

BEFORE THE HAMILTON CITY COUNCIL HEARING COMMISSIONERS

IN THE MATTER OF the Resource Management Act
1991

AND

IN THE MATTER OF Proposed Private Plan Change 2
to the Hamilton City Operative
District Plan - Te Awa Lakes

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”);
 - Spatial 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”); and
 - Central Government policy, and statutory and regulatory reform.
- 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 form. I have continued to be involved in Central Government policy and regulatory development since that time.

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

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 *Future Proof Strategy* in the Future Proof sub-region (being the territorial administrative areas of Hamilton City, Waikato District and Waipa District);
- The *SmartGrowth Strategy* in the western Bay of Plenty sub-region (being the territorial administrative areas of Tauranga City and the Western Bay of Plenty District);
- The *Greater Christchurch Urban Development Strategy* for the Greater Christchurch sub-region (being the territorial administrative areas of Christchurch City, Waimakariri District and Selwyn District);
- *Taupo District 2050* - the growth strategy for Taupo District;
- *Sustainable Futures 30/50* – the growth strategy for Whangarei District;
- *Heretaunga Plains Urban Development Strategy* – the growth strategy for Napier City, Hastings District and Hawke’s Bay Regional Council.

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

1.7 Recently, and as part of my Future Proof role, I have also been closely involved with the Hamilton to Auckland Corridor Plan and associated workstreams.

B. Waikato Region and Waikato District Experience

1.8 Currently I hold the position of Implementation Advisor for *the Future Proof Strategy* ("Future Proof" or "Strategy"). The Future Proof sub-region is an area with ongoing population growth as well as significant levels of development. The Strategy was developed by Hamilton City Council, Waikato District Council, Waipa District Council, the Waikato Regional Council, tāngata whenua and the New Zealand Transport Agency ("NZ Transport Agency"). The Strategy was completed in the broad context of the LGA 2002 to look at how the Future Proof sub-region should develop sustainably into the future.

- 1.9 I have been a project and implementation advisor to the Future Proof project since its inception in 2007. I have been responsible for overseeing the Strategy's research, drafting, hearings / adoption, implementation and update phases. Future Proof undertook a phase 1 update to the Strategy in 2017 which was adopted by all of the partners. We are currently undertaking a phase 2 update in order to ensure we meet the requirements of the National Policy Statements, in particular the Proposed National Policy Statement on Urban Development ("NPS-UD") and that we incorporate the findings and outcomes of the Hamilton to Auckland Corridor project.
- 1.10 I have read the *Proposed Private Plan Change 2: Te Awa Lakes* ("PC2") which was notified by the Hamilton City Council on 1 November 2017 and forms the subject of these proceedings.
- 1.11 The Future Proof Implementation Committee ("FPIC") prepared a primary submission on PC2 which was in conditional opposition to the proposal. The reason for this position was that, at the time, we did not believe sufficient information had been provided to allow Future Proof to support the plan change. On 13 August 2018 Future Proof wrote to Hamilton City Council advising that the information we needed to support the plan change had been provided and that our position was now one of support.
- 1.12 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 as they relate how PC2 fits within the wider regional and sub-regional planning frameworks and the benefits we identified of the proposal.
- 1.13 I have also read the Council's Section 42A Report dated 14 October 2019.
- 1.14 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 that sits alongside Hamilton City Council's policy framework;
- c) The context for PC2; and
- d) The role of other key documents, including the Waikato Regional Policy Statement ("RPS").

C. Code of Conduct

1.15 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 My evidence brief covers the following:

- a) The Future Proof Strategy;
- b) The Waikato Regional Policy Statement ("RPS");
- c) The Hamilton to Auckland Corridor;
- d) How PC2 fits within these frameworks;
- e) FPIC's main submission points;
- f) The recommendations of the Section 42A Report; and
- g) Conclusions.

3. THE FUTURE PROOF STRATEGY

Background

3.1 As stated in paragraph 1.8 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 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 first 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. The partners have been working together over the last 10 years or more on growth management.

