

Response ID ANON-URZ4-5FXK-K

Submitted to Fast-track approval applications
Submitted on 2024-05-03 11:26:56

Submitter details

Is this application for section 2a or 2b?

2B

1 Submitter name

Individual or organisation name:
Te Kowhai East LP

2 Contact person

Contact person name:
GD Jones

3 What is your job title

Job title:
Owners Representative

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

PO Box 90003, Victoria Street West, Auckland 1142

7 Is your address for service different from your postal address?

Yes

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Level 1, 110 Customs Street West, Auckland 1010

Section 1: Project location

Site address or location

Add the address or describe the location:

Te Kowhai East, comprising 187 hectares of land adjoining the Waikato Expressway, Te Kowhai Road and Mathers Road, Hamilton as detailed in the attached Site Plans.

File upload:
Attachment 1 - Te Kowhai East Plans.pdf was uploaded

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Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

Attachment 2 - Titles.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Te Kowhai East LP

Empire Corporation Limited

Thelma Jean Murray

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

Te Kowhai East LP is the registered owner of 137 hectares of the 187 hectare land parcel identified as Te Kowhai East. Te Kowhai East LP is leading this application as the major landowner.

The records of title do not include any interests that constrain deliverability of the Project.

Section 2: Project details

What is the project name?

Please write your answer here:

Te Kowhai East

What is the project summary?

Please write your answer here:

Bordering the Waikato Expressway on the western side of the Te Kowhai interchange and closely located to the existing Te Rapa business area and the Rotokauri growth cell, Te Kowhai East (TKE) is strategically placed to address Hamilton's shortage of business land by delivering 137 net hectares of business land. The Project demonstrates clear economic development and productivity benefits at scale.

What are the project details?

Please write your answer here:

The Project will enable the following activities (all net areas) including:

1. 137 hectares industrial and light industrial land catering for a range of users up to 20 hectares.
2. 2 hectares local amenity centres.
3. 20 hectares reserves, open space.
4. Pedestrian and cycle connectivity to the live zoned urban land to the south of the TKE.

TKE LP is committed to funding its requirement of growth infrastructure to enable TKE to be fully developed and will collaborate with Hamilton City Council (HCC) and other neighbouring landowners on the delivery of this infrastructure.

TKE can deliver significant new growth to Hamilton, with a forecasted 5,935 FTE jobs and contribution of **s 9(2)(b)(ii)** in GDP through construction and a further 3,340 FTE operational jobs per annum and a significant **s 9(2)(b)(ii)** in GDP (across a 30-year period) post development.

TKE LP's planning assessment confirms that the Project aligns with HUGS, Future Proof and Regional Policy direction.

TKE has been identified as an 'Emerging Area' by HCC and TKE LP is engaging with HCC on this process. TKE is located in the Waikato District, meaning the land must undergo an expensive and time consuming boundary transfer process. TKE LP supports HCC's proposed submission on the Fast-track Approvals Bill (FTA) in which HCC proposes that the FTA enables expedited boundary changes between local authorities to occur.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

TKE LP has the expertise and financial capability to deliver the Project at pace and scale.

As part of the Emerging Area process, TKE LP has proposed to HCC that the Project be completed in 4 separate stages as detailed in the Staging Plan

included in Section 1. This staging is based on a phased approach to the external infrastructure upgrades in collaboration with other development activity in the wider area.

Proposed staging will deliver:

Stage 1: 8.9 hectares of industrial land, with construction to occur within 12 months.

Stage 2: 40.3 hectares of industrial land, with construction to occur the season following Stage 1.

Stage 3: 52.3 hectares of industrial land, with construction timing dependent on industrial demand.

Stage 4 comprises 35.8 hectares industrial land, with construction timing dependent on industrial demand.

What are the details of the regime under which approval is being sought?

Please write your answer here:

Following discussions with HCC, TKE LP seeks a phased approval process:

1. Strategic Boundary Agreement between HCC and Waikato District Council (WDC): in conjunction with HCC (noting HCC recognises the mutual benefit opportunity in the FTA), we seek to utilise the FTA to fast track the boundary transfer process to bring the Site into the Hamilton City as expediently and efficiently as possible.
2. Resource Management Act 1991 / resource consent: in parallel with the above boundary transfer process, we seek to rezone (from rural to industrial on the land being transferred to Hamilton City), via a private plan change and/or resource consent to enable the expedient development of the Site in accordance with the concept plan provided in Section 1.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

1. Waikato District Council, as the local authority in which the site is located.
2. Hamilton City Council, as the intended local authority in which the site will be transferred to pursuant to the strategic boundary agreement between HCC and WDC. Discussion and collaboration have occurred with HCC regarding the Fast Track Application as noted in official minutes of the meeting held on 22 April 2024.
3. Waikato Regional Council.

