



# Application Attachment Report: Application for Ruakura Tuumata Residential and Commercial to be included in Schedule 2B, Fast Track Approvals Bill

APPLICATION BY

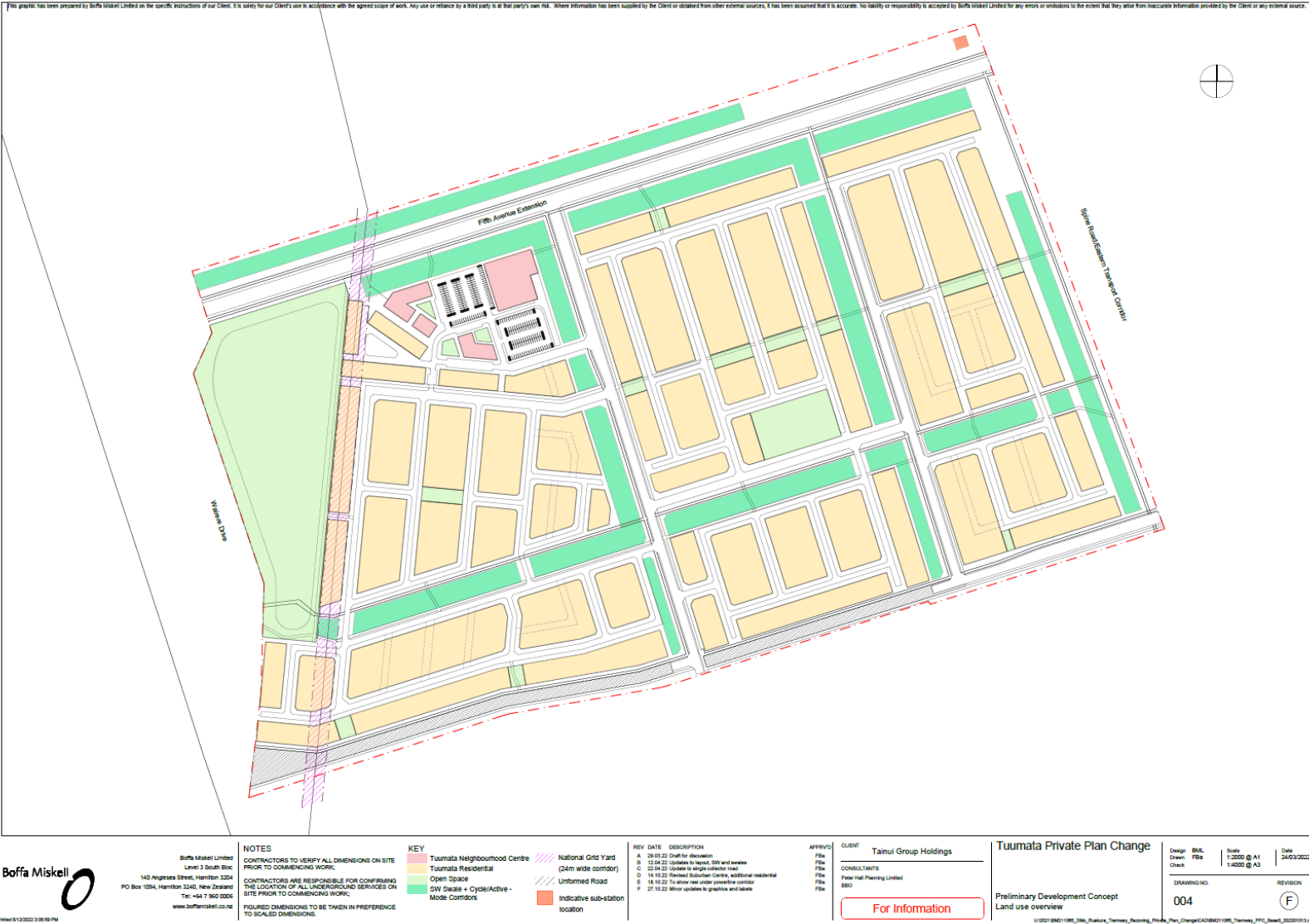
Tainui Group Holdings Limited

2 May 2024

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Figure 1: Tuumata Master Plan (Boffa Miskell 2022) (excludes large format retail area to the east which is shown on the location plan below)



## 1.0 Introduction

This report has been prepared to accompany the application by Tainui Group Holdings Limited for the Ruakura Tuumata Residential and Commercial Project to be included in the Schedules to the Fast-track Approvals Bill 2024.

The report has been prepared to satisfy the specific information requirements to be attached to the application as set out in the Ministry for the Environment Website; namely:

1. A description of the anticipated and known adverse effects of the project on the environment;
2. a general assessment of the project in relation to national policy statements and national environmental standards (as those terms are defined in the Resource Management Act 1991); and
3. Details of Consultation Undertaken.

The report also at section 2.2 provides a Description of the Project and at 2.3 a Description of the Project Area and Surrounds, including a location plan at Figure 3.

This report should be read in conjunction with the information provided by Tainui Group Holdings Limited in its application for the inclusion of the project in the Schedules to the Fast-track Approvals Bill.