The Strategy

- 3.3 The Future Proof Strategy is focussed on:

- Long term vision and guiding principles
- Growth forecasts for the sub-region
- Identifying a settlement pattern for the sub-region, including distribution and timing of growth in settlements and rural areas
- Identifying strategic infrastructure needs along with timing for growth areas
- Implementation, and in particular a programme of priority actions
- Taking a responsive and adaptable approach through monitoring and review

- 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 30-year land supply needs⁴ in the sub-region and sequences its release and development according to its ability to be serviced by appropriate infrastructure and equitable funding.

² *Future Proof Strategy*, 2017, page 14.

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 Strategy*, 2017, pages 35-37.

- 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 Regional Council, Hamilton City Council, Waipa District Council and Waikato District Council, in achieving their compliance obligations across all three planning statutes during Strategy implementation.
- 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 and the main townships of Waipa and Waikato Districts. This is the basis for the sub-regional settlement pattern contained in Future Proof⁵. 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 Strategy⁶ and is a key part of the integrated approach to land use, infrastructure and funding.

⁵ *Future Proof Strategy*, 2017, pages 26-37. Detailed settlement pattern tables are contained in Appendix 1 of the Strategy.

⁶ *Future Proof Strategy*, 2017, page 26.

- 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 was updated in 2017. The Strategy update was publicly consulted on using the Special Consultative Procedure of the LGA 2002. The revised document has not altered the fundamental principles of the Future Proof Strategy or the overall approach to the settlement pattern. The main reason for undertaking the update was to ensure that the Strategy is current, taking into account the changes that have occurred since 2009 such as the Auckland boundary change and the release of Census data.
- 3.11 A key difference in the 2017 Future Proof Strategy is a greater emphasis on settlement pattern flexibility and responsiveness.⁷ This does not mean compromising the guiding principles that underpin the Future Proof Strategy, and any changes to the settlement pattern need to still be consistent with the principles which provide the foundation of strategic growth and development in the sub-region.
- 3.12 The Future Proof Strategy will undergo its phase 2 update in 2020. This update will incorporate the requirements arising out of the Proposed National Policy Statement on Urban Development, including the Future Development Strategy, as well as other national direction, for example the Proposed National Policy Statements on Highly Productive Land and Freshwater Management and the Government’s Urban Growth Agenda. Importantly, it will also incorporate the outcomes of the Hamilton to Auckland Corridor Plan, which I will outline in further detail later in my evidence.

⁷ *Future Proof Strategy*, 2017, page 5 & section 7.5 on pages 39-40

Future Proof under the RMA 1991

- 3.13 Although the Future Proof Strategy is not an RMA 1991 statutory document, it can be given weight under section 74(2)(b)(i) of the Act which directs that when preparing or changing a District Plan, district councils:

...shall have regard to...any management plans and strategies prepared under other Acts...to the extent that their content has a bearing on resource management issues of the district.

- 3.14 Future Proof has been prepared and adopted within the framework of the LGA 2002 and it is therefore a document that the Commissioners should have regard to in their deliberations on the Plan Change.⁸

- 3.15 The Future Proof settlement pattern is the result of considerable investigation and analysis and has been agreed across the Future Proof partnership. In *the A & A King Family Trust v Hamilton City Council*⁹ decision, the Environment 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.¹⁰

4. THE WAIKATO REGIONAL POLICY STATEMENT

- 4.1 The Waikato Regional Policy Statement (“RPS”) was made operative on 20 May 2016.
- 4.2 The RPS, particularly in Chapters 6 to 6D on the Built Environment, implements the Future Proof Strategy. The RPS anchors the Future Proof sub-regional policy framework and long term settlement pattern.

