



Request for Private Plan Change: Tuumata Ruakura, Hamilton Kirikiriroa (Plan Change 15)

PREPARED FOR

TGH Ruakura Industrial Development Limited

24 March 2023



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PLANNING LIMITED



Revision Summary

Report prepared by Peter Hall Planning Limited for TGH Ruakura Industrial Development Limited.

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***“Maaku anoo e hanga tooku nei whare”
– Let me fashion my own house.***

Kiingi Tawhiao

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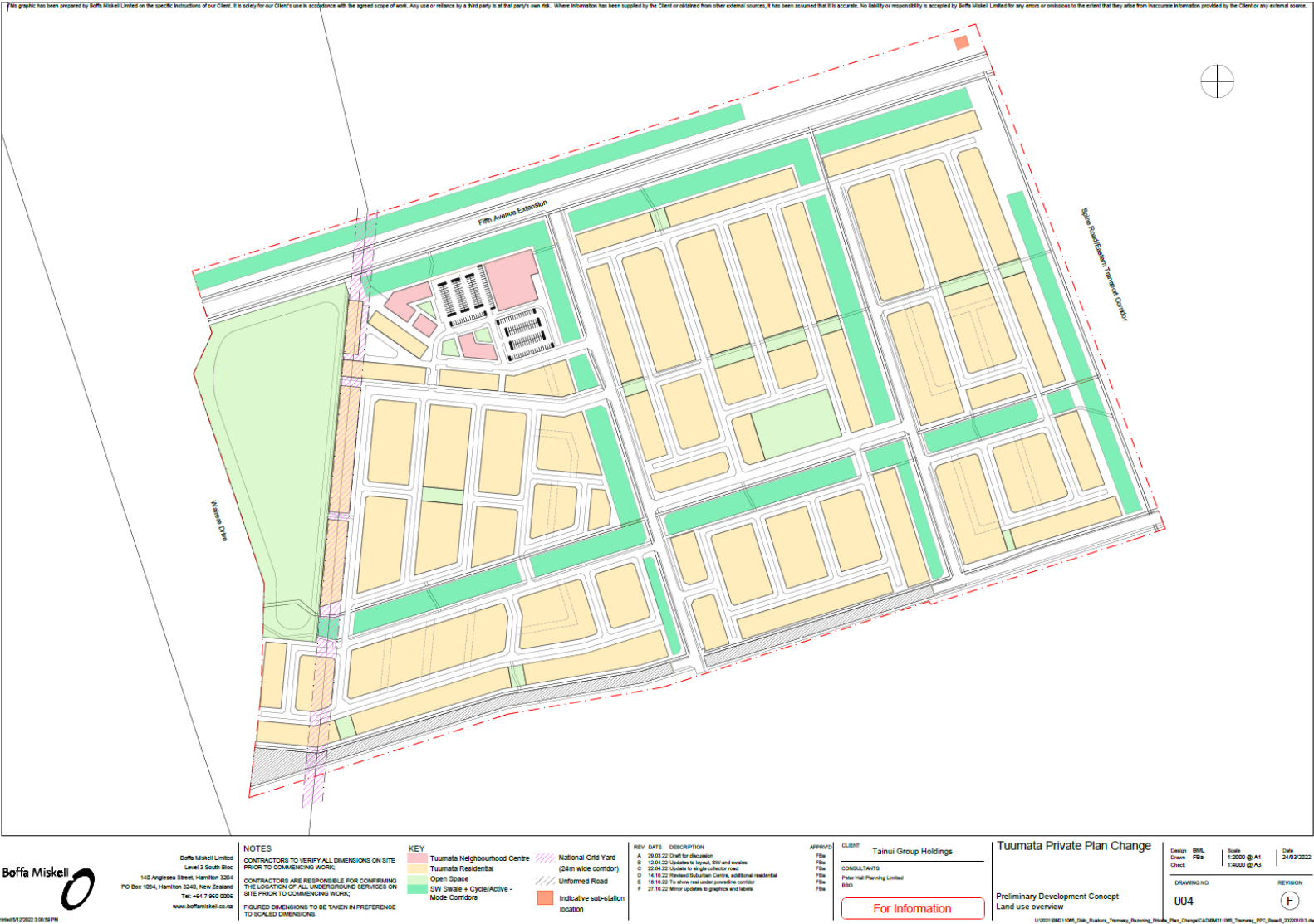
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1. Tuumata Master Plan.
2. Ruakura-Tuumata Structure Plan
3. Plan Change Provisions, Mapping and Figures
4. Section 32 Evaluation
5. Centre Viability Assessment and Industrial Land Supply Report
6. Ecology Report and Watercourse Assessment
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9. Geotechnical Report
10. Contaminated Land Assessment
11. Sub Catchment ICMP
12. Urban Design Report
13. Policy Assessments
14. Cultural Impact Assessment
15. Records of Title

Figure 1: Tuumata Master Plan (Boffa Miskell 2022)



1.0 Executive Summary

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

Tuumata represents a unique opportunity to provide a new residential neighbourhood for Kirikiriroa Hamilton: adopting the best urban design and environmental management practices, in a place that is close to the significant employment node at Ruakura and beyond, and well-served by existing and future transport connections.

Development at Tuumata will assist 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.

Tuumata is an intrinsic part of the development at Ruakura, which is land returned to Waikato Tainui through the Raupatu Treaty Settlement. Ruakura is a project of national significance, being one of Aotearoa New Zealand's largest multi-use developments and providing opportunity for Waikato Tainui to grow, prosper and sustain for generations to come.

As explained in the Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan 2013, the commercial benefit of any Waikato-Tainui development remains within the rohe and for the benefit of Waikato-Tainui tribal members and the wider community. The link between the economic and commercial success of Waikato-Tainui and their cultural and social success cannot be overstated¹.

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.

This private plan change request (**the Plan Change**) by TGH Ruakura Industrial Development Limited, which is a subsidiary of Tainui Group Holdings Limited, will realise this outcome and the potential of the 68ha site. It 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.

Tuumata has not been developed for its originally planned industrial purpose. The Plan Change will rezone the land from its current industrial zone to General Residential, Open Space and Neighbourhood Centre.

The Tuumata Residential Precinct will overlay the General Residential Zone and enable specific outcomes for Tuumata. 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. Over the last ten years, Kirikiriroa Hamilton has experienced significant growth and this is projected to continue.

Future development at Tuumata 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.

Giving effect to The Vision and Strategy - Te Ture Whaimana o Te Awa o Waikato, and ensuring the health and wellbeing of the Waikato river and its catchments, have been the key focus of the three

¹ Section 25.2 Issues, Tai Tumu Tai Pari Tai Ao, 2013

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 at source.

Tainui Group Holdings Limited has prepared the Plan Change with consultation through the Tangata Whenua Working Group for Ruakura, with a key outcome sought by the provisions being the incorporation of mana whenua values into future development.

Council officers have worked in partnership with Tainui Group Holdings Limited and its consultant team during the preparation of this Plan Change. The Plan Change has been developed with inputs from cultural and technical experts and through consultation with key stakeholders as described in this report.

This report assesses the Plan Change against the relevant statutory provisions of the Resource Management Act 1991 (**the RMA 1991**). It includes an assessment of the Plan Change against the planning policy documents, an assessment of effects on the environment and how these will be managed by the Plan Change, an assessment under section 32 and against the purpose and principals in Part 2 of the RMA, and a record of consultation undertaken in preparing the Plan Change.

The conclusion of this assessment is that the Plan Change accords with and gives effect to planning policy documents, includes provisions suitable to avoid, remedy or mitigate adverse effects on the environment, will give rise to considerable positive benefits, satisfies the requirements of section 32 and accords with the purpose and principals of Part 2 of the RMA 1991.

The Plan Change has also been prepared in accordance with Schedule 1 of the RMA 1991, whereby any person may request a change to a district plan in the form set out. It satisfies the matters against which the Council can determine how to process the request in Clause 25 of Schedule 1, provides full information to inform decision making, and is presented here for notification by the Council.

2.0 Applicant and Property Details

To:	Hamilton City Council
Private Plan Change Applicant's Name:	TGH Ruakura Industrial Development Limited
Address for Service:	Peter Hall Planning Limited Level 3, 43 High Street Auckland 1010 Attn: Peter Hall Phone: 0274222118 Email: Peter@phplanning.co.nz
Address for Fees:	Tainui Group Holdings Limited 6 Bryce Street, Hamilton Central, Kirikiriroa Hamilton, 3204 Attn: Brian Croad
Site Address:	Tramway Block, Wairere Drive, Kirikiriroa Hamilton
Legal Descriptions of Parcels/Registered Owners:	Lot 2 Deposited Plan 548526 and Section 4 Survey Office Plan 519316 (Record of Title ID 939233) - TGH Ruakura Industrial Development Limited Lot 1 Deposited Plan 548526 (Record of Title ID 939232) - TGH Residential Development Limited. Section 1 Survey Office Plan 519316 (Record of Title ID 844218) - Hamilton City Council for Utilities purposes
Area of Plan Change:	68ha (subject to survey)
Operative District Plan Zoning:	Ruakura Industrial Park, Knowledge Zone, Ruakura Open Space
District Plan Designations / Limitations:	<ul style="list-style-type: none"> • Ruakura Structure Plan Area • Interface Design Control Areas (Wairere Drive/Fifth Ave Extension and ETC frontages) • Electricity Transmission Corridors • Designation A112 Ruakura Water Reservoir -Hamilton City Council as the requiring authority².

² The 6m wide accessway to the reservoirs is also within designation A112 and is proposed to be rezoned in part from Ruakura Industrial Park to Knowledge Zone by this Plan Change to correct an anomaly that would occur with the rezoning of the Tuumata Block.



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

3.0 Introduction

3.1 Overview of the Plan Change

The Plan Change seeks to rezone the 68 hectares at Tuumata from Ruakura Industrial Park Zone, part Knowledge Zone and Ruakura Open Space to a new Tuumata Residential Zone, Business 6 Zone and Ruakura Open Space. The rezoning will also correct an anomaly that would otherwise occur were Ruakura Industrial Park Zoning to be left on a Council owned access strip adjoining Tuumata to the south. This is proposed to be rezoned Knowledge Zone for consistency with the balance of this access strip.

The land at Tuumata was previously known as Tramway and is referred this way to in the policy documents discussed below.

Tuumata is generally flat farmland bounded by the Ag Research Campus to the south, Wairere Drive to the west, Fairview Downs residential neighbourhood to the north and the future proposed extension of the Eastern Transport Corridor (**ETC**) to the east. The figure below shows the boundary of the Plan Change area over existing site features and topography.

The Master Plan for Tuumata that has been developed to inform the Structure Plan is shown in Figure 1 above and also provided at **Attachment 1**. This Master Plan does not form part of the Plan Change. It has been prepared to inform the development of the Structure Plan and determine a likely development layout and phasing for Tuumata. The Master Plan shows the arrangement of land uses, likely block sizes, roading, open space and stormwater provision based on the Structure Plan and provisions, and potential position of a new school.

The Structure Plan that has been prepared for Tuumata (referred to as the Ruakura Tuumata Structure Plan Figure 2-14A) has been prepared to complement the existing Ruakura Structure Plan and provide more detail for Tuumata to direct its future development. The Structure Plan for Tuumata and the associated figures are at **Attachment 2** of this report. This plan set here includes the existing Hamilton Operative District Plan zoning maps and Appendix 2 Figures that will be replaced with the new zoning and Structure Plan figures. The Ruakura Tuumata Structure Plan and these associated Figures are proposed to form part of the District Plan.

The proposed Plan Change text provisions are at **Attachment 3** and are summarised below in this report. They include amendments to existing Operative Plan chapters to provide for the outcomes sought and new Tuumata Residential Precinct provisions to be inserted into the Residential Chapter.

Although the Plan Change has been developed in partnership with Hamilton City Council, the Council officers have requested that the Plan Change be advanced as a private plan change, separate to Plan Change 12 - Enabling Housing Supply, which was recently notified by the Council. The provisions of the proposed Tuumata Residential Precinct mostly reflect those of the General Residential Zone as amended by Plan Change 12, and incorporate the Medium Density Residential Standards (**MDRS**) from the new Schedule 3A of the RMA 1991.



Figure 3: Boundary of the Plan Change Area over existing site features and topography (Wairere Drive to the left of the picture, Ag Research at the bottom)

3.2 The Applicant

TGH Ruakura Industrial Development Limited (**the applicant**) is the owner of the land at Tuumata referred to as the Tramway Block which the main parcel of land that is the subject of this Plan Change.

The applicant is a subsidiary company of Tainui Group Holdings Limited (**TGH**).

TGH is the kaitiaki of the commercial interests of Waikato-Tainui, with a focus on growing puutea, tuuranga mahi and whenua - profit, jobs and land - for the people of Waikato Tainui, the region and for generations to come.

TGH takes a long-term, disciplined approach to creating tribal wealth, through diversification, discipline and strong governance. Its role is to grow wealth: while Te Whakakitenga o Waikato and its executive Te Arataura fulfil other roles, including the distribution of that wealth. TGH concentrates on diversified investments that support the tribe with more money, employment opportunities and land.

TGH is owned by the Waikato Raupatu Lands Trust, through its trustee Te Whakakitenga o Waikato Inc. The Trust represents over 82,000 members of Waikato-Tainui from 68 marae in the wider Waikato region.

TGH's sole shareholder is Te Whakakitenga o Waikato Inc as trustee for the Waikato Raupatu Lands Trust, managed through Te Arataura, the Waikato-Tainui executive. The TGH Board is made up of two directors from Te Arataura, a tribal director (not from Te Arataura or Te Whakakitenga), and three independent directors. All Board members are committed to the highest standards of corporate governance, accountability and management.

The development of the Tuumata block for a new residential neighbourhood is a continuation of TGH's investment in unlocking development potential within the Ruakura growth cell and its diversification strategy.

3.3 Waikato Tainui

Waikato-Tainui is made up of the descendants of the 33 Waikato haapu, represented by 68 marae. There are now approximately 82,000 registered members of Waikato-Tainui. The rohe of Waikato-Tainui extends considerably beyond, but includes all of the jurisdiction of the Hamilton City Council.

Waikato-Tainui has mana whakahaere (authority) over its lands, resources and the Waikato River and seeks to exercise mana whakahaere to ensure the balance, and the mauri of the land and the resources is maintained to sustain stability for future generations in accordance with Waikato-Tainui tikanga, culture, and values. This responsibility sits with Te Arataura, the Waikato-Tainui executive.

The land at Ruakura, which includes the Tuumata Block, was an integral part of the Waikato-Tainui Raupatu Treaty Settlement in 1995, having a total area of 608 hectares.

In its decision on the Ruakura Plan Change in 2014, the Board of Inquiry for Ruakura noted that *"As the last significant block of land available to TGH for development, the economic, cultural and social importance of it to Waikato-Tainui cannot be underestimated"*.

3.4 Background to Development at Ruakura

Planning for the development of Ruakura was started by TGH in 2006 to unlock its potential for an inland port and major mixed-use development.

In 2009 Waikato Regional Council, Hamilton City Council, Waipa and Waikato District Councils and Tangata Whenua embarked on the development of a sub-regional growth strategy, known as Future Proof. Ruakura was included in the strategic document as a key employment area.

In 2011 the Ruakura R1 area transferred from Waikato District into Hamilton City. The R1 area is 822 ha and increased the size of Hamilton's designated urban land area by 8%.

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, including:

- A logistics area which includes an inland port (the Ruakura Logistics Area);
- An industrial area (the Ruakura Industrial Park Area);
- Two Medium Density Residential Areas (Chedworth Area in the North and the TGH area in the south at Silverdale);
- An expansion of the surrounding educational and innovation activities (the Knowledge Area);
- A retail centre located within the Knowledge Area; and
- 50 hectares of open space.

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 land use pattern and zoning as approved by the Board in 2014 remain in the District Plan to this day. These current zoning provisions are discussed further below. The Tuumata Block was included as one of three areas at Ruakura zoned as Industrial Park, buffered from the existing residential to the north by a strip of open space and served by an extension of Fifth Ave, connecting to a future Eastern Transport Corridor (or "Spine Road" as it was then referred).

In 2017 TGH secured resource consents to develop and subdivide the first 48 hectares of industrial land adjacent to the Inland Port.

In 2019 Ruakura Limited (a subsidiary of TGH) submitted for consideration by Hamilton City Council a Special Housing Area (SHA) for the Tramway Block under the Housing Accords and Special Housing Areas Act 2013 (HASHAA). This was later withdrawn.

In 2020, the Government announced 'shovel ready funding' to construct enabling infrastructure including transportation, water and environmental management.

Construction of the first roading package, the 10-hectare wetland, and formation of the Logistics West and Silverdale industrial areas occurred in 2021.

In September 2022 the Ruakura Superhub officially opened. This was a landmark juncture for Waikato-Tainui and the Region.

At the opening of the Ruakura Superhub Tukoroirangi Morgan who chairs Te Arataura, the executive committee of Waikato Tainui, said the sustained effort to bring the superhub to life reflects the intergenerational thinking of the iwi and its wish to hold and develop whenua.

"Ruakura opens the doorway for a bold and intergenerational investment as affirmed in our strategic plan, Whakatupuranga 2050. We are committed to building a legacy for those who come after us"³.

³ Tukoroirangi Morgan

Deputy Prime Minister Grant Robertson said at the opening that the Ruakura Superhub is a superb example of the benefits to Aotearoa when iwi and the Crown work together.

“This is due to the dogged determination and courageous investment by Waikato-Tainui and Tainui Group Holdings to continue to pursue the idea through a long period of minimal investment in the regions and long before most people had even heard of an inland port”⁴.

TGH Chair Hinerangi Raumati-Tu'ua said the superhub represents the economic future for Waikato-Tainui.

“The benefits of Ruakura Superhub also go much wider, and the economies of our city, region and nation will all feel the positive impacts of what we are building here. Commerce, jobs, efficiencies, homes, and environmental gains will all come from - in fact are already coming from - Ruakura Superhub”⁵.

3.5 Strategic Overview

The Hamilton-Waikato metro area is the third fastest growing urban area in the country and the population is expected to double in the next 50-100 years.

Kirikiriroa Hamilton is one of five Tier One growth areas in the National Policy Statement - Urban Development 2020, requiring significant development capacity planning.

Future Proof anticipates Kirikiriroa to grow to between 215,000 and 235,000 by 2045, and this has been occurring faster than projected.

The wider metropolitan area is seeing significant land use change and intensification. The Peacocke growth cell, a large-scale residential development, is being accelerated by Hamilton City Council to help meet the City's housing needs. Land use is intensifying also in and around Cambridge and Te Awa Lakes.

There is also significant industrial and commercial growth in and around Hamilton as the area develops into a major distribution and logistics centre due to its good access to road and rail networks and strategic location within the Upper North Island. Expansion plans at Hamilton Airport, and the development of the Ruakura inland port are examples of this growth.

Ruakura is strategically located with regional transport links, adjoining the existing Hamilton urban area, free from major development constraints and being immediately accessible to the WEX and rail line between Hamilton and Tauranga.

Strategic planning work undertaken by the Future Proof Partners over the last several years has identified the zoning of the Tuumata Block for higher density residential as a priority project for Kirikiriroa.

3.6 Private Plan Change Requests under the RMA 1991

Section 73 (2) of the RMA specifies that any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Part 2 or 5 of Schedule 1.

Clause 21(1) of Schedule 1 specifies that any person may request a change to a district plan or a regional plan (including a regional coastal plan).

Clause 22 (1) of Schedule 1 specifies that a request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed

⁴ Deputy Prime Minister Grant Robertson

⁵ Hinerangi Raumati-Tu'ua

plan or change to a policy statement or plan and contain an evaluation report prepared in accordance with section 32 for the proposed plan or change.

The purpose of and reasons for the Plan Change are described in the section below. An evaluation report prepared in accordance with section 32 is provided at **Attachment 4**.

Clause 22 (2) specifies that where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan. This report and its attachments meet this requirement.

3.7 Purpose and Reasons for the Plan Change (Clause 22(1) RMA Schedule 1)

In relation to Clause 22 (1) of Schedule 1, the purpose of the Plan Change is to enable the creation of a well-functioning new urban environment at Tuumata, with a medium density residential neighbourhood for between 1100-1300 new houses and a Neighbourhood Centre. This new neighbourhood will feature quality urban design outcomes, integrated, accessible and high-quality public spaces and an integrated, multi modal and safe transport network that provides travel choices. The development will incorporate mana whenua values and give effect to The Vision and Strategy - Te Ture Whaimana o Te Awa o Waikato, including through a comprehensive approach to stormwater management across the site.

The purpose of the Plan Change also is to assist TGH to achieve its mission of growing puutea, tuuranga mahi and whenua for the people of Waikato Tainui, the region and for generations to come. It will do this through the residential and commercial development opportunities that come from the proposed rezoning.

The reasons for the plan change are that the current zoning of the site will not enable these outcomes and new zoning is required to do so; including being guided by a new Structure Plan for the Tuumata Block and incorporating the MDRS from Schedule 3A of the RMA 1991.

3.8 Accepting the Plan Change Request (Clause 25 RMA Schedule 1)

The Council has discretion to accept or reject a Plan Change request in accordance with Clause 25 of Schedule 1 of the Resource Management Act 1991 (RMA), subject to the matters set out in Clause 25(4)(a)-(e).

Given that the Hamilton District Plan has now been operative for more than two years, the Council is able to reject the Plan Change request only on the following grounds:

- a) If the Plan Change request is frivolous or vexatious (clause 25(4)(a));
- b) If the Plan Change request is not in accordance with sound resource management practice (clause 25(4)(c));
- c) If the Plan Change request would make the plan inconsistent with Part 5 - Standards, Policy Statements and Plans (clause 25(4)(d).

In relation to (a) above, the Plan Change provisions have been thoroughly and professionally prepared and considerable technical analysis has been undertaken to inform them, which is detailed in the report below. The Plan Change has been developed in partnership with Hamilton City Council and the outcomes in it supported by the Future Proof Partners. The Plan Change will provide

significant economic return to Waikato-Tainui and housing for Kirikiriroa. For these reasons, the proposal cannot be described as frivolous or vexatious.

In relation to (b) above, although 'sound resource management practice' is not defined in the RMA, case law suggests that the timing and substance of the Plan Change are relevant considerations here. The proposed Plan Change is considered to be in accordance with sound resource management practice for the following reasons:

- Rezoning of the block for medium density residential is identified as a priority project in various strategic planning documents for the region as described in this report, with development anticipated to occur over the next 10-year timeframe.
- The land uses, densities and provisions proposed for Tuumata have followed rigorous analysis, with input from a range of technical experts, including an examination of alternatives as set out in the Section 32 Report at **Attachment 4**.
- Structure planning has been adopted which follows good resource management practice.
- All actual and potential effects arising from the Plan Change have been assessed, as described further in this report.
- Consultation with tangata whenua has occurred in an appropriate and meaningful way during the development of the Plan Change, as has consultation with other stakeholders.
- The Plan Change responds to all identified infrastructure and roading constraints through its provisions.

In relation to (c), the proposed zoning would not make the Operative District Plan inconsistent with Part 5 of the RMA 1991 because:

- The Plan Change will still ensure that the purpose of the District Plan is met, to assist the Council to carry out its functions in order to achieve the purpose of this Act (RMA section 72).
- The Private Plan Change request under Section 73(2) meets the requirements of Schedule 1 of the RMA.
- The Plan Change will give effect to all relevant national policy statements, national planning standards and the regional policy statement (RMA section 75(3)).
- The Plan Change will not cause the District Plan to be inconsistent with the regional plan for any matter specified in section 30(1) (RMA section 75(4)).
- The Plan Change is consistent with the additional provisions for district rules at 77A-77E of the RMA.
- The provisions for the Tuumata Residential Precinct are consistent with the Medium Density Residential Provisions at Schedule 3A of the RMA 1991.

Clause 25 (4A) also specifies that a specified territorial authority must not accept or adopt a request if it does not incorporate the MDRS as required by section 77G(1).

The proposed Tuumata Residential Precinct incorporates the MDRS. Additional controls have been added that deal with matters not included in the MDRS and only where they are not more restrictive than the MDRS.

4.0 Site Location and Description

4.1 Site Description

4.1.1 Maaori History

The Cultural Impact Assessment prepared by NaMTOK Consultancy Limited in 2011 for the Ruakura plan change, noted that the inland port site and surrounding hinterland has always been a centre of occupation for Ngati Wairere. It has been fought over and occupied by a number of different hapuu claiming descent from Wairere over past centuries. Consequently, it is claimed as part of the traditional lands of several hapuu of the Waikato Tainui Iwi, including Ngati Wairere and their related and associated subtribes such as Ngati Parekirangi, Ngati Waikai, Ngati Waihongi, Ngati Pakari, Ngati Iranui and Ngati Ngamurikaitaua⁶.

The Waikato River and its tributaries and gully systems would have been the main focus of movement, occupation and land use in pre-European Waikato. The river provided a navigable waterway in an area dominated by forest, and its adjacent land and stream systems the rich fertile soils for horticulture and fresh water supply. Beyond this focal feature, and in particular within the Ruakura area, were large tracks of swampland. These were not favourable for gardening or permanent habitation. There were large expanses of wetland, scrubland, permanent lakes and peat bogs as well as extensive Kahikatea forest dominating the landscape⁷.

The NaMTOK report notes that there was no extensive settlement of the wetland and swamp areas, but they provided abundant and essential food sources for the Maaori people who lived in the surrounding areas. Hence, a network of pathways or walking tracks was developed along the ridgelines to give easy access to these wetland food resources. In other areas trees were felled and dry peat areas were burnt off and the resources gathered from the clearing process were used for a variety of purposes.

4.1.2 European History

Prior to the military settlement of the 1860s early European settlement in the Waikato was generally confined to flax traders and mission stations, the latter of which were located outside of the Ruakura area in places such as Matamata, Te Awamutu, Raglan and Kaitotehe.

Following the British invasion of the Waikato in 1863 land was confiscated from Maaori and apportioned to the military for settlement. The Ruakura area was part of the confiscated lands and was divided up for the 4th Waikato Regiment and Forest Rangers⁸.

The Ruakura Agricultural Research Centre, which incorporated the Tuumata Block, has occupied the majority of the Ruakura area during the 20th century. During that time, the research focus has been on sheep and dairy farming including dairy herd management, fertiliser application, and effluent disposal. Cropping and pasture management were undertaken regularly for the past 80 years and also agricultural research involving breeding programmes and pasture management.

⁶ "An Assessment of the Potential Impact that any Expansion and Development of the Ruakura Estate Might Have on Cultural Values and Manawhenua". Report prepared for Tainui Group Holdings Ltd & Chedworth Properties Ltd. NaMTOK Consultancy Ltd 2011.

⁷ Ruakura Land Development Plan Archaeological Assessment. Prepared for Tainui Group Holdings Ltd & Chedworth Properties Ltd. Opus 2015

⁸ NaMTOK Consultancy Ltd November 2011

Experimental work in this locality was first carried out last century after the Government acquired 137 acres in 1886, and in 1888 the Waikato Agricultural College Model Farm Act vested the land in the Waikato County Council.

The Ruakura Experimental Station was established in 1901 when the original 137 acres were amalgamated with the 690-acre property purchased from Isaac Coates, a farmer, contractor and early mayor of Hamilton.

Development and experimental work continued until 1912 when the function was changed. Ruakura became the first Farm School of the Dominion, the Ruakura Farm of Instruction.

Ruakura first opened in 1939 as a research station.

By the mid-1900s the Ruakura wetlands had been drained to create farmland and this changed the natural vegetative cover from predominantly alluvial secondary vegetation to exotic pasture.

Tramway Road, close to the western boundary of Tuumata, was shown as a proposed tramway to Cambridge.



Figure 4: Aerial Photograph taken of the site in 1948 (Source: 4Sight Consulting Report 2022)

4.1.3 Waikato-Tainui Raupatu Claims Settlement

In 1995, the Crown formally acknowledged the wrongful confiscation of 1.2 million acres of Waikato land with a Treaty settlement of \$170 million, signed by Queen Elizabeth II.

The Waikato-Tainui Raupatu Claims Settlement was the first historical Treaty of Waitangi grievance settled with the Crown. The settlement was valued at \$170 million and included the return of land, cash payments, right of first refusal and relativity mechanisms. A key component of the settlement was the formal apology from the Crown acknowledging its wrongdoing.

The 1995 Raupatu Settlement saw the return of approximately 1.5% of the land area that was confiscated. The land at Ruakura, of which the Tuumata block is a part, represents approximately 10% of the 1995 Raupatu settlement land area.

The acknowledgement in the preamble to the Waikato Raupatu Claims Settlement Act 1995 that the confiscation of Waikato-Tainui lands in 1863 was unjustified was of great significance to the iwi.

The formal apology by the Crown in the Act says:

“The Crown acknowledges that its representatives and advisers acted unjustly and in breach of the Treaty of Waitangi in its dealings with the Kiingitanga and Waikato in sending its forces across the Mangataawhiri in July 1863 and in unfairly labelling Waikato as rebels.