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

No applications or notices have been made for the Project; however, the Project has been identified as an 'Emerging Area' by Hamilton City Council to address the shortage of business land in Hamilton City. TKE LP submitted its proposal to Hamilton City Council in March 2024. In February 2024, the applicant submitted on the update to the Future Proof and Future Development Strategy (FDS) to seek that the TKE Development Area be included in the strategy as a potential Future Growth Area.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

There are 2 other landowners that own land within the Project area. The applicant is consulting with both landowners and both have indicated their support to this application.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

TKE LP has the experience and financial capability to deliver a Project of this size at pace and scale. TKE LP has submitted a staging plan to HCC and is awaiting feedback from HCC staff to confirm infrastructure assumptions and finalise the staging plan.

High level timeline:

- Boundary transfer, plan change & Stage 1 detailed design and resource consent: 6 months, all completed in parallel.
- Procurement: TKE LP doesn't anticipate any major lead times for infrastructure required to service Stage 1.
- Funding: TKE LP has the capacity to fund the Project itself and, subject to HCC confirming infrastructure assumptions, it has committed to funding infrastructure as part of its Emerging Areas proposal to HCC. TKE LP also sees an opportunity for Crown Infrastructure Partners to fund a portion of the infrastructure (and potentially enable development of additional land in Rotokauri).
- Stage 1: Site Works Commencement: 12 months maximum.
- Stages 2-4: detailed design and resource consent – 12 months.
- Stage 2: site works commencing immediate season following Stage 1.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

1. Waikato District Council.
2. Hamilton City Council.
3. Ngaati Hauaa, Ngaati Tamaiunapo, Ngaati Wairere, Ngaati Reko - Waikeri Marae and Ngaa Uri o Maahanga.
4. Waikato Regional Council.

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

1. Waikato District Council: TKE LP has consulted with WDC staff on the Project, but its focus on consultation has been with HCC given the strategic boundary agreement in place between the two Councils and HCC driving the Emerging Areas process.
2. Hamilton City Council: TKE LP has consulted with HCC staff on several occasions regarding the Project. This includes workshops with HCC staff and presentations to HCC staff and Councillors.
3. Iwi: TKE LP has facilitated a Tangata Whenua Working Group (TWWG) to provide local tangata whenua the opportunity to engage in a positive relationship on the Project. TWWG representatives include members from Ngaati Hauaa, Ngaati Tamaiunapo, Ngaati Wairere, Ngaati Reko - Waikeri Marae and Ngaa Uri o Maahanga. A series of hui have already been undertaken and TKE LP will continue to engage with the TWWG.
4. Pre-consenting conversations with Waikato Regional Council have occurred with ecological, stormwater and public transport advice given by HCC incorporated into TKE LP's masterplan.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

No processes have been undertaken under the Public Works Act 1981.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The Waikato-Tainui Settlement applies to the geographical location of the Project.

The main principles and provisions of the Settlement are:

1. An acknowledgement by the Crown of the legitimacy of the Waikato-Tainui Claim and breach of the Treaty of Waitangi by the Crown in relation to the raupatu, which is long overdue.
2. An acknowledgement by the Crown of the contribution of the raupatu land to the development of New Zealand.
3. A formal apology from the Crown for the loss of life and destruction of property, including the confiscation of Waikato-Tainui land.
4. Redress agreed by the Crown to atone for its wrongdoing, including the return of land, cash payments, right of first refusal and relativity mechanisms.

The Site does not include a statutory acknowledgement area.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

No formal protected customary right assessment has been undertaken in relation to the Site and Te Kowhai LP is not aware of any protected customary right order or agreement relating to the Site and has not received any notice or other communication from Waikato Regional Council.

Upload your assessment if necessary:

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Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

TKE LP has identified the following constraints for the Project:

1. LUC Class: the Site is classified as Class 1 & 2 soils, as is the bulk of the land surrounding Hamilton City. TKE LP has obtained the attached legal opinion from The Environmental Lawyers confirming there are no immediate legal issues arising in respect of the NPS-HPL requirements which would preclude the proposal from proceeding.
2. Highly Productive Land: TKE LP has also obtained the attached agricultural productivity assessment from expert consultants AgFirst, confirming the Site will have less impact on the district regarding having a lower productive capacity, and is suited for providing additional industrial development capacity for Hamilton north.
3. Stormwater management: initial modelling identifies that all stormwater runoff can be treated and managed onsite prior to discharging to the existing Mangaheka stream. Engineers Report outlines the approaches to conveyance and treatment and solutions have been designed based on the principles of the Mangaheka ICMP and include on lot mitigation, open swales, piped reticulation and centralised storage and treatment devices.
4. Mudfish: testing has identified black mudfish existing on the Site. TKE LP will address appropriate habitat mitigation through the development of the Project with an established protocol already developed with Waikato Regional Council through other projects undertaken in the Mangaheka catchment.
5. Te Ture Whaimana o Te Awa o Waikato: The TKE Site does not directly connect to the Waikato River, although the required water take allocation will ultimately need to come from the Waikato River allocation. The best practice stormwater management practices proposed by TKE will ultimately benefit the Waipa River and align with the objectives and strategies of the Waikato River Vision and Strategy.