⁸ See *The Mapara Valley Preservation Society v Taupo District Council* A083/2007; *Sade Developments No.2 Ltd v Taupo District Council* [A033/09]; *A and A King Family Trust v Hamilton City Council* [2016] NZEnvC229; *Ruakura Board of Inquiry Decision* (vol 1, September 2014)

⁹ [2016] NZEnvC 229

¹⁰ *A & A King Family Trust v Hamilton City Council* [2016] NZEnvC 229, paragraphs 103 & 110

- 4.3 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 strategic integration of infrastructure with land use as required by Section 30(1)(gb) of the RMA 1991.
- 4.4 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.
- 4.5 A change to the RPS is scheduled to begin in the next year which would include updates to implement the 2017 Future Proof Strategy, the updated Future Proof Strategy in 2020 and the outcomes of other strategic processes such as the Hamilton to Auckland Corridor Plan and key workstreams such as the Hamilton-Waikato Metro Spatial Plan.

5. HAMILTON TO AUCKLAND CORRIDOR

- 5.1 The Hamilton to Auckland Corridor Plan initiative was announced in early 2018 as a joint Central Government, Local Government and iwi project to consider growth in the corridor that stretches from Papakura in the north to Te Awamutu in the south. The purpose of the project is to develop an integrated spatial plan and establish an ongoing growth management partnership for the transport corridor. It forms part of the Government's Urban Growth Agenda.
- 5.2 A shared spatial intent has been developed for the Hamilton to Auckland Corridor which outlines growth management objectives, five key focus areas and 20 initiatives.¹¹
- 5.3 In August 2019, the Hamilton to Auckland Corridor initiative became part of the Future Proof structure and the Future Proof Implementation Committee now has expanded membership for Corridor Plan matters. Future Proof is now responsible for overseeing the Hamilton to Auckland Corridor Plan and its various initiatives.

¹¹ *Hei Awarua ki te Oranga: Corridor for Wellbeing* - A summary of shared spatial intent for the Hamilton-Auckland [H2A] Corridor, 12 February 2019

- 5.4 The detail of the Corridor Plan lies in the 20 initiatives. They include some important workstreams that may have a bearing on PC2, such as the Hamilton-Waikato Metro Spatial Plan, a sub-regional three waters project, the rail service between Hamilton and Auckland as well as other transport initiatives.
- 5.5 The Hamilton-Waikato Metro Spatial Plan is not at the stage of identifying priority development areas and future opportunities. The Spatial Plan has not yet been developed and no public consultation has occurred yet. Many of the initiatives contained within the Corridor Plan are still being worked on and outcomes from these workstreams are unlikely until at least mid-2020.
- 5.6 The Corridor Plan and its workstream have a strong focus on development potential and transformational opportunities, identified through comprehensive spatial planning exercises. PC2 falls within the Hamilton-Waikato metro area. Because the Hamilton-Auckland Corridor Plan, and in particular the Hamilton-Waikato Metro Spatial Plan, is not far enough advanced and has not undergone public consultation, I don't believe it can be given substantial weight in these proceedings. It is useful however to note the changing planning context we are currently operating in.

6. PC2 WITHIN THE STRATEGIC AND POLICY FRAMEWORKS

The Future Proof Strategy

- 6.1 The proposed Te Awa Lakes development is not recognised as a residential growth area in the Future Proof Strategy. However, the area that it sits within is an acknowledged industrial growth area being the Te Rapa North Strategic Industrial Node.¹²
- 6.2 The Future Proof Strategy notes that the partners intend undertaking a business land review and as a result the allocation of industrial business land will be subject to change as part of Phase 2 of the Strategy Update. This business land review is currently underway with initial findings due in December 2019 followed by a finer

¹² *Future Proof Strategy*, 2017 at page 39

grained assessment of the market situation to be completed by the end of the first quarter of 2020.