*Figure 2: The Ruakura-Tuumata Structure Plan Area viewed from the west (2022)*

## 2.0 Description of the Anticipated and Known Adverse Effects of the Project

### 2.1 Introduction

In preparing this description of the anticipated and known adverse effects of the project, the following technical reports prepared in support of the 2023 Tuumata Residential Plan Change (Private Plan Change 15 to the Hamilton City District Plan) have been relied on:

| Technical Report                                                                               | Date             | Author                      |
|------------------------------------------------------------------------------------------------|------------------|-----------------------------|
| <b>Request for Private Plan Change: Tuumata Ruakura, Hamilton Kirikiriroa (Plan Change 15)</b> | 24 March 2023    | Peter Hall Planning Limited |
| <b>Section 32 Evaluation Tuumata Private Plan Change (Plan Change 15)</b>                      | 24 March 2023    | Peter Hall Planning Limited |
| <b>Centre Viability Assessment and Industrial Land Supply Report</b>                           | 13 December 2022 | Formative Economics         |
| <b>Ecological Impact Assessment</b>                                                            | 8 November 2022  | Boffa Miskell Limited       |
| <b>Ruakura Land Development Plan Archaeological Assessment</b>                                 | 31 March 2015    | Opus                        |
| <b>Integrated Transport Assessment</b>                                                         | 5 December 2022  | Stantec                     |
| <b>Geotechnical Investigation Report</b>                                                       | 2 November 2022  | CMW Geosciences             |
| <b>Contamination Assessment</b>                                                                | November 2022    | 4Sight Consulting           |
| <b>Ruakura Tuumata Sub-Catchment ICMP</b>                                                      | 17 November 2022 | BBO                         |
| <b>Ruakura Tuumata Urban Design Report</b>                                                     | 11 April 2023    | Boffa Miskell Limited       |
| <b>Policy Assessments: Tuumata Private Plan Change</b>                                         | 20 December 2022 | Peter Hall Planning Limited |
| <b>Cultural Impact Assessment</b>                                                              | December 2022    | Norm Hill                   |

While these reports have been prepared specifically in relation to the Tuumata Residential Plan Change, they provide an excellent basis to understand as to the existing environment of the project area and the anticipated and known adverse effects of the proposal as a whole. The conclusions of these reports are summarised in the sections below.

These reports are available in full on the Hamilton City Council website at this link:

<https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-15/>



## 2.2 Description of the Project

### 2.2.1 Background

In June 2013, TGH (along with Chedworth Properties Limited) sought a private plan change to enable the rezoning of 389 hectares of land at Ruakura. The plan change was determined to be a matter of national significance by the Minister for the Environment and referred to a Board of Inquiry.

After hearing submissions, the Board of Inquiry in September 2014 issued its decision to approve the plan change. The decision noted that the rezoning will enable Waikato-Tainui to provide for the social, economic and cultural wellbeing of its people, the employment opportunities, and the potential to generate economic benefits to the Waikato region and nationally.

The whenua at Tuumata has been identified for several years in strategic planning documents for the City and the Region as being a Priority Project for higher density residential development, to be served by future frequent public transport links.

The development of a residential neighbourhood at Tuumata was initially submitted in 2019 for consideration by Hamilton City Council as a Special Housing Area (SHA) under the Housing Accords and Special Housing Areas Act 2013 (HASHAA). This application was later withdrawn.

The development of Tuumata for residential purposes has been a long-standing objective of Tainui Group Holdings Limited and (as outlined further below in this application), recognised as an enabled and priority outcome in various regional and district planning documents. Development at Tuumata under the Fast Track Approvals Bill will greatly assist to realise this objective.

Although subject to separate applications for inclusion in the Fast Track Approval Bill Schedules, the Ruakura East WEX project and the Ruakura Tuumata Residential and Commercial project are inextricably linked. In this regard, Ruakura East WEX will ensure strategic industrial land supply is maintained when Tuumata is developed for residential and commercial purposes.

This application reflects TGH's current intentions, however, is subject to market conditions being suitable to proceed and TGH Board approval for the final proposal. The project set out in this application is also dependent on committed funding for the Eastern Transport Corridor (ETC) being in place, that being a key piece of enabling infrastructure to unlock the full development potential of the Ruakura Superhub.

### 2.2.2 The Project

Tuumata means to lift one's eyes above the horizon and onto a new future.

Tuumata will be a new medium density residential master-planned neighbourhood at Ruakura, at a location close to existing areas of employment and connected by planned future public transport links. On the opposite side of the proposed ETC will be up to 14ha of large format retail land.

Tuumata will provide for between 1100-1300 new medium density residential homes for some 3000 people, supported by a new Neighbourhood Centre with facilities and a supermarket to provide for the day to day needs of the neighbourhood.

Hamilton City Council forecasts that an additional extra 12,500 houses over the next 10 years and 38,000 over the next 30 years are required to meet the housing needs for additional people in Kirikiriroa Hamilton (Source: HCC 2024-54 Draft Infrastructure Strategy).

The Tuumata Residential Precinct will provide for a range of housing types, from single level standalone dwellings through to low scale (three level) apartments. This will help to meet future household demand growth, including in the short and medium terms, at a location very well suited for

residential development, and aligning with Central Government's well-functioning urban environment outcomes.

Future development within the Tuumata residential block will be directed by a Structure Plan and bespoke provisions in the District Plan to ensure it achieves excellent urban design outcomes as a 'well-functioning urban environment' and is integrated with existing and future planned infrastructure. The urban design outcomes include a high level of connectivity internally and beyond, including through a new network of roads, cycleways and footpaths, the provision of new Open Space and well-designed buildings and public places offering attractive, useable and safe environments for future residents and visitors. The option has been provided also for a new primary school at Tuumata to support growth in the area.

Giving effect to The Vision and Strategy - Te Ture Whaimana o Te Awa o Waikato, and ensuring the health and wellbeing of Te Awa o Waikato and its catchments, have been the key focus of the three waters management methods proposed for Tuumata. A large amount of land will be set aside for the creation of open space, wide swales and a new wetland, as well as including controls on water quality at source.

The development of Tuumata for residential purposes aligns with the Future Proof Strategy and Change 1 to the Waikato Regional Policy Statement. Both documents recognise that in exchange for the rezoning of industrial land to residential at Tuumata, then Ruakura East WEX will be zoned for industrial (logistics purposes). A separate application for inclusion on the Fast Track Approval Bill Schedules has been made in relation to Ruakura East WEX.

