

Hamilton City Operative District Plan October 2017 Proposed Plan Change 2 –Te Awa Lakes Private Plan Change

(Form 5 - Submission on a Publicly Notified Plan Change Under Clause 6 of the First Schedule to the Resource Management Act 1991)

Send completed submission forms to:

Address: Submissions Proposed Plan Change 2- Te Awa Lakes Private Plan Change
Economic Growth and Planning Unit
Hamilton City Council
Private Bag 3010
Hamilton 3240

Email: districtplan@hcc.govt.nz

IMPORTANT REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 4.30PM, 29 NOVEMBER 2017

Please print and do not use pencil. Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available in a summary sheet from the Council, on the Council website Hamilton.govt.nz/teawalakes, or phone (07) 838 6810 (Economic Growth and Planning Unit).

To: Hamilton City Council

Submission on: Hamilton City Operative District Plan October 2017 Proposed Plan Change 2-Te Awa Lakes Private Plan Change

Your full name: Bill Wasley, Future Proof Independent Chair

Company name: Future Proof Implementation Committee

Your postal address: P O Box 381, Tauranga 3141

Your email address: bill@wasleyknell.co.nz

Contact name and address for service of person making the submission:

This is the person and address to which all communications from the Council about the submission will be sent. You do not need to fill this in if the details are the same as the above

Ken Tremaine, Future Proof Implementation Advisor

ken@kentremaine.co.nz

Telephone number: 027 476 8300

1. The specific provisions of the Proposed Plan Change that my submission relates to are as follows: *[Please refer to the specific section or part]*

Whole Plan Change – please refer to attached submission

2. My submission is that:
[State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons]
Please refer to attached submission

3. I seek the following decision from the Hamilton City Council:
[Give precise details]
Please refer to attached submission

4. ~~I do~~ ~~do not~~ wish to be heard in support of my submission.
[Please cross out the part of the statement that does not apply to you]

5. If others make a similar submission ~~I would~~ ~~would not~~ be prepared to consider presenting a joint case with them at any hearing.
[Please cross out the part of the statement that does not apply to you]

[Your signature or that of the person authorised to sign on behalf of the person making this submission]

[Date]

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Future Proof Implementation Committee
c/o Bill Wasley
Future Proof Independent Chair
P O Box 381
TAURANGA 3141

28 November 2017

Submissions Proposed Plan Change 2 - Te Awa Lakes Private Plan Change
Economic Growth and Planning Unit
Hamilton City Council
Private Bag 3010
HAMILTON 3240
By e-mail: districtplan@hcc.govt.nz

To whom it may concern

FUTURE PROOF IMPLEMENTATION COMMITTEE SUBMISSION ON PROPOSED PLAN CHANGE 2 (TE AWA LAKES PRIVATE PLAN CHANGE) TO THE HAMILTON CITY DISTRICT PLAN

This submission is lodged by the Future Proof Implementation Committee (FPIC) in **conditional opposition** to *Proposed Plan Change 2 (Te Awa Lakes Private Plan Change) to the Hamilton City District Plan (PC2)*.

The FPIC is the implementation arm of the Future Proof Growth Strategy (Future Proof, or Strategy). The FPIC includes representatives from the Hamilton City Council (HCC), the Waipa District Council (Waipa DC), the Waikato District Council (Waikato DC), the Waikato Regional Council (WRC) and tāngata whenua. As the administering authority for PC2, HCC has abstained from forming a part of this submission. The Future Proof partners may still make individual submissions.

The FPIC is conditionally opposed to the plan change as we do not believe there is enough information at this stage to allow us to support it. The detailed matters are set out in our formal submissions attached to this letter.

The FPIC is willing to appear in support of its submission. If others make a similar submission, the FPIC would also be prepared to consider presenting a joint case with them at the submissions hearing.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bill Wasley".

Bill Wasley
Independent Chair, Future Proof Implementation Committee

General Comments

The site that is the subject of this Plan Change sits within the Te Rapa North Strategic Industrial Node as identified in the Waikato Regional Policy Statement (RPS).¹ This node was also identified in the Future Proof Strategy and forms part of the sub-regional settlement pattern.

The Future Proof Strategy and the RPS establish a settlement pattern for the sub-region that provides certainty about the timely, efficient provision of infrastructure. The settlement pattern is the result of considerable investigation and analysis, and has been agreed across the Future Proof partnership. This is noted in the PC2 documentation at page 36 where it references the decision of the Environment Court in *A & A King Family Trust v Hamilton City Council*². In that decision the Court noted that the settlement pattern approach has been the subject of considerable focus through Future Proof, the RPS and the Hamilton City District Plan, and that there has been a progression of inter-related and cascading processes starting with Future Proof.³

Future Proof is not fundamentally opposed to the Plan Change, however we are of the view that there needs to be sufficient evidence provided to support the need for a departure from the agreed land use pattern. The site is within the urban limits of the RPS, however the plan change is seeking to alter the intended use of the area in question.