- 6.3 The proposed Te Awa Lakes development area falls within the urban limits as set out in both the Future Proof Strategy and the RPS.¹³ For this reason PC2 becomes a question of change of use, not whether there should be a growth area in this location or not. The area is identified as a growth management area in both Future Proof and the RPS and is within the urban limits.
- 6.4 The question of change of use is not a new one for Future Proof. We were in a similar situation with the Ruakura Private Plan Change that went through a Board of Inquiry process in 2014. In that case Future Proof had indicated the land might be used as a high technology innovation precinct and a more general employment area into the future. The Private Plan Change request was for an inland port. While both types of uses contemplated were for business land the effects were different.
- 6.5 Future Proof takes a responsive approach to growth management and development planning. While every endeavour is made to have a land use pattern that is certain, it is recognised that situations change and new opportunities can emerge that were not contemplated earlier.
- 6.6 In terms of what has changed since the Te Rapa North industrial node was included in the original Future Proof Strategy back in 2009, I note the following:
- Continued strong rates of growth and high demand for housing in the Future Proof sub-region and in particular Hamilton City.¹⁴
 - Significant housing affordability pressures, especially within Hamilton City.¹⁵
 - Housing demand is outstripping supply in Hamilton City.¹⁶
 - The Government's Urban Growth agenda which has a focus on making room for growth with improving housing affordability being the main objective.¹⁷

¹³ *Future Proof Strategy*, 2017, Map 2 at page 101; Waikato Regional Policy Statement, 2016, Map 6C

¹⁴ *Future Proof Strategy*, 2017 at page 22; Future Proof Housing & Business Development Capacity Assessment, 2017

¹⁵ *Waikato Regional Housing Initiative – 2018 Housing Stocktake*, Prepared by Nifa Limited in collaboration with the Waikato Plan – Waikato Region Housing Initiative Working Group

¹⁶ Housing and Business Market Indicators (quarterly monitoring reports)

¹⁷ Cabinet Paper – Urban Growth Agenda, 2018

- The information now available around the feasibility of using the land in question for its zoned industrial purpose.¹⁸
- 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.¹⁹

6.7 For Future Proof, the change of use within the Te Rapa North industrial node should be thought about in the context of the Future Proof Strategy guiding principles. The most relevant principles for PC2 are:

- Promote increased densities in new residential development and more intensive redevelopment of existing urban areas.
- Provide housing and lifestyle choice within defined locations, including papakāinga, with greater emphasis on good urban design outcomes. Where possible, respond to government policies on land supply and housing affordability.
- Give effect to the Vision and Strategy for the Waikato River by restoring the health and well-being of the Waikato and Waipa Rivers, including adopting an integrated management approach.
- Encourage development in established settlements to support existing infrastructure.
- Protect existing and future infrastructure and transport corridors, including the Waikato Expressway, Southern Links and rail corridors, from development that could constrain or compromise the efficiency of infrastructure and transport corridor operation.
- Ensure development is planned to support safe and efficient transport infrastructure, including public transport provision and reduced dependence on motor vehicles.
- Recognise the need for stronger links between land-use and transport in respect of the settlement pattern and ensure capacity is matched with development potential.

¹⁸ 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

¹⁹ National Policy Statement on Urban Development Capacity, 2016, Objectives OA1, OA2, OA3, OC1, OC2

- 6.8 As can be seen from these principles there are a number that PC2 is aligned with and there are some that it does not align with. On balance, it is my opinion that PC2 gives effect to the majority of the relevant principles.
- 6.9 The 2017 Future Proof Strategy contains a new section on taking a responsive approach to development.²⁰ This acknowledges that the settlement pattern needs to be agile enough to respond to change: *A settlement pattern that has some built-in responsiveness provides an ability to capitalise on previously unidentified or emerging opportunities that have potential to contribute significant economic, social or cultural benefits to our communities.*²¹
- 6.10 This section of the Strategy states that it is critical that the guiding principles that underpin the settlement pattern are not compromised. Therefore, when considering any changes to land use or the timing and staging of land development from that set out in the Strategy, the principles are to form the basis of assessing the merits of particular proposals. As set out in the paragraphs above of my evidence, I am of the view that on balance PC2 does not offend against the Future Proof Strategy principles when taken as a whole.
- 6.11 The Future Proof Strategy puts forward some criteria for assessing proposals. These criteria are:
- Consistency with the Future Proof Strategy guiding principles and other statutory planning documents.
 - Any proposal for change to land use or agreed timing and staging enables the Future Proof Partners to give effect to their NPS-UDC objective and policy requirements.
 - Existing or committed public and private sector investments in land development and infrastructure.
 - Development must be shown to be adequately serviced without undermining committed infrastructure investments made by Council to support other growth areas.
 - The efficient and safe use of existing or planning infrastructure.

