proof Strategy*, 2017 at page 39; *Waikato Regional Policy Statement*, 2016, Policy 6.14 & section 6D, Table 6-2

² *Future Proof Strategy*, 2017, Map 2 at page 101; *Waikato Regional Policy Statement*, 2016, Map 6C

³ *Future Proof Strategy*, 2017 at page 22; Future Proof Housing & Business Development Capacity Assessment, 2017

⁴ Evidence of Mr Udale for the Applicant on Industrial Development Feasibility, 29 October 2019. Also see page 5 of the Evidence-in-Chief of Mr O'Dwyer for the Hamilton City Council, 14 October 2019

⁵ National Policy Statement on Urban Development Capacity, 2016, Objectives OA1, OA2, OA3, OC1, OC2

(f) Future Proof therefore opposes the relief sought where it seeks to overturn PPC2 in its entirety.

8. The FPIC agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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Signature of person wishing to be a party

(or person authorised to sign on behalf of person wishing to be a party)

20 May 2020

Address for service of person wishing to be a party:

Ken Tremaine

Future Proof Implementation Advisor

1601/18 Beach Road

Auckland 1010

Telephone: 09 309 2515

Mobile: 027 476 8300

Email: ken@kentremaine.co.nz

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after –

- the period for lodging a notice of appeal ends, if the proceedings are an appeal;
or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the other parties to the proceedings within the same 15 working day period.

However you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.