### 2.2.3 The Process

The Tuumata Residential Plan Change (excluding the large format retail component) is currently subject to a private plan change lodged with the Hamilton City Council and notified for submissions (Plan Change 15 to the Hamilton City District Plan). This plan change is currently on hold.

Plan Change 15 seeks to rezone the land from its current industrial zone to General Residential, Open Space and Neighbourhood Centre.

Subsequent to any plan change, a reasonably substantial package of resource consents will also be required from the Hamilton District Council and Waikato Regional Council for subdivision, enabling works, discharge of stormwater and provision of infrastructure.

Should the Bill as enacted make provision for plan changes, then Tainui Group Holdings will have the option of utilising the fast-track process for the plan change for Tuumata residential. If plan change processes are not included in the Bill as enacted, then the package of resource consent for subdivision, enabling works etc to realise the outcomes sought in this application can still be fast-tracked through the proposed process to facilitate the efficient delivery of the project.

## 2.3 Description of the Project Area and Surrounds

The subject site comprises 68ha of land for Tuumata Residential which is known as the Tramway Block, Wairere Drive, Kirikiriroa Hamilton. The large format retail will occupy 14ha of land on the same title<sup>1</sup> situated immediately to the east of the proposed Eastern Transport Corridor (ETC). The land is some 2.5-3km to the east of the Kirikiriroa CBD.

The land is generally flat farmland bounded by the Ag Research Campus to the south, Wairere Drive to the west, and Fairview Downs residential neighbourhood to the north. The future proposed (ETC)

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<sup>1</sup> •Lot 2 Deposited Plan 548526 and Section 4 Survey Office Plan 519316 (Record of Title ID 939233) - TGH Ruakura Industrial Development Limited (196.3067 hectares)

will serve Tuumata Residential on its western side and the large format retail land on its eastern side. Both blocks are currently zoned Ruakura Industrial Park Zone in the Hamilton City District Plan

The Ruakura Inland Port and Logistics Hub to the east and south of the Tuumata Block is projected to accommodate up to 11,000 employees when fully complete. The wider precinct will include a logistics hub, significant industrial development, extension of the existing Innovation Park, as well as areas for residential and retail activities.

Adjoining this area, the Waikato Innovation Park is home to more than 60 businesses, providing collaborative space with a focus on agritech, information technology and added-value food.

Nearby, the University of Waikato educated the equivalent of 10,300 full time students in 2018 consisting of 8,500 domestic students and 1,800 international students, and has a staff of about 1,100.

To the north of the Tuumata Residential Block is Fairview Downs, which is a residential suburb developed in stages between the 1940s -1970s. On the opposite side of Wairere Drive is the suburb of Enderley.

Land development work is underway by TGH at present to develop a 9ha block at the southeastern corner of Fairview Downs at Powells Road. This subdivision called “Tuumata Rise” provides for 74 sections for standalone houses and townhouses.



Figure 3: Ruakura Tuumata Residential and Commercial Area Location, Kirikiriroa Hamilton



## 2.4 Anticipated and Known Adverse Effects

Through the development of the Tuumata Private Plan Change (**PC15**), the actual and potential effects of developing the Tuumata land for residential purposes have been thoroughly evaluated. These conclusions can also be broadly applied to the proposed large format retail block, it sharing generally similar characteristics. The sections below provide a description of the anticipated and known adverse effects of the project on the environment as required by section 14(3)(e) of the Fast Track Approval Bill, regardless of the scale, intensity or duration of that effect, as well as providing a summary of how these are proposed to be avoided, remedied or mitigated. In this respect, none of the adverse effects identified will be significant, and all are capable of avoidance, mitigation or remedy through the project.

### 2.4.1 Amenity Values

Effects on amenity values from the project will be very positive.

While the proposed land use change will present a change to the current open farm land, the urbanisation of the block is already enabled (ie zoned) for industrial purposes and so this change cannot be regarded as adverse.

Some temporary adverse effects may arise during construction, in relation to nearby residents, however, these are short-term and capable of being managed to an acceptable level through standard construction management methods.

### 2.4.2 Retail Distribution

The retail distribution effects of the proposed 6000m<sup>2</sup> GFA Neighbourhood Centre (inclusive of a supermarket up to 3500m<sup>2</sup> GFA) at Tuumata Residential are discussed in full in the Formative Centre Viability Assessment and Industrial Land Supply Report 2022 referenced above.

Both direct and indirect retail impacts are assessed by Formative. Most of the assessment focusses on the retail distribution effects on the Five Cross Roads Suburban centre, as the closest Suburban centre to Tuumata, and because the assessment showed much smaller impacts on other centres than on Five Cross Roads.

The report concludes that some diversion is likely to occur away from the Five Cross Roads centre, with initial direct retail effects of around 8% (based on the conservative assumption that Tuumata Neighbourhood centre opens in 2025 at the earliest, which pre-dates the currently anticipated development staging). It notes however that because the Five Cross Roads centre has a relatively narrow range of goods and service providers, and lacks a supermarket, those effects will not flow through into retail distribution effects that will adversely impact Five Cross Roads' viability, function and amenity.

This assessment also does not factor in the up zoning that is to apply to the area around Five Cross Roads through the Council's Plan Change 12 (Housing Intensification). This will potentially result in a significant increase in dwellings (and households) around the Five Cross Roads centre, and increase centre sales, thus mitigating further the impacts. As such, a further factor of conservatism is built in here by the Formative assessment when considering potential impacts on Five Cross Roads.

The effect on other centres are anticipated to be much less, with all other Suburban or larger centres experiencing direct retail impacts of less than 3%.