²⁰ *Future Proof Strategy*, 2017, section 7.5, pages 39-40

²¹ *Ibid*, page 40

- Sustainable provision and funding of existing and future infrastructure. Development must be co-ordinated with the provision of infrastructure including utility services, and integrated with the transport network. The provision of infrastructure must take into account available or planned network capacity.
- Efficient use of local authority and central government financial resources.
- The ability for a developer to be able to pay for the necessary infrastructure.
- The compatibility of any proposed land use with adjacent land uses.

6.12 In my view, PC2 meets nearly all of these criteria. The two areas where it may not relate to consistency with statutory planning documents, namely the Hamilton District Plan, and the compatibility of proposed land use with adjacent land uses. I concur with the evidence of Mr O'Dwyer for Hamilton City Council where he concludes that there is broad alignment between PC2 and the strategic framework of the Hamilton District Plan. I also concur with the evidence of Mr O'Dwyer where he finds that reverse sensitivity effects can be mitigated through appropriate planning and design provisions which are proposed by the applicant.²²

6.13 The remaining question from a Future Proof perspective, is what impact will the removal of industrial land from the Te Rapa North Strategic Industrial node have on the overall settlement pattern and the supply of industrial land?

6.14 On this point, I agree with the evidence of Mr O'Dwyer, where he says that the loss of the industrial land resource does not result in a shortfall of industrial land supply for Hamilton or the sub-region.²³ It is my understanding that there would still be sufficient supply of industrial land for Hamilton City even with the removal of 50ha from the Te Rapa North Strategic Industrial Node. Hamilton City Council is also lifting the deferred industrial land zoning on the remainder of the land at Te Rapa North. This will bring forward a substantial amount of industrial land. I also note that under the National Policy Statement on Urban Development Capacity, there are strong monitoring requirements for land supply to ensure that we maintain sufficient residential and business land to meet demand.

²² Evidence-in-chief, Mr Luke O'Dwyer for Hamilton City Council, at pages 22 & 33

²³ Evidence-in-chief, Mr Luke O'Dwyer for Hamilton City Council, at page 6

- 6.15 I am of the view that it is important to consider the wider context that the PC2 site sits within and the changing nature of the wider area. The northern part of Hamilton City has become significantly more urbanised in recent times. A large greenfield residential growth area at Rototuna sits to the east of Te Awa Lakes. Another substantial greenfield residential growth area, while further away, sits to the south-west at Rotokauri. The Te Rapa Bypass component of the Waikato Expressway runs adjacent to the proposed development and the railway line is not far. The railway line is of particular long-term interest given that it is proposed to run a start-up passenger rail service from 2020 between Hamilton and Auckland. There is also the Te Awa Cycleway which connects the Te Awa Lakes area to central Hamilton. I also note that Te Awa Lakes is only around 13km from the centre of Hamilton. I am also aware that the Proposed Waikato District Plan has included the area across the Waikato Expressway for residential development. In addition, there are requests from property owners in the Horotiu area for significant additional areas, contiguous to existing zoning, to be rezoned for future industrial development as part of the ongoing growth of the Horotiu Strategic Industrial Node. While these zoning requests are yet to be heard, there is an inherent logic behind them when focusing on future land supply opportunities.
- 6.16 In summary, given the context that the proposed development sits within and the changed nature of our current circumstances, it is important to take a long-term, strategic view of PC2. In my opinion, PC2 is in broad alignment with the Future Proof Strategy.

The Waikato Regional Policy Statement

- 6.17 The RPS states that new urban development shall occur within certain growth areas, one of which is Hamilton City. It shall also occur within the urban limits as identified in Map 6.2.
- 6.18 PC2 forms part of the Te Rapa North Strategic Industrial Node as identified in the RPS. It is within a growth area and it is within the urban limits.
- 6.19 The RPS is silent about whether there can be a change of use in terms of an identified growth area. However, Policy 6.14(g) does state that where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate

consistency with the principles of the Future Proof land use pattern. Method 6.14.3 sets out the criteria that needs to be met for alternative land release.