Future Proof is of the view that there are issues that need to be resolved and further evidence provided before we can support the Private Plan Change.

We have not reached this view lightly as there may be a number of benefits that arise from the development including:

- The site is unique and sits at the gateway into Hamilton. At present the area is unsightly having been a quarry operation. The Te Awa Lakes development could provide an attractive entrance to New Zealand's fourth largest city.
- There is an opportunity to set up a significant tourist activity through the adventure park. The residential component is probably needed to help fund the adventure park.
- A range of living opportunities with good amenity would be provided close to the river and internal waterways.

However, as the Plan Change currently stands, the proposed rezoning from industrial to a mix of uses, including residential, needs to be supported by robust and comprehensive evidence. Further analysis and evidence is required to support the need to change the land use and to ensure that we understand any potential effects on the Strategic Industrial Nodes as identified in the RPS.

Of key importance to Future Proof is whether it is economically feasible to develop the site as originally intended for industrial use. There are yet to be demonstrated potential site remediation issues which could make converting it to an industrial development problematic, for example the large remnant water bodies. While the Plan Change outlines some of these site challenges, it does not provide economic evidence to demonstrate that the site would not be viable to develop as industrial land.

The main issues from a Future Proof perspective that need to be addressed by the applicant are:

¹ Section 6D, Table 6-2, Operative Waikato Regional Policy Statement, 2016

² [2016] NZEnvC 229

³ *A & A King Family Trust v Hamilton City Council* [2016] NZEnvC 229, paragraphs 103 & 110

- **Economic / Viability Evidence:** The need for some very clear evidence that supports the applicant's view that the costs of developing the site for industrial use are uneconomic. In other words economic analysis that supports the view that it is not financially viable to develop the site for industrial use. This is fundamental as it goes to the heart of knowing whether or not the site can be developed for the use it has been zoned for.
- **Strategic Industrial Node Analysis:** At present there is insufficient evidence to enable Future Proof to understand the impact that removing industrial land from the Te Rapa North Industrial Node (which includes the Fonterra dairy factory and associated land) has on the node itself, the adjacent Horotiu Strategic Industrial Node and on other nodes within the sub-region. We need to better understand the implications of converting land to a different use within a strategic industrial node.

Future Proof is of the view that addressing these two key issues is necessary in order to:

- Give effect to the Waikato Regional Policy Statement as required by section 75(3)(c) of the Resource Management Act 1991 (RMA)
- Meet RMA Section 32 requirements

A significant amount of resource has gone into establishing the Future Proof settlement pattern. We should only move away from this if there is sufficient information and evidence to indicate that this is the only viable option and the benefits far outweigh any costs.

Specific Comments

Relevant Provision	Support / Oppose	Reasons	Relief Sought
Whole of PC2	Oppose in part	<p>Future Proof is of the view that at present there is a lack of comprehensive and robust information to allow us to be able to support the Plan Change. This lack of information relates to:</p> <ul style="list-style-type: none"> ▪ Economic / viability analysis to support the view that it is uneconomic to develop the site for industrial purposes. ▪ Strategic Industrial Nodes analysis in order to understand the impact of the loss of industrial land at Te Rapa North, any impacts on the adjacent node at Horotiu, and any impacts on other nodes in the sub-region. 	PC2 is opposed until there is sufficient information to address the matters outlined.
Section 1.3 Purpose of the Plan Change	Oppose on the basis that the statement is not yet supported by the evidence	<p>The PC2 'Request for Plan Change' document (27 October 2017) states that one of the purposes of the plan change is:</p> <p><i>To implement a more appropriate economic set of alternative uses for a site that has been found to have significant geotechnical and physical constraints.</i></p> <p>It is Future Proof's view that this purpose is fundamental but is not yet supported by the evidence. We would like to see appropriate analysis undertaken to demonstrate that the site has geotechnical and physical constraints and that it is not economic to develop it for industrial purposes.</p>	That further information / evidence be sought from the applicant.

<p>Section 32 Evaluation, Section 2.1 – Evaluation of Issues</p>	<p>Oppose on the basis that the statement is not yet supported by the evidence</p>	<p>At paragraph 2.1.2 it states that the Plan Change is intending to address several issues, one of which is the physical suitability of the site for development. The paragraph outlines that there are significant constraints for industrial development including large remnant water bodies and uncontrolled fill. While the Plan Change identifies the constraints, there is no economic analysis provided to support the notion that the site is not suitable for industrial development as it would not be viable to do so.</p>	<p>That further information / evidence be sought from the applicant.</p>
<p>Table 2 – Evaluation of Benefits and Costs</p>	<p>Oppose on the basis that the statement is not yet supported by the evidence</p>	<p>Under economic costs, alternative (a) sets out that that the foundation constraints are likely to make standard industrial development too costly and that the existing water bodies will lead to inefficient subdivision design and higher costs. However, there is no economic evidence to support these statements.</p>	<p>That further information / evidence be sought from the applicant.</p>