Formative conclude overall that indirect adverse effects will be no more than minor, given the healthy state of the Five Cross Roads centre.

The retail distribution effects of the proposed Large Format Retail will be investigated further through the application process, suffice to say that the area will meet a current market deficiency for LFR at the eastern side of Hamilton City.

### 2.4.3 Industrial Land Supply

Formative have assessed the economic effects of the proposed land use change from zoned industrial to proposed residential at Tuumata.

Formative concludes that the identification of a new future industrial land east of the WEX (as detailed in the various planning policy and strategic documents) will enable the Ruakura-Tuumata Block to change from future industrial land to residential land without giving rise to a shortfall of industrial land, even in the long term.

Formative notes that the removal of the Ruakura-Tuumata Block's 60ha of Industrial Zoned Land would decrease Hamilton City's long-term industrial land availability from 640ha to 580ha.

The report goes on to state that even without the additional land east of the WEX, any shortfall of industrial land would be only towards the end of the long term (i.e. nearly 30 years from now). However, with 580ha of available industrial land, the City has capacity to cater for the next 28 years of projected growth, even accounting for the competitiveness margin of 15%. Formative conclude that leaves plenty of time to identify new industrial development areas to make up for what is a very small shortfall in very long-term industrial supply.

Of note here is that the Future Proof Strategy 2022 and Change 1 to the WRPS both identify the TGH land east of the WEX (comprising some 85ha), adjoining and immediately accessible to the Ruakura Interchange, as future urban and part of the industrial land allocation for Ruakura. This will more than make up for the long-term shortfall which is currently predicted. Both documents also specifically exclude Tuumata from the industrial land allocation for Ruakura.

Based on the report by Formative, the effect on the industrial land supply from the Plan Change is therefore able to be avoided in the short and medium term, and then in the long term, through the provision of alternative supply east of the WEX which is already identified for such purposes in the relevant strategic planning documents, to be enabled between 2020-2030.

The effects of utilising 14ha of current industrial land for large format retail on projected industrial land supply requirements will be investigated further, with reference to industrial land supply work being done for the Future Proof Partners.

### 2.4.4 Transport

Transport effects will be for the main positive. As noted by Stantec in their Integrated Transport Assessment referenced above, the multi-modal transport network that has been designed for Tuumata Residential will prioritise safe and accessible walking, cycling and micro-mobility routes, and access for public transport services. The proposed transport network appropriately integrates with the surrounding arterial network, by providing a limited number of access points for vehicles. Transport corridors have been designed to provide appropriate capacity for these intersections, and their function is protected through supporting vehicle access restrictions.

Development of more than 430 dwellings, including any development in the Neighbourhood Centre area, will require the Fifth Avenue Extension to extend east and link with the ETC, and the ETC to be adequately committed and certain. Provisions can be included in a Plan Change and/or by way of consent conditions to ensure this key infrastructure is provided commensurate with supportable development levels.

The project overall has the positive effect of acting as a catalyst for the development of the ETC which will result in significantly positive transport network effects for Hamilton City.

### 2.4.5 Noise and Vibration

A small area of residential properties are proposed in the southwestern corner at Tuumata Residential abutting Wairere Drive, which is a main arterial. There is also the remote prospect that some residential development at Tuumata will occur within 40m of the carriageway of the Fifth Ave Extension or the ETC once constructed, although very unlikely given the west to east development phasing anticipated and the buffering effect of the large adjoining swales.

Potential adverse effects in these circumstances can be appropriately managed by rules in the Plan Change and/or conditions on resource consent (including consent notices on titles) which require that any habitable room in a building containing a noise sensitive activity be protected from noise arising from outside the building by ensuring the building is designed and constructed to meet minimum indoor design sound levels (see for example Rule 25.8.3.10 of the Hamilton City District Plan).

### 2.4.6 Ecology

The Ecology Report prepared by Boffa Miskell for Tuumata Residential concludes that the ecological values within the Plan Change area are limited by the extensive modification of vegetation and waterways that has occurred to facilitate agricultural use and the regular clearing of the artificial drain networks. No key ecological sites or significant ecological areas are located within the project area; however potential adverse effects on bats and native fish were identified. The same conclusions are anticipated to apply to the 14ha of proposed large format retail land, given it shares the same characteristics.

A potential effect from this proposal has been identified on the loss of *potential* bat roost habitat in isolated trees at Tuumata residential, although no actual current roosting habitats were identified by Boffa Miskell during bat monitoring. This potential effect can be managed through the methods recommended in the Boffa Miskell Ecology Report; namely: the installation of artificial bat roost boxes off site and the implementation of a Roost Tree Fell Protocol at the consent stage (the existing Ruakura South development has such an established Tree Fell Protocol).

A Native Fish Management Plan will be able to be developed to ensure that native fish habitat is being provided for and resident native fish are adequately managed throughout the land development process. Native fish replacement habitat cannot be provided within the site extent as the proposed stormwater swales will discharge directly into the HCC reticulated networks. Boffa Miskell considers the best approach is to continue with the cohesive, catchment wide approach for habitat replacement in a location that is connected to existing black mudfish populations. Based on proposed post-development connectivity, existing black mudfish habitat in current farm drains will be able to be replaced with a purpose-designed wetland basin (BE1) east of the Ruakura Structure Plan Area which has good connectivity to the Komakorau Stream catchment.

### 2.4.7 Transpower Transmission Corridor

The Hamilton-Meremere B (HAM-MER-B) 110 kV Double circuit transmission line traverses the site, running in a north-south alignment along the western edge of the Tuumata residential block. The lines are supported by four lattice steel towers.