The Crown acknowledges that the subsequent confiscations of land and resources under the New Zealand Settlements Act 1863 of the New Zealand Parliament were wrongful, have caused Waikato to the present time to suffer feelings in relation to their lost lands akin to those of orphans, and have had a crippling impact on the welfare, economy and development of Waikato.

The Crown appreciates that this sense of grief, the justice of which under the Treaty of Waitangi has remained unrecognised, has given rise to Waikato's two principles ‘i riro whenua atu, me hoki whenua mai’ (as land was taken, land should be returned) and ‘ko te moni hei utu mo te hara’ (the money is the acknowledgment by the Crown of their crime). In order to provide redress the Crown has agreed to return as much land as is possible that the Crown has in its possession to Waikato.

The Crown recognises that the lands confiscated in the Waikato have made a significant contribution to the wealth and development of New Zealand, whilst the Waikato tribe has been alienated from its lands and deprived of the benefit of its lands”.

4.1.4 Current land Uses

While significant progress has been made with the development of the inland port and logistics area to the south and the Chedworth residential land to the north (“Greenhill Park”), The Tuumata block is still currently used for farming purposes.

4.2 Local Context

4.2.1 Neighbouring Land Uses

To the north of the Tuumata Block is Fairview Downs, which is a residential suburb developed in stages between the 1940s -1970s. Fairview Downs had an estimated population of 3,520 as of June 2022⁹ with 1,026 households. On the opposite side of Wairere Drive is the suburb of Enderley. Enderley had an estimated population of 5,700 as of June 2022.

⁹ Population estimate tables Statistics New Zealand. Retrieved 25 October 2022.

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.

AgResearch to the south of the Tuumata Block is a research centre set on treed campus grounds, with multiple small tenants sharing the campus. The greater site here is a science and innovation hub, with the Waikato Innovation Park to the south.

To the east of the Tuumata Block is the balance of the land owned by TGH Ruakura Industrial Development Limited, which is zoned for Ruakura Industrial Park and Ruakura Logistics under the Ruakura Structure Plan and separated from the Tuumata Block by the proposed ETC and adjoining Ruakura Open Space zoned buffer.

4.2.2 Major Local Employment Opportunities

The Ruakura Inland Port and Logistics Hub to the east and south of the Tramway 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 areas for residential and retail activities. When complete, it is estimated the precinct will potentially contribute \$4.4B to Waikato’s gross regional product (GDP) before its completion and 2061¹⁰.

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. It is the home of Food Waikato; New Zealand’s first and only independent spray dryer, as well as domestic, international and public sector businesses such as Comvita, New Zealand Trade and Enterprise, and Tetra Pak¹¹.

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 1,100¹².

The Tuumata Block is only 2.5-3km to the west of the Kirikiriroa CBD.

4.2.3 Retail and Commercial

The geographic distribution of Hamilton’s commercial centres and their scale is shown in the Formative Centre Viability Assessment and Industrial Land Supply Report at **Attachment 5**.

Eleven suburban centres are spread around the suburbs, including a new, as yet undeveloped centre at Rotokauri in the north-west, and the new (and still developing) Rototuna Town Centre in the north.

The closest suburban centre to the proposed Tuumata Neighbourhood Centre are Chartwell (Sub-Regional, also with some Suburban Centre zoning, 5.3km north), Hillcrest North and Hamilton East (2.9km and 3.7km respectively south) and Five Cross Roads (0.9km west). Hillcrest is nearly 5km south.

There are a number of neighbourhood centres around the proposed development as set out in the Formative Report, including at Powells Road (750m north), and Tramway Road and Fifth Avenue (400m west)

The Formative Report describes that these neighbourhood centres have businesses fairly typical of Kirikiriroa Hamilton’s neighbourhood centres (dairy, hairdresser, takeaways, bakery, cafés), and all

¹⁰ Hamilton-Waikato Metropolitan Spatial Plan

¹¹ Ibid

¹² Ibid

are small centres (two to four stores) that play a clear convenience role for their immediate, walkable catchments.

Within Precinct C of the Knowledge Zone to the south (south of the East Coast Main Trunk Rail) an indicative location of a Ruakura Retail Centre is identified on the Ruakura Structure Plan and provided for in the Knowledge Zone provisions. This centre is intended to have unique characteristics and functions to warrant its own classification within the business hierarchy for the City. The centre is proposed to support the Knowledge Zone's research and innovation role and provide retail services to these activities and adjacent suburbs and anchor a future passenger transport interchange at its northern end¹³. Up to 9,000m² of total centre floorspace is permitted in the centre, including no more than 7,000m² of retail and supermarkets, and no more than 3,000m² of other permitted activities.

4.2.4 Schools

The Tuumata block is close to a number of schools; however, many of these do not fall within what is considered a reasonable walking distance in relation to ages they cater for:

- Te Kura Kaupapa Māori o Te Ara Rima - approximately 0.6km
- Insoll Avenue School - approximately 1.0km
- Southwell School (Private) - approximately 1.3km
- Hamilton Boys High - approximately 2.0km
- Peachgrove Intermediate - approximately 2.0km

4.2.5 Community Facilities

Nearby community facilities include the Porritt Stadium to the north at Crosby Road which is a large sports park, Claudelands Park to the west which is large open space, including playground and the University of Waikato to the south which provides for events of a community nature.

There is the Enderley Community Centre at Enderley which is a Council community facility with a gym, dining room, conference room. The Fairfield Community House is to the north on Clarkin Road. The Waimarie: Hamilton East Community House at Wellington St, Hamilton East has been open since 2001 and is now a hub for the Hamilton East area.

4.3 Existing Environment

4.3.1 Landform

The Tuumata block is split into two general landforms. The first comprises a broad terrace that makes up most of the site and is essentially near level with existing ground levels ranging from RL40m in the west to RL41m in the east with a low section (RL38.6m) in the north-eastern corner. The second landform comprises four ridges that rise up to RL45m on the western, southern and south-eastern site boundaries.

The Tuumata block has an average elevation close to RL 40m and grades towards north-west with a very flat average grade of approximately 0.08%¹⁴.

¹³ Structure Plans, Ruakura Vision 3.7(d)), Hamilton District Plan

¹⁴ Ruakura Tramway Sub-catchment ICMP: Stormwater Management Report, BBO 2022

The published geological map¹⁵ for the area depicts the regional geology as comprising cross-bedded pumice sand, silt and gravel with interbedded peat of the Hinuera Formation, and the ridges comprising pumiceous mud, silt, sand and gravel with muddy peat beds of the Walton Subgroup overlain by fine grained volcanic ash.

CMW Geosciences advise in their Geotechnical Report (**Attachment 9**) for the Plan Change that the site is located 35km from the Kerepehi Fault, which has a recurrence interval of 1:1,000 years. They therefore consider the risk of fault rupture affecting the site to be low.

Liquefaction risk and implications are discussed further in the CMW Geosciences report. The report notes that liquefaction is a risk across the Hamilton Basin and is being mitigated at the Ruakura Inland Port Project to the south and the Tuumata Rise development to the north.

4.3.2 Hydrology

The Tramway Block is located within the upstream part of the Kirikiriroa Stream catchment. The sub-catchment is neighbouring Wairere Drive to the west, Fairview Downs residential area to the north, and AgResearch facilities to the south. The sub-catchment is adjacent to the proposed ETC to the East.

There are four existing outlets to the Kirikiriroa system and one surface flow outlet to the Komakorau system with surface flow occurring during extreme weather events¹⁶. Smaller discrete networks flow to the Kirikiriroa gully system in the northwest and discharge to the Kirikiriroa Stream after passing under Wairere Drive roundabout. Two other small networks flow to the existing reticulated system in Fairview Downs and on Tramway Road.

The northwestern margin of Tramway Block connects with the Komakorau Stream catchment through artificial intermittent drains between Powell's Road and the railway corridor, along Ryburn and Percival Roads and through AgResearch farmland. Flows in these drains are typically very slow, if flowing at all. Connectivity is highly variable and there is frequently no connection when groundwater levels are low, and drains are empty or contain only shallow pools. Modelling indicates that the Ruakura catchment generally only contributes flow to the Komakorau in rainfall events greater than approximately a 10-year event¹⁷.

Groundwater is relatively high on the Tuumata block with in more than 50% of the boreholes drilled by CMW Geosciences, groundwater was encountered within 1m below ground-level and in more than 75% of boreholes, groundwater was encountered within 2m below ground-level.

Waterways

There are two relatively short lengths of drain within the boundary of the Tramway block and no streams or other waterways (see **figure** below).

The Powell Road drain is located on the north-eastern corner of the site. It drains the off-site catchment to the east. The drain discharges into a stormwater line that originates from Powells Road, follows the southern boundary of Fairview Downs residential development, and finally discharges into a 1800mm stormwater main pipe under the western berm of Wairere Drive.

The Tramway Road drain is located close to the middle of the western boundary of the site, south of Wairere Drive / Fifth Avenue roundabout. It drains the majority of the sub-catchment and discharges into a stormwater main pipe under the western berm of Wairere Drive. This pipe further north

¹⁵ Edbrooke, S.W. (compiler) 2005: Geology of the Waikato area: scale 1:250,000, Map No4, Institute of Geological & Nuclear Sciences.

¹⁶ Boffa Miskell Memo "Ruakura Development – Tramway Road Drain Watercourse Classification" dated 30/03/2022

¹⁷ Boffa Miskell Limited 2022. Tramway Block Rezoning – Private Plan Change: Ecological Impact Assessment. Report prepared by Boffa Miskell Limited for TGH Ruakura Industrial Development Limited.

converges with another stormwater main coming from Fifth Avenue to form the 1800mm stormwater main pipe that the Powell's Road drain also discharges into.

The Tramway Road drain is not connected to any natural waterway except via the Council reticulated stormwater network which presents significant obstacles to fish passage¹⁸.

Boffa Miskell Ecologists assessed the status of these two drains in the Tramway Block relative to the Waikato Regional Plan stream classifications and watercourse definitions and the National Environmental Standard for Freshwater 2020. Both are confirmed by Boffa Miskell to be artificial water courses (refer to the Boffa Miskell Watercourse Assessment at **Attachment 6**).

The RMA 1991 definition of a river is *"a continually or intermittently flowing body of freshwater, and includes a stream and modified watercourse; but does not include any artificial watercourses (including an irrigation canal, water supply race, canal for supply of water for electricity power generation, and farm drainage canal)"*. Therefore, the drains within the block do not classify as a "river" and neither the National Policy Statement: Freshwater Management nor National Environment Standards: Freshwater regulations associated with rivers apply to these watercourses.



Figure 5: Current Drainage Conditions (BBO 2022)

Offsite catchments

There are two offsite sub-catchments that drain into the Tuumata block (see **figure** below):

1. A southern sub-catchment drains in the form of overland flow approximately in the middle of the southern boundary of the Tramway block. The sub-catchment has an area of 28.7 hectares and consists of AgResearch buildings, farmland and the recently built Ruakura Reservoir.
2. The Eastern sub-catchment is a major part of the catchment that drains into the Powells Road drain, at the north-eastern corner of the proposed development lot. The sub-catchment has an area of 149.8 hectares and consists mostly of farmland, and a some lifestyle blocks at

¹⁸ Ibid

the south-eastern end of the catchment (Ryburn/Percival Road). The flows from this sub-catchment currently flow through the north-eastern corner of the Tramway Block.

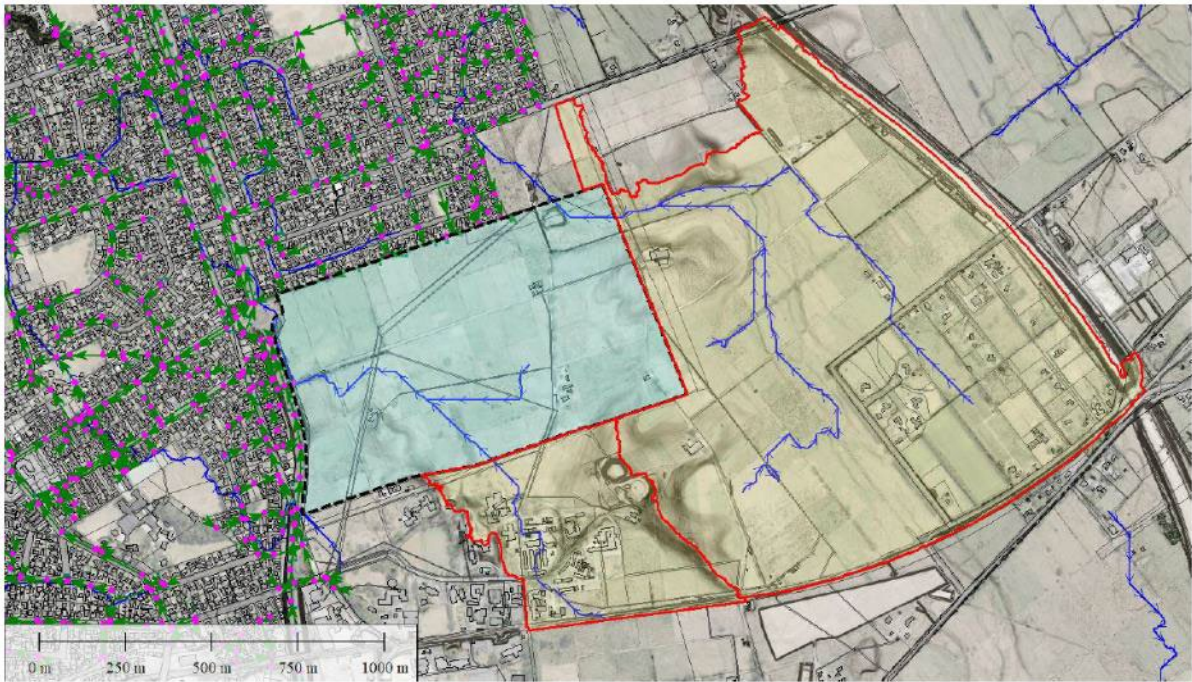


Figure 6: Current conditions off-site catchments and general overland flow regime (BBO 2022)

4.3.3 Ecology and Biodiversity

A full description of the ecological values of the Tuumata block is provided in the Boffa Miskell Ecology Report at **Appendix 6**.

The report assesses the vegetation, potential for wetlands, possible bat and herpetofauna habitat, avifauna and freshwater values of the site.

The Ecology Report states that the ecological values within the Tuumata 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.

With respect to vegetation, the report records that most of the site is dominated by exotic pasture grasses with non-pasture vegetation scattered throughout the project footprint. Terrestrial vegetation surveyed in the project footprint is predominately exotic in composition. Non-pasture vegetated habitats are mostly restricted to exotic shelterbelts and individual trees.

The report records that no putative wetlands were identified either on aerial imagery or during the site walkovers. The vegetation on site is not representative of wetland habitats, and therefore no wetlands were identified within the Tuumata Block.

Boffa Miskell conclude that the results of their survey work indicate that long-tailed bats are occasionally using the trees within the site. However, the sparse occurrence of activity observed during this survey suggests that the site does not form part of a significant commuting corridor and therefore the site does not provide significant habitat connectivity.

The Operative District Plan does not record any Significant Natural Areas within the Tuumata Block. Neither does the recent Plan Change 9 which has revaluated Significant Natural Areas across Kirikiriroa.

4.3.4 Archaeology

An Archaeological Assessment of the Ruakura Area, including the Tramway Block, was undertaken by Opus in 2015¹⁹ (refer report at **Appendix 7**).

No archaeological remains were noted during a site visit by Opus at the time, and none are recorded within the Tuumata Block or nearby, including none within the footprint of the Ruakura study area. The Opus report concludes that there is low to moderate potential for pre-1900 subsurface remains existing in the development footprint particularly in the areas of drier higher ground.

The Operative District Plan does not record any archaeological sites within the Tramway Block, neither does Plan Change 9 which has also revaluated archaeological sites (together with built heritage and Historic Heritage Areas).

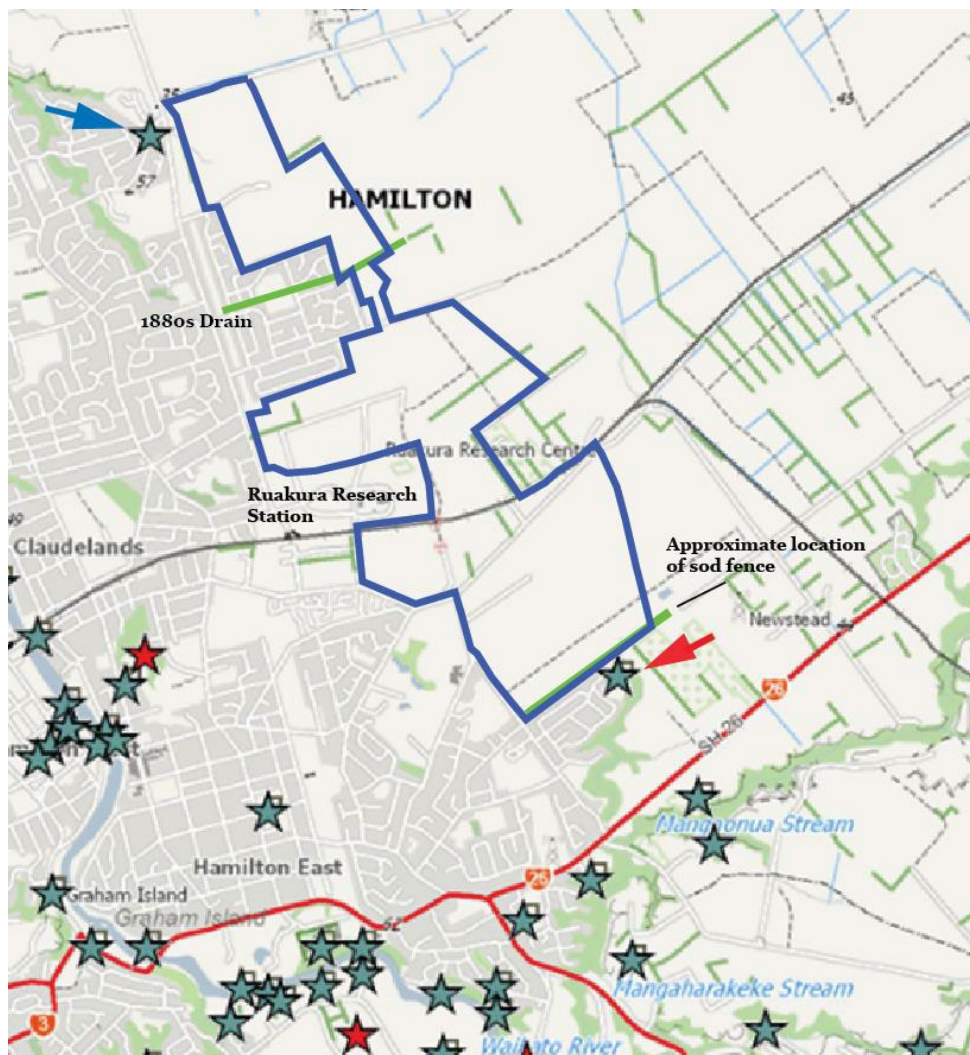


Figure 7: NZAA ArchSite Map of Recorded Archaeological Sites (stars), general study area from 2015 work highlighted blue. S14/52 (pa) indicated with red arrow, S14/92 (linear) with a blue arrow

¹⁹ An Assessment of the Potential Impact that any Expansion and Development of the Ruakura Estate Might Have on Cultural Values and Manawhenua. Prepared for Tainui Group Holdings Ltd & Chedworth Properties Ltd. NaMTOK Consultancy Ltd November 2011

4.3.5 Transport Network

Tuumata is bound by major arterial corridors (one existing, two planned) on three sides. Wairere Drive to the west, is part of the HCC major arterial ring road, providing strategic transport access around the city.

The Fifth Avenue Extension will extend the existing cross-city arterial route, formed by Boundary Road and Fifth Avenue, from the city to the planned future Eastern Transport Corridor (**ETC**).

The ETC runs north-south through the Ruakura Structure Plan area, connecting the Waikato Expressway (**WEX**) interchanges at Realigned Ruakura Road in the south with Greenhill Road in the north. The ETC is classified as a major arterial route as far as the Fifth Avenue Extension. The northern section of the ETC (Pardoa Boulevard to Webb Drive) has been constructed as part of development in Greenhill Park.

The WEX is now operational together with a realigned Ruakura Road serving the Ruakura Superhub. The WEX provides a strategic transport connection around the eastern fringe of Hamilton and provides a four-lane highway between the Bombay Hills and Cambridge. Interchanges are provided at five locations, including at Ruakura Road to the south and Greenhill Road to the north of Tuumata.

The East Coast Main Trunk Railway (**ECMTR**) traverses approximately 500m to the south of Tuumata.

Wairere Drive and Fifth Avenue currently meet at a dual-lane roundabout. The eastern leg of this roundabout is formed as a stub road and is currently used only for occasional access to the farming activities on the subject site.

There is limited public transport coverage in the immediate vicinity, with the limited existing bus routes detailed in the Integrated Transport Assessment (**ITA**) prepared by Stantec (refer **Attachment 8**).

A 20-minute cycling catchment from Tuumata covers a significant proportion of the Hamilton urban area. The CBD, Hamilton East commercial area, Chartwell commercial area and the University of Waikato are all within the 15-minute cycling catchment.

The Wairere Drive off road shared path runs along the western boundary of Tuumata. It provides a route around the city, connecting to Rototuna and Te Rapa in the north and the Western Rail Trail in the western part of the city.

Various on-road cycle lanes are also provided including along Ruakura Road, east to the University and west to the CBD along Te Aroha Street.

4.3.6 Other Infrastructure

The existing site is a rural environment and as such there is very limited existing three-water infrastructure on site, other than specific onsite devices associated with the rural land use.

A new 1000mm diameter wastewater gravity line (the Far Eastern Interceptor) is under construction along the ETC alignment adjoining the Plan Change Area. This gravity line runs from north of the ECMTR to the north and connects into the existing interceptor at the boundary of the Chedworth development. It is due for completion by the end of 2022.

4.3.7 Transmission Lines

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

TGH requested Transpower to consider how space can be made available to facilitate the development at Tuumata, including options of relocation or undergrounding this line. Transpower has provided in response a high-level engineering assessment to provide an initial view on potential cost, timeframe and constraints²⁰.

Transpower advises that there are projects currently underway which would allow the HAM-MER-B 110 kV line to be disconnected in the future²¹. 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.

Due to the impending plan to disconnect the circuits on the line, Transpower does not see any benefit to undergrounding or repositioning the line section.



Figure 8: Transmission Lines traversing the site (2022)

4.3.8 Contaminated Land

A Contamination Assessment of the Tuumata Block has been prepared by 4Sight Consulting (refer **Appendix 10**).

The report records the existing and historic agricultural research farm land uses that have occurred and that there is potential for isolated contaminated areas associated with these activities.

A variety of investigations have been conducted across the site from 2013 to 2021. These historic investigations have included desk-based assessments, preliminary site investigations and detailed

²⁰ Concept Assessment - Overhead relocation of HAM-MER-B line, prepared by Grace Woodall, Transpower 6 May 2022.

²¹ This 110 kV line currently supplies Transpower's Bombay (BOB) substation south of Auckland. There are projects underway to supply BOB from Transpower's 220 kV network, which would facilitate this 110 kV line to be disconnected in the future.

site investigations. These investigations have confirmed the presence of contaminants at selected locations across including historic landfills and historic building removals²².

The 4Sight Consulting report includes a map²³ showing the locations of potentially contaminated areas, being the potential former sheep dips, potential filling/farm dumping location, green waste disposal pit, timber burial pit, landfill area, waste burning areas and former buildings: all activities typically associated with rural land use.

4Sight Consulting consider it likely that remediation will be required at selected locations across the site to facilitate future land use change, subdivision and development following the plan change. The scope and nature of remediation will be confirmed following completion of DSI report/s, and is considered likely to be achieved using standard remediation practices (i.e. offsite disposal, on site encapsulation, reuse in suitable land use areas, or a combination of these approaches). On this basis, known and potential contamination at the site is considered by 4Sight Consulting highly unlikely to restrict or preclude a change of land use from rural to residential, commercial and/or open space following remediation.

4.4 Existing Planning Framework

4.4.1 Existing Zoning and Specific Limitations

The current zoning of the site was adopted following the Board of Inquiry decision as part of the wider zoning of Ruakura. Prior to this the site and wider Ruakura landholding had rural zoning.

The Tuumata Block is mostly zoned Ruakura Industrial Park in the Operative District Plan. There are three such industrial park areas zoned at Ruakura. This one, the second in the vicinity of the Silverdale area, south of the Waikato Expressway connection (Silverdale Industrial Park) and the third is north of the Large Lot Residential Zone (Percival and Ryburn Roads) and bounded by the Waikato Expressway on the eastern side. The zone provides for industrial uses (excluding noxious activities), with a high standard of amenity of buildings and landscaping expected. This includes through the Interface Control Area which applies along the Wairere Drive, Fifth Avenue Extension and the ETC frontages of the block (the black hatch on the figure below).

All of the Ruakura Industrial Park zoned land at Tuumata will be rezoned with the Plan Change.

Around the northern and eastern edges of the block there is a strip of Ruakura Open Space zoned land. This was intended for stormwater management purposes, visual amenity and to buffer the proposed industrial land at Tramway from the Fairview Downs residential neighbourhood to the north and ETC to the east. This will be retained with the Plan Change.

A small irregular shaped triangle of land in the southwestern corner of the block is zoned Knowledge Zone. This will also be rezoned with the Plan Change.

Designation A112 is for the Ruakura Water Reservoir with Hamilton City Council as the requiring authority. A 6m wide accessway to the reservoirs are also within this designation. This access strip is owned by Hamilton City Council. The access strip is mostly in the Knowledge Zone which applies also to the Ag Research land to the south. A small section at the eastern end of the access strip is zoned Ruakura Industrial Park (see detail figure 10 below). While both the reservoir and the accessway are outside of the Tuumata Block, it is proposed to rezone the section zoned Ruakura Industrial Park to Knowledge Zone so as to not leave a stranded strip of Ruakura Industrial Park zone here.

²² Tramway Proposed Plan Change, Contamination Assessment, 4Sight Consulting, April 2022.

²³ Page 3 4Sight Consulting report.

As noted above, there are no scheduled trees, buildings, structures and associated sites or archaeological/cultural sites on the Tuumata Block in the Operative District Plan.

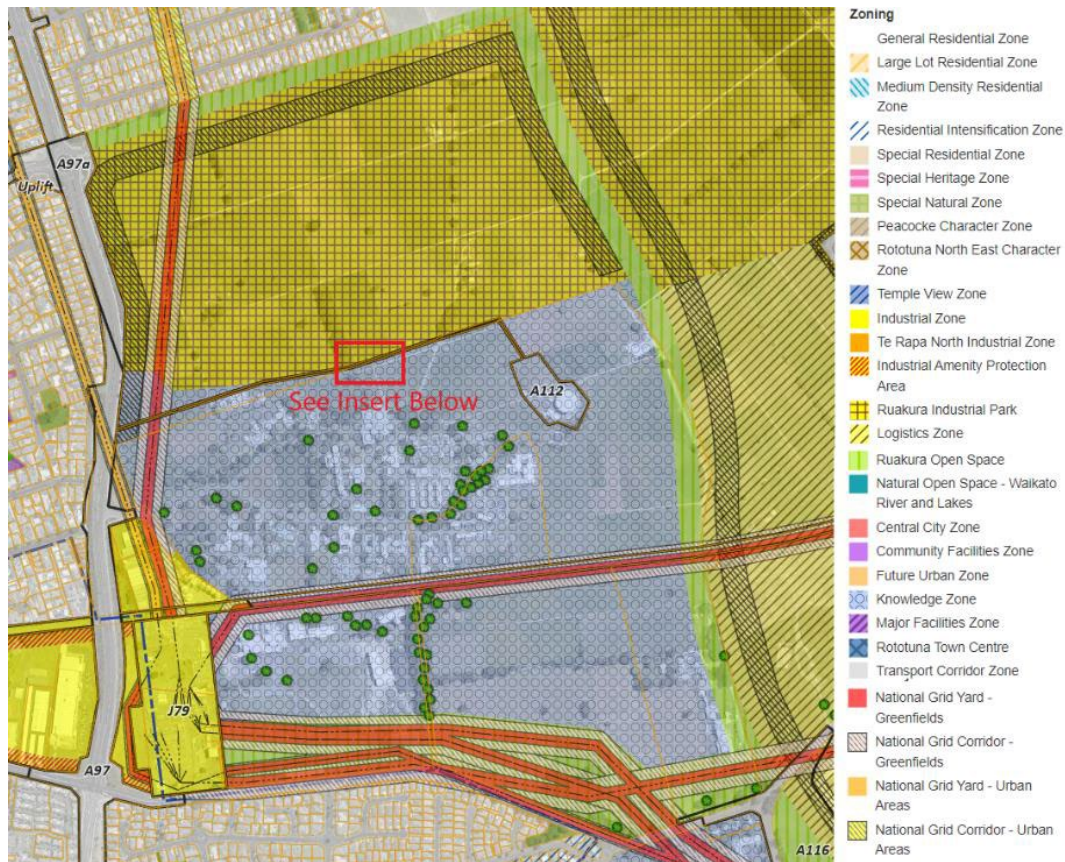


Figure 9: Zoning and District Plan Features (Hamilton Operative District Plan)



Figure 10: Detail of Zoning Split between Knowledge Zone (blue) and Ruakura Industrial Park Zone (yellow) over the Council owned access strip for the reservoir designated A112.