6.20 I have already discussed alignment with Future Proof Strategy principles in earlier paragraphs of my evidence. I have also read the RPS assessment undertaken by the Applicant through the evidence of Mr Olliver, and the assessment in Appendix H to the Section 42A report. I concur with these findings. Overall, and on balance, I am of the view that PC2 is generally consistent with the RPS and it meets the alternative land use criteria. By meeting these criteria PC2 gives effect to the RPS.

7. FPIC'S MAIN SUBMISSION POINTS

7.1 The original FPIC submission on PC2 was conditionally opposed to it on the basis that insufficient information had been provided to allow Future Proof to support the Plan Change.

7.2 As outlined at paragraph 1.11, this position was changed to one of support following the completion of the work that we had outlined in our submission. The information we had asked for related to:

- 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.

7.3 The Future Proof submission outlined that the Te Awa Lakes site sits within the Te Rapa North Strategic Industrial Node as identified in the RPS and the Future Proof Strategy and therefore forms part of the sub-regional settlement pattern.

7.4 The Future Proof submission noted that there are 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.

7.5 The Future Proof submission also noted that 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.

7.6 Following the completion of additional analysis, namely the Industrial Development Viability Assessment²⁴ and economic assessment reports²⁵, I am of the view that the benefits of the development do outweigh any costs. I am also strongly influenced by the finding that the land cannot be used for its zoned purpose making the original intended land use cost prohibitive and therefore unlikely to proceed.

8. SECTION 42A REPORT

8.1 I have read the Section 42A Report and I agree with the findings of this report as they relate to strategic planning matters. In particular, I concur with the RPS assessment.

8.2 I note that the Section 42A Report has made an interim recommendation that the PC2 be accepted in part through acceptance of the Major Facilities zoning for the Adventure Park and Business 6 Zoning along Hutchinson Road. The part of PC2 that has not been recommended for acceptance is the residential zoning component due to uncertainties that exist.

²⁴ Essentia Consulting Group, March 2018 and an updated report in August 2019

²⁵ Assessment of Economic Effects, RCG, October 2017; Te Awa Lakes – Response to Berl Report, May 2018; Te Awa Lakes Economic Assessment, M.E. Consulting, August 2019

- 8.3 I do not have expertise in the matters that the Section 42A report has outlined as needing to be addressed and requiring further information, so I make no specific comments about these. I do note that the Section 42A report has made it clear that if this uncertainty can be remedied through the provision of sufficient further information then there is no impediment to recommending this component of the Plan Change.

9. CONCLUSIONS

- 9.1 Future Proof is supportive of PC2 – Te Awa Lakes as it is part of an identified growth area in the Future Proof Strategy and the RPS. It falls within the urban limits of both documents.
- 9.2 Te Awa Lakes represents a significant sub-regional and regional opportunity given the unique nature of the site, that it sits as a gateway into Hamilton City, the tourist and recreation activities proposed and the range of living opportunities with good amenity close to the river and walkways.
- 9.3 While the Future Proof Strategy, the RPS and the Hamilton District Plan envisaged this area as a Strategic Industrial node, the situation has changed from when this land was originally identified as such. The changes include the strong rates of growth and high demand for housing in the Future Proof sub-region and in particular Hamilton City, the housing affordability pressures, the objectives of the Government’s Urban Growth Agenda and the introduction of the National Policy Statement on Urban Development Capacity.
- 9.4 It is significant that the site in question cannot be used for its zoned industrial purpose. The Future Proof Strategy takes a responsive approach to development to allow for situations such as this.
- 9.5 In my opinion, PC2 aligns with Future Proof Strategy principles, gives effect to the RPS and is consistent with the strategic framework of the Hamilton District Plan.

Ken Tremaine
11 November 2019