Transpower advises that there are projects currently underway which would allow the HAM-MER-B 110 kV line to be disconnected in the future. The timeframe of this is indicated to be around 2025-2026; however, the exact timing is contingent on a number of projects being implemented to enable this to occur.

The land beneath the Electricity National Grid Corridor is proposed be rezoned to residential with the Tuumata Plan Change. Typically, this would be open space or roads in new urban areas; however, in this case the proposed decommissioning of the HAM-MER-B line within the current planning period,

necessitates a different approach. It would be inefficient to zone the corridor to open space given the impending decommissioning of the line.

In the intervening years before it is decommissioned and then removed, the Electricity National Grid Corridor in the District Plan, will provide protection against inappropriate subdivision, use and development beneath the line and around its support structures. In particular by preventing sensitive land uses and subdivision including residential within a 24m wide corridor (ie 12m either side of the centreline of the transmission line), while the lines are in place.

#### 2.4.8 Acknowledgement of Positive Effects

Although not required to be set out by section 14(3)(e) of the Fast Track Approval Bill, the project will give rise to many significant positive effects, including and not limited to:

- Assisting Tainui Group Holdings Limited to achieve its mission of growing puutea, tuuranga mahi and whenua - profit, jobs and land - for the people of Waikato Tainui, the region and for generations to come.
- Providing a well-functioning urban environment, with significant land provided as new public space, interconnected by a network of walking paths and cycleways, and connected and close to places of employment at future public transport provision.
- Acting as a catalyst for the construction of the Eastern Transport Corridor (ETC), with development of more than 430 sections, the Neighbourhood Centre and the large format retail block dependent on its construction. Construction of the ETC would in turn unlock access to industrial investments, specifically the multi-modal Ruakura Inland Port, and expansion of Industrial land northwards over the East Coast Main Trunk Line.
- Promoting a medium density residential form (up to 3 storeys) that will support a new Neighbourhood Centre with supermarket; support future planned public transport provision; allow for greenhouse gases to be reduced by minimising trips; allow for efficient provision of infrastructure; and make efficient use of a scarce urban land resource.
- Providing a means for an ongoing and meaningful expression of the cultural heritage of Waikato-Tainui and hapuu through the design and naming of public spaces and structures, roads and other public linkages in a way that reflects and celebrates the history and whakapapa of tangata whenua of the area.
- Assisting residential supply in Kirikiriroa Hamilton with 1100-1300 new homes, with the provision of a range of different housing typologies to meet existing and emergent dwelling demand.
- Improving the natural environment with the land use change from farmland and farm drains with very limited ecological value to residential urban land, with the network of planted swales and large wetland.
- Through the proposed combination of swales and wetlands, providing significant removal of sediment, metals, and nutrients, thereby assisting in the objective of improving the water quality of Te Awa o Waikato, and reducing the effect of peak downstream flows of tributaries to the awa (confirmed by Hamilton City Council stormwater modelling undertaken in 2023).
- Providing positive economic effects from construction activity.
- Providing a Neighbourhood Centre with a supermarket that meets the needs of residents at Tuumata as well as the wider community, thereby reducing travel demand.



- Providing employment at the proposed Neighbourhood Centre and Large Format Retail Centre.
- Aligning with Hamilton City Council growth objectives (including as set out in proposed Plan Change 12), which seek an increasingly sustainable urban form, including where people satisfy most of their daily needs within a nominal 10-minute walk from home and all other daily needs within a nominal 20-minute one-way cycle, micro-mobility, or bus ride from home.
- Providing Large Format Retail to meet a recognised demand on a site suitable for this purpose: providing for large flat sites, sufficiently buffered from adjoining residential and which will be immediately accessible from future planned arterial roads.

## 3.0 Assessment Against National Policy Statements and National Environmental Standards

### 3.1 Introduction

Clause 14(3)(f) of the Fast-Track Approvals Bill requires a general assessment of the project in relation to national policy statements and national environmental standards (as those terms are defined in the Resource Management Act 1991).

This assessment is set out below, with the following national policy statements and national environmental standards relevant to the project and its location to varying degrees:

- National Policy Statement on Urban Development 2020
- National Policy Statement for Freshwater Management 2020
- National Policy Statement on Electricity Transmission 2008
- National Policy Statement for Highly Productive Land 2022
- National Policy Statement for Indigenous Biodiversity 2023
- National Environmental Standards for Electricity Transmission Activities 2009
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- National Environmental Standards for Freshwater 2020.

### 3.2 National Policy Statement on Urban Development 2020

The National Policy Statement for Urban Development 2020 (**NPS:UD**) sets out the objectives and policies for planning for achieving “well-functioning urban environments” under the Resource Management Act 1991.

The project accords with the objectives and policies of the NPS:UD, specifically:

- Objective 2 of the NPS:UD seeks that planning decisions improve housing affordability by supporting competitive land and development markets. To the extent that zoning for housing supply and choice improve housing affordability (as opposed to the more significant impacts of demand-side factors), then the Plan Change achieves objective 2 by zoning for some 1100-1300 new homes in an accessible urban location, enabling a mixture of housing typologies.