4.4.2 Ruakura Structure Plan

Development of the land at Ruakura and the provision of supporting strategic infrastructure is currently guided by a Structure Plan (see Figure 11 below). Ruakura Structure Plan covers 822 ha.

The Structure Plan is included in Appendix 2 to the District Plan, and described in its Chapter 3.

Figure 2-15A is Ruakura Strategic Infrastructure - Transport. Figure 2-15B is Ruakura Strategic Infrastructure - Three Waters. Figure 2-16 is the Ruakura Land Development Plan Areas. Figures 2-17/1 - 2-17/3 are the Inland Port Building Setbacks and Landscape Controls and Figure 2-18 is the Ruakura Cyclist & Pedestrian Network Plan.

These figures are proposed to be updated by the Plan Change to show the new land use, strategic infrastructure, open space and cycle and pedestrian network detail for Tuumata, with new figures 2-15A and 2-15B inserted specifically for Tuumata.

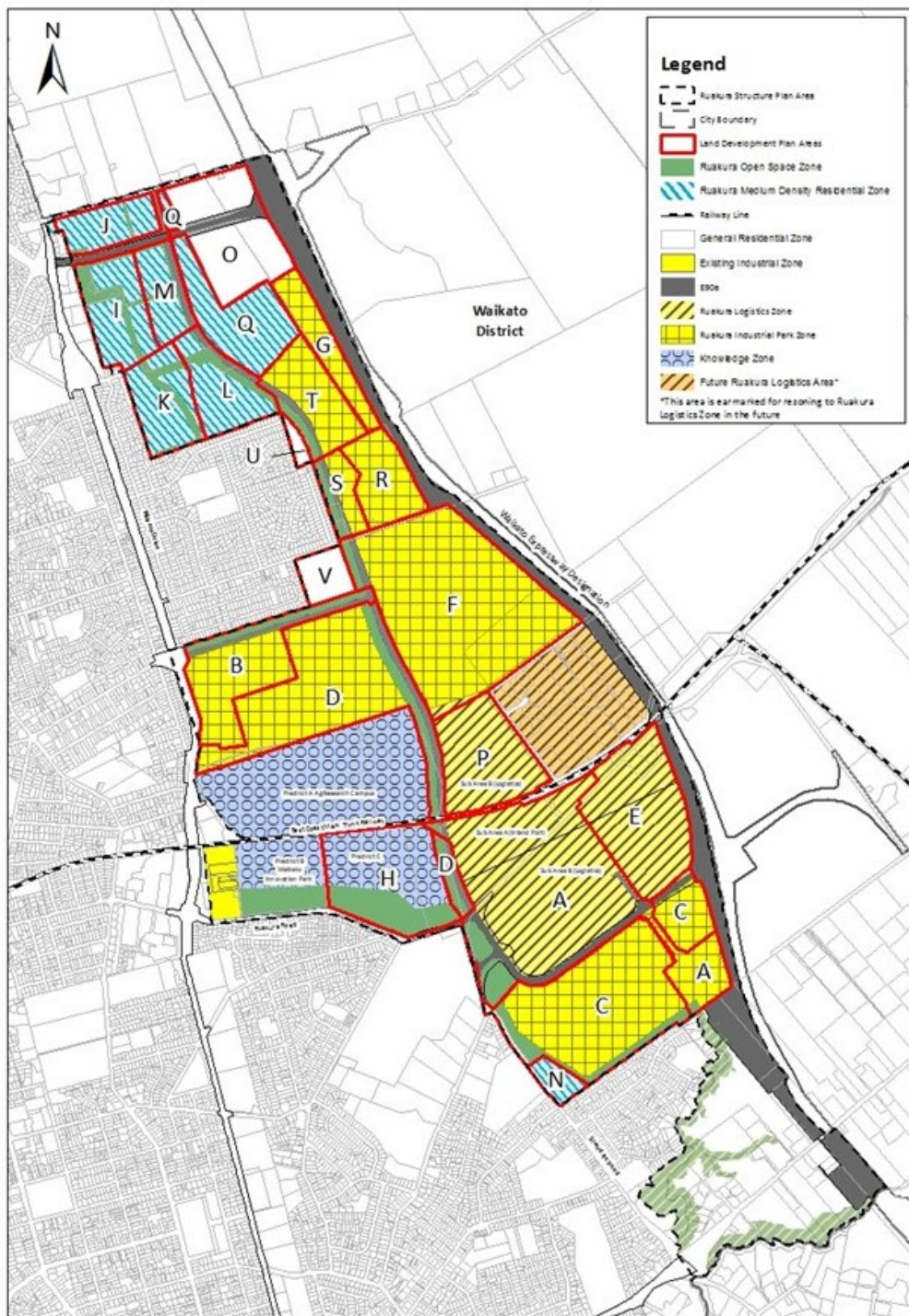


Figure 2: 2-16: Existing Ruakura Land Development Plan Areas (Operative District Plan)

4.4.3 Proposed Plan Change 12: Enabling Housing Supply

Plan Change 12 responds to the National Policy Statement on Urban Development (NPS-UD) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

The Tuumata Block retains its existing zoning in PC12, with the plan change addressing existing residential zones.

The policy direction of PC12 is however relevant to Tuumata and has informed the preparation of the Plan Change provisions. In summary PC12 proposes:

- A new urban form pattern which has:
 - Unlimited heights in the central city
 - High density residential enabling at least six-storey developments within walking distance of the central city
 - Medium density residential allowing for up to five-storey developments within 400m walking distance of the sub-regional centre at Chartwell and the suburban centres at Thomas Road, Lynden Court, Five Cross Roads, Clyde Street East, Hamilton East, Glenview, Frankton and Dinsdale.
 - A General Residential Zone providing for one to three residential units up to three storeys high permitted elsewhere (Development will be primarily single dwellings, duplex housing, and terraced housing). Applying the MDRS²⁴ in this zone except where a qualifying matter is relevant.
- Amendments to objectives and policies to give effect to Te Ture Whaimana o Te Awa o Waikato and for climate change mitigation and adaptation.
- Inclusion of an Infrastructure Capacity Overlay (which excludes the Tuumata block).
- Mode shift provisions to encourage walking, cycling and use of public transport to achieve a well-functioning urban environment.
- Removing the use of Land Development Plans²⁵.
- Providing for upper floor apartments as permitted activities in a number of areas in the Business Zone and amending height in relation to boundary, interface, outlook, building height and storage areas to align with the HSAA requirements and Residential Zones provisions.
- Inserting provisions to enable financial contributions to be collected for certain purposes.
- Inserting rules requiring retention of the first 10mm of rainfall on-site. This means most sites are likely to require a rainwater reuse tank of 2000-5000L for their roof and a soakage pit/s for their driveway and manoeuvring area.
- For larger residential developments - requiring new Site-Specific Stormwater Management Plan requirement replacing Water Impact Assessments.
- Requirements for rainwater reuse and higher water efficiency ratings for taps, showers, and toilets.

The proposed Tuumata Residential Precinct generally accords with the new General Residential Zone from PC12: providing for residential units up to three storeys, with provisions that apply the

²⁴ Medium Density Residential Standards from the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

²⁵ Land Development Plans apply to certain Structure Plan Areas (including Ruakura) as a first step consenting requirement to assess the suitability of land development infrastructure and earthworks, including stormwater management, roading and suitability of services. In effect replicating obligations under the subdivision consent application.

MDRS, supplemented by other provisions to provide greater amenity outcomes as described later in this report.

Land Development Plan requirements are also proposed to be removed at Tuumata by the subject Plan Change, consistent with PC12.

Requirements for rainwater reuse and higher water efficiency ratings for taps, showers, and toilets. inert cladding, roofing and spouting building materials have been adopted from PC12.

4.5 Record of Title

The Tramway block is part of a 196.3067 hectares (more or less) title legally described as Lot 2 Deposited Plan 548526 and Section 4 Survey Office Plan 519316 (Record of Title Identifier 939233) (refer **Appendix 15** for the Records of Title).

The registered owners are TGH Ruakura Industrial Development Limited.

The title is subject to various interests created by easement instruments as recorded, including:

- Right to convey electricity specified in Easement Certificate B219175.8.
- Right to drain stormwater over part Lot 2 DP 548526 marked D, E, F, G and H on DP 548526 specified in Easement Certificate B219175.9.
- Right to convey gas specified in Easement Certificate B219175.10.
- Right of way specified in Easement Certificate B219175.12.
- Right (in gross) to convey electricity, telecommunications and computer media over part Section 4 SO 519316 marked CA and CD on SO 519316 and over part Lot 2 DP 548526 marked CA, CB, CC, NB, ND, E, G, I, J, A, and B on DP 548526 in favour of WEL Networks Limited created by Easement Instrument 9522523.4.
- Land Covenant in Easement Instrument 10301397.13.
- Right (in gross) to drain sewage over part Lot 2 DP 548526 marked NA, NB, NC, ND and NE on DP 548526 in favour of Hamilton City Council created by Easement Instrument 11865372.1.
- Right to convey water over part Lot 2 DP 548526 marked NA, NB, NC, ND, NE and O marked on DP 548526 in favour of Hamilton City Council created by Easement Instrument 11865372.2.
- Right (in gross) to drain water over part Lot 2 DP 548526 marked O on DP 548526 in favour of Hamilton City Council created by Easement Instrument 11865372.3.

The strip of land (4310 square metres more or less) included within and along the southern boundary of the plan change area is legally described as Section 1 Survey Office Plan 519316 and held by Hamilton City Council for Utilities purposes (refer **Appendix 15** for the Record of Title).

In addition, the southern strip of the title owned by TGH Residential Development Limited fronting Powells Road, and currently being developed as “Tuumata Rise” residential is also included in the Plan Change. This portion is legally described as Lot 1 Deposited Plan 548526 and held on Record of Title ID939232. Specifically, this is the strip of Ruakura Open Space zoned land to the south of Tuumata Rise which will form part of the Fifth Ave Extension. This strip is included in this Plan Change to ensure any changes applied to the balance of this Open Space strip also apply here (such as for example the removal of the Land Development Plan obligations).

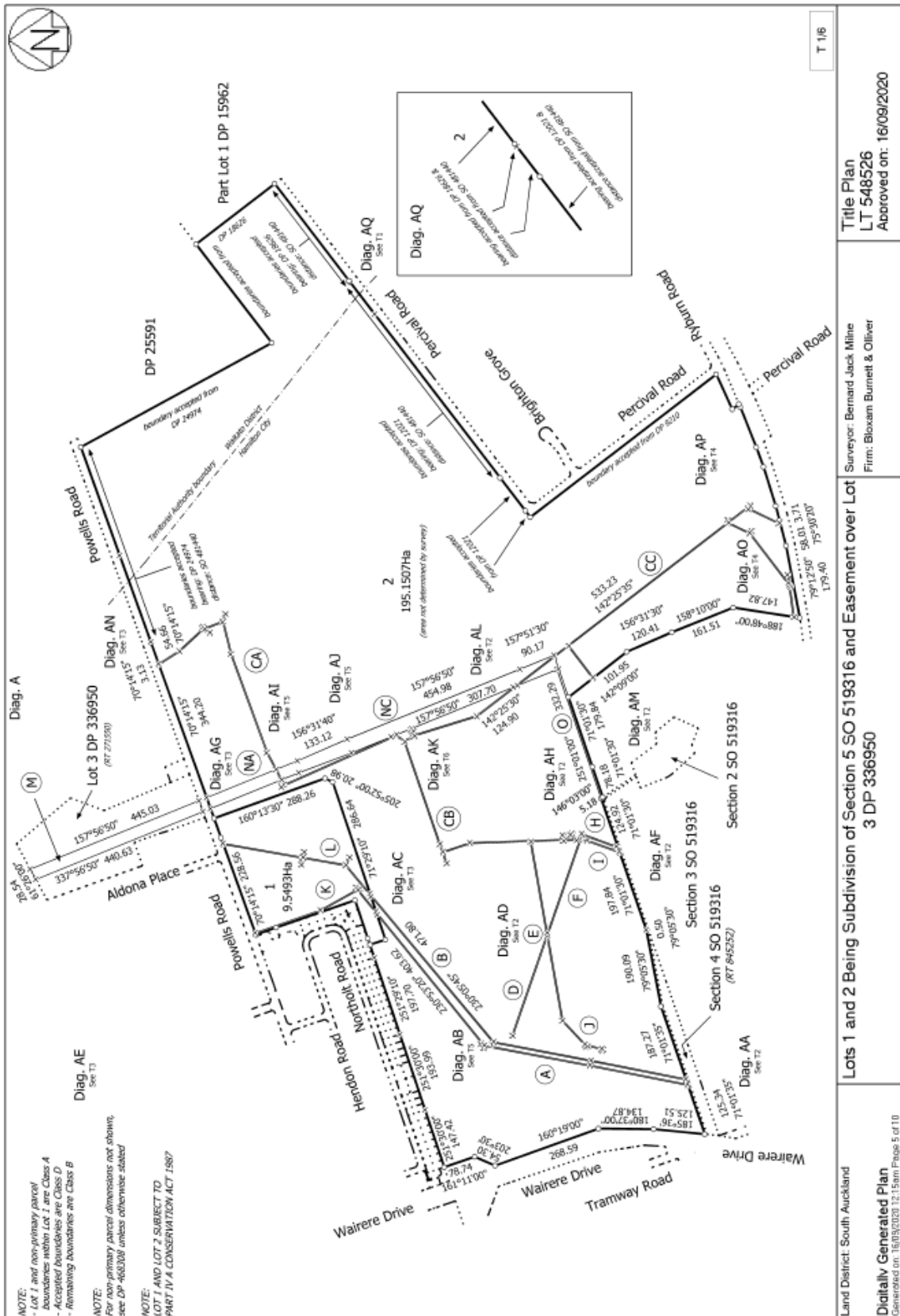


Figure 12: Record of Title 939233, TGH Ruakura Industrial Development Limited

5.0 The Plan Change Request

5.1 Description of the Proposal

5.1.1 Overview

The Plan Change seeks to rezone the Tuumata block to provide for medium density (three storey) residential with a new neighbourhood centre and open space. This will provide for between 1100-1300 new homes²⁶ and a variety of housing types including standalone houses, duplex dwellings, terrace houses, apartments and papakainga, up to a maximum of three storeys. The neighbourhood centre will provide for local shops and other tenancies to serve the new neighbourhood, plus a new supermarket.

Subdivision and development at Tuumata will be guided by a Structure Plan and set of bespoke planning provisions to ensure excellent urban design and environmental outcomes. This will include a network of footpaths, cycleways and roads that encourage walking and cycling, a new neighbourhood park and other open space, and a comprehensive system of stormwater management and treatment using extensive planted swales and a large new wetland. The option has been provided also for a new primary school at Tuumata to support growth in the area.

Development at Tuumata is anticipated to occur over a ten-year period and will be supported by an extension of Fifth Ave across Waierere Drive, connecting to a new Eastern Transport Corridor running through Ruakura to the east.

5.1.2 Density and Urban Form

The master plan for Tuumata will achieve an average net density of 50 dwellings per hectare²⁷. The planning provisions which accompany the Plan Change are intended to provide for flexibility and enable different housing types.

As expressed in the Boffa Miskell Urban Design Report (refer **Attachment 12**):

“The masterplan seeks to develop a compact, connected, modern, inner-city suburb close to the city centre. The proposed landuse change from industrial to residential provides a positive step toward rebalancing the distribution of residential land in Hamilton, and prioritising growth around the city centre”.

The master plan has been arranged around a superblock layout. Each superblock has been designed with approximately 50m wide residential blocks.

Block orientation is predominantly north south, setting up east west facing rear yards that will enjoy either morning or afternoon solar access. The masterplan seeks to avoid lots with garaging on the northern side: maximising the number of lots with private open space that enjoy good solar access.

²⁶ For the purposes of transport and three-waters capacity modelling for the Plan Change a yield of 1,269 dwellings (including 100 apartments in the Neighbourhood Centre) has been assumed based on developable area and a net density of 50 dwellings/ha. The final yield will depend however on the types of houses developed, and for this reason the yield is described as 1100-1300 to encapsulate the potential range.

²⁷ Net density is of developable land, excluding roads, open space and stormwater assets.

The grid layout of the street network facilitates good public realm outcomes where dwellings have frontage to the street providing passive surveillance opportunities. As much as practicable rear yards adjoin rear yards to encourage private open spaces to be located away from the public realm.

Where private lots adjoin public open spaces or swales, shared paths have been proposed adjacent to the rear boundary. This has been done to encourage rear pedestrian access.

A key objective for the site is the delivery of a neighbourhood that is accessible and easy to move around, with a clear structure and hierarchy of connected streets. The outcome sought is to move beyond traditional suburban greenfield development to create a modern highly-walkable and safe neighbourhood, connected to open space, recreation opportunities, neighbourhood centre and public transport.

Pedestrian and cycle movement is catered for through 4 primary north-south movement corridors and 4 primary east-west movement corridors. These movement corridors seek to provide regular opportunities (every 100-200m) for pedestrians and cyclist to access safe, protected routes with limited vehicle crossings, limited or no side friction, minimising potential vehicle conflict points. These routes link to public open spaces and into the wider City walking and cycling network.

The design maximises opportunities to connect into existing and future neighbourhoods as well as existing and proposed activity areas. Internal movement corridors are designed to link to key existing walking and cycling facilities adjacent to the site, connecting to the existing Wairere Drive shared path and future facilities proposed on the Spine Road/Eastern Transport Corridor and Fifth Ave Extension.

The internal movement corridors are designed to provide convenient access to two existing underpasses beneath Wairere Drive²⁸, while also encouraging people to move around and through the Tuumata Neighbourhood Centre.

The proposed masterplan includes approximately 3.5ha of new stormwater treatments ponds, an additional 7-8ha of new stormwater swales, neighbourhood reserves, green links/pocket parks, plus planted local and neighbourhood streets. This network of high amenity stormwater, recreation and public open spaces will play a strong role in helping to protect water quality, build resilience into the stormwater network, using a nature-based approach, provide ecosystem services and inform and shape the future character and identity of the Ruakura -Tuumata Structure Plan Area.

These key urban form elements described above are set out on the Ruakura-Tuumata Structure Plan (Figure 2-14A) which will form part of the District Plan with the Plan Change (refer **Attachment 2**).

5.1.3 Residential Development

Residential development will be guided by a proposed new Tuumata Residential Precinct which will only apply to the Tuumata block (refer proposed provisions in **Attachment 3**).

The Tuumata Residential Precinct is based on the General Residential Zone from Proposed Plan Change 12 to the Hamilton District Plan. It adopts the Medium Density Residential Standards (“**MDRS**”) from Schedule 3A of the RMA 1991. These standards specify permitted activity status for dwellings in accordance with the ‘density standards’ (ie development controls) of the MDRS, controlled activity status for subdivision around residential units, and restricted discretionary status for the construction and use of 1 or more residential units on a site if they do not comply with the ‘density standards’.

²⁸ There are two existing underpasses, one on the north-western corner of the site (Fifth Ave-Wairere Intersection) with the other close to the south-western corner (Bisley Road-Wairere Intersection) some 200m further to the south along Wairere Drive.

The Tuumata Residential Precinct also adopts the objectives and policies required by Schedule 3A, except where those relate more to City-wide outcomes.

The objectives²⁹ for the Tuumata Residential Precinct are proposed to be included in Chapter 4.2 and in summary are that:

- Development maximises the use of land by providing a range of housing typologies that are consistent with the neighbourhood's planned urban built character of predominantly three-storey buildings.
- Development is undertaken in a manner to ensure a well-functioning urban environment, and is coordinated with the provision of infrastructure and services.
- Residential dwellings are designed and developed to create an attractive and safe urban environment, providing a high level of amenity:
 - i) On site for residents;
 - ii) On adjoining sites; and
 - iii) For the transport corridors and public open spaces.
- Residential activities are the dominant activity and non-residential activities are compatible with residential amenity values.
- Residential development incorporates sustainable features and technologies.

The MDRS standards adopted for the zone are as follows:

- Building coverage - 50%
- Permeability and landscaping - 20% residential unit at ground floor level landscaped area.
- Building height - 11m+1m sloping roof bonus/3 storeys.
- Height to boundary - 4m+60 degrees.
- Setbacks - 1.5m transport corridor boundary/1m side yard/1m rear yard/none for common walls.
- 20% of façade facing street to be glazed.
- A principal living room of a dwelling must have an outlook space with a minimum dimension of 4m depth and 4m width.
- A residential unit at ground floor level must have an outdoor living space that is at least 20m².
- A residential unit above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace of at least 8m².

These MDRS standards are augmented by rules relating to the following additional matters which are not otherwise regulated by the MDRS:

- Standards relating to non-residential activities in the zone.
- Urban trees - requirement for each unit to have a specimen tree according to the standards specified in proposed rule 4.15.3.3. The purpose of this is to minimise the urban heat island

²⁹ Proposed objectives 4.2.15-4.2.19 relate specifically to the Tuumata Residential Zone.

effects, enhance biodiversity and ecological function, provide summer shade and store carbon³⁰.

- Different setbacks from internal lanes, boundary fences and walls at proposed rule 4.15.3.6.
- Maximum height and minimum permeability requirements for fences and walls at proposed rule 4.15.3.7 to assist with creating an attractive and safe environment and passive surveillance to achieve safe streets and public open spaces³¹.
- Pedestrian access requirements from streets at proposed rule 4.15.3.8 to assist again with creating an attractive and safe environment and also to align with CPTED principles³².
- Rules requiring the provision of waste management and services areas for residential and non-residential activities at proposed rule 4.15.3.11.
- Storage area requirements (simplified from the PC12 version) requiring storage be provided for apartments at proposed rule 4.15.3.12.
- Rules for accessory buildings, vehicle access and vehicle parking (where provided) relating to terraces and apartment units, to prevent these dominating the streetscape³³.

Housing typologies are separately specified in certain provisions, with specific rules and assessment criteria applying to “Tuumata residential terrace dwellings” and “Tuumata residential apartment dwellings”. Tuumata residential terrace dwellings and Tuumata residential apartment dwellings are defined under the Plan Change because the Operative Plan does not provide an adequate definition to distinguish between these typologies.

Resource consents for restricted discretionary activities are required for residential units where 4 or more are provided, consistent with the MDRS.

New assessment matters and criteria are proposed to be added to Appendix 1.3 of the District Plan at N17, with certain criteria only applying to Tuumata residential terrace dwellings and Tuumata residential apartment dwellings to manage the effects of these typically larger developments. These matters and criteria in summary assess the following matters:

1. Context - has the proposal considered the surrounding context including adjacent properties?
2. Public Realm - has the proposal considered the adjacent public environment (including streets, open spaces)?
3. Site Layout - does the proposal ensure good privacy and CPTED outcomes for residents and a clear hierarchy of space?
4. Access - has safe circulation to and through the site been provided for all modes including pedestrians?
5. External Appearance - does the external design and architectural detailing incorporate methods to reduce the overall bulk and scale and avoid large blank, unrelieved walls?
6. Waste management
7. Landscape and screening

³⁰ Proposed policy 4.2.19a

³¹ Proposed objective 4.2, 17 and proposed policy 4.2.17a

³² Proposed policy 4.2.17b iii

³³ Proposed policy 4.2.17b ix

Proposals for the construction and use of 1, 2, or 3 residential units on a site that *do not comply* with any of the Tuumata Residential Standards, or for the construction and use of 4 or more residential units *that comply* with the standards, will be processed without public or limited notification. This is consistent with the MDRS and will assist with efficient provision of housing (reducing processing time, costs and risks).

5.1.4 Open Space

A 5000m² neighbourhood park is proposed in a central location at Tuumata. The size, shape and location of the park follows advice from Council Parks officers.

The park will be vested at subdivision of the adjoining land with proposed new subdivision rule 23.6.15 requiring so. The specific requirements of this neighbourhood park are set out in proposed subdivision rule 23.7.9, namely that the Neighbourhood Park shall be provided and meet the following standards:

- a. Minimum area of 5000m² and rectangular.
- b. Minimum transport corridor frontage of 50% of the perimeter of the total park boundary.
- c. Is able to accommodate a 30mx30m square frontage.
- d. Is generally flat and include flat open spaces for informal recreation.
- e. Includes one area of between 300m² and 800m² for the provision of a children's play area.
- f. Includes landscaping areas to provide an interesting and varied visual amenity for the area. These areas are to include native vegetation capable of reaching heights of at least 8m at maturity.

The stormwater swales will comprise a network of generally 20-metre wide and 2-3 metre deep planted swales predominantly for stormwater management function, but also being open space.

A public plaza will be provided in the Tuumata Neighbourhood Centre, with its position, design and layout to be determined at resource consent stage, guided by the proposed assessment criteria set out in N16d.

Because the surveyed boundaries of the neighbourhood park, the stormwater swales and the neighbourhood centre public plaza will only be determined post subdivision, they are not zoned as Open Space in the Plan Change (zoning needs to fix to cadastral boundaries). Instead, their final position and shape will be determined by the subdivision process, with open space zoning able to follow through a subsequent process.

In contrast, the 3.5ha wetland and the open space buffer adjoining the Fifth Ave Extension and the proposed ETC will be zoned Open Space in the Plan Change. Both are fixed to current or planned edges capable of survey (the centre line of the Transmission Corridor for the wetland and the road boundary for the open space buffer adjoining the Fifth Ave Extension and the proposed ETC).

The buffer edge Open Space already is zoned as such in the District Plan adjoining the site's Ruakura Industrial Park zoning and it is proposed to retain this Open Space zoning in the Plan Change. In addition to an amenity and stormwater management function, these wide strips of land buffer existing and proposed residential neighbourhoods from the two new arterials of the Fifth Ave Extension and the ETC.

The wetland and buffer edge open space is proposed to be zoned Ruakura Open Space (the same zoning as currently applies to the buffer edge Open Space along the Fifth Ave Extension and ETC frontages of the site).

The Ruakura Open Space Zone provisions are already included in the District Plan and are not sought to be modified by the Plan Change. Its objective is still appropriate to Tuumata and seeks to provide *“a connected network to achieve multiple functions including recreational activities, connectivity, enhancement of amenity, stormwater management and enhancement of ecological values”*³⁴.

In this regard, the zone best recognises the multiple purposes of Open Space land at Ruakura, compared to other open space zones in the Operative Plan; recognising their multiple, and in some cases combined recreational, amenity, stormwater management and ecological functions. It also recognises that the open space provision at Ruakura functions as an entire network. The zone’s policies and rules can be appropriately applied to the wetland and buffer edge open space areas.

5.1.5 Tuumata Neighbourhood Centre

The Tuumata Neighbourhood Centre will occupy the 2.0ha of land on the corner of the Fifth Ave Extension and the main north-south collector road through the Tuumata Structure Plan Area.

The Business 6 (Neighbourhood Centre) zone is proposed to apply to the Tuumata Neighbourhood Centre. This zone sits within a business centres hierarchy in the Operative District Plan which is designed to ensure that centres retain and enhance their function, vitality, viability and amenity as focal points for a diverse range of activities needed by the community.

Development of the Tuumata Neighbourhood Centre will occur following the construction of the Fifth Ave Extension connecting to the ETC³⁵.

The Tuumata Neighbourhood Centre will provide for up to 6000m² of retail GFA, inclusive of a supermarket up to 3500m², small tenancy retail, restaurants, cafes and licensed premises and food and beverage outlets. Childcare facilities, community centres, gyms and passenger transport facilities are also provided for in the zone. Apartments above ground floor will be enabled within the centre³⁶.

The location of the Neighbourhood Centre has been selected due to its accessibility to both the Tuumata Structure Plan Area and wider, as well as its visibility to Wairere Drive and the Fifth Ave Extension. The Centre will provide a clear and obvious front door to the Tuumata development. It is intended to provide for the day to day needs of the residents there, as well as a supermarket that will have a reach into a wider catchment.

The Business 6 zone provides for neighbourhood centres which are described as providing a limited range of everyday goods and services and essentially serve a walk-in population. Being situated within residential areas, the District Plan states that it is essential that the range and scale of activities is compatible with neighbouring residential activity and local amenity values³⁷. The Operative Plan further describes neighbourhood centres as being small in land area and shop sizes are between 100-300m² with the overall floorspace for a centre between 500-5,000m².

The Business 6 objectives and policies describe an outcome for neighbourhood centres which provides for some flexibility in the scale and make-up of the centres (for example Business 6 Policy 6.2.3a is that *“Activities within neighbourhood centres principally serve their immediate neighbourhood”* rather than only serve their immediate neighbourhood).