Upload file:

Attachment 3 - Opinions.pdf was uploaded

Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

Te Kowhai LP has considered the following national policy statements and confirms that the TKE Project will give effect to them:

1. Urban Development.
2. Fresh Water.
3. Highly Productive Soils.

This assessment also aligns with the National Environmental Standards that relate to the Site, being NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 and NES for Freshwater 2020.

The Site does not adjoin the New Zealand coast so the New Zealand Coastal Policy Statement does not apply.

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

1. Boundary transfer: The Project Site is located in the Waikato District and a boundary transfer process needs to occur between WDC and HCC. HCC's draft submission of the FTA confirms that undertaking the boundary transfer under the fast-track process will enable and expedited boundary transfer to occur.
2. Plan change: In the past decade the Greater Hamilton Area has suffered through multiple examples of plan changes taking 4-5 years to complete, despite there being general agreement that the specific plan changes should occur. The delays have been due to excess consultation, slow processing, lengthy appeals processes and required responses to a changing national regulatory environment. TKE does not have major red flag type issues, has broad agreement from major stakeholders that development should occur, and therefore is suited to a fast tracked plan change process:
3. Resource consent: The fast track approach would allow the boundary change, plan change and resource consent processes to be undertaken concurrently which is going to significantly speed up the starting point for the development.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

Promotion of an expedited boundary transfer process that can be used for similar sites around New Zealand to increase efficiency and reduce cost.

Has the project been identified as a priority project in a:

Local government plan or strategy

Please explain your answer here:

HCC has identified the Project as an 'Emerging Area' and HCC has confirmed that "internally, projects such as ... Emerging Areas are recognised as high priority projects" (Hamilton City Council's Draft Submission to the Fast-track Approvals Bill dated 11 April 2024).

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

TKE LP considers that it will deliver the following regionally significant infrastructure:

1. Roothing upgrades. The TKE spine road and Rotokauri minor arterial create a regionally significant transport linkage between Hamilton City and Horotiu that will provide network resilience for businesses and people accessing the western side of Hamilton in the advent of SH1 maintenance or closures.
2. Cycle network upgrades – The TKE pedestrian and cycle underpass allows for the Waikato Expressway Cycle path to connect between Hamilton City through to Horotiu.

Will the project:

contribute to a well-functioning urban environment

Please explain your answer here:

The Project will increase the supply of business land to Hamilton City by a net 137 hectares of which the Future Proof HBA acknowledges a large city wide long term shortfall and a medium term shortfall in the northwest area of Te Rapa, which the subject site is adjacently located to. Addressing this shortfall will contribute to a well-functioning urban environment and by providing 6,000+ full time jobs, it will support the uptake of housing in the adjacent residential areas of Rotokauri and Rotokauri North, which is zoned to house 10,000+ people.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

The applicant has commissioned a report by Urban Economics which confirms that the Project will result in significant direct, indirect and induced economic benefits on GDP and FTE employment in the wider Hamilton areas. The "construction phase" of the Project will contribute **s 9(2)(b)(ii)** in GDP and support approximately 5,935 FTE jobs. The "ongoing operation" of the industrial and retail components of the Project will contribute **s 9(2)(b)(ii)** in GDP and support approximately 3,340 FTE jobs per annum (estimated over a 30-year period).

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

By delivering 137 hectares of business land, the businesses operating from the TKE Site will support the primary industries in the greater Waikato region. The Project does not involve any aquaculture activity.

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

The Project will minimise energy and carbon use through compact urban form and multi-modal transportation network. The Project is in proximity and with walking and cycling connections available to existing and proposed employment areas in Te Rapa, Rotokauri, Te Rapa North and Horotiu. This will have a positive effect in reducing carbon emissions in comparison to industrial growth in areas located further away from existing employment and mass housing. The stormwater management system will include climate change factors in its design.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The Project has a small flooding hazard area. TKE LP's engineers have confirmed that this hazard can be adequately addressed in the stormwater solution for the site.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

There are no significant environmental issues associated with the Project.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The TKE Site has been identified by HCC as an 'Emerging Area' and the Site is located within the Hamilton-Auckland Corridor.

Anything else?

Please write your answer here:

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

The Project has a small flooding hazard area. The Applicant's engineers have confirmed that this hazard can be adequately addressed in the stormwater solution for the site.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

The Applicant has not had any compliance and/or enforcement actions taken against it.

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

GD Jones

Important notes