- Objective 5 of the NPS:UD requires that planning decisions relating to urban environments take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The principle of partnership has been taken into account through Waikato Tainui, Tainui Waka Alliance, Ngā Karu Atua o te Waka and Auckland Mana Whenua Kaitiaki Forum having representatives on the Future Proof Implementation Committee, which has provided strategic direction for regional growth highly relevant to residential development at Tuumata. Further partnership has occurred between Waikato Tainui and Hamilton City Council, and with TGH, during the development of the Tuumata residential project with ongoing meetings and regular feedback on key issues and approaches. The principle of active protection has been taken into account through consultation with the Ruakura Tangata Whenua Working Group during the development of the Tuumata residential project, which identified key issues for tangata whenua, including for example the protection and enhancement of Te Awa o Waikato. The principle of redress has been and will be taken into account through firstly the Waikato-Tainui Raupatu Claims Settlement, which returned land including Ruakura, and also through the ability for Waikato Tainui to realise the benefits from that land through development opportunities such as at Tuumata.
- Policy 1 of the NPS:UD requires that planning decisions contribute to well-functioning urban environments. In this respect, a variety of homes are enabled by the development at Tuumata. The location currently enjoys good accessibility being close to the Central City and the nearby places of employment identified above in this report including Ruakura, Innovation Park and the University. It is immediately accessible to major transport corridors and cycleways. This accessibility is proposed to be enhanced through further public transport provision that will serve this and the wider Ruakura area and the University. Reductions in greenhouse gases will be supported. The new urban environment that will be created at Tuumata will be resilient to the likely current and future effects of climate change.
- In respect to Policy 6, it is acknowledged that that the planned urban built form will involve a high level of change to the area through urbanisation and may detract existing amenity values for some people, where those are derived from the site's current open and rural nature. However, the land is already zoned for industrial purposes, and by now providing new residential adjacent to existing residential and large format retail adjacent to future planned industrial, coupled with the high level of amenity and open space that will be provided, the overall effect on amenity values will be positive. The beneficial effects of the proposed development are many, as summarised above.

### 3.3 National Policy Statement for Freshwater Management 2020

The objective of the National Policy Statement for Freshwater Management 2020 (NPS:FM) is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems.
- (b) second, the health needs of people (such as drinking water).
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Policy 1 directs that freshwater is managed in a way that gives effect to Te Mana o te Wai. That concept aligns well with the outcome sought by Te Ture Whaimana. In summary, the project gives effect to Te Mana o te Wai through its approach to managing stormwater, avoiding impacts on freshwater habitats on-site and managing such impacts downstream through peak flow management and stormwater quality improvements, and by otherwise valuing freshwater through measures such as water saving devices.

Policy 6 and 7 direct that there be no further loss of extent of natural inland wetlands and the loss of river extent and values is avoided to the extent practicable. As identified by Boffa Miskell, and confirmed by the Waikato Regional Council, there are no natural wetlands on the Tuumata residential site and the artificial drains do not qualify as 'rivers' in RMA terms. The same conclusions are expected to apply to the proposed large format retail block, which will have further ecological investigations undertaken.

Policy 9 requires that the habitats of indigenous freshwater species are protected. The Boffa Miskell Ecology report describes the drains at Tuumata as providing low quality habitat for shortfin eel, longfin eel and black mudfish. Although the drains are not rivers, the effects management hierarchy for rivers has been applied to the loss of the drains. Unavoidable effects will be offset with the development of improved habitat elsewhere at Ruakura: resulting in a net gain in biodiversity values (Boffa Miskell 2022).

### 3.4 National Policy Statement on Electricity Transmission 2008

The National Policy Statement on Electricity Transmission 2008 (**NPS:ET**) is relevant to the project area due to the Hamilton-Meremere B transmission line traversing the proposed residential part of the site. This NPS sets out the objective and policies to enable the management of the effects of the electricity transmission network under the RMA 1991.

The objective of the NPS:ET is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

The effects of the network on new sensitive activities and of new activities on the network will be managed effectively using existing District Plan Electricity National Grid Corridor provisions. Transpower has confirmed through its submission on Plan Change 15 that this will be the case.

### 3.5 National Policy Statement for Highly Productive Land 2022

The objective of the National Policy Statement for Highly Productive Land 2022 (**NPS:HPL**) is that highly productive land is protected for use in land-based primary production, both now and for future generations.

The NPS requires regional councils to identify and map highly productive land in their regions - a process which has not occurred yet in the Waikato.

Clause 3.4(2) of the NPS exempts land identified for future urban development from the requirement.

"Identified for future urban development" is defined in the NPS as meaning:

*"(a) identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or*

*(b) identified*

*(i) in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and*

*(ii) at a level of detail that makes the boundaries of the area identifiable in practice".*

In addition to already being urban zoned, the project area qualifies also under this defined exemption being land identified in the Future Proof Strategy and Implementation Plan as land suitable for urban development. As such its development is not restricted by this NPS.

### 3.6 National Policy Statement for Indigenous Biodiversity 2023

The objective of the National Policy Statement for Indigenous Biodiversity 2023 (NPS:IB) is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and to achieve this:

- (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and
- (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
- (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
- (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

The ecological values within the project area are limited by the extensive modification of vegetation and waterways that has occurred to facilitate agricultural use and the regular clearing of the artificial drain networks.

No key ecological sites or Significant Natural Areas are located within the project area in either regional or district planning documents. Methods for managing adverse effects on indigenous biodiversity are summarised above in this report in section 2.0.

Although the relevant local authorities have not commenced the identification of Significant Natural Areas in accordance with the NPS:IB, it is noted that, under clause 3.18, in doing so Local authorities must work in partnership (which includes acting in good faith) with tangata whenua and owners of specified Māori land (which includes treaty settlement land), and that must enable new occupation, use, and development of specified Māori land to support the social, cultural, and economic wellbeing of tangata whenua. This balance is achieved with the development of the project area.

### 3.7 National Environmental Standards for Electricity Transmission Activities 2009

The Operative Plan provision described earlier relating to the Transmission towers were developed after the National Environmental Standards for Electricity Transmission Activities 2009 and have been developed in accordance with its regulations.

The development of the project area will align with these provisions, complying with specified setback distances, earthwork requirements etc, until such time as the lines are removed.