³⁴ Operative Plan objective 15.2.10 Ruakura Open Space Zone.

³⁵ Proposed Plan Change Rule 3.7.4.3.6, Section 3.7 Ruakura

³⁶ Modelling for traffic and three-waters capacity has assumed that a nominal additional 100 residential units could be provided within the Tuumata Neighbourhood Centre and in both cases confirmed there is sufficient capacity.

³⁷ Chapter 6 Operative District Plan, Business 6 “Explanation”.

On this basis, the existing objectives and policies and zone explanation from the Business 6 zone are appropriate for the Tuumata Neighbourhood Centre as they provide for the scale of centre and general scope of activities anticipated.

Activities provided for in the Operative Plan Business 6 zone include:

- New Buildings - restricted discretionary activity
- Offices up to 250m² per site - discretionary activity
- Retail up to 150m² per tenancy - permitted activity
- Retail 150m²-399m² - discretionary activity
- Restaurants, cafes and licensed premises/food and beverage outlets up to 200m² - permitted activity
- Restaurants, cafes and licensed premises/ food and beverage outlets greater than 200m² - discretionary activity
- Gymnasium/health care services up to 250m² or above ground floor - permitted activity
- Childcare facility - permitted activity.
- Community centres - permitted activity.
- Apartments above ground floor - restricted discretionary activity

The Tuumata Plan Change proposes to add the following activities to apply only to the Tuumata Neighbourhood Centre:

- A supermarket up to 3500m² as a restricted discretionary activity³⁸ (and for greater GFA as a discretionary activity). Supermarkets are otherwise non-complying activities in the Business 6 Zone.
- Drive through services as a restricted discretionary activity. Drive through facilities are otherwise non complying activities in the Business 6 Zone. Drive through facilities include service stations and the provision of fuel to vehicles is anticipated to be an adjunct to the supermarket.
- An overall cap on retail, supermarket, restaurant, cafe and licensed premises, and food and beverage outlet GFA of 6000m².
- A new cross reference in section 6.6 requiring new buildings to be assessed against specific design assessment criteria for the Tuumata Neighbourhood Centre. These include general adherence of development with the Ruakura-Tuumata Structure Plan.

The Business 6 Zone provisions prescribe a scale of development that is 10m high, conforms to height in relation to boundary and with a maximum floor area ratio (building intensity) of 1:1.

Proposed Change 12 seeks to modify these to allow for 11m outside the height overlay, with a 1m sloping roof bonus, provide a more generous height in relation to boundary (4m + 60 degrees), and

³⁸ As a restricted discretionary activity, the supermarket will be assessed against the matters set out in Appendix 1.3, section M. These require an assessment of the external appearance, scale and design of buildings; parking, manoeuvring areas, driveways and outdoor service areas; landscaping and screening and character and amenity (including visual and acoustic privacy of abutting sites). For supermarkets, the criteria direct that regard be had to certain operational and functional requirements, including: store visibility that is easily identifiable when viewed from the street and surrounding area; and the provision of appropriate customer car parking which is clearly visible and accessible.

provide for apartments as a permitted activity above ground level subject to compliance with outlook and storage requirements and with no limitations on sizes.

These changes, if fully adopted, will sit comfortably and be consistent with the scale of development provided in the Tuumata Residential Zone.

5.1.6 School and Community Facilities

The masterplan and indicative street and block layout have been designed to accommodate a 4ha school site should this option be taken up by the MoE. The rectangular site comprises a superblock in the master plan layout, allowing it to be used for a school, or if not, subdivided for residential purposes. It is adjacent proposed bus routes and the neighbourhood park and relatively central in the Tuumata residential zone.

Consultation with MoE by TGH during the development of the Plan Change identified basic school site requirements for a primary school (years 0-8) (developable, two or more frontages, on a bus route, walkability, proximity to parks, flat or near even grade, east/west spread and rectangular shape). These factors have informed the proposed location of the site.

Community facilities as summarised above are enabled in the Neighbourhood Centre zone provisions; namely gymnasiums, health care services, childcare facility and community centres, and also provided for in the Tuumata Residential Zone.

5.1.7 Stormwater Management

The proposed stormwater management layout has been designed by Bloxam Burnett Olliver and uses a combination of treatment, conveyance, and attenuation devices with a stormwater treatment chain approach.

The general drainage philosophy consists of runoff from lots and roads to be collected through local reticulation networks that will discharge into the proposed swale network. The swales will provide the first level of treatment and will convey the flows into a stormwater treatment wetland that will provide the second level of treatment.

All buildings to be constructed will have to use inert cladding, roofing, and spouting buildings materials to minimize contaminants in lot runoff³⁹. Lot runoff will be discharged into the reticulation network through private connections.

On-lot treatment is not proposed due to high ground water levels. This makes the application of bioretention (i.e. raingardens) on a lot-level scale complicated and with limited treatment results. Soakage is also not proposed as a means of disposal for the same reason.

The proposed treatment train is expected to provide high quality treatment as well as peak flow control.

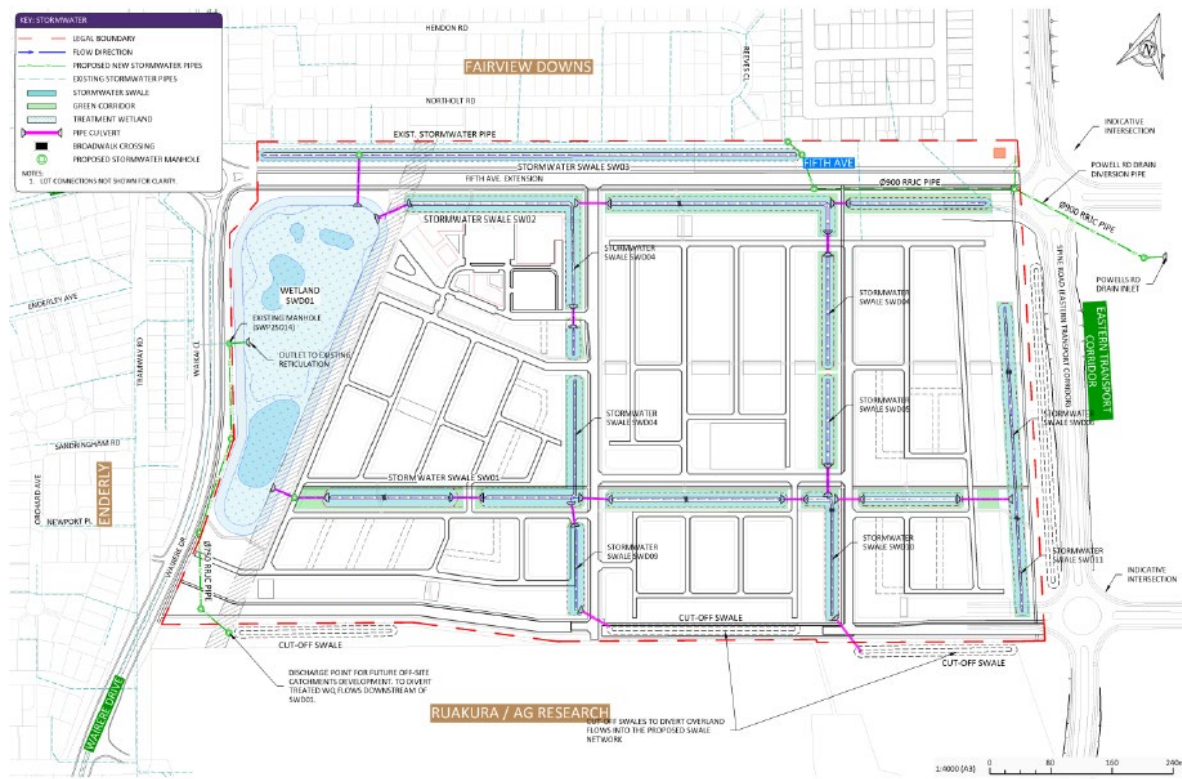
The system has been designed to safely convey the flows from the future development within the network of swales and wetland, while providing attenuation of the peak flows so that they are reduced to pre-development levels.

During detailed design, swale bank slopes will vary to provide some sinuosity in the swales to mimic a more natural stream function and aesthetics, thereby promoting natural habitats.

The proposed stormwater treatment wetland is located at the downstream end of the development, right before the discharge point of the existing Tramway drain into the stormwater reticulation

³⁹ Proposed Rule 3.7.4.4.4 applies to the whole Tuumata Structure Plan area and requires new buildings, and additions to existing buildings to be constructed using inert cladding, roofing and spouting building materials, i.e. avoiding use of high contaminant yielding building products.

network. The wetland has been designed to treat only the runoff from the proposed development, with an option for future expansion to the south.



north to connect up Chedworth properties. A second connection is to be provided off this line in the vicinity of the Fifth Ave intersection/ Eastern Transport Corridor.

For the bulk feed into Tuumata, it is proposed that a 500mm main will be installed from the new bulk man connection to be installed and along Fifth Ave to connect to the site. A second supply main of 250mm will also be installed along Fifth Ave Extension.

5.1.9 Transport Network

A multimodal transport network is proposed through the Structure Plan area to offer a high degree of permeability for walking and cycling, to support direct travel routes and to minimise travel time via these modes. Integration with surrounding facilities including the Wairere Drive shared path and underpasses is also provided.

The Structure Plan features a network of collector roads and local roads. Within these general categories, specific cross-sections have been developed to respond to features such as intersections, adjacent land uses and the multi-modal network. This results in two types of collector road and a range of local road typologies. These cross sections accompany the structure plan drawings for Tuumata proposed to be included in the District Plan.

These cross-sections were developed through a multi-disciplinary process considering integrated stormwater management, intended urban design outcomes, as well as the transportation outcomes of a providing appropriate capacity and space for each mode, creating a low-speed environment, and minimising conflict between modes.

Vehicle access restrictions are proposed at the locations shown on the Structure Plan to respond to and protect the major arterial road functions of the frontage roads, and potential conflict with the walking and cycling paths that run along them.

Public transport routes have been identified within the Plan Change area and along the networks that surround it. These have been developed in consultation with both Hamilton City Council and Waikato Regional Council. Within the site, provision has been made for public transit servicing on the secondary, collector road network. This includes provision for school bus access to the school site should that be established.

The design of the adjoining arterial road network comprising the Fifth Ave Extension connecting to the ETC will be determined in consultation with Council at the time it is to be designed and formed. As discussed below, the construction of these arterial roads provides for development within Tuumata beyond the initial 430-lot stage, and is currently anticipated to occur with the construction of the ETC in 2027.

5.1.10 Cultural Heritage

An ongoing and meaningful expression of Maaori cultural heritage will be assured at Tuumata 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 area⁴¹.

Continued engagement with the Ruakura Tangata Whenua Working Group (“TWWG”) will occur during the design of public places to provide tangata whenua direction and input on these matters.

The TWWG is comprised of mandated representatives from each of the Waikato-Tainui hapuu within the vicinity of the project being Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamaiunapo, Ngaati Wairere, Ngaati Korokii Kahukura and Ngaati Tamainupo.

⁴¹ Proposed Policy 3.7.3.13d specifies this outcome and applies to the whole Structure Plan area.

The key functions of the group are to provide advice, recommendations and support to the TGH Ruakura development team with implementation of the recommendations in the Cultural Impact Assessment Reports, the Waikato-Tainui Environmental Plan policies and input into environmental and cultural mitigation.

The Plan Change includes a number of assessment criteria which apply at the time of subdivision consents and at land use consent for the Neighbourhood Centre to ensure this outcome is achieved.

5.1.11 Natural Environment

Improvements to the natural environment will occur 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.

As described in the Stormwater Report attached to the Sub Catchment ICMP (refer **Attachment 11**), bank slopes of the swales will vary to mimic a more natural stream function and aesthetics, and then be planted in native species to promote natural habitats. As with the large wetland that has been created in the south of Ruakura to serve the Industrial/Logistics land there, the natural environment will be enhanced with the creation of the new Tuumata wetland.

The Boffa Miskell Ecology Report sets out the positive benefits anticipated also from off setting for the loss of the farm drains that will occur as a result of development, principally through achieving a net positive benefit through the creation of new habitat off-site.

5.1.12 Transmission Corridor

The land beneath the Electricity National Grid Corridor identified in the District Plan will be rezoned to residential with the Plan Change. Typically, this would be open space or roads in new urban areas; however, in this case the proposed decommissioning of the Hamilton-Meremere B line in 2026 within the current planning period, necessitates a different approach.

In the intervening years before the lines are 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) and providing for a range of other controls and restrictions from the operative District Plan.

In summary the existing District Plan rule set, which will remain with the Plan Change, to manage the effects of the transmission line and the effects of subdivision, land use and development is as follows:

A. Under the existing District Plan section 25.7.3 and 25.7.4 Electricity National Grid Corridor Rules:

- New buildings or additions to the building envelope of existing buildings for a sensitive land use (which includes land for a childcare facility, school, residential building, or hospital) is a non-complying activity within the 24m wide National Grid Yard⁴² and a permitted activity in the 64m wide National Grid Corridor.

⁴² *National Grid Yard means*

- *the area located 12 metres in any direction from the outer edge of a National Grid support structure; and*
- *the area located 10 metres either side of the centreline of any above ground 110kV National Grid line on single poles (HAM-MER A, ARI-HAM A); or*

- The rules relating to sensitive land uses is supported by a strong policy directive at Policy 25.7.2.1d *“Sensitive Land Uses including schools, childcare facilities, residential buildings or hospitals, shall not establish close to high-voltage electricity transmission lines”*.
- The minor upgrading of existing above-ground lines and support structures or removal of any existing network utility (including electricity transmission lines) is a permitted activity.

B. Under existing Rule 25.2.4.2 Earthworks Within any National Grid Yard:

- Earthworks within the 24m wide National Grid Yard are controlled (for example shall not result in a reduction in the ground to conductor clearance distances as required by NZECP 34:2001).

C. Under existing Rule 23.6.7 Subdivision Activities within the Electricity National Grid Corridor:

- Any subdivision which creates new allotments within the Electricity National Grid Corridor shall identify a building envelope, compliant with the relevant zone standards and the standards of this Chapter and clear of the 24-metre wide National Grid Yard.
- Failure to comply with the above standard results in the proposal being assessed as a non-complying activity.
- For subdivision involving any allotment within the Electricity National Grid Corridor, under 23.8 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria matters set out in I - Network Utilities and Transmission are considered. These include the extent to which the location, height, scale, orientation and use of buildings and structures is appropriate to manage effects as specified, including on structural integrity, ability to access, operate, maintain and upgrade, risk of electrical hazards, extent of earthworks, reverse sensitivity, visual and nuisance effects.

Rule 25.7.4 Electricity National Grid Corridor Note 2 specifies that *“the controls within the Electricity National Grid Corridors do not apply to sections of a line which have subsequently been placed underground, or removed. In such cases the relevant zone and city wide rules will apply”*. This means that the National Grid Corridor rules summarised above will effectively fall away once the Hamilton-Meremere B has been removed, allowing subdivision and residential land uses to occur (and not needing a further Plan Change to remove the Corridor).

In addition to the above and in recognition of the desirability of maintaining the National Grid Yard completely free of development that may impact on the lines or be impacted by them (including providing for their efficient removal in the future) a further control is proposed in the Plan Change.

Namely, a new staging rule in Chapter 3: Ruakura Structure Plan which prevents buildings beneath the lines within the 24m wide National Grid Corridor until such time the lines are removed. The focus of the rule is on buildings, with land use, subdivision and earthworks being effectively controlled already by the above referenced rules in the District Plan.

-
- *the area located 12 metres either side of the centreline of any above ground National Grid line on towers (HAM-MER B, HAM-WHU A, ARI-HAM B, HAM-KPO A, HAM DEV A).*

National Grid Corridor

means the area measured either side of the centreline of any above ground electricity transmission line as follows:

- *14m for the 110kV National Grid lines on single poles (HAM-MER A, ARI-HAM A)*
- *16m for the 110kV National Grid lines on pi poles*
- *32m for 110kV National Grid lines on towers (HAM-MER B, HAM-WHU A, ARI-HAM B, HAM-KPO A)*
- *37m for the 220kV transmission lines (HAM DEV A)*

This new rule is supported by the proposed layout of the Structure Plan. This as mostly open space (stormwater) on the western side of the line and a road running parallel on the eastern side. This layout will make the future removal of the line and support towers easier.

5.1.13 Earthworks

Earthworks will be undertaken, as required, throughout the Plan Change area and will include re-contouring, excavations for drainage reticulation, formation of building platforms and roading networks.

As set out in the Infrastructure Report, preliminary earthworks modelling indicates some 415,018m³ of cut and 399,723m³ of fill across the whole Plan Change area. This will be undertaken in a phased manner and bring the land to a generally flat contour of RL 40, with a swale depth of approximately RL 38 (the site at present has an average elevation close to RL 40m, with local variations from RL38-RL45). These finished ground levels are indicative at this stage and will be finalised following further detailed engineering assessment at subdivision and development design phase.

5.1.14 Staging

Full development of the Tuumata block is anticipated to take 10 years.

The only infrastructure constraint on the timing of development at Tuumata is the construction of the adjoining arterial network whereby Fifth Ave is extended along the northern side of Tuumata to connect through to the ETC. In turn, the ETC is connected south, over the ECMTR, to the existing road network serving the Ruakura Logistics and Industrial land. The ETC is currently anticipated to be constructed in 2027.

Similarly, the development of the Neighbourhood Centre is reliant on this new arterial road network.

In the meantime, the ITA has confirmed through modelling that 430 dwellings can be developed off the existing stub road from the Wairere Drive roundabout. Traffic modelling undertaken for Tuumata shows that an initial release of 430 dwellings can be accommodated by the network, ahead of delivery of the ETC.

The HCC LTP includes \$84M in funding for Ruakura transport upgrades and development over the period 2022/23 to 2030/31. At the time of writing this report, work on the Preliminary Business Case for the ETC had been commenced by HCC, in conjunction with Waka Kotahi and TGH.

This staging constraint is reflected in the proposed Plan Change provisions at two places:

- As a control on land use at proposed Structure Plan rule 3.7.4.3.6 (should land use for dwellings be consented ahead of subdivision) limiting to 430 residential units and no substantive development in the Neighbourhood Centre⁴³, prior to the construction and operation of the Fifth Ave extension connecting to the Eastern Transport Corridor; and
- As a control on subdivision limiting to 430 residential lots at proposed rule 23.6.15.

As described further under the discussion of the National Policy Statement on Electricity Transmission in this report, the only other staging constraint in the Plan Change is the residential development beneath the existing transmission lines, which will occur when they are decommissioned and removed post 2026.

⁴³ Temporary buildings, show homes and buildings and structures associated with activation and promotion activities in the Ruakura – Tuumata Structure Plan Area including a single temporary cafe not exceeding 100m², playgrounds, information and signs are allowed in the Neighbourhood Centre in interim under rule 3.7.4.3.6 as part of site promotion and activation.

The Infrastructure Report sets out a preliminary phasing of development of Tuumata. This is indicative only at this stage and intended to inform a potential phasing of land development earthworks.

5.1.15 Ruakura-Tuumata Structure Plan

The outcomes described above will be guided by a Structure Plan specifically for Tuumata (Figure 2-14A) at **Attachment 2**.

This Ruakura-Tuumata Structure Plan was developed by a multi-disciplinary team comprising urban design, planning, transport, engineering, retail economics, and development expertise.

The Structure Plan shows the indicative position and alignment of the key elements that will comprise the urban form at Tuumata. The specific layout and design of these features will be determined at subdivision and development stage: guided by the Structure Plan and in accordance with the rules and assessment criteria in the Plan Change, or otherwise applying from the District Plan.

The key purpose of the Structure Plan is to ensure a coordinated, connected and well-functioning urban form, including ensuring this outcome is achieved where subdivision and development occurs in a staged manner.

The Structure Plan guides for Tuumata:

- Land use
- The primary and local roading network.
- Roading hierarchy, including the road type and cross section.
- Location of open space
- Proposed pedestrian and cycle routes and connections
- Pedestrian and cycle access points
- Potential location of the school site
- Indicative Bus stop locations
- Underpass location

5.1.16 Subdivision

Subdivision will occur on a staged basis across the Structure Plan area in approximately 5 phases, commencing with a stage in the west to be served off the Wairere Drive roundabout stub. These phases will be determined by the construction of key stormwater and roading infrastructure to serve each stage. The wetland will likely be constructed in full with the first stage, together with the extent of swales to serve the adjoining land and roads.

Transport corridors, stormwater assets and the neighbourhood parks will be created and vested to the Council at subdivision stage.

Subdivision will follow this phased approach, with the possibility that the block will initially be subdivided into superlots by TGH for subsequent subdivision by other parties. The layout of the Structure Plan supports this approach with the basic block structure capable of each block or combinations or divisions of blocks being a superlot.

Proposed new subdivision rules for Tuumata at 23.7.9 prescribe the maximum block length of 200m and block perimeter of 550m to provide permeability through blocks. These maximums do not apply

to superlot subdivision in recognition that it might be at a larger scale, but will direct the subsequent subdivision at a scale down.

Consistent with the MDRS, subdivision for the purpose of the construction and use of residential units that are a permitted activity or have an approved land use consent in the Tuumata Residential Precinct is a controlled activity under proposed rule 23.8. The key matter of control at Appendix 1.3.2 F to the District Plan proposed is the extent to which the subdivision does not increase the noncompliance with the Tuumata Residential Precinct standards. This is to ensure that subsequent controlled activity subdivision does not erode the basic on-site amenity standards which relate to the size of the site (eg outdoor living, permeable areas and yards).

Where vacant lot subdivision is proposed a minimum lot size of 300m² is prescribed. This lot size can be reduced as a controlled activity under proposed rule 23.8, where subdivision occurs post, or concurrently with, land use consenting.

Fee simple subdivision at Tuumata is a restricted discretionary activity, consistent with other zones in the District Plan.

The Plan Change introduces a set of new subdivision assessment criteria at Appendix 1.3.3 N15 which give effect to the proposed new policies for subdivision in the Subdivision Chapter at 23.2.8a - 23.2.8j.

In summary, these policies and assessment criteria seek to create:

- A block pattern that enables an integrated, well- connected neighbourhood that encourages walking and cycling.
- A safe and attractive urban environment with a high level of amenity.
- High amenity streets.
- A high level of safety on the footpaths and cycleways by minimising vehicle access across them.
- Rear lanes that are limited in their length, to create low vehicle speeds and provide for the safety of users.
- Consolidation of vehicle crossings.
- Open space of a size and frequency suitable for the density expected in the Ruakura - Tuumata Structure Plan Area and consistent with Council's Open Space Provision Policy.
- Subdivision in the Tuumata Neighbourhood Centre in general accordance with the Tuumata Neighbourhood Centre Concept Plan.
- Larger lots, including super lots, where required, and where they are to be used to provide for future development and subdivision stages.
- Subdivision around residential development in the Tuumata Residential Zone, where proposed, that is a permitted activity or has an approved land use consent.

5.1.17 Private Development Agreement

A Private Development Agreement (“PDA”) for Tuumata is being jointly prepared by TGH and HCC.

The PDA will specify the provision, financing and staging of infrastructure to service Tuumata, the ownership of the infrastructure being provided, and timing and arrangements of any vesting of infrastructure.

The PDA will provide a mechanism outside of the RMA for the provision and financing of infrastructure to serve Tuumata.

5.2 The Proposed Changes

The proposed changes sought to the Hamilton Operative District Plan by the Plan Change are set out in **Attachment 3** and summarised below.

Chapter/Appendix	Scope of Change
Chapter 3 Structure plans	<ul style="list-style-type: none"> • New Vision for the Ruakura -Tuumata Structure Plan Area within section 3.7 Ruakura and description of the Structure Plan. • Amendments to Regional Policy Statement industrial land allocation explanation to factor in land on the eastern side of the Waikato Expressway shown as future urban in the Future Proof Strategy Update 2022. • New description of the 2.0ha Tuumata Neighbourhood Centre as a comprehensively designed retail hub in a location that will be accessible to the immediate and wider community and well-served by planned public transport. • New description of the Tuumata Residential Precinct as an attractive and safe new urban environment, providing a high level of amenity and connected by a network of open spaces, cycleways, pedestrian connections and roads. • New references to the development and the provision of strategic infrastructure, including stormwater, water and wastewater, and roads being in accordance with the new Ruakura -Tuumata Structure Plan at Figure 2-14A. • Amendments and new objectives and policies at 3.7 to refer to the creation of a new neighbourhood in accordance with the Ruakura -Tuumata Structure Plan, with specific outcomes set out in new objective 3.7.3.12 and its associated policies. • Removing the requirement to use Land Development Plans in the Ruakura - Tuumata Structure Plan Area. • New staging rule to limit the maximum number of residential lots at Tuumata and not allow the development of the Tuumata Neighbourhood Centre before the construction and operation of the Fifth Ave extension connecting to the Eastern Transport Corridor. New staging rule to not allow buildings in the National Grid Yard (Electricity Transmission Corridor) under the line and support structures have been removed. • New Stormwater Management and Water Conservation Rules to apply to the Ruakura -Tuumata Structure Plan Area.
Chapter 4 Residential Zone Tuumata Residential Precinct Objectives and Policies	<ul style="list-style-type: none"> • Insert objectives and Policies for the new Tuumata Residential Precinct, which in summary seek to: <ul style="list-style-type: none"> - Provide a range of housing typologies that are consistent with the neighbourhood's planned urban built character with one to three-storey buildings. - Ensure development in the Tuumata Residential Precinct is undertaken in a manner to ensure a well-functioning urban environment, and is coordinated with the provision of infrastructure and services. - Create an attractive and safe urban environment and provide a high level of amenity.

	<ul style="list-style-type: none"> - Encourage sustainable features and technologies to be incorporated in residential development.
Chapter 4 Residential Zone Tuumata Residential Precinct Activities and Standards	<ul style="list-style-type: none"> • Providing for one to three residential units up to three storeys high as permitted. • Requiring resource consent for four or more residential units on a site to allow assessment of matters relating to design and layout. • Applying the Medium Density Residential Standards from the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. These area augmented by: more permissive building coverage controls for terrace and apartment dwellings where onsite parking is accessed by a rear lane; on-site tree planting requirements; new setbacks for garages (where provided) and rear lanes; new boundary wall and fence requirements; new public interface requirements for terraces and apartments; clarifications to outlook space requirements; and new rules for waste management and service areas, storage areas, and accessory buildings, vehicle access and landscaping of vehicle parking areas (where provided). • New Restricted Discretionary Activity Matters, including in Appendix 1.3 new N17 Tuumata Design and Layout.
Chapter 6 Business Zone	<ul style="list-style-type: none"> • Amending the Business 6 (Neighbourhood Centre) Zone to provide for the following additional activities in the Tuumata Neighbourhood Centre: <ul style="list-style-type: none"> - A maximum of 6000m² GFA of retail, food and beverage outlets and cafes, restaurants and licensed premises as a permitted activity; - A supermarket up to 3500m² GFA as a restricted discretionary activity; and - Drive Through Services (sale of automotive fuel only) as a restricted discretionary activity⁴⁴. • New Restricted Discretionary Activity Matter, referencing Appendix 1.3 new Ruakura: Tuumata Structure Plan - Neighbourhood Centre.
Chapter 11 Ruakura Industrial Park Zone	<ul style="list-style-type: none"> • Amend the zone purpose to refer to two, rather than three, industrial park areas at Ruakura (ie remove reference to the subject site).
Chapter 23 Subdivision	<ul style="list-style-type: none"> • New objectives, policies and rules for subdivision in the Ruakura-Tuumata Structure Plan Area. • New controlled activity for subdivision for the purpose of the construction and use of residential units that are a permitted activity or have an approved land use consent in the Tuumata Residential Zone. • New Restricted Discretionary Activity Matters for subdivision in the Ruakura-Tuumata Structure Plan Area referencing Appendix 1.3.
Chapter 25 25.8 Noise and Vibration	<ul style="list-style-type: none"> • Amend rule 25.8.3.10 b ii. with a note to clarify that in relation to the Tuumata Structure Plan Area “designated roads” include the Fifth Ave Extension and the ETC as shown on the Ruakura Structure Plan.
Appendix 1 Definitions, information	<ul style="list-style-type: none"> • Amend Section 1.1 include new definitions for Tuumata Residential Terrace Dwelling and Tuumata Residential Apartment Dwelling.

⁴⁴ The Operative District Plan has no generally applicable definition of a service station and so the activity class of Drive Through Services is used instead, limited to sale of automotive fuel.

requirements and assessment criteria, design guides	<ul style="list-style-type: none"> • Amend Section 1.3 to: <ul style="list-style-type: none"> - Add matters of control in section F Ruakura for subdivision for the purpose of the construction and use of residential units that are a permitted activity or have an approved land use consent in the Tuumata Residential Precinct; and - Add matters of discretion and assessment criteria for the following in section N Ruakura and Te Awa Lakes: subdivision; neighbourhood centre; and design and layout in the Ruakura-Tuumata Structure Plan Area.
Appendix 2: Structure Plans	<ul style="list-style-type: none"> • Replace Ruakura Structure Plan Figures 2-14, 2-15A, 2-16 and 2-18 with new Structure Plans updated to include the Ruakura-Tuumata Structure Plan Area and remove Land Development Plan Area references where no longer applicable. • Include new Ruakura-Tuumata Structure Plan Figure 2-14A. • Include new Roding Hierarchy Plans at Figure 2-14B with associated transport corridor cross sections for the Ruakura-Tuumata Structure Plan Area.
Planning maps	<ul style="list-style-type: none"> • Rezone the land referred to as the Tuumata Block from Ruakura Industrial Park Zone and Knowledge Zone to General Residential Zone, Ruakura Open Space Zone and Business 6 Zone. • Apply the Tuumata Residential Precinct to the General Residential Zone. • Remove the Interface Design Control Area from the Wairere Drive, Fifth Ave Extension and Eastern Transport Corridor (Spine Road) frontages of the Tuumata Block. • Retain the Ruakura Open Space Zone along the Fifth Ave Extension and Eastern Transport Corridor (Spine Road) frontages. • Rezone a small section at the eastern end of the access strip to the Ruakura Water Reservoir from Ruakura Industrial Park to Knowledge Zone.

6.0 National Policy Framework

This section of the report assesses the Plan Change against the National Policy Statements and National Planning Standards which the District Plan is required to 'give effect to' under RMA section 75(3)).

The relevant National Policy Statements are:

- 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.

6.1 National Policy Statement for Urban Development 2020

6.1.1 Applicability of NPS: UD

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

Not all of the NPS:UD is applicable to a private plan change request, with some objectives and policies relating to specific responsibilities of regional and territorial authorities and some relating to planning decisions more generally.

The Environment Court determined in its decision in relation to a private plan change proposal in *Eden Epsom Residential Protection Society Incorporated v Auckland Council* [2021] NZEnvC 082 that:

- (a) The private plan change application would be a “planning decision” for the purposes of the NPS:UD; and
- (b) That the Court was not required to and would not be giving effect in its decision to objectives and policies in the NPS:UD that are not requiring “planning decisions”.

Accordingly, the following provisions of the NPS-UD only apply when making a decision on the proposed Plan Change because they specifically relate to “planning decisions”:

6.1.2 Assessment against Relevant Objectives and Policies of the NPS:UD

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 principles of Te Tiriti have been taken into account with the Plan Change in the following ways:

- 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 the Plan Change. Further partnership has occurred between Waikato Tainui and Hamilton City Council, and with TGH, during the development of the Plan Change 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 preparation of the Plan Change, which identified key issues for tangata whenua, including for example the protection and enhancement of the Waikato Awa.
- 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.

Objective 7 of the NPS:UD requires that local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

Decision making relating to this plan change has been based on current information on the Hamilton Urban Environment, including:

- The Housing Development Capacity Assessment (2021), prepared for Future Proof Partners.
- The Business Development Capacity Assessment (2021), prepared for Future Proof Partners.
- Modelling of three waters and transport network capacity, taking into account the wider catchment/network and utilising Hamilton City Council's models.
- Specific studies done in relation to the Plan Change and Ruakura Area, as set out in this report and documented in its technical attachments.

Policy 1 of the NPS:UD requires that planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

(a) have or enable a variety of homes that:

- (i) meet the needs, in terms of type, price, and location, of different households; and
- (ii) enable Māori to express their cultural traditions and norms.

(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

(e) support reductions in greenhouse gas emissions; and

(f) are resilient to the likely current and future effects of climate change.

A variety of homes are enabled by the plan change within the 3-level permitted height limit: standalone single level, duplex, terrace houses and apartments, with specific provisions relating to these different typologies.

As required under this policy, this variety will meet the needs of a variety of households and will provide different price points at Tuumata. Māori will be enabled to express their cultural traditions and norms through this housing provision. Specifically, feedback from Waikato- Tainui has identified the desirability of providing for kaumatua housing, which is ideally single level and standalone as is provided for in the Tuumata Residential Zone. Secondly, specific provision has been made for Papakainga in the Tuumata Residential Zone.

The business land needs at Tuumata have been determined with advice from land economics experts Formative (refer report at **Attachment 5**) and with urban design advice from Boffa Miskell. The quantum of business zoned land provided (2.0ha) and the amount of business GFA enabled (6000m²) has been based on a retail GFA to primarily serve the needs of residents at Tuumata, supported by a supermarket with a wider catchment reach, coupled with a likely footprint of buildings, carparking and associated open space to derive the optimum overall zoned footprint. This work has been done taking into account the business land hierarchy in Hamilton which seeks to protect the primacy, function, vitality, amenity or viability of the Central City and that neighbourhood centres, as proposed at Tuumata, principally serve their immediate neighbourhood⁴⁵.

The Tuumata Block 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, as is discussed below under the Proposed Waikato Regional Public Transport Plan. Internally, the Master Plan for Tuumata has been designed to provide excellent connectivity for all modes with a network of roads, open spaces, cycleways and footpaths.

The provision of zoned land for 1100-1300 new homes, with minimal constraints on development or its timing (subject only to the extension of Fifth Ave through to the ETC to release stages beyond the initial 430 sections) will support the competitive operation of land and development markets.

Reductions in greenhouse gases will be supported by:

- Providing for the right thing in the right place ie medium density residential within the current urban area and with close proximity to the CBD and places of employment (including Ruakura itself).
- Providing good connectivity internally and externally with different nodes of transport, thereby providing transport options other than the private motorcar.
- Providing the Tuumata Neighbourhood Centre to meet the day to day needs of residents (including a supermarket) and enabling the provision of a new school, thereby reducing the need to travel beyond the Tuumata Residential Area.

The new urban environment that will be created at Tuumata will be resilient to the likely current and future effects of climate change in the following ways:

- Provision of a stormwater management system that has taken into account, through modelling, the likely effects on rainfall of climate change.
- Requirement for trees to be provided on residential sites (proposed rule 4.15.3.3 in the Tuumata Residential Zone) and in street design (assessment criterion N15b ix) which will reduce the heat island effect in a warming climate and provide shade.

Policy 6 of the NPS:UD requires that when making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

⁴⁵ Business 1 to 7 Zones Objectives and Policies, Hamilton District Plan.

(a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement

(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

- (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
- (ii) are not, of themselves, an adverse effect

(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity

(e) the likely current and future effects of climate change.

“Planning documents” as referenced in this policy under (a) are the Waikato Regional Policy Statement, the Waikato Regional Plan and the Hamilton City District Plan⁴⁶. The Plan Change is assessed against these documents below.

Of note is that these documents are in the process of giving effect to the NPS:UD through Change 1 to the WRPS and Plan Change 12 to the Operative District Plan.

The Plan Change is assessed against WRPS Change 1, where there is direct support for the residential rezoning at Tuumata.

The provisions of the Plan Change have been prepared based on those from the General Residential Zone from Plan Change 12, which also implements the MDRS⁴⁷.

As required in this policy under (b), 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, coupled with the high level of amenity and open space that will be provided, the overall effect on amenity values will be positive.

With respect to (c) above, the beneficial effects of the urban development enabled by the Plan Change are many and the main benefits summarised as follows:

- Provision of approximately 1100-1300 new houses to add to housing supply.
- Realisation of commercial return for Waikato-Tainui on its Treaty Settlement Redress land.
- The opportunity for Waikato Tainui to exert its mana whakahaere
- The creation of a new high-amenity neighbourhood, supported by a network of open spaces, with the opportunity for a new school.

⁴⁶ The NPS:UD defines a RMA planning document as meaning all or any of the following: (a) a regional policy statement (b) a regional plan and (c) a district plan.

⁴⁷ Where there are differences between the MDRS and the proposed provisions of the Tuumata Residential Zone, these are highlighted in the draft zone provisions included with the Plan Change Request, with a rational for any differences provided in the Section 32 Report.

- A built form that reduces reliance of the private motor-vehicle through providing for all modes of transport, supporting future public transport provision and provides access by residents to goods to serve their daily needs, plus the option of a school.
- The opportunity for the wider catchment to be serviced by a new supermarket and additional shopping needs at the new Tuumata Neighbourhood Centre.
- Improvements to water quality and ecology by removing existing industrial uses and providing a new network and swales and a large wetland.
- The economic benefits as set out in the Formative Report, including economic activity stimulated during construction and the catalyst effect of development on the construction of the ETC, which in turn unlocks access to further industrial and logistics development at Ruakura.

With respect to Policy 6 (d) above, development capacity will be realised through the Plan Change.

Finally, with respect to Policy 6 (e), the likely current and future effects of climate change have been taken into account, including those summarised in the discussion under Policy 1 above.

6.2 National Policy Statement for Freshwater Management

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.

The relevant policies to the Plan Change are discussed here.

Policy 1 directs that freshwater is managed in a way that gives effect to Te Mana o te Wai⁴⁸. That concept aligns well with the outcome sought by Te Ture Whaimana, which is discussed further below. In summary, the proposed Plan Change 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 WRC, there are no natural wetlands on the site and the artificial drains do not qualify as 'rivers' in RMA terms.

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 mudfish⁴⁹. Although the drains are not rivers, the effects management hierarchy for rivers has been applied to the loss of the drains, as described further in the discussion under the Waikato Regional Policy Statement below. The outcome with the implementation of the provisions of

⁴⁸ Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

⁴⁹ Section 6.5 Tuumata Plan Change Area Rezoning – Private Plan Change: Ecological Impact Assessment. Report prepared by Boffa Miskell

the Plan Change will be offsetting with the development of improved habitat elsewhere at Ruakura: resulting in a net gain in biodiversity values as concluded by Boffa Miskell.

6.3 National Policy Statement on Electricity Transmission

The National Policy Statement on Electricity Transmission 2008 (**NPS:ET**) is relevant to the Plan Change due to the Hamilton-Meremere B transmission line traversing 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 objective⁵⁰ 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 NPS:ET includes policies on managing the environmental effects of transmission (policies 2-9), managing the adverse effects of third parties on the transmission network (policies 10 and 11), mapping (policy 12) and the long-term strategic planning for transmission assets (policies 13 and 14).

The land beneath the Electricity National Grid Corridor will be rezoned to residential with the Plan Change. Typically, this would be open space or roads in new urban areas; however, in this case the proposed decommissioning of the Hamilton-Meremere B line in 2026 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, which give effect to the NPS:ET⁵¹ 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):

Policies 2-9, including the effective operation, maintenance and upgrading of the transmission line, until it is decommissioned, are provided for by the existing District Plan Electricity National Grid Corridor provisions, further reinforced by a proposed new staging rule in Chapter 3: Ruakura Structure Plan which does not allow building beneath at Tuumata until the lines are removed.

Although providing for effective decommissioning of parts of the network is not specifically listed in this policy ("operation, maintenance, upgrading and development"), it could be taken in this case to be as part of the effective upgrading development of the wider network overall as part of the projects underway to supply Bombay from Transpower's 220 kV network - which in turn allow this line to be disconnected.

The technical and operational requirements of the network are also provided for by the existing District Plan provisions (prevention of sensitive activities beneath, access provision through subdivision, minimum ground clearance requirements when doing earthworks etc). The technical and operational requirements for removing the lines will be achieved through protecting the route prior to their removal and a structure plan layout that makes ample provision for access along the route on open spaces and/or roads.

⁵⁰ Section 5 Objective National Policy Statement on Electricity Transmission 2008

⁵¹ Explanation of Objective 25.7.2.4, Hamilton City Operative District Plan

6.4 National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land was released in September 2022. The objective of the NPS is that highly productive land is protected for use in land-based primary production, both now and for future generations⁵².

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

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 meaning⁵³:

"(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 Tuumata block qualifies also under this defined exemption being land identified in the Future Proof Strategy and Implementation Plan as land suitable for urban development (see further discussion of the Future Proof Strategy below). As such its development is not restricted by this NPS.

6.5 National Planning Standards

The National Planning Standard 2019 requires district plans to comply with the National Planning Standards by November 2024 either by amendment to the district plan or notification of a proposed district plan.

The Operative Hamilton City District Plan was originally notified 10 December 2012 and made operative on 18 October 2017.

As Hamilton City Council are near the required 10-year period to commence a review of the district plan as directed by s79(1) of the RMA, and have not yet notified a new Plan, the Plan Change has been drafted following the existing District Plan structure. This is due to the format of the existing plan and the interdependencies between plan chapters in how it is implemented. This means that some changes to formatting, but not substance, will be required as part of a subsequent whole plan review.

6.6 National Environmental Standards

Section 74 (1) (ea) and (f) specify that a territorial authority must prepare and change its district plan in accordance with a national planning standard; and any regulations.

The following National Environmental Standards (NES) are relevant to this Plan Change:

- National Environmental Standards for Electricity Transmission Activities 2009

⁵² Section 2.1 Objective, National Policy Statement for Highly Productive Land 2022

⁵³ Section 1.3 Interpretation, National Policy Statement for Highly Productive Land 2022

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- National Environmental Standards for Freshwater 2020

6.6.1 National Environmental Standards for Electricity Transmission Activities 2009

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

The Plan Change does not introduce any new provisions which would be counter to the NES:ETA.

Of relevance also here is clause 19 of the NES:ETA which specifies that removing an existing transmission line, or part of an existing transmission line, is a permitted activity subject to compliance with standards requiring the removal of material and reinstatement of ground.

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

The 4Sight Report on contaminated land risk (refer **Attachment 10**) notes the presence of contaminants at selected locations across the Plan Change area, including historic filling associated with farming and historic building removals.

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

6.6.3 National Environmental Standards for Freshwater 2020

The Tuumata block does not have any natural wetlands or rivers, and so the regulations from the National Environmental Standards for Freshwater 2020 (NES:F) managing works in around wetlands and the reclamation of rivers will not apply to its future development.

7.0 Te Ture Whaimana o te Awa o Waikato - Waikato River Vision and Strategy

Section 74(2)(b)(i)5 states that a territorial authority, when preparing or changing a district plan, must **have regard to** any management plans and strategies prepared under other Acts.

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 establishes Te Ture Whaimana o te Awa o Waikato (**Te Ture Whaimana**) as the primary direction setting document for the Waikato River and the activities within the catchment affecting the Waikato River.

The overarching purpose of the settlement is to restore and protect the health and wellbeing of the Waikato River for future generations. Specifically:

“... a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come”

Te Ture Whaimana is part of the Waikato Regional Policy Statement in the manner discussed further below. The Regional Policy Statement must be consistent with the Vision and Strategy, and if there are any inconsistencies, Te Ture Whaimana prevails over the RPS.

The RMA directs district plans to give effect to an operative Regional Policy Statement and therefore the Hamilton City District Plan is required to give effect to the Vision and Strategy. The Operative District Plan was prepared after the Waikato River Settlement Act 2010, being notified in December 2012. The Operative District Plan was assessed at the time as giving effect to Te Ture Whaimana.

The proposed Plan Change will be embedded in the wider Operative District Plan framework and will therefore be subject to the same objectives, policies and methods as the rest of the city in this regard.

The specific responses of the Plan Change to the applicable objectives of Te Ture Whaimana for the Waikato River, which the site is within the catchment of, are discussed below.

Objective (a) of Te Ture Whaimana seeks the restoration and protection of the health and wellbeing of the Waikato River. This objective will be assisted at Tuumata through the land use change from rural to urban and through the approach to stormwater management approach proposed, which will utilise swales and a large wetland to manage stormwater quantities and improve stormwater quality by the removal of contaminants. These outcomes are documented further in the Sub Catchment ICMP at **Attachment 11** and will assist with the restoration of the health and wellbeing of the Waikato River.

The Plan Change gives effect to Objective (e) which seeks an integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River. Structure planning has identified the resource constraints and opportunities on the site and the Plan Change responds to these with its provisions (for example the high water table leading to a comprehensive Tuumata-wide rather than site by site approach to stormwater management).

Objective (g) seeks the recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River. Cumulative effects of land development have been taken into account with the Sub Catchment ICMP. The existing conditions were modelled, including the existing reticulation network and the corresponding sub-catchments upstream of the discharge points. The existing network was modelled downstream of the points of discharge, to ensure that local effects on nearby reticulation branches can be detected when modelling the future development.

Objective (i) seeks the protection and enhancement of significant sites, fisheries, flora and fauna. Only the potential habitats of significant fauna were identified in the Ecology survey work undertaken for Tuumata and include potential black mudfish habitat (Powells Road drain) and trees which may be suitable for bat roosting (although no bat roosting was observed). The Ecology Report concludes that the ecological effect of the removal of the artificial waterways is low. The report concludes that the extensive Silverdale swale systems and BS1 wetland being developed (to the south) for eels, and the dedicated BE1 wetland proposed east of the WEX for black mudfish, will adequately mitigate for these proposed works by way of offsetting.

The Ecology Report concludes that a black mudfish habitat provided within the BE1 wetland will provide higher quality habitat than that lost or impacted in the Powells Road Drain, and confirms through the biodiversity compensation modelling that a Net Gain outcome can be achieved within the current mitigation requirements under the assumption of BE1 being completed within some time frame limits.

The proposed construction (including vegetation removal and land disturbance) is assessed to have minimal impact on the limited vegetation values and avifauna ecological values at Tuumata. However, given that the site is likely utilised by long-tailed bats ('Threatened - Nationally Critical') and copper skinks ('At risk - Declining'), the development may give rise to impacts on bat and herpetofauna ecological values. The Ecology Report identifies the potential ecological impacts and provides management measures to manage against these disturbances. It concludes that by following these recommendations, the impact on the terrestrial ecological values on site can be managed to have a no more than low level of ecological effect.

Objective (m) seeks the application to the above of both maatauranga Maaori and latest available scientific methods.

Latest available scientific methods have been applied to the stormwater modelling using the Environmental Protection Agency Storm Water Management Model (SWMM). Anticipated rates of contaminated removal have been based on WRC Technical Report 2020/07 Waikato Stormwater Management Guideline (updated May 2020). This represents good current knowledge based on western science. Maatauranga Maaori has/will be taken into account through ongoing engagement with the TWWG on the nature and form of development at Tuumata.

8.0 Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan

Section 74(2A) of the RMA states that a territorial authority, when preparing or changing a district plan, must **take into account** any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan 2013 ("WTEP") is the Waikato-Tainui environmental planning document.

8.1 Introduction to The Waikato-Tainui Environmental Plan

The WTEP is designed to enhance Waikato-Tainui participation in resource and environmental management. It is developed out of Whakatupuranga 2050, a 50-year long development approach to build the capacity of Waikato-Tainui. The vision of the Environmental Plan is not only to maintain the environment, but also to restore or enhance the quality of natural and physical resources.

Key strategic objectives include tribal identity and integrity, including *“to grow our tribal estate and manage our natural resources”*. The Plan is designed to enhance Waikato-Tainui participation in resource and environmental management.

The Plan is intended as a tool to provide clear high-level guidance on Waikato-Tainui objectives and policies with respect to the environment to resource managers, users and activity operators, and those regulating such activities, within the Waikato-Tainui rohe.

A purpose of the Plan is to provide tools to enhance Waikato-Tainui mana whakahaere and kaitiakitanga, particularly when participating in resource and environmental management.

The overarching purpose of the Plan is to provide a map or pathway that will return the Waikato-Tainui rohe to the modern-day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha⁵⁴.

The Plan is a relevant planning document as referred to in section 74(2A) of the RMA which requires a local authority to take into account any relevant planning document recognised by an Iwi Authority and lodged with the local authority, to the extent that its content has a bearing on the resource management issues of the district, when preparing or changing a district plan.

Section 40 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (**“Waikato River Act”**) notes that the effect of serving the Plan is that the local authority preparing, reviewing, or changing a Resource Management Act 1991 planning document must recognise the Plan in the same manner as would be required under the Resource Management Act 1991 for any planning document recognised by an Iwi authority.

The provisions of this plan that are relevant to the Plan Change are described below.

8.2 Kete Maatauranga

Section B of the WTEP “Kete Maatauranga (Toolbox)” addresses consultation and engagement with Waikato - Tainui. It emphasises the need for RMA applicants to form a relationship with Waikato - Tainui or Kaitiaki during the initial stages of resource development. It also sets out a suggested engagement process, appropriately scaled to the size of the development. Pre-application consultation is considered best practice planning to ensure that appropriate consideration is given to matters of importance to the people of Waikato-Tainui.

The Ruakura Tangata Whenua Working Group was established to provide advice and feedback from Tangata Whenua representatives on all matters relating to development within the Ruakura Structure Plan area. Engagement with the Ruakura Tangata Whenua Working Group on the Plan Change during its development occurred in the manner set out in the Cultural Impact Assessment prepared by Norm Hill of Te Hira Consultants Limited at **Attachment 14**, with endorsement obtained from that group for the proposed development at Tuumata. This approach follows the early and meaningful engagement approach promoted by the WTEP.

Section B also sets out the approach to resource use and activity operation that sees a net benefit back to the environment in such a way that the environment is actually enhanced from the resource use, activity, or development: Te Whakapakari i Te Taiao.

The Tuumata Plan Change will achieve this outcome through the following environmental enhancements:

⁵⁴ The Vision of the Plan is taken from a maimai aroha of the second Maaori King, Taawhiao, where he laments with a heavy heart his longing for and adoration of the taonga; natural resources of his homeland. The maimai aroha of Kiingi Taawhiao is the key driver and indicator of environmental health and wellbeing in the WTEP.

- The creation of a new neighbourhood with a high level of amenity, including street trees and trees on private sections.
- Removing contaminants in stormwater associated with current rural land uses and introducing stormwater treatment regime that will remove substantive quantities of contaminants from the new urban land uses.
- Creation of new habitat in the swales and wetland which is a substantial improvement in the current freshwater habitat values of the site which are limited to farm drains.
- Providing for improvements to black mud-fish, tuna, native lizard and bat habitats through the off-site offsetting works set out in the Ecology Report where better habitats than the current farm drains are created at other nearby locations.

8.3 Ngaa Take, Ngaa Whaainga, Ngaa Kaupapa Here, Ngaa Tikanga aa-Taiao Whanui

Section C of the WTEP includes the vision, issues, strategies, policies and methods. The vision of the iwi is summarised as *“To grow a prosperous, healthy, vibrant, innovative and culturally strong iwi”*. The health and well-being of the environment is inseparable from the health and wellbeing of tangata whenua. Therefore, environmental management and enhancement is the cornerstone of the WTEP.

Chapter 10 of the WTEP includes the objective that collaboration and consistency with Whakatupuranga 2050 is to be supported by adhering to the engagement process described above.

Chapter 11 of the WTEP incorporates the Vision and Strategy for the Waikato River. These matters are discussed above in this report.

Section D sets out issues, objectives, policies and methods for specific environmental areas. Here relevant to Tuumata are freshwater - te wai maaori (chapter 19), land - te whenua (chapter 21), land use planning - ngaa whakaritenga moo ngaa whenua o Waikato Tainui (chapter 25) and infrastructure - waihanga matua (Chapter 26).

For Freshwater - te wai maaori in chapter 19, the relevant objectives are: Waikato-Tainui engage and participate in the highest level of decision-making on matters that affect waters in the Waikato-Tainui rohe; water quality is such that fresh waters within the rohe of Waikato-Tainui are drinkable, swimmable and fishable in all places (with water quality to the level that Kiingi Taawhiao could have expected in his time); and an integrated and holistic approach to management of water is achieved.

These objectives are given effect to at Tuumata to the extent that stormwater quality from the site will be managed and treated to best practicable standards, from an approach starting at site (requiring the use of inert building materials) through to swales and wetlands which remove substantive quantities of contaminants (as specified in the Sub Catchment ICMP).

For Land - te whenua in chapter 21, the relevant objectives are that the life supporting capacity of land and soils effectively manages soil nutrient loss and water quality so there is minimal impact on nutrient loss to waterways; effectively manage the impact of contaminated land on the surrounding environment; and that integrated catchment management occurs across the entire rohe of Waikato-Tainui.

These objectives are given effect to at Tuumata principally through the land use change from rural to urban which will reduce nutrient loads to the river, the identification and management through best practices of the identified areas of contamination on the site, and through the use of a sub catchment ICMP to manage the three waters in an integrated way.

For land use planning - ngaa whakaritenga moo ngaa whenua o Waikato Tainui in chapter 25, the relevant objectives are: development principles are applied to land use and development (urban and

rural) and, in particular, development in new growth cells, that enhance the environment; and urban and rural development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.

An assessment of the Plan Change against the specific policies and methods in Chapter 25 is set out in **Attachment 13** where it is concluded that the proposed provisions accord with the outcomes sought.

Of particular relevance to the Plan Change is the following issue identified in this chapter on land use planning, which identifies the importance and significance of enabling development of Maaori owned and settlement redress land:

“Waikato-Tainui, as taangata whenua, have land use and development aspirations. After having limited access to development opportunities on Maaori owned land, it is anticipated that Maaori owned land within the Waikato-Tainui rohe will be seen as being able to deliver credible development on Waikato-Tainui land that achieves land use and development aspirations. Additionally Waikato-Tainui are relatively recent but increasingly significant commercial land users and developers and are keen to see land use and development that complements Waikato-Tainui aspirations. This includes the use and development of land owned under Te Ture Whenua Maaori Act 1993, land returned as part of Treaty of Waitangi settlement redress, and land purchased by Waikato-Tainui entities on a purely commercial basis.

Ultimately the commercial benefit of any Waikato-Tainui development remains within the rohe and for the benefit of Waikato-Tainui tribal members and the wider community. The link between the economic and commercial success of Waikato-Tainui and their cultural and social success cannot be overstated. Waikato-Tainui have land development proposals that are indicative of the contribution and inherent interest that Waikato-Tainui has in sustainable and enhancing development within its rohe”⁵⁵.

This statement is applicable to Tuumata because it is commercial redress land, and the commercial benefit of its development will remain within the rohe and for the benefit of Waikato-Tainui tribal members and the wider community.

Overall, the Plan Change will be consistent with the overriding principles, objectives and policies of the WTEP.

9.0 Strategies and Other Relevant Plans

9.1 Future Proof Strategy 2022

The Future Proof Strategy and Implementation Plan is the collaboration between Hamilton City Council, Waikato Regional Council, Waipa District Council, Waikato District Council and Tangata Whenua for the development of a sub-regional growth strategy covering the areas of the three territorial authorities and the region covered by the Waikato Regional Council. Other key organisations involved in the strategy include the New Zealand Transport Agency and Matamata Piako District Council.

The Strategy was first adopted in 2009 and immediate previous version has statutory effect through the Waikato Regional Policy Statement.

Future Proof includes a settlement pattern which provides the blueprint for growth and development and aims to achieve a more compact and concentrated urban form over time. The Future Proof

⁵⁵ 25.2 Issues, Tai Tumu Tai Pari Tai Ao, 2013

settlement pattern does have some flexibility to enable it to respond to change where a new opportunity has the potential to contribute significant economic, social or cultural benefits to communities.

An updated strategy was adopted by Future Proof Implementation Committee in June 2022.

The updated Strategy retains the core elements of the 2009 and 2017 Strategy but also incorporates the Hamilton to Auckland (H2A) Corridor Plan and the Hamilton-Waikato Metropolitan Spatial Plan.

The updated strategy also factors in key national documents and initiatives such as the National Policy Statement on Urban Development (NPS-UD) and the Government's Urban Growth Agenda.

The settlement pattern has been updated to reflect the latest development demand and supply information (from the Housing and Business Assessment reports 2021) to ensure there is sufficient urban land to meet demand, plus a margin above demand to ensure there are competitive land markets.

The Policy Assessment at **Attachment 13** identifies the key relevant themes from the Future Proof Strategy 2022 and assesses the Plan Change against these.

The following conclusions are made from this assessment of the Plan Change against the Future Proof Strategy 2022:

1. The Tuumata Block and the current rural land east of the WEX are identified as urban enablement areas - medium term.
2. At Ruakura, a Net Target Density of 35-55 dwellings per hectare is specified, supported by a future "Rapid" public transport service. A net density of 50 dwellings per hectare is proposed at Tuumata, aligning with this outcome.
3. Ruakura is proposed to be served by a Future Inter-regional Network to Matamata, Tauranga and East Waikato, a Rapid Network to the Central City and part of a wider Frequent Network. The proposed Structure Plan supports and enables future connections to and provision of public transport in the form of bus routes.
4. The proposed Tuumata Neighbourhood Centre aligns with the outcome that Neighbourhood centres at Ruakura will be easily accessible for day to-day needs with its scale and mix of activities.
5. For Ruakura/Ruakura East a total industrial land allocation of 417ha is identified out to the year 2050. This quantum excludes Tuumata, referred to in the Strategy as the residential master planned area as shown in Table 2 below.