### 3.8 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The 4Sight Report on contaminated land risk notes the presence of contaminants at selected locations across within the Tuumata residential area, including historic filling associated with farming and historic building removals. Further investigations will be undertaken for the proposed large format retail block.

Given these areas of known contamination at the site, and the soil disturbance associated with development, resource consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health will be required and sought.

### 3.9 National Environmental Standards for Freshwater 2020

The project area does not have any identified natural wetlands or rivers, and so the regulations from the National Environmental Standards for Freshwater 2020 managing works in around wetlands and the reclamation of rivers will not limit its future development.

## 4.0 Record of Consultation

### 4.1 Introduction

Clause 14(3)(j) of the Fast-track Approvals Bill requires a summary of any consultation already undertaken on the project with the persons referred to in section 14(3)(h) and section 16 of the Bill.

Section 14(3)(h) requires the following information:

*(h) a list of the persons the applicant considers are likely to be affected by the project, including relevant local authorities, relevant iwi authorities, and relevant Treaty settlement entities, protected customary rights groups, customary marine title groups, applicant groups under the Marine and Coastal (Takutai Moana) Act 2011, ngā hapū o Ngāti Porou, and any person with a registered interest in land that may need to be acquired under the Public Works Act 1981.*

Section 16 of the Bill specifies that for an application for an approval, the applicant must undertake engagement with the following groups before lodging a referral application:

- (a) relevant iwi, hapū, and Treaty settlement entities:*
- (b) any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana Act) 2011:*
- (c) if relevant, ngā hapū o Ngāti Porou:*
- (d) relevant local authorities.*

In respect of section 16 above:

- (a) the relevant iwi is Waikato-Tainui and relevant hapuu (as represented on the Ruakura Tangata Whenua Working Group) are Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamaiunapo, Ngaati Wairere, Ngaati Korokii Kahukura and Ngaati Tamainupo;
- (b) applications for customary marine title are not relevant;
- (c) the project area is not within the rohe of ngā hapū o Ngāti Porou; and
- (d) the relevant local authorities are the Hamilton City Council and Waikato Regional Council.

The sections below set out the record of the engagement with these entities in respect to the Tuumata residential plan change, and others consulted, including statements explaining how it has informed the project. This consultation occurred during the preparation of the plan change which seeks the same outcomes for Tuumata as set out in the project description above.

Although no specific consultation has occurred in relation to the large format retail component of the application, with TGH's strong associations with the entities set out here, consultation of a similar nature will occur during its further development.



## 4.2 Waikato-Tainui

Waikato Tainui fully supports the proposed Tuumata development.

## 4.3 Ruakura Tangata Whenua Working Group

Several presentations were made by TGH and its consultants to the Ruakura Tangata Whenua Working Group (TWWG) throughout 2022 in March, May and September on the residential master plan and Tuumata Residential project as they were developed.

The TWWG comprises the tangata whenua representatives relating to Ruakura, being Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamaunapo, Ngaati Wairere, Ngaati Korokii Kahukura and Ngaati Tamainupo. It has provided cultural input into the development of the Ruakura Superhub to date.

Key outcomes for Tuumata were discussed and methods to manage these through the Plan Change 15 were identified. This included the name “Tuumata” itself, which was endorsed by the members of TWWG following consultation by the project cultural advisor Norm Hill.

The TWWG requested that engagement with TGH would continue prior to and after notification of Plan Change 15 as the details are further developed. A further update was provided in September 2022 after this resolution identifying the ongoing engagement with Council officers, the further work done on the commercial centre and the intent to lodge the Plan Change before the end of the year.

As noted in the Cultural Impact Assessment prepared by Norm Hill, an ongoing role for Waikato Tainui, via the TWWG, is critical to both the current and future work at Tuumata. TGH are committed to this ongoing engagement.

## 4.4 Hamilton City Council

### 4.4.1 Elected Members

TGH briefed Hamilton City Council Elected Members on the Tuumata Plan Change in February 2022. The purpose of that briefing was to inform Elected Members on the scope of the Tuumata Residential Plan Change being developed by TGH in partnership with HCC. The briefing addressed the objectives of the Plan Change, and the basic land uses and densities proposed.

A second presentation was made by TGH to the Strategic Growth Committee on in June 2022. This presentation gave an update on the Tuumata Residential Plan Change, including public open space provision, public transport, walking and cycling, and community facilities (including schools). An update was given on the issues within the ambit of the Plan Change including cultural values, management of stormwater, density proposed, housing typologies enabled under the MDRS, and providing for amenity needs of future residents.

### 4.4.2 Council Officers

TGH and HCC worked in partnership during the development of the Tuumata Residential Plan Change. Although it is a private plan change, Council provided staff and consultant resources to assist TGH during its preparation, as well as access to technical material and infrastructure models.

A weekly on-line hui between TGH and HCC staff and appointed consultant has facilitated engagement at a technical level on the Plan Change with the right Council staff throughout 2022. This has included agreement on the scope and approaches for traffic and 3-waters infrastructure modelling to ensure consistency with the City-wide approach, inclusion of applicable growth scenarios and use of the Council's own models. The weekly hui has also facilitated feedback on key issues as they have arisen during the preparation of the Plan Change, including ensuring general

consistency with the Council's Plan Change 12 (Housing Intensification) as it was being developed, linkages to the development of the Private Development Agreement, and an understanding of key infrastructure provision such as the ETC.

Draft versions of the master plan and Plan Change provisions were provided to Council officers, together with drafts of the Economics Report and traffic modelling outcomes and accompanying memos.