Table 2: Strategic Industrial Nodes			
Strategic Industrial Nodes	Industrial Land allocation and staging (ha)		Total allocation to 2050 (ha)
	2020-2030	2031-2050	
Pookeno	5 ^[10]	23 ^[11]	53
Tuakau	26 ^[12]	77 ^[13]	103
Huntly/ Rotowaro/ Ohinewai	77 ^[14]	-	77
Horotiu/Te Rapa North/Rotokauri	189 ^[15]	50 ^[16]	239
Ruakura/ Ruakura East	172 ^[17]	245	417

Figure 4: Table 2: Strategic Industrial Nodes (Future Proof Strategy 2022)

6. Note 17 from the table provides further explanation of the industrial land at Ruakura and is as follows:

"[17] The Ruakura figures are based on the amount of land provided for industrial use at Ruakura, based on TGH planning and infrastructure assumptions. This excludes residential master plan area, Ag Research Campus and assumes the Knowledge Zone stays as such until amended through DP review process". (underline added)

The reference to the residential master plan area in Note 17 is the Tuumata block, meaning it is excluded from the industrial land allocation quantum for Ruakura (this being the basis of the figures and mapping provided by TGH to Future Proof).

7. The Tuumata Plan Change aligns with and gives effect to the growth management directives relevant to Current and Future Growth Areas.
8. The criteria for out of sequence or unanticipated growth and development from the Strategy do not need to be applied, because the proposed residential land use at Tuumata is neither out of sequence nor unanticipated.

Given the above conclusions, the Plan Change is consistent with and will implement the outcomes sought by the Future Proof Strategy 2022.

9.2 Hamilton-Auckland Corridor Plan & Implementation Programme

The Hamilton to Auckland H2A Corridor Plan outlines the agreed spatial intent for the corridor and a work programme of six focus areas and 13 key initiatives. The purpose of the Plan is to develop an integrated spatial plan and establish an ongoing growth management partnership for the corridor.

A 2020 H2A Plan updates the 2018 Plan. The 2020 Plan reflects a targeted update of the 2018 version to ensure the document is current.

The work programme for the H2A Plan is identified and broken into six focus areas. Each focus area has a number of key initiatives or implementation actions. The key initiatives are described in the document as a 'step change'.

Focus Area 5 is the Hamilton-Waikato Metropolitan Area. Here the following is sought:

“Supporting and unlocking the residential and employment development potential and iwi aspirations of this fast-developing metropolitan area through joint planning, integrated growth management and key transformational projects”.

Under this Focus Area 5, six priority development areas are identified.

Of these, the rezoning of Tuumata (referred to as “the Tramway Block”) for residential use with industrial east of the WEX is identified as a priority development area within the Central Corridor.

9.3 Hamilton -Waikato Metro Spatial Plan

The Hamilton Waikato Metropolitan Spatial Plan 2020 (MSP) is a vision and framework prepared by the Future Proof Partners for how Hamilton City and the neighbouring communities within Waipaa and Waikato districts will grow and develop over the next 100 plus years, creating one of the most liveable places in New Zealand. The MSP sets out how and where Hamilton City and the neighbouring communities should grow, develop and move around long-term to provide social, economic and environmental prosperity.

The creation of a rapid and frequent multi-modal transport network is a defining feature of the MSP. The document identifies a key move as “A place-shaping integrated rapid public transport network linking major growth centres”.

As set out in the Future Proof Strategy, at the heart of the future public transport network is a rapid transit spine linking the major employment and residential hubs of Horotiu, Rotokauri/Te Rapa, Frankton, the central city area and Ruakura with fast and frequent services throughout the day.

Implementation of the MSP is proposed to be delivered through an Urban Growth Programme consisting of a two tiered approach⁵⁶. Tier One of the Urban Growth Programme includes Priority Development Areas.

The Priority Development Areas are described as “*distinct, targeted initiatives for the Future Proof partners to implement and give effect to the MSP*”.⁵⁷

The timing of implementation of Priority Development Areas is set out in the Urban Growth Programme as “Short Term” ie with a 3-5 year timeframe⁵⁸.

Rezoning the Tuumata Block for residential and investigating alternative land use arrangements for the long term development of Ruakura, including to the east of the Waikato Expressway are identified as initiatives for the Ruakura Priority Development Area, consistent with the H2A Corridor Plan & Implementation Programme.

Specifically:

Priority development areas - Central corridor

Ruakura Progress the rezoning of the Tramway Block to provide for initial re-purposing of industrial land for higher density residential development.

Investigate alternative land use arrangements for the longterm development of Ruakura, including to the east of the Waikato Expressway (underlining added)

The growth management approach sets the Spatial Plan directives for the MSP shape the future of the metro area to achieve the desired environmental, social, cultural and economic outcomes. The

⁵⁶ 4.2 Urban Growth Programme, Hamilton-Waikato Metropolitan Spatial Plan 2020

⁵⁷ Ibid

⁵⁸ 4.1 Implementing the MSP, Hamilton-Waikato Metropolitan Spatial Plan 2020

table in the Policy Assessments in **Attachment 13** identifies the relevant MSP directives (excluding rural) with an assessment of Tuumata against these directives.

The conclusion of this assessment is that Tuumata fully aligns with these growth management directives.

9.4 Draft Hamilton Urban Growth Strategy - Te Rautaki Tupu Taaone o Kirikiriroa 2022

The Draft Hamilton Urban Growth Strategy Te Rautaki Tupu Taaone o Kirikiriroa (**HUGS**) was released for public feedback in October 2022 and guides where, when and how the city will grow in the next 50 years. This updates the previous strategy from 2009 to take into account:

- Growth in the City that has occurred.
- A renewed focus on social, economic, cultural and environmental wellbeing.
- Obligations to protect and enhance the Waikato River.
- Climate change challenges that have influenced a shift to support more transport choices.
- Central government requirements for cities to grow up as well as out through the National Policy Statement on Urban Development 2020 (NPS-UD) and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

The Draft HUGS does not specify with any precision the timing or spatial extent of greenfield development areas or nature of land uses.

The outcomes proposed for Hamilton Kirikiriroa are expressed in general terms as follows:

1. Grow up and out from the central city.
2. Grow along transport corridors.
3. Support the development of quality greenfield neighbourhoods.

For outcome 2 “Grow along transport corridors”, the objective is housing and jobs along the key corridors defined in the Metro Spatial Plan (MSP) to improve travel choices, promote public and active transport usage and reduce dependency on cars.

Ruakura is referred to here as *“easy to get around the city from new greenfield growth areas like Peacocke, Rotokauri and Ruakura through a range of travel choices”*.

The key transport corridors are shown in the Strategy. Of note are:

- A Primary interchange at Ruakura, connected by Bus rapid transit.
- A key interchange at “Tramway” (ie Tuumata) connected by Frequent Bus.

For outcome 3 *“Support the development of quality greenfield neighbourhoods”*, the Draft HUGS notes that the committed greenfield growth areas includes Ruakura.

Ruakura East WEX is shown in the HUGS as currently out if the City boundary but future urban, with the note that investigations are underway to determine an appropriate boundary for this area.

9.5 Waikato Regional Land Transport Plan 2021-2051

The Waikato Regional Plan Transport Plan 2021-2051 (**WRLTP**) outlines the strategic direction for land transport in the Waikato Region⁵⁹. It describes what the region is aiming to achieve for the land transport system in the context of a growing Hamilton-Waikato metro-spatial area. Of relevance to the Tuumata Structure Plan, are the need to consider effects of growth pressure on inter and intra-regional corridors, ensuring a safe roading system aiming for zero deaths or serious injuries, providing transport choice, reducing carbon emissions and integrating land use with transport.

The Plan Change is assessed against the WRLTP in the ITA (refer **Attachment 8**) where it is concluded that the objectives of the WRLTP are supported as follows:

- The Plan Change appropriately responds to its arterial network frontages with access controls and intersections
- The internal Plan Change network is designed to prioritise active modes and manage vehicle speeds.
- The internal Plan Change network is designed to prioritise active modes and support public transport frequency with density and walkable neighbourhoods.
- The Plan Change land use pattern incorporates residential density, mixed use and a walking, cycling and public transport focussed transport network.
- The Plan Change has been designed to integrate with existing transport networks and future plans such as the RPTP.

These conclusions are agreed with and adopted by this report.

9.6 Waikato Regional Public Transport Plan 2022-2032 Mahere Waka Tūmatanui Ā-Rohe o Waikato

The Waikato Regional Public Transport Plan 2022-2032 (**"RPTP"**) outlines the strategic direction for public transport in the Waikato region over the next 10 years. As well as growing patronage in the urban areas and servicing more rural communities, the plan aims for public transport services to become at least carbon neutral for the period 2025 to 2050.

For the Hamilton-Waikato Metropolitan Area, Policy 13 is that over 95 per cent of all properties within Hamilton should have access (within a 600 metre or less walking distance) to one or more of the following public transport solutions between the hours of 7am and 9pm seven days per week:

- a scheduled bus service operating every 60 minutes; and/or
- a maximum wait time of 60 minutes of requesting a public demand responsive service; and/or
- other service(s) or solution(s) that can provide access to essential services and that is more cost effective.

The Metro Ridership Network Plan section of the plan defines the elements of a frequent public network within Hamilton and between Hamilton and neighboring towns that enables:

- higher urban densities and a more compact urban form
- reduced reliance on private motor vehicles

⁵⁹ The Regional Transport Committee must prepare a regional land transport plan every six years on behalf of the regional council. A mid-term review of the plan must be undertaken every three years

- reduced emissions from transport.

A future frequent network to be implemented over 10 years (2022-2032) shows Tuumata (referred to as “Tramway” on the Network diagram 1 in the document and reproduced below) linked to the south, west and north by Frequent Bus Services⁶⁰.

Network diagram 1 - Future frequent network to be implemented over 10 years (2022-2032)

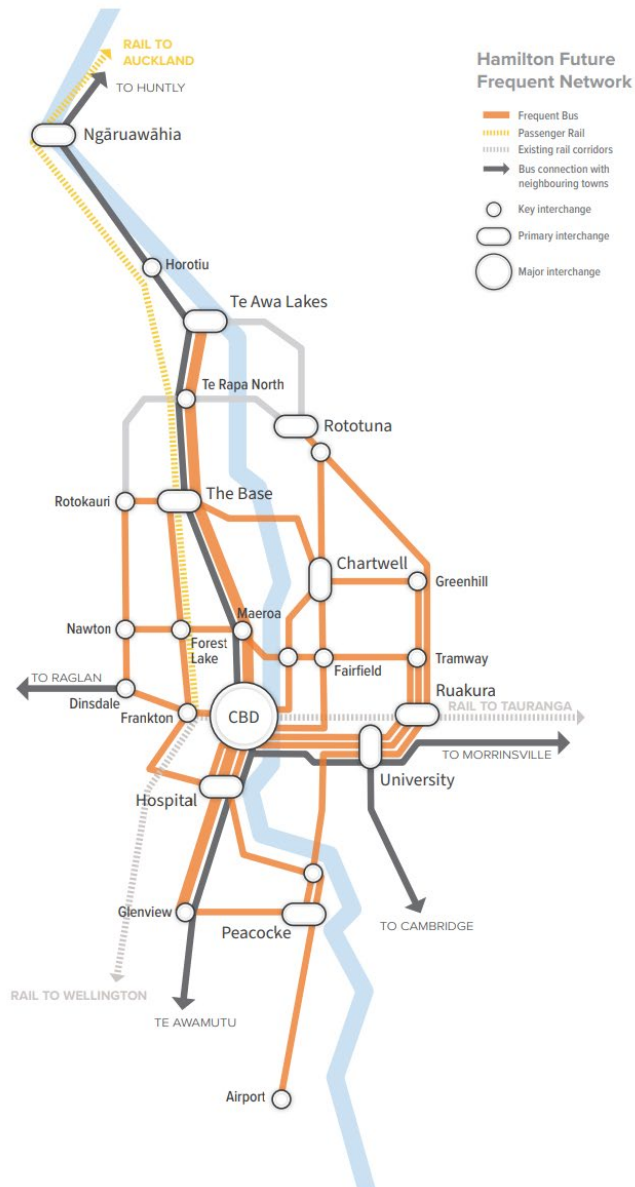


Figure 15: Future frequent network to be implemented over 10 years (2022-2032)

⁶⁰ Frequent services are described as 15-minute frequency or better, bus priority measures sufficient to enable competitive and reliable journey times regardless of traffic conditions. On board fare collection, zero emission vehicles, quality stops. Enables and requires moderate or greater land use.

Network diagram 2 - Future frequent network + rapid ines to be implemented over 30 years (2022-2052)



Figure 5: Future frequent network + rapid lines to be implemented over 30 years (2022-2052)

Ruakura is shown as a Primary Bus Interchange which is described as a location where one or more frequent lines intersect with an existing or future rapid line. Primary interchanges will be busy with high volumes of people and bus movements, and be surrounded by moderate to high land use densities and/or major activity centres.

Tuumata is shown as a “Key Interchange”, which is a location where two or more frequent lines intersect. The locations will be moderate passenger volumes and be surrounded by at least moderate land use densities.

The Plan Change Structure Plan responds to this with the provision of a bus stops on either side of the Fifth Ave Extension and adjacent to the proposed Tuumata Neighbourhood Centre and where access intersects with the ETC - and through the provision of appropriate density.

The master planning, transport corridor design, connectivity and density of development at Tuumata also support these outcomes, providing ready access to the Tuumata Neighbourhood Centre location (including walking and cycling) and throughout the Plan Change in general. The Plan Change does not foreclose future opportunities to develop to higher densities on land closer to the proposed Ruakura Primary Bus Interchange to the south, although this would need to be the subject of a future plan change should that be for residential purposes. Internal local bus linkages through the Plan Change area are also provided for on the Structure Plan including serving of a possible school site, and future-proofed for this purpose through design of roads in accordance with the transport corridor cross sections which accompany the Plan Change.

9.7 Conclusions from Strategic Planning Documents

At Ruakura, the rezoning of Tuumata for residential use and for the long term development of Ruakura, including to the east of the Waikato Expressway, is identified as a Priority Development Area in the Hamilton-Auckland Corridor Plan & Implementation Programme 2020 and the Hamilton Waikato Metropolitan Spatial Plan 2020. Tuumata fully aligns with the growth management directives of the Hamilton Waikato Metropolitan Spatial Plan.

The objectives of the Waikato Regional Plan Transport Plan 2021-2051 are supported by the Plan Change, including having a network designed to prioritise active modes and manage vehicle speeds and support public transport frequency with density and a walkable neighbourhood.

The Plan Change is consistent with and will implement the outcomes sought by the Future Proof Strategy 2022. It promotes a compact urban form, within an identified Future Proof urban enablement area and in accordance with the residential densities sought to be realised at Ruakura. The Plan Change does not run contrary to the industrial land allocation for Ruakura on the basis that the Tuumata block is excluded from the industrial land allocation for Ruakura in the Strategy. The extension of the ETC northwards and its connection to Fifth Avenue will be incentivised by the Plan Change, which in turn will allow the development of industrial zoned land at Ruakura. The proposed Structure Plan supports and enables future connections to and provision of public transport and in doing so will support the development of the future Rapid and Frequent networks that will serve Ruakura. The Tuumata Plan Change will enable the development of land that is in sequence and anticipated by the Future Proof Strategy: utilising land identified as being within the medium term (10 year) horizon for urban development (as identified on map 6) and using that land for residential purposes rather than its current zoned industrial (as envisaged under table 2 and its note 17).

Although the Draft Hamilton Urban Growth Strategy Te Rautaki Tupu Taaone o Kirikiriroa 2022 is not specific as to timing or spatial extent of greenfield development areas, Tuumata aligns with its outcomes sought of promoting growth along transport corridors and supporting the development of quality greenfield neighbourhoods. The Draft HUGS notes that the committed greenfield growth areas include Ruakura.

Future planned public transport for Ruakura and Tuumata, as set out in the Waikato Regional Public Transport Plan 2022-2032, will be supported by the Plan Change with the provision of a bus stops on either side of the Fifth Ave Extension and adjacent to the proposed Tuumata Neighbourhood Centre and where access intersects with the future ETC, and through the provision of appropriate density.

10.0 Regional Policy Statement and Plans

Section 75(3)(c) states that a District Plan *must give effect to* any Regional Policy Statement and Section 75(4)(b) states that a District Plan *must not be inconsistent with* a Regional Plan for any matter specified in Section 30(1) (being the functions of a regional Council under the Act).

10.1 Waikato Regional Policy Statement: Te Tauāki Kaupapahere Te-Rohe O Waikato

Waikato Regional Policy Statement (WRPS) sets the policy direction for the region. The Plan Change is required to give effect to the WRPS.

A full assessment of the Plan Change against relevant WRPS policies and methods is provided in **Attachment 13**. Set out below is a summary of the key policy direction of the WRPS and commentary of the Plan Change in relation to that policy direction.

Recent proposed changes to the WRPS under Change 1 are discussed below this section. Change 1 incorporates into the WRPS the requirements of the National Policy Statement on Urban Development 2020 (NPS-UD) and reflect the updated Future Proof Strategy 2022.

10.1.1 Land and freshwater

Policy LF-P5 recognises the primacy of Te Ture Whaimana o Te Awa o Waikato and an assessment of the Plan Change against that document is provided above where it is concluded that the Plan Change is consistent with the outcomes sought for the Awa.

WRPS Method LF-M20 is relevant here and considers the effects of subdivision, use and development on land and freshwater. These matters are managed in the manner described by the Sub Catchment ICMP at **Attachment 11**. The Plan Change responds with its approach of low impact, best practice stormwater management. Although no streams or wetlands are in the Plan Change area the network of swales and wetland proposed will have some features of riparian margins and will provide for habitat as provided by this method. Water conservation measures are required by the Plan Change, including installation of water metering infrastructure, use of low flow fixtures in kitchen, laundry, toilets and bathrooms and rainwater tanks for non-potable residential use. Inert materials are required on buildings, combined with the swales and wetland treatment system to minimise contaminants entering streams and the Awa.

10.1.2 Ecosystems and indigenous biodiversity

Policy ECO-P2 requires that significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected in the region by ensuring the characteristics that contribute to its significance are not adversely affected to the extent that the significance of the vegetation or habitat is reduced.

The Boffa Miskell report does not identify any significant habitat for terrestrial species in the Plan Change area, following survey work.

Although the waterways within the Plan Change area are highly modified artificial farm drainage channels and uniform in comparison to natural stream conditions, the Powells Road Drain is assessed in the Boffa Miskell Ecology Report as a habitat of indigenous fauna (specifically black mudfish and longfin eel) with reference to the Method ECO M14 of the WRPS.

Under the policy approach specified under WRPS Method ECO-M13, there are therefore adverse effects on habitats of indigenous fauna which are unable to be avoided, remedied or mitigated, because farm drains within the Plan Change Area will be removed with land development and replaced with the system of swales and wetland proposed. As allowed under this method, these more than minor residual adverse effects will be offset in the manner described in the Boffa Miskell report with the creation of new habitats off-site to achieve no net loss as required by clause 4 of Method ECO-M13. This then meets Policy ECO-P2 that the significant indigenous vegetation and the significant habitats of indigenous fauna be protected, on the basis that Method ECO-M13 provides for offsetting to achieve this policy.

The Plan Change incorporates the same assessment criteria as applied to the balance of the Ruakura Plan Change area. In particular proposed assessment criteria N15p requires an assessment of effects of whether land development to implement the subdivision will cause loss of significant habitats of indigenous fauna (including but not limited to, black mudfish, shortfin eels and longfin eels), require that unavoidable adverse effects on such habitat are remedied or mitigated through replacement of habitat, creation of new habitat, or enhancing existing habitat - with legal and physical protection of such measures.

10.1.3 Historical and cultural values

Policy HCV-P2 requires the recognition and provision for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Method HCV-M6 set out some of the ways the relationship with tangata whenua with their rohe can be maintained or enhanced in land development context (eg the use of traditional place names, incorporation of traditional or sympathetic design elements etc).

Apart from the obvious strong statement of mana whakahaere that the development of this whenua by Waikato Tainui represents, these other methods as specified Method HCV-M6 will also be adopted by the Plan Change. These are further described in the Cultural Impact Assessment at **Attachment 14**, and will be implemented in the Plan Change through the provisions summarised in the **Appendix 13** policy assessment.

10.1.4 Urban form and development

Policy UFD-P1 requires that subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner. Specifically, this is required to: have regard to the principles in APP11; recognises and addresses potential cumulative effects; be based on sufficient information to allow assessment of the potential long-term effects; and have regard to the existing built environment.

The Plan Change is assessed against the Development Principles APP11 of the WRPS in **Attachment 13**. The conclusion from this assessment is that all relevant Development Principles are met.

The potential cumulative effects of subdivision, use and development that will occur in the Tuumata block as a result of the Plan Change have been taken into account where applicable. For example, the Sub catchment ICMP and the ITA for the Plan Change assess the effects of the development proposed, in addition to other existing and planned development impacting services and roading capacity and functioning.

The information presented in this report and attachments, together with the Structure Planning approach undertaken for Tuumata is more than sufficient to allow assessment of the potential long-term effects of subdivision, use and development.

Regard has been had to the existing built environment in the planning for Tuumata, including through the introduction of new compatible activities and through buffering through roading and open space where needed.

Policy UFD-P11 specifies how the Future Proof land use pattern should be adopted within the region. This policy is out of date in that it references the land use patterns, timing and allocations from the previous Future Proof Strategy, and does not take into account the Housing and Business Land Assessments for the Future Proof sub-region prepared in 2021 in accordance with the requirements of the NPS:UD and as represented in the Future Proof Strategy 2022. The WRPS is being updated through Plan Change 1 to reference the updated Future Proof Strategy, and as also discussed below, the Plan Change accords with this update.

That said, Policy UFD-P11 is an operative Policy and its references to the following requires assessment. In relation to the relevant subparts of this policy:

1. Tuumata is within the Urban Limits shown on Map 43 of the WRPS.
2. Ruakura is identified in table 34 as a growth area within which, in part a residential population of 60,000 by 2041 is provided for.
3. Exceptions are allowed under this policy where alternative industrial land release and timing is demonstrated to meet the criteria in method UFD-M49. In relation to those matters:
 - The Plan Change will maintain the safe and efficient function of existing or planned infrastructure: as has been determined by the ITA and the Sub catchment ICMP.
 - The alternative land use for the site for residential supported by a neighbourhood centre, rather than industrial, is supported by robust analysis as set out in this report. Included here is the Formative assessment of effects on industrial land supply. As concluded by Formative, the additional land east of the WEX which is now identified for future urban and industrial purposes in the strategies discussed above and in Change 1 to the RPS, more than makes up for the proposed use of the Tuumata block for residential activity. As concluded by Formative, with the 85ha east of the Expressway included, there will be no industrial land shortfall in Hamilton in the long term (30 year horizon).
 - Finally, the Plan Change has been assessed against the development principals in APP11, as set out in **Attachment 13** to this report. It is concluded here that the Plan Change is consistent with those principals.

A density target of 16 households per hectare average gross, is specified for Hamilton Greenfield Areas, including Ruakura in Policy UFD-P12.

Tuumata achieves a gross density of 17 dwellings per hectare (ie total land area, inclusive of roads and open space). In this regard, a large proportion of the site will be dedicated to open space, stormwater management and roads which reduces the developable land area but deliver excellent environmental and urban form outcomes.

Policy UFD-P13 provides certain directives for the establishment of new centres. Sections 1-6 of the policy essentially seek to support and sustain the vitality and viability of existing commercial centres (specifically those identified in Table 37 (APP12) ie within Hamilton the Central Business District, Te Rapa North Commercial Centre and Chartwell).

The Formative Report has assessed the retail distribution impacts of the proposed Neighbourhood Centre at Tuumata. It is the conclusion of that assessment that the people and communities who rely on those centres as referred to in Policy UFD-P13, will not be adversely affected by the new Neighbourhood Centre.

Potential impacts on the efficiency, safety and function of the transportation network have been assessed in the ITA at **Attachment 8**, as it also required under Policy UFD-P13. Here it is concluded that, subject to the connection of the Fifth Ave to the ETC (a staging rule in the Plan Change), the Neighbourhood Centre will not adversely impact on the efficiency, safety and function of the transportation network.

10.2 Proposed Plan Change 1 to the Waikato Regional Policy Statement (National Policy Statement on Urban Development 2020 and Future Proof Strategy Update)

Proposed Change 1 to the WRPS was notified on 22 October 2022 with submissions closing 16 December 2022. The Proposed Change incorporates the requirements of the National Policy Statement on Urban Development 2020 (NPS-UD) and reflects the updated Future Proof Strategy.

A full assessment against the relevant changes to the RPS introduced with Change 1 is included in **Attachment 13**. A summary is provided below.

10.2.1 New Amenity Objective

A new Objective IM-09 Amenity is proposed to be added. The Plan Change responds to this objective with its focus on the health and safety of future residents (layout encouraging active modes and passive recreation, creation of safe speed environment, incorporation of CPTED principles) and high quality urban design outcomes (including through the Structure Plan layout and at an on-site and off-site scale through the provisions). Also here, is recognition that any amenity values derived from the site's current rural land uses will change with urbanisation, but consistent with the NPS:UD, that in itself is not an adverse effect.

10.2.2 New Built Environment Objective

A new Objective UFD-O1 Built Environment is also proposed to be added to the WRPS which in essence repeats the requirements of Policy 1 of the NPS:UD discussed above. Added to this is the recognition that a well-functioning urban environment takes into account the values and aspirations of hapū and iwi for urban development. This is particularly relevant to the Plan Change: enabling as it does the development of land that will advance the values and aspirations of hapū and iwi.

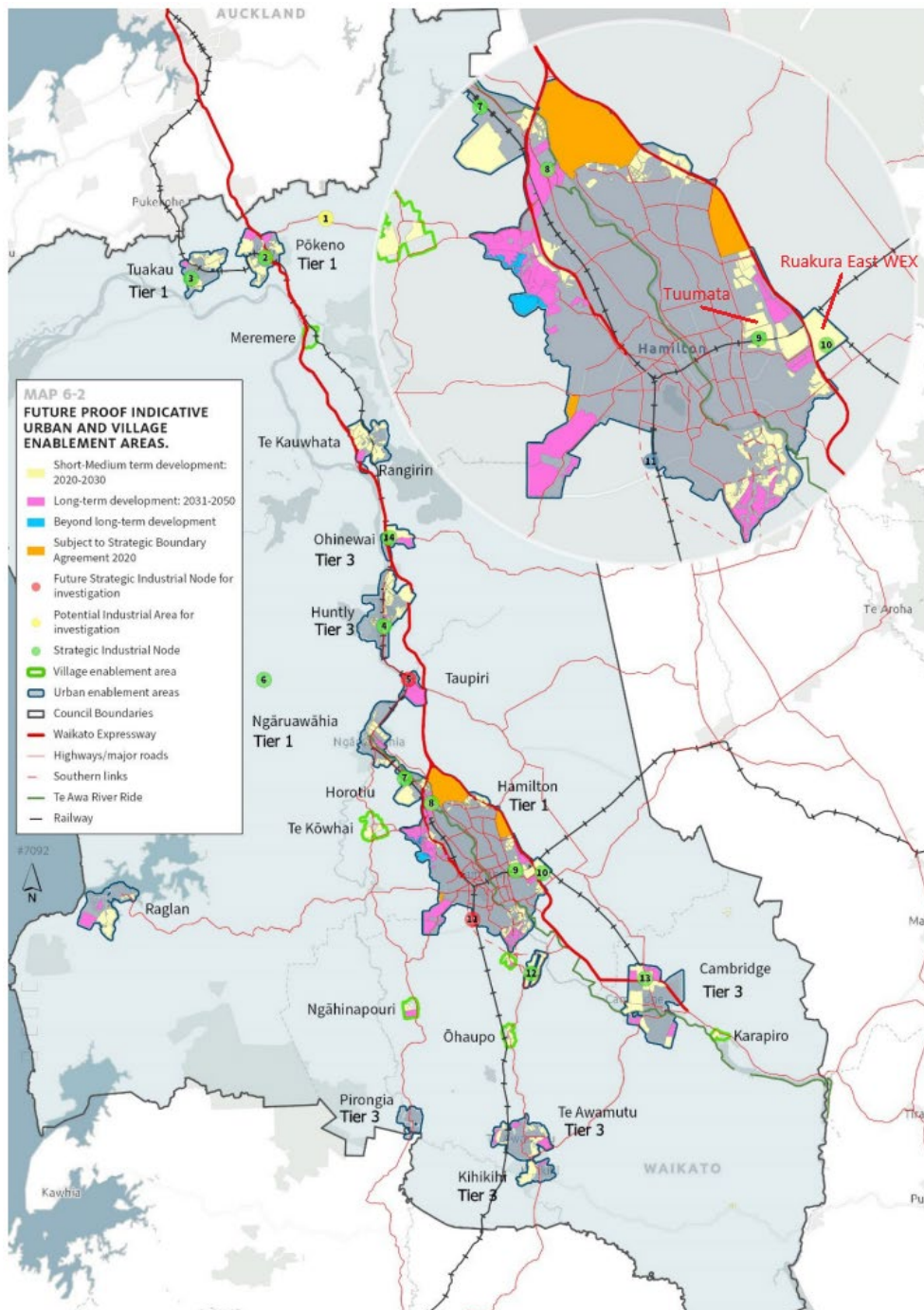
10.2.3 New Future Proof Land Use Pattern

Change 1 adopts the Future Proof 2022 land use pattern under Policy UFD-P11.

The Tuumata Structure Plan Area is shown as an urban enablement area consistent with Future Proof 2022 on Map 43 of Change 1, within the Short-Medium Term development 2020-2030 timeframe.

The Industrial Land East WEX is shown in the same timeframe (ie Short-Medium Term development 2020-2030) and is also identified as Strategic Industrial Node "10".

Tuumata and Ruakura East WEX are marked up on Map 43 reproduced below.



Map 43: Future Proof indicative urban ~~limits~~ and village enablement areas

Policy UFD-P11 also adopts the Industrial land allocation from Future Proof 2022. It specifies that new industrial development should predominantly be located in the strategic industrial nodes in Table 35 (APP12) (reproduced **below**) and in accordance with the indicative timings in that table.

Table 35 - Future Proof industrial land allocation

<u>Strategic Industrial Nodes (based on gross developable area)¹</u>	<u>Industrial Land allocation and staging (ha)</u>		<u>Total allocation to 2050 (ha)</u>
	<u>2020-2030</u>	<u>2031-2050</u>	
<u>Pōkeno</u>	<u>5</u>	<u>23</u>	<u>53</u>
<u>Tuakau</u>	<u>26</u>	<u>77</u>	<u>103</u>
<u>Huntly/Rotowaro/Ohinewai</u>	<u>77</u>	<u>-</u>	<u>77</u>
<u>Horotiu/Te Rapa North/Rotokauri</u>	<u>189</u>	<u>50</u>	<u>239</u>
<u>Ruakura/Ruakura East</u>	<u>172</u>	<u>245</u>	<u>417</u>
<u>Hamilton Airport/Southern Links</u>	<u>94</u>	<u>46</u>	<u>140</u>
<u>Hautapu</u>	<u>67</u>	<u>160</u>	<u>227</u>
<u>Totals</u>	<u>630</u>	<u>626</u>	<u>1,256</u>

¹. Gross Developable Area includes land for building footprint, parking, landscaping, open space, bulk and location requirements and land for infrastructure including roads, stormwater and wastewater facilities.

Consistent with the updated Future Proof Strategy, the note to the table excludes Tuumata from the calculation of industrial land allocation at Ruakura, thereby allowing non-industrial land use. It also notes that the land identified in Table 35 is based on expected demand, including a margin above demand, as set out in the Housing and Business Land Assessments 2021.

This explanation is reproduced in full below

Explanation [table 35 as amended by Change 1 to the WRPS with ~~strike-outs~~ and underlining]

~~At the time of hearing submissions on the Proposed Waikato Regional Policy Statement, there was approximately 879ha of zoned industrial land that was vacant within the central Future Proof area. The strategic nodes identified in Table 35 include a mixture of existing zoned land and land identified as future industrial land, subject to district planning processes.~~

~~The land identified in Table 35 is based on expected demand, including a margin above demand, as set out in the Housing and Business Land Assessments 2021 for the Future Proof sub-region, in accordance with the National Policy Statement on Urban Development 2020. for the Rotokauri, Horotiu, Huntly and Rotowaro industrial nodes are the vacant gross developable land areas remaining within the zoning of the Proposed Hamilton District Plan (Rotokauri Structure Plan), and Operative Waikato District Plan (Horotiu Industrial Park, Huntly Industrial Zone).~~

~~Ruakura/Ruakura East The land identified in Table 35 is based on the amount of land provided for industrial use at Ruakura, excluding the residential master-plan area and Agricultural Research Campus.~~

10.2.4 Compact Urban Environments and New Density targets for Future Proof area

Proposed changes to policy UFD-P12 add new definition of a compact urban environments to align with the NPS:UD. In respect of these matters:

1. Tuumata is within the existing urban area and will assist with the creation of a compact urban environment.
2. Existing commercial centres are supported to the extent that the proposed new Tuumata neighbourhood centre will function within the Hamilton Centres Hierarchy without adversely affecting the function and viability of existing centres.

3. The delivery of a range of housing options is supported by the plan change from single house and papakainga through to apartment typologies.
4. Building heights of at least 6 storeys are not required within at least a walkable catchment of existing and planned rapid transit stops, because the public transit stops planned adjacent to Tuumata do not qualify as “planned rapid transit stops” as defined in the NPS:UD but are instead a planned frequent public transport link.
5. Adjacent to the proposed neighbourhood centre zone, building heights and density of urban form is enabled commensurate with the level of commercial activities and community services proposed. In particular the proposed density, 3-level height limit and overall yield of between 1100-1300 dwellings which results appropriately supports the proposed scale of commercial development.
6. For the reasons explained elsewhere in this report, the plan change will provide for a high-quality urban environment that responds positively to its local context.

Change 1 also proposes changes to the density targets consistent with Future Proof 2022 under Policy under UFD-P12. The net target density for Ruakura of 35-55 dwellings per hectare will be achieved at Tuumata, where a net average density of 50 dwellings per hectare is enabled.

10.2.5 Housing Affordability

New method UFD-M63 Housing Affordability specifies that Future Proof partners should consider regulatory and non-regulatory methods to improve housing affordability such as increasing housing supply, greater housing choice, more diverse dwelling typologies, alternative delivery partners, and investigating inclusionary zoning.

This method is relevant to the extent it sets out a range of ways to improve housing affordability. Of these, 3 are achieved at Tuumata: increasing housing supply, greater housing choice, and more diverse dwelling typologies.

10.2.6 Amended APP11 Development Principle

Finally, General Development Principle p) in APP11 is amended such that development should support reductions in greenhouse gas emissions within urban environments. How this is achieved at Tuumata is discussed above.

10.3 Waikato Regional Plan

The Waikato Regional Plan implements the Operative WRPS. The plan contains policy and methods to manage the natural and physical resources of the Waikato region.

There is one proposed plan change to the Regional Plan: Proposed Waikato Regional Plan Change 1- Waikato and Waipa River Catchment. Plan Change 1 seeks to reduce the amount of contaminants entering into the Waikato and Waipā catchments⁶¹.

On 30 June 2021, in accordance with s55(2A) and Clause 20A (Schedule 1) of the Resource Management Act 1991, the Waikato Regional Plan was amended to insert clauses 3.22(1) natural inland wetlands, 3.24(1) rivers and 3.26(1) fish passage of the National Policy Statement for Freshwater Management 2020 resulting in new objective 3.A.1 and new policies 3.A.2 and 3.A.3.

⁶¹ The decisions version of Proposed Waikato Regional Plan Change 1 was notified on Wednesday, 22 April 2020. From the date of the public notice (22 April 2020) Proposed Waikato Regional Plan Change 1 is amended in accordance with the Decisions Version.

Future development of the Tuumata block will be assessed through the resource consent process against the specific provisions of the Waikato Regional Plan.

Based on the known resource management issues relevant to the Waikato Regional Plan, the key consenting matters will likely be: discharge and diversion of stormwater from impervious surfaces; earthworks for land development; taking and discharge of groundwater associated with excavations; temporary damming during earthworks; and diversions of watercourses.

Advice from Boffa Miskell ecologists following site inspections confirmed that there are no natural inland wetlands on the site and the drains are an artificial watercourse, with reference to the Waikato Regional Plan, the National Environmental Standard for Freshwater and the National Policy Statement for Freshwater Management 2020⁶². As such the provisions of these documents applying to rivers and wetlands will not apply to development of the Tuumata block.

The principal issues therefore from the Waikato Regional Plan will relate to land development works and the diversion and discharge of stormwater.

In this regard, Plan Change 1 sets out new policies for point source discharges which will apply to stormwater discharges (Policies 12-13). Here proposed policy 12 requires the demonstration of the best practicable option at the time of resource consenting when considering resource consent applications for point source discharges of nitrogen, phosphorus, sediment or microbial pathogens to water, and offsetting of residual adverse effects with positive effects. Proposed policy 13 requires that when considering a resource consent application for point source discharges, the contribution contaminants in that discharge make to loads in the Waikato River.

Relevant also is proposed policy 18 from Plan Change 1 which specifies that for the purposes of considering land use change applications enabling the development of tangata whenua ancestral lands, there should be recognition and provision for recognise and provide for *“...c. The creation of positive economic, social and cultural benefits for tangata whenua now and into the future, in a way that gives effect to Te Ture Whaimana o Te Awa o Waikato”*.

While these matters will be considered in full at resource consent stage, once there is developed design and land development methodology, the following points can be made now:

- The stormwater concept design is the best practicable option, taking into account the constraints of the site, and is a best practice solution (refer Stormwater Report).
- The overall approach is intended to maximise the stormwater management benefits, within the constraints of the existing site, while minimising impacts to the off-site environment.
- The water quality in the existing drains is poor, with low PH due to the existence of peat soils, and elevated nitrogen, nitrogen and phosphorus levels as well as heavy metals.
- The proposed combination of swales and wetland would provide significant removal of sediment, metals, and nutrients.
- As set out in this report, the development will give rise to economic, social and cultural benefits for tangata whenua, including financial return and the exercise of rangatiratanga.

10.4 Hamilton City District Plan

The Plan Change is consistent with the Operative Plan's wider policy direction as articulated in the District Plan's Strategic Framework in Chapter 2. This is discussed in full in the Policy Assessment at

⁶² The assessed Tramway Road and Powell's Road drain network is an artificial watercourse, as they do not feature any natural portions from its confluence to its headwaters. More specifically, this drain comprises a straightened channel within an agricultural setting which originates from a culvert and enters the HCC stormwater network and is therefore classified as an artificial watercourse

Attachment 13. This includes where relevant, where this Strategic Framework is proposed to be changed by proposed Plan Change 12. The key conclusions of this assessment are:

1. Development at Tuumata aligns with the broad sustainable city policies assisting Kirikiriroa Hamilton that it be characterised by an increasingly sustainable urban form. It will also occur within an area identified for greenfield development, in a manner which uses land and infrastructure efficiently consistent with these policies.
2. The Plan Change aligns with the Operative Plan strategic objective to promote safe, compact, sustainable, good quality urban environments that respond positively to their local context.
3. The hierarchy of viable and vibrant business centres will be maintained as required by the Operative Plan. The proposed Tuumata Neighbourhood Centre is sized and zoned to provide retailing and service activities to serve its immediate residential catchment and will not undermine the viability, vitality and vibrancy of the Central City.
4. Proposed Plan Change 12 makes extensive amendments to the strategic objectives and associated policies with the health and wellbeing of the Waikato River to give effect to the higher order policy discussed above. As concluded above under the assessment of the Plan Change against Te Ture Whaimana, the Plan Change will assist to protect and restore the achieve the health and wellbeing of the Awa.
5. Plan Change 12 introduces a new objective that guides the form of the city in response to the NPS:UD. New policies here direct a city urban form that enables people to 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. The proposed Tuumata Neighbourhood Centre, including its provision for a supermarket, is designed to allow for people within Tuumata to satisfy most of their daily needs within a nominal 10-minute walk from home.
6. Plan Change 12 policies also identify parts of the city where intensification will occur. High-density residential developments (six storeys in part and unlimited height elsewhere) are only provided for within a nominal 800m walking distance of the Central City Zone. Medium-density residential developments (between three and five storeys) are provided for within a nominal 400m walking distance of the Sub-Regional Centre at Chartwell and certain Suburban Centres. The nearest here to Tuumata is Five Cross Roads, which is 900m to the west and so excludes Tuumata. Based on this approach, the application of the 3 level and MDRS density to Tuumata is consistent with the city form objectives that are proposed under Plan Change 12: it being neither within 800m walking distance of the Central City Zone, nor within a nominal 400m walking distance of the identified Sub-Regional or Suburban centres.

11.0 Assessment of Effects on the Environment

Section 76(3) states that in making a rule, the territorial authority must have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.

This section of the report details the actual and potential effects that land use, subdivision and development in accordance with the Plan Change provisions may have on the environment. This assessment is based on analysis and reporting undertaken by various experts, whose reports are attached.

A summary table is provided in certain sections with the key methods from the Plan Change to manage the particular effect (including avoiding or mitigating potential adverse effects and ensuring anticipated positive effects are realised).

11.1 Effects on Amenity Values

Amenity values under the RMA means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

The following sections address separately on-site and off-site amenity to align with the policy and rule approach taken in the Tuumata Residential Zone.

Consistent with the NPS:UD, Plan Change 12 to the Operative Plan and Change 1 to the WRPS, and the site's current industrial zoning, the focus of this assessment is not on the change to amenity values that will come from urbanisation of this currently rural land. Rather assessment is on the effects on amenity values post implementation of the Plan Change provisions.

11.1.1 Density and Built Form

The density and built form promoted by this Plan Change in the Tuumata Residential Precinct (ie 3 storeys) is as specified as by the MDRS.

The density provided for will give rise to positive effects: providing positive economic benefits, including benefits for Waikato Tainui; supporting a new Neighbourhood Centre with supermarket; supporting future public transport provision; allowing for greenhouse gases to be reduced by minimising trips; allowing for efficient provision of infrastructure; and making efficient use of a scarce urban land resource.

The Plan Change and Structure Plan also ensure that the layout of future development best captures these positive effects, including by providing appropriate zoning, having a very permeable and multi-mode system of linkages through the area providing for easy access, minimal controls on staging and development, and providing for development flexibility to best meet future market requirements.

The Plan Change will in turn give rise to positive effects on amenity, through the creation of a very liveable and walkable urban environment, offering recreation opportunities and good connectivity within and to locations outside of Tuumata.

The building bulk and location provisions of the Business 6 Zone at the Tuumata Neighbourhood Centre will result in a built form appropriate to the adjoining Tuumata Residential Zone, providing for a maximum height of 10m⁶³.

⁶³ Plan Change 12 proposes to modify these Business 6 controls to get greater consistency with the MDRS, including a height limited of 11m +1m sloping roof bonus and also where the zone interfaces with residential. If adopted, these changes will also apply to the Tuumata Neighbourhood Centre.

Adverse built form effects of the new Neighbourhood Centre on adjoining properties to the north in Fairview Downs will be mitigated by this relatively low height limit and the 40m Open Space buffer strip and Fifth Ave Extension which separates the two neighbourhoods. These measures will be complemented by the other controls of the Business 6 Zone which seek to mitigate interface effects with residential (noting that the Business 6 Zone typically is in residential neighbourhoods). These include controls on noise and outdoor lighting.

Overall, the density and built form provided by the Plan Change will provide a number of very positive effects on amenity and is appropriate in relation to existing and planned future adjoining neighbourhoods.

11.1.2 On Site Amenity

The level of on-site amenity that will be provided in the Tuumata Residential Precinct is mostly as directed by the MDRS, whereby its controls on building coverage, permeability, height, height in relation to boundary, building setbacks, outlook space, and outdoor living areas have been adopted.

These controls are augmented with others in the Plan Change. New requirements for specimen trees per site are proposed that will improve amenity as well as reducing the heat island effect. Clarifications to the MDRS outlook control are also proposed to ensure it will meaningfully apply so as to ensure outlook spaces are provided. Requirements for on-site storage will assist with the liveability of future dwellings.

The Boffa Miskell Urban Design Report at **Attachment 12** explains also how the proposed orientation of the block layout north-south will assist with liveability and enhance the well-being of future residents at a site level through access to sunlight.

A good level of on-site amenity will also be ensured for the Tuumata Neighbourhood Centre through adherence to the proposed design assessment criteria which will apply here to higher density typologies at N16 of section 1.3.3. Through assessment as a restricted discretionary activity, terrace housing and apartments will be required to demonstrate high quality urban design including active frontages to public places, providing for walking and cycling (including cycle parking), providing for a slow speed internal environment, enabling the use of footpaths for outdoor dining and providing for an outdoor plaza with lighting, seating and public art.

Overall, these measures will ensure that through master-planning, adherence to design assessment criteria and the adoption of a few additional controls for the Tuumata Residential Zone, a better level of on-site amenity will be provided for future residents than would apply simply through the adoption of the MDRS. In addition, a good level of on-site amenity will be provided at the Tuumata Neighbourhood Centre.

11.1.3 Off-Site Amenity

A high level of off-site amenity will be provided through the Plan Change provisions, with many proposed rules and assessment criteria focussed on this outcome.

The Urban Design Report describes the aspiration here for Tuumata as moving beyond traditional suburban greenfield development to create a 'modern' highly walkable and safe neighbourhood, connected to open space, recreation opportunities, neighbourhood centre and public transport. These are all aspects of amenity.

The MDRS rules provide for a basic level of off-site amenity setting a building height, reasonably generous building in relation to boundary control, a small front yard control and a requirement that a minimum 20% of the street-facing façade at ground level is in glazing.

The proposed rules in the Plan Change will augment these MDRS rules, including through maximum front fence heights, access requirements for front doors in terrace housing and apartments, on-site

waste management obligations to ensure this does not rely on streets and berms, and rules relating to accessory building and vehicle access and parking where that is provided to ensure these do not dominate the front face of buildings.

In addition, the proposed assessment criteria at N17 which apply to terraces and apartments at Tuumata, are very focussed on off-site amenity. These require an assessment of such buildings at resource consent stage as a restricted discretionary activity on matters such as its context, the public realm, privacy, and external appearance to reduce overall bulk and scale and avoid large blank, unrelieved walls.

The grid layout of the street network facilitates good public realm outcomes where dwellings have frontage to the street providing passive surveillance opportunities.

In addition, the controls on non-residential activities in the Tuumata Residential Precinct are focussed on managing off-site amenity effects of these activities. Activities such as childcare, community centres, places of worship, dairies, home based businesses, rest homes and managed care are a normal and integral part of residential neighbourhoods and provide for positive effects: including providing for a more diverse age demographic, meeting the day-to day convenience, spiritual and cultural needs of residents, and reducing trips were those activities only provided elsewhere. The off-site effects of these activities are proposed to be managed by adopting the same set of provisions which apply in other residential zones in the District Plan. These provide controls designed to protect residential amenity, including on scale, intensity and opening hours and on layout such as location and screening of service areas.

11.1.4 Accessibility to Open Space

The new Neighbourhood Park, which is located in a central and accessible location, will provide for positive effects on amenity. As noted in the Urban Design Report, the park will *“function as a community destination offering people a space for socialising, leisure and recreational opportunities a short walk or cycle from their homes”*.

This park is supplemented by other green space, being a large network of stormwater treatment ponds and swales, supported by shared paths and separated cycleways. Again, as noted in the Urban Design Report, these will *“provide significant passive and active recreation opportunities, helping to encourage healthy, active lifestyles as well as improve connectivity and promote a more social and cohesive neighbourhood”*.

At a finer grain, the Structure Plan provides for a series of cycle and pedestrian access points, as well as off road cycle facilities and pedestrian connections. The Urban Design Report concludes that *“these connections support the concept of ‘filtered permeability’ and function as green links/pocket parks, helping to ensure overall block permeability for walking and cycling is achieved while creating a pleasant low traffic environment around people’s homes”*.

The combination of this green open space and the connectivity provided to it through the Structure Plan, will give rise to positive effects on the amenity of future residents and the wider neighbourhood.

11.1.5 Accessibility to Day to Day Needs and Community Facilities

The Plan Change provides for access to day to day needs and community facilities in two key ways. Firstly, by providing for various non-residential activities in the General Residential Zone which will underlay the Tuumata Residential Precinct and provide for various community needs. Secondly, by providing for business and community activities in a close and accessible new Neighbourhood Centre.

11.1.6 Safety

Various provisions of the Plan Change have been designed to ensure the safety of future residents. Design in accordance with CPTED principles is required at the Neighbourhood Centre and for terrace housing and apartment buildings. Rules and criteria requiring obvious front doors and buildings overlooking the street also seek safety outcomes. The provision of separate footpaths and cycleways, and a safe speed environment in accordance with the Structure Plan will also ensure safe neighbourhoods.

Amenity and Safety: Summary of Key Plan Change Methods	
On-site Amenity	<ul style="list-style-type: none"> Adoption of MDRS for the Tuumata Residential Precinct proposed in Chapter 4. Additional controls in the Tuumata Residential Precinct on specimen trees, outlook and on-site storage. A block layout set out in the Ruakura-Tuumata Structure Plan which requires a north south block layout for best access on-site to sun (supported by subdivision assessment criterion at 1.3.3. N15f). Assessment criteria at 1.3.3 N16 applying to the Neighbourhood Centre requiring high quality urban design outcomes on site.
Off-site Amenity	<ul style="list-style-type: none"> Adoption of MDRS for the Tuumata Residential Precinct. Additional controls in the Tuumata Residential Precinct including maximum fence heights, access requirements for front doors, waste management and rules relating to accessory building and vehicle access and parking. Assessment criteria at 1.3.3 N17 which will apply to terraces and apartments requiring an assessment of matters such as context, the public realm, privacy, and external appearance. Specific standards for non-residential activities which apply under the General Residential Zone.
Accessibility to Open Space, Day to Day Needs and Community Facilities	<ul style="list-style-type: none"> Adherence to the Ruakura-Tuumata Structure Plan at subdivision and development stage, including block layout, permeability and linkages. Assessment criterion N15b which at subdivision stage assesses whether the subdivision provides for a comprehensive and connected Open Space and transport network which incorporates various features requiring a high degree of amenity. Subdivision rule 23.7.9d. which requires the provision of the Neighbourhood Park and specifies the standards for the park. Provision of business and community activities within Tuumata in the residential neighbourhood (as appropriate and subject to controls to protect residential amenity) and the Neighbourhood Centre.
Safety	<ul style="list-style-type: none"> Assessment criterion N16b applying to the Neighbourhood Centre requiring principles of CPTED be incorporated in the design of building and spaces. Assessment criteria relating to site layout and CPTED of terrace housing and apartments at N17. Public Interface rules at 4.15.8 for buildings in the Tuumata Residential Precinct.

11.2 Cultural Effects

The Cultural Impact Assessment at **Attachment 14** has been developed from the information and feedback gained during consultation and engagement meetings between TGH and the TWWG. Ongoing consultation will occur with the TWWG including on the CIA and its recommendations.

The CIA report includes the methods undertaken in completing the report, overview of Raupatu and relevant legislation, Waikato Tainui mana whenua connections, cultural values and potential impacts of the development at Tuumata.

Recommendations are grouped under four key pou, being the outcomes of: Whakatupuranga 2050; Whakapapa (heritage connection); Mana o te Whenua (land management); and Kaitiakitanga (steward/guardian).

These recommendations will be implemented by the Plan Change and other methods in the manner summarised in the table below.

Cultural Effects: Summary of Key Plan Change and other Methods	
Whakatupuranga 2050	<ul style="list-style-type: none"> As noted in the CIA, the benefits of the development at Tuumata in accordance with the Plan Change will assist in achieving Whakatupuranga 2050
Whakapapa: Mana whenua names Indigenous plants Landscape design Interpretation materials Cultural protocols Cultural monitoring Accidental discovery protocols	<ul style="list-style-type: none"> Subdivision assessment criteria N15 b iv <i>“design which reflects and celebrates the history and whakapapa of tangata whenua of the area”</i> and v <i>“design and naming of places, features and areas to reflect and celebrate the history and whakapapa of tangata whenua to the area, including bilingual signage and informed interpretation and wayfinding”</i>. Design Assessment criterion N15 on public plazas in the Neighbourhood Centre <i>“ii. Reflect and celebrate the history and relationship of tangata whenua of the area”</i>. Cultural protocols will be adhered to through ongoing engagement with the TWWG. Cultural monitoring and accidental discovery protocol conditions will be placed on subsequent subdivision and land development consents.
Mana o te Whenua Impacts on erosion prone land Siltation Native vegetation	<ul style="list-style-type: none"> The land at Tuumata is not erosion prone. Siltation control devices will be installed at land development stage to protect down stream waterways. Native vegetation will be used to create habitats in the swales and wetlands (see below)
Kaitiakitanga Biodiversity and habitat Low impact design Management of stormwater contaminants Sustainable design Raingardens, swales and wetlands	<ul style="list-style-type: none"> Subdivision assessment Criterion N15 b Whether the subdivision provides for a comprehensive and connected Open Space and transport network which incorporates as necessary: xi. provision for habitats;...” 30% of the site at Tuumata will be open space (ie impervious) and 20% of all residential sites will be impervious as per the MDRS. Adherence to the Ruakura-Tuumata Structure Plan and associated road cross sections which incorporate an extensive network of swales connecting to a wetland. Subdivision assessment criteria N15 q. assesses <i>“The extent to which the subdivision and its associated stormwater management methods have</i>

Minimising impervious areas	<i>been designed to give effect to The Vision and Strategy - Te Ture Whaimana o Te Awa o Waikato</i> by a range of methods including by:
Maintain natural drainage systems and hydrology	<ul style="list-style-type: none"> - <i>ii. Managing contaminants entrained in stormwater to restore and protect water quality in the receiving environment.</i> - <i>iii. Remedying existing, or avoiding future, stream erosion, and land instability.</i>
Water sensitive design	
Manging wastewater	<ul style="list-style-type: none"> • Subdivision assessment criteria N15 t considers <i>“whether stormwater flows, volumes and contaminants have been adequately minimised or managed by through centralised attenuation, swales, ponds and other stormwater management devices and other water sensitive techniques so as to protect the integrity and health of any watercourses”.</i>
Eco sourcing of plants	
Revegetation	<ul style="list-style-type: none"> • Proposed rule 3.7.4.4.4 requiring inert materials on buildings, encouraging rainwater tanks and requiring water conservation measures be installed.
Use of a wetland	
Cultural harvest	<ul style="list-style-type: none"> • Work done on the Sub-Catchment ICMP confirms there is sufficient capacity for wastewater to be conveyed and treated in the municipal treatment plant.
Best practice management of water	<ul style="list-style-type: none"> • Cultural harvest and selection of the right eco sourced plant species for this can be determined through ongoing engagement at the design phase with the TWWG.

11.3 Economic Effects

The economic effects of the activities enabled by the Plan Change are discuss in full in the Formative Centre Viability Assessment and Industrial Land Supply Report in **Attachment 5**. Its conclusions are summarised and adopted below.

11.3.1 Retail Distribution

The Tuumata Neighbourhood Centre has been planned following economic advice by Formative to ensure that the centre will be consistent with its neighbourhood centre role and as such, be sustainable primarily by its local population.

The Neighbourhood Centre has been sized with a 6000m² GFA maximum and Business 6 Neighbourhood Centre applied, so as to provide for the local Ruakura-Tuumata population and immediate surrounding residential areas, and not be reliant on drawing customers away from other centres for its viability.

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 Plan Change 12. 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. In this regard, Formative notes that modelling potential the take up of Plan Change 12 up-zoning within an existing residential area is very difficult to do and is subject to many widely different variables. 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 effects will be no more than minor in the context of the RMA, given the healthy state of the Five Cross Roads centre.

The report further concludes that the proposed Neighbourhood Centre would not change the viability of the planned Ruakura Retail Centre in the Knowledge Zone. That centre would remain large enough to be consistent with Operative District Plan policies 8.2.5(a) and (c): namely, that the Ruakura Retail Centre should provide meet the day-to-day needs of the Structure Plan area and act as a focal point for local community development.

Formative conclude that the Neighbourhood Centre Plan will be a positive contribution to commercial supply in suburban Hamilton, in an area where there is little commercial activity.

11.3.2 Industrial Land Supply

The planning policy support for replacing the current industrial zoned land at Tuumata with the residential zoning proposed in the Plan Change is discussed above in this report.

Formative have assessed the economic effects of this land use change.

Principally, the report concludes that the identification of a new future industrial land east of the WEX (as detailed in the various planning policy and strategic documents discussed above) 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 60ha⁶⁴ of Industrial Zoned Land would decrease Hamilton City's long-term industrial land availability from 640ha to 580ha.

The report goes on to states 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.

As noted earlier, 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

⁶⁴ 60ha of Industrial zoned land at Tuumata correctly excludes the approximately 8ha of land zoned at present as Open Space.

provision of alternative supply east of the WEX which is already identified for such purposes in the relevant strategic planning documents.

11.3.3 Residential Supply

The Formative Report notes that a Housing Development Capacity Assessment⁶⁵ (HDCA) was prepared for the Future Proof area in 2021 to assess some of the key changes in the future residential land market.

The HDCA concluded that there is a short- and medium-term surplus of residential land in Hamilton, and a deficit only under particular feasibility and price scenarios. There will, however, be large shortfalls in capacity for dwellings in lower value bands, and a surplus in higher value bands. There is some indication that the market may provide smaller lot sizes for standalone dwellings at the urban edge. Higher density dwellings are often located in areas of higher amenity, with higher land costs (on unit area basis) associated with the location.

On the basis of these conclusions, Formative conclude that that supply of additional dwellings at Tuumata would assist long-term adequacy of residential supply in Hamilton, and there is potential to provide a range of different housing typologies to meet existing and emergent dwelling demand.

11.3.4 Office Activity

Under the proposed Neighbourhood Centre zoning, office space of less than 250m² per site is a discretionary activity, and would require a resource consent to establish in the centre. Office space greater than 250m² is a non-complying activity.

Only very limited (if any) office activity is anticipated to occur on within the Tuumata Neighbourhood centre and would be subject to these consenting limitations. Formative concludes that if one or two small office tenancies did establish in the centre, any adverse effects of those activities on centres would be negligible, and not discernible within the context of tenant churn within centres.

11.3.5 Wider Economic Effects

Formative notes that the proposed Neighbourhood Centre would support between 150 and 250 workers (depending on the mix and nature of the stores). Those workers would then spend at other businesses on their breaks and contribute to the vibrancy, sustainability, ongoing development and function of the Neighbourhood Centre. That level of employment is relatively modest compared to the 6,000-12,000 workers projected to be supported in the inland port and logistics hub, but does provide employment in different types of businesses so as to offer local employment opportunities to a different segment of the workforce.

The Neighbourhood Centre represents efficient access to employment, goods and services. The retail component of the Neighbourhood Centre would reduce the need to travel for Tuumata households and the future proposed residential community. Further, the Centre is within a walkable catchment for Tuumata residents. Better access to goods and services for surrounding households means they do not have to travel as far to meet their everyday needs, therefore reducing travel emissions.

Although not quantified by Formative, its report also notes that positive economics effects will arise from construction activity enabled by the Plan Change.

Finally, the development of Tuumata Block will act as a catalyst for the ETC (Spine Road), with development of more than 430 sections and the Neighbourhood Centre dependent on its construction under the Plan Change. Construction of the ETC would in turn unlock access to industrial

⁶⁵ Fairgray, S. (2021) NPS-UD Housing Development Capacity Assessment. Prepared for Future Proof Partners.

investments, specifically the multi-modal Ruakura Inland Port, and expansion of Industrial land northwards over the East Coast Main Trunk Line.

Economic Effects: Summary of Key Plan Change Methods	
Retail Distribution	<ul style="list-style-type: none"> Overall limit of 6000m² GFA added to the Business 6 zoned for Tuumata to ensure retail effects align with the conclusions of the Formative Report. Provision of a supermarket maximum GFA of 3500m² as a restricted discretionary activity to ensure access benefits. Reliance on the existing retail GFA controls of the Business 6 Zone (eg retail up to 150m² per tenancy is a permitted activity).
Residential Supply	<ul style="list-style-type: none"> The high level of amenity promoted by the Plan Change, including the network of green open space, walkways and cycle ways and proximity to a new Neighbourhood Centre serving daily needs, align with the conclusions of the Housing Development Capacity Assessment that higher than traditional densities are often located in areas of higher amenity and attract higher value there.
Office Activity	<ul style="list-style-type: none"> Reliance on the existing office GFA controls of the Business 6 Zone (ie offices up to 250m² per site is a discretionary activity).
Wider Economic Benefits	<ul style="list-style-type: none"> The provision of the scope of activities in the Plan Change, including the provision for approximately 1200 new homes, a neighbourhood centre and a supermarket. Minimal limitations on staging and supply, meaning residential development will be able to process quickly after the Plan Change is confirmed (430 houses pre-Fifth Road extension to ETC at least).

11.4 Transport

The Integrated Transport Assessment (refer **Attachment 8**) by Stantec concludes that overall, the Plan Change aligns well with national, regional and local strategic transport planning and land use frameworks. It has been developed in consultation with key stakeholders and agencies including HCC and WRC and seeks to respond to and support the strategic directions of these organisations.

In relation to residential areas, this policy framework as summarised above in this report, generally seeks to reduce reliance on private car travel, support the safety and accessibility of alternative modes, and create land use environments that promote choice and enable day to day needs to be met locally.

Stantec concludes that a multi-modal transport network has been designed for Tuumata to 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.

Transport modelling which accompanies the ITA has enabled assessment of potential density yields and confirms that the existing and planned future transport networks will have adequate capacity to accommodate the expected land uses and densities at Tuumata.

Stantec notes that the 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 are included in the Plan Change as summarised below to ensure this key infrastructure is provided commensurate with supportable development levels.

Stantec concludes that the Plan Change provides support for a high level of integration between land use and transport and promotes both density and the prioritisation of specific transport modes in the appropriate setting.

The Key Transport outcomes from the ITA and how this is managed in the Plan Change is summarised below.

Transport: Summary of Key Plan Change Methods	
Internal Transport Hierarchy, including access points, connectivity and modes	<ul style="list-style-type: none"> Adherence at subdivision stage to the Tuumata Structure Plan diagram 2-14A and roading cross sections. Transport corridors to be vested at this stage. Subdivision Assessment Criterion N15 <i>a. Whether the subdivision is generally consistent with the Ruakura - Tuumata Structure Plan (refer 2-14A in Appendix 2).</i> Subdivision Assessment Criterion N15 <i>b Whether the subdivision provides for a comprehensive and connected Open Space and transport network which incorporates as necessary:</i> <ul style="list-style-type: none"> <i>ii. connectivity of open space and streets;</i> <i>iii. design that is accessible for people of all ages and abilities, safe, and Open Space that is fronted by a road;</i> <i>vi. a safe speed environment that that prioritises the safe movements of pedestrians and cyclists;</i> <i>vii. pedestrian and cycle paths which form a network with public roads, public transport corridors and with adjacent parts of the Open Space network by directly connecting with established, or planned cycleways to provide a contiguous route;</i> <i>viii. pedestrian and cycle paths that are designed in a manner consistent with the principles of CPTED, easy to navigate, have clear sightlines and facilitate movement through the structure plan area;</i>”
Access Management (ie vehicle access restrictions in the locations	<ul style="list-style-type: none"> Vehicle access restrictions on Structure Plan diagram 2-14A

recommended in the ITA).	
Walking and Cycling (ie provision of a multimodal transport network)	<ul style="list-style-type: none"> Adherence at subdivision stage to the Tuumata Structure Plan diagram 2-14A Walking and cycling links to be vested at this stage, in addition to Subdivision Assessment Criterion N15 b above.
Public Transport outcomes	<ul style="list-style-type: none"> Street cross sections suitable to accommodate internal bus routes on internal roads as shown on Structure Plan diagram 2-14A. Connectivity through Structure Plan to external proposed bus links, and location of the neighbourhood centre on the proposed Fifth Ave Route.
Speed Management	<ul style="list-style-type: none"> The indicative street cross sections have been prepared with the potential speed management outcomes for the local and collector streets. Assessment Criterion N15b <i>“vi a safe speed environment that that prioritises the safe movements of pedestrians and cyclists;...”</i>
Mitigating effects on the Transport Network and Staging	<ul style="list-style-type: none"> New land use staging rules in Chapter 3 at 3.7.4.3.6; namely that a maximum of 430 residential lots can be created or residential units developed in the Ruakura - Tuumata Structure Plan Area/ and no substantive development of the Neighbourhood Centre prior to the construction and operation of the Fifth Ave extension connecting to the Eastern Transport Corridor (land use rules). New subdivision staging rule in Chapter 23 Subdivision at 23.6.15 that a maximum of 430 residential lots can be created prior to the construction and operation of the Fifth Ave extension connecting to the Eastern Transport Corridor

11.5 Noise and Vibration

The Operative District Plan has standards for noise and vibration in section 25.8 to protect amenity values from the effects of unreasonable noise and reduce reverse-sensitivity effects. These rules will apply also at Tuumata because they are City-wide provisions.

Of relevance to Tuumata are the provisions in section 25.8 which manage reverse-sensitivity effects arising from new noise-sensitive activities, such as residential, locating near transport networks⁶⁶.

In this regard, rule 25.8.3.10 *“Noise-sensitive Activities - Activities in all Zones except Ruakura Logistics Zone, Ruakura Industrial Park Zone and the Knowledge Zone”* will also apply at Tuumata, once the site is rezoned.

The rule requires that any habitable room in the 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 an indoor design sound level of 35dB LAeq (24hr) in bedrooms and 40dB LAeq(24hr) in all other habitable rooms.

This rule applies in relation to existing and proposed transport corridors that carry high traffic volumes.

Existing transport corridors under the rule would include Wairere Drive, which is classified as an “Arterial Transport Corridor” under the rule. As such, the habitable room requirements apply within 40m of its carriageway edge. At Tuumata, this requirement would apply to the small area of

⁶⁶ Operative Plan Objective 25.8.2.2

residential proposed in the southwestern corner abutting Wairere Drive. The large balance of the residential zoning proposed is buffered in distance from Wairere Drive by the proposed wetland.

Rule 25.8.3.10 applies also to “designated” transport corridors. It would arguably not apply to the Fifth Ave Extension nor the ETC once constructed. While both roads are shown as major arterials on the Ruakura Structure Plan, they are not “designated” roads in the formal sense of the term (ie they are not subject to an RMA notice of requirement).

There is the remote prospect that residential development at Tuumata will occur within 40m of the carriageway of either of these roads, although very unlikely given the west to east development phasing anticipated and the buffering effect of the large adjoining swales. If that did occur however, rule 25.8.3.10 as drafted in the Operative District Plan may not require acoustic insulation within 40m if the residential development occurred ahead of the road construction because neither are “designated” roads.

For this reason, a small addition is proposed to rule 25.8.3.10 b ii. to clarify that in the Tuumata Structure Plan Area, “designated roads” include the Fifth Ave Extension and the ETC. This will ensure that where residential development occurs ahead of the construction of these roads, it will be required to comply with rule 25.8.3.10 in anticipation of the roads being built.

Noise and Vibration: Summary of Key Plan Change Methods

- The City-wide Noise and Vibration rules from section 25.8 will apply at Tuumata. This includes the requirements for acoustic insulation with 40m of the Wairere Drive carriageway to manage reverse sensitivity.
- An amendment to rule 25.8.3.10 b ii. to clarify that in relation to the Tuumata Structure Plan Area “designated roads” include the Fifth Ave Extension and the ETC as shown on the Ruakura Structure Plan.

11.6 Stormwater

The Sub-Catchment ICMP for the Plan Change prepared by Bloxam Burnett & Olliver, includes a Stormwater Report (refer **Attachment 11**).

The proposed methods for managing stormwater at Tuumata are described in further detail in the Stormwater Report.

Bloxam Burnett & Olliver notes that a combination of treatment, conveyance, and attenuation devices are proposed that promote a stormwater treatment chain approach, positive aesthetics output, and the spatial requirements that residential developments usually pose. This solution is summarised above and described in further detail in the Stormwater Report. Fundamentally however it relies on a Tuumata-wide approach utilising large swales and wetlands. Although this is relatively land extensive (some 30% of the gross site area is dedicated to swales, stormwater ponds and open space), it has been designed to ensure the stormwater objectives of the project are met.

The overall approach is intended to maximise the stormwater management benefits, within the constraints of the existing site, while minimising impacts to the off-site environment.

11.6.1 Stormwater Quantity and Peak Flow

The proposed stormwater management layout has been developed to ensure that runoff does not overwhelm the existing downstream stormwater network by providing attenuation of the peak flows so that they are reduced to pre-development levels.

On-lot treatment is not proposed due to high ground water levels. Bloxam Burnett & Olliver notes here that the high ground water levels makes the application of bioretention (i.e. raingardens) on a

lot-level scale complicated and with limited treatment results. On-site soakage is also not proposed as a means of disposal for the same reason. For these reasons the Plan Change does not include bio-retention requirements at a lot-level, nor is there per-site permeability requirements beyond that required under the MDRS (ie 20% permeable site area) such as proposed for the General Residential Zone in Plan Change 12⁶⁷.

The stormwater modelling results referred to in the Stormwater Report attached to the Sub-Catchment ICMP show that the proposed layout can safely convey the flows from the future development within the network of swales and wetland, while providing attenuation of the peak flows so that they are reduced to pre-development levels⁶⁸.

For completeness, and relevant to various infrastructure planning directives on accounting for climate change effects discussed above, output from the model includes developed condition rainfall, accounting for climate change resulting in a 2.3°C temperature increase.

11.6.2 Stormwater Quality

The effects of the stormwater management methods proposed on stormwater quality are also discussed in the Stormwater report.

It is noted in this regard that the water quality in the existing farm drains is poor, with low PH due to the existence of peat soils, and elevated nitrogen and phosphorus levels as well as heavy metals derived from existing agricultural uses (refer Boffa Miskell Ecology Report at **Attachment 6** for the results of recent stormwater quality sampling undertaken).

Although contaminants typically associated with rural land uses will be removed (typified by elevated nitrogen and phosphorus levels), urban land use typically results in other stormwater contaminants, which are summarised in the Stormwater Report with reference to the WRC Technical Report 2020/07 Waikato Stormwater Management Guideline⁶⁹.

BBO conclude that the proposed treatment train is expected to provide high quality treatment as well as peak flow control. The combination of swales and wetland would provide significant removal of sediment, metals, and nutrients. Specifically, and with reference again to WRC Technical Report 2020/07, the following indicative removal rates could be expected⁷⁰:

Removal Rates (%) for stormwater devices (WRC TR20/07)						
	TSS	Nitrogen	Phosphorous	Zinc	Copper	TPH
Swale	75	20	30	50	60	40
Wetlands	80	40	50	60	70	60

In addition, and as summarised below, the Plan Change specifies that inert materials be used on cladding, roofing and spouting building materials within the Ruakura Structure Plan area, thereby reducing the zinc and copper loading to stormwater.

⁶⁷ Plan Change 12 proposes a minimum of 30% permeable area per site, in addition to the building coverage maximum of 50% from the MDRS.

⁶⁸ For the 100-year ARI design rainfall the attenuated total peak discharge is reduced by nearly 50%, and the peak flow in the downstream pipe has been reduced to approximately 80% of the pre-development peak flow rate in the pipe only.

⁶⁹ Waikato stormwater management guideline (Waikato Regional Council Technical Report 2020/07), updated May 2020

⁷⁰ Technical Report 2020/07 notes that the results depend on the removal rates of a given contaminant by a specific device. The values given are relative values based on international literature. There will be local variation and hence the values are considered indicative. Nevertheless a significant percentage removals rate is anticipated of contaminants through the swales and wetland proposed.

Stormwater: Summary of Key Plan Change Methods

Stormwater management (general)	<ul style="list-style-type: none"> Adherence to the Ruakura-Tuumata Structure Plan and associated road cross sections which incorporate an extensive network of swales connecting to a wetland. Stormwater assets developed and vested at subdivision according to that required to serve the subdivision stage. Subdivision assessment criteria N15 a. assesses <i>“whether the subdivision is generally consistent with the Ruakura - Tuumata Structure Plan (refer 2-14A in Appendix 2)”</i>. Subdivision assessment criteria N15 q. assesses <i>“The extent to which the subdivision and its associated stormwater management methods have been designed to give effect to The Vision and Strategy - Te Ture Whaimana o Te Awa o Waikato”</i> by a range of methods including by: <ul style="list-style-type: none"> ii. <i>Managing contaminants entrained in stormwater to restore and protect water quality in the receiving environment.</i> iii. <i>Remedying existing, or avoiding future, stream erosion, and land instability.</i> Subdivision assessment criteria N15 s considers impacts on flooding. Subdivision assessment criteria N15 t considers <i>“whether stormwater flows, volumes and contaminants have been adequately minimised or managed by through centralised attenuation, swales, ponds and other stormwater management devices and other water sensitive techniques so as to protect the integrity and health of any watercourses”</i>. Subdivision assessment criteria N15 v takes into account the requirements of the Sub-catchment ICMP (or a full ICMP should one apply at the time). Subdivision assessment criteria N15 w assess <i>“whether stormwater infrastructure is commensurate with that required to service that stage of subdivision”</i>. 20% permeability requirement under rule 4.15.3.3 for the Tuumata Residential Precinct (as per the MDRS).
Contaminants in stormwater	<ul style="list-style-type: none"> In addition to the swale and wetland treatment methods specified above, proposed Plan Change Rule 3.7.4.4 specifies that new buildings, and additions to existing buildings must be constructed using inert cladding, roofing and spouting building materials.

11.7 Ecology

The Ecology Report prepared by Boffa Miskell (refer **Attachment 6**) 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 Plan Change area.

The ecological value of terrestrial and riparian vegetation is concluded by Boffa Miskell as being low, which contributes to a low likelihood that significant populations of native bird, lizards and bats inhabit the area.

Longfin eel and black mudfish are both identified as being potentially within the onsite watercourses and are classified as 'At Risk - Declining', scoring moderate ecological value for rarity using the methodology set out in the report.

All other aspects of the waterways ecological value are low and therefore the habitat is of low overall ecological value for freshwater fish.

Boffa Miskell concludes that the ecological effect of the removal of the artificial waterways within the Plan Change area is low. The report concludes that the extensive Silverdale swale systems and BS1 wetland developed (to the south) for eels as part of the development of the Ruakura Superhub, and the dedicated BE1 wetland proposed for black mudfish (proposed east of the WEX), will adequately offset the loss of the drains on site.

A Biodiversity Compensation Model is used by Boffa Miskell to model the impacts and compensatory actions proposed within an existing Ruakura South Native Fish Management Plan (**NFMP**) for the loss of black mudfish habitat across the wider Ruakura Structure Plan area and to calculate the adequacy of the proposed mitigation requirements with the creation of BE1 in achieving a net gain in biodiversity.

Boffa Miskell concludes that a black mudfish habitat provided within the BE1 wetland will provide higher quality habitat than that lost or impacted in the Powells Road Drain. Boffa Miskell confirms through the biodiversity compensation modelling, that a Net Gain outcome can be achieved under the assumption of BE1 being completed within some time frame limits.

The Boffa Miskell Ecology Report identifies potential ecological impacts and provides measures to manage the effects of the land use changes that will arise from the Plan Change. Boffa Miskell conclude that by following these recommendations, the impact on the terrestrial ecological values on site can be managed to have a no more than low level of ecological effect.

The specific recommendations in this regard are summarised below:

- **Vegetation management:** Mitigation measures be implemented to compensate against loss of any native vegetation through new planting. The proposed new stormwater swales will be planted with native vegetation which is a requirement of the subdivision assessment criteria proposed. Planting the swales will represent an improvement in the ecological value of the vegetation compared to the existing baseline.
- **Bat Management:** the key risk and effect from this proposal to be the loss of *potential* roost habitat. Therefore, it is recommended that as a focus for managing the impact on bat habitat to be the installation of artificial bat roost boxes off site at the ratios recommended in the report. To manage for the potential injury/mortality of long-tailed bats during tree felling, it is recommended that a Roost Tree Fell protocol is implemented at the consent stage⁷¹.
- **Lizard management:** A Native Lizard Management Plan (**NLMP**) be able to be developed and implemented for Tuumata at the consent stage⁷². The existing NLMP for Ruakura South requires lizard salvage to be undertaken prior to earthworks, and any native lizard found is to be transferred to Chelmsford Park and this form of mitigation can be replicated.
- **Avifauna Management:** The level of effect from the loss of bird habitat is concluded to be low, and as such, management effects should focus on avoiding and remedying effects on individuals present within the site during the construction phase by putting in place management protocols to prevent the injury or mortality of any native birds present within areas of impact.

⁷¹ Ruakura South has an established Tree Fell Protocol (Appendix 10 of the Ecology Report).

⁷² A Native Lizard Management Plan has been prepared for Ruakura South (Appendix 11 of the Ecology Report)

- **Freshwater Management:** 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 process⁷³. 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.

Ecology: Summary of Key Plan Change Methods	
A network of green open space capable of being habitat for native species	<ul style="list-style-type: none"> • Adherence at subdivision stage to the Tuumata Structure Plan diagram 2-14A and roading cross sections which provide a network of green open space and swales. Transport corridors and stormwater network to be vested at this stage. • Subdivision assessment Criterion N15 a. <i>Whether the subdivision is generally consistent with the Ruakura - Tuumata Structure Plan (refer 2-14A in Appendix 2).</i> • Subdivision assessment Criterion N15 b <i>Whether the subdivision provides for a comprehensive and connected Open Space and transport network which incorporates as necessary:</i> <i>xi. provision for habitats;...".</i> • Standard 4.15.3 in the Tuumata Residential Precinct requires that each residential unit shall provide a specimen tree in at least a 3m diameter, according to the rates specified in the rule.
Offsetting the effects of potential habitat loss on tuna, black mudfish, bats and native lizards.	<ul style="list-style-type: none"> • Subdivision assessment criteria N15 p. requires as follows (including providing for the offsetting outcomes specified in the Ecology Report): <i>Where land development to implement the subdivision will cause loss of significant habitats of indigenous fauna (including but not limited to, black mudfish, shortfin eels and longfin eels), require that unavoidable adverse effects on such habitat are remedied or mitigated through:</i> <i>i. Replacing significant habitat; or</i> <i>ii. Creating new habitat; or</i> <i>iii. Enhancing areas of alternative habitat supporting similar ecological values and/or significance; and</i> <i>iv. Legal and physical protection.</i> • Subdivision assessment criteria N15 q. assesses <i>"The extent to which the subdivision and its associated stormwater management methods have been designed to give effect to The Vision and Strategy - Te Ture Whaimana o Te Awa o Waikato"</i> by a range of methods including by:

⁷³ A Native Fish Management Plan has been prepared for the Ruakura South portion of the Ruakura Structure Plan Area.

	<i>Protecting, restoring, and enhancing indigenous aquatic and terrestrial biodiversity, including restoration of ecosystems, habitat and wetlands, and the establishment or enhancement of ecological corridors.</i>
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11.8 Wastewater

The wastewater strategy for Tuumata developed by BBO services the development as well as providing flexibility for servicing future adjacent Ag Research urban catchment areas. The wastewater reticulation network has been designed to RITS as a gravity system with a new wastewater pump station proposed within the Tuumata phase 1 area. The wastewater pump station will include the new rising main connecting to the new interceptor network external to the site (due for completion at the end of 2022).

Based on the design flow assumptions set out in the Infrastructure Report, BBO conclude that the wastewater network has sufficient capacity to service the development enabled by the Plan Change. This conclusion takes account of the wastewater capacity already in place to cater for the uses and design flow based on the site's current Industrial zoning.

11.9 Water Supply

The Sub-Catchment ICMP notes that the Tuumata development is located immediately north of the Ruakura Water Supply Reservoir that feeds the Ruakura DMA (**Direct Metered Area**) Water Supply Zone. A new bulk main is programmed to be installed in the first half of 2023 along the eastern boundary of the site from the Reservoir to the Greenhill Park subdivision in the north.

For additional resilience within the overall Ruakura DMA, two new water supply trunk mains are proposed to be installed that cross Tuumata. The first new trunk main will connect the existing trunk main along Wairere Drive with proposed new trunk main along the ETC. The second new trunk main connects the existing trunk main along the southern boundary with the first new trunk main.

The proposed water supply network within Tuumata is dependent on new water distribution mains and connections as set out in the Sub-Catchment ICMP.

Water demand for Tuumata has been estimated by BBO in accordance with RITS. Based on the water demand assumptions set out in the Infrastructure Report, BBO conclude that the water supply network has sufficient capacity to service the development enabled by the Plan Change. This conclusion takes account of the water demand based on the site's current Industrial zoning and modelling undertaken by HCC.

11.10 Other Services

Provider assurance has been obtained that fibre for telecommunications will be able to be provided to each site.

WEL Networks has confirmed that it has investigated the electricity supply requirements for the proposed development and that it is able to supply the necessary electrical reticulation.

11.11 Transmission Corridor

Adverse effects from subdivision, use and development within the Plan Change Area on the operation, maintenance, upgrading and development of the Hamilton-Meremere B transmission line,

and the effects of the lines on people and property, will be avoided using the methods discussed above under the National Policy Statement on Electricity Transmission and summarised below:

Transmission Corridor: Summary of Plan Change Methods

- The existing Operative Chapter 25 Electricity National Grid Corridor provisions which will apply until such time as the lines have been removed (refer Note 2 under Rule 25.7.4). The effect of these provisions on managing land use and subdivision within the corridor is discussed in further detail above in the section on the National Policy Statement on Electricity Transmission.
- New rule 3.7.4.3.6 iii in Chapter 3 that there shall be no new buildings within the National Grid Yard until such time as the transmission line and associated support structures have been removed, except for: buildings and structures associated with stormwater management and public open space where they comply with 25.7 Network Utilities and the Electricity National Grid Corridor. Non-compliance with this rule is a non-complying activity under the Plan Change provisions.

11.12 Archaeology

The Opus Archaeological Assessment previously undertaken noted that there were no NZAA records for archaeological sites in any of the Ruakura Plan Change Area. Field visits at this time did not identify the presence of any undocumented archaeological sites, including at Tuumata.

A New Zealand Heritage Pouhere Taonga general authority to modify was recommended to be sought for the entire development footprint, due to the possibility of undocumented subsurface archaeological features, deposits, or sites concealed below topsoil.

A general authority to modify was subsequently obtained in 2016 by Tainui Group Holdings for the wider Ruakura area, including the Tuumata Block⁷⁴. That authority contained the usual precautionary conditions.

If necessary, a new updated authority would be obtained for the Tuumata block prior to land development, unless otherwise agreed by New Zealand Heritage Pouhere Taonga that was not required.

No specific provisions have been included in the Plan Change on the basis that no archaeological sites have been identified at Tuumata by the Opus work. Nor are any identified in the NZAA records or identified in the recent work by the Council to support Plan Change 9.

The normal requirements of the Heritage New Zealand Pouhere Taonga Act 2014 are therefore appropriate, and will apply to land development at Tuumata, including requirements to obtain a new authority to modify if necessary.

11.13 Geotech

The Geotech Report by CMW Geosciences (refer **Attachment 9**) states that, based on the results of previous geotechnical investigations at the site and subject to their preliminary recommendations, the site is suitable for the proposed level of development.

⁷⁴ Authority No 2016/129

The proposed residential subdivision with associated roading infrastructure and stormwater soakage/detention basin, is concluded by CMW Geosciences to be appropriate from a geotechnical perspective.

Further geotechnical field investigation and design will be required at the site development stage to address matters specified in the report; however these are all matters that are routinely addressed at subdivision, engineering approval and building consent stages and do not require any particular provision in the Plan Change.

11.14 Contaminated Land Risk

The 4Sight Report on Contaminated Land Risk (refer **Attachment 10**) confirms the presence of contaminants in the soil at selected locations across the Plan Change area, including historic landfills and historic building removals.

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

4Sight concludes that consent under the Waikato Regional Plan will also be required if remedial work is undertaken.

Given that these are spot locations of contamination, able to be managed by remedial work, these existing NESCS and Regional Plan methods are the most appropriate to manage the risk of contaminated land within the Plan Change area, and no particular provision for contaminated land management is required in the Plan Change.

12.0 Section 32 Evaluation

12.1 Section 32 Requirements

Section 32(1)(a) of the RMA requires an evaluation to examine the extent to which the objectives of the Plan Change are the most appropriate way to achieve the purpose of the RMA.

Section 32(1)(b) of the RMA requires an evaluation to examine whether the provisions (i.e. policies and methods) of the Plan Change are the most appropriate way to achieve its objectives by:

- i. Identifying other reasonably practicable options for achieving the objectives;
- ii. Assessing the efficiency and effectiveness of the provisions in achieving the objectives;
- iii. Summarising the reasons for deciding on the provisions.

As the Plan Change is amending the Hamilton District Plan, the above assessment must relate to the provisions and objectives of the Plan Change, and the objectives of the Hamilton District Plan to the extent that they are relevant to the Plan Change and would remain if the proposed Plan Change were to take effect (RMA s32(3)).

12.2 Summary of 32 Evaluation

A Section 32 Evaluation of the Plan Change is included at **Attachment 4**.

The Section 32 Evaluation assesses the Plan Change under the following key topic headings:

- Topic 1: The strategic outcome: change of zoning from Ruakura Industrial Park and Ruakura Open Space to General Residential (with the Tuumata Residential Precinct), Ruakura Open Space and Neighbourhood Centre.
- Topic 2: The Structure Plan: the form and layout of future subdivision and development at Tuumata.
- Topic 3: The residential density proposed.
- Topic 4: The form and composition of Residential Development at Tuumata.

Under each topic heading the related objectives from the Plan Change are assessed as to whether the objectives of the Plan Change are the most appropriate way to achieve the purpose of the RMA. The provisions (policies and rules) of the Plan Change are then grouped under these objectives and assessed whether they are the most appropriate way to achieve the objective, with alternative options identified here using and evaluation of the efficiency and effectiveness, and costs and benefits of the options.

Following this analysis, it is concluded that the objectives of the Plan Change are the most appropriate way to achieve the sustainable management purpose of the Act. The reasons for this conclusion are set out in the Section 32 Evaluation and summarised below.

In respect to Topic 1, the objectives relate to the strategic outcome of a new vision for the Ruakura-Tuumata Structure Plan Area to deliver land for housing with a new Neighbourhood Centre, with a