In response to feedback from Council officers, various significant changes and new evaluations have been made during the development of the project. These changes and evaluations have included:

- A reduction in the size of the proposed business centre at Tuumata from the original 10,000m<sup>2</sup> GFA Suburban Centre proposal to the 6000m<sup>2</sup> Neighbourhood Centre proposal.
- A full examination of alternative density options to explore alternatives, including a higher 5 storey density within a walkable catchment of a 10,000m<sup>2</sup> Suburban Centre. Feedback from Council officers has been that the proposed 3- level medium density (MDRS) approach is more compatible with the surrounding context and in line with the recent national direction and the growth direction for the City promoted by Plan Chnage12. The feedback has been that this density is best supported by a Neighbourhood Centre rather than a Suburban Centre at Tuumata.
- Strong preference for a single access off the Fifth Avenue Extension (as now is in the Structure Plan) rather than two access points (as was proposed at the time). Also, for no vehicular access to be provided off Wairere Drive.
- The inclusion of a Neighbourhood Park with specifications as provided by Council officers.
- Inclusion of specific controls and design guidance for dwellings that back onto rear lanes and to limit front vehicular access to sections.
- Development and inclusion in the Structure Plan of cross sections for the transport corridors to ensure outcomes are achieved, with further comment on simplifying these to avoid strict adherence to internal dimensions.
- Further evaluation of section sizes relative to block sizes and achievability of housing typologies, as now is included in the Urban Design Report.

## 4.5 Waikato Regional Council

TGH and its consultants have met with WRC officers during the preparation of the Tuumata Residential Plan Change.

An engagement on the Structure Plan occurred in March 2022 where future public transport provision, drains and wetland and the approach to managing stormwater were discussed. A memo prepared by Boffa Miskell on the status of the drains and wetland under the Waikato Regional Plan and the NES:FM was shared with WRC officers, followed by an agreement with the conclusions of the Boffa Miskell memo that there are no natural wetlands on the property and the farm drains are artificial drains.

A subsequent meeting was held in June 2022 at the Regional Council offices focussing on future public transport provision to and around the plan change area. Matters discussed included: the programme business case for the ETC, the then Draft WRC Public Transport Plan, and the WRC 5-year PT improvement plan.

## 4.6 Kāinga Ora

The Master Plan for Tuumata Residential was presented to Kāinga Ora in May 2022, with the key elements of density of 50 dwelling/ha, stormwater management, the suburban centre (as it was proposed at the time), and work on infrastructure addressed. Feedback provided focussed on the nature of land tenure proposed, support from Waikato Tainui, question over MoE support for a school, funding for the ETC, downstream stormwater effects (addressed in the Stormwater Report), anticipated timing and whether adoption of the MDRS will be augmented by additional controls (which they are as described in this report).

Subsequent discussions were held with TGH and Kāinga Ora including over mutual interests in relation to public transport provision, climate change and affordable and accessible housing and employment. In particular, the shared opportunities that will be enabled through the development of the ETC and the Fifth Ave Extension (namely a catalyst for rapid bus services that will ultimately provide for the full employment development of the Ruakura precinct).

Kāinga Ora confirmed support for the public transport-based solution proposed for the ETC and Fifth Ave Extension as it will provide enhanced employment opportunities for their current and future customers in the Enderley Fairfield and southern Chartwell areas, both in terms of access to Ruakura and the City Centre.

## 4.7 Ministry of Education

TGH has engaged with the MoE through HCC on the Tuumata Residential Plan Change. The Ministry advised the Council in May 2022 that planned growth means a need for at least one new school in the area and it was working towards a report which would indicate a network requirement for a site of at least 4ha.

The MoE provided its requirements for school sites in greenfield areas (size, access, co-location, topography, and shape and orientation) which have been used to inform the potential school site shown on the Tuumata Structure Plan.

TGH updated MoE advising of the potential school site at Tuumata and this location on the Structure Plan and proposed further discussions.

## 4.8 Transpower

Transpower provided a report in May 2022 to TGH on how space beneath the transmission corridor through the Tuumata residential area can be made available to facilitate development, including options of relocation or undergrounding this line. The report provided a high-level engineering assessment to provide an initial view on potential cost, timeframe and constraints and noted the anticipated removal of these lines contingent on a number of projects being implemented to enable this to occur.

Consultants for TGH met with Transpower to discuss the Plan Change in June 2022. Through consultation with Transpower and understanding its requirements, TGH determined that the most efficient approach would be to zone for residential beneath the lines to make best use of the land and avoid the need for a further plan change post the removal of the lines. In the meantime, as concluded in this report, the existing District Plan transmission corridor provisions, coupled with a new rule in the Plan Change at Chapter 3, will avoid building occurring within the corridor. These provisions cease to have effect once the lines are removed.

## 4.9 Ongoing Consultation

Following notification of Plan Change 15 for Tuumata Residential, 13 submissions were received from the following parties:

- Niall Baker
- Chedworth Properties Limited
- Department of Conservation
- Fairview Downs Residents and Owners Association
- Fire and Emergency New Zealand
- Hamilton City Council
- Kāinga Ora - Homes and Communities
- Transpower New Zealand Limited
- Waikato Regional Council
- Ministry of Education
- Janie Tuhoro
- Waikato Housing Initiative
- Royal Forest & Bird Protection Society of New Zealand Inc

Some submissions, such as that of Chedworth Properties Limited, raises concerns about the fundamental proposition to rezone the land from industrial to residential. Chedworth is a residential property development company with landholdings north of Ruakura that has enjoyed significant development opportunities as enabled by the 2014 Board of Inquiry decisions.

TGH will continue to work with other submitters who have raised matters that can be dealt with through appropriate revisions to the provisions, while still ensuring the core objectives of the project are met. As an example of this, post submission work with Hamilton City Council led to an agreement that the Council would undertake further stormwater modelling work to understand the downstream effects of the project in a wider catchment sense. This work confirmed that the downstream effects of the project and its stormwater management measures proposed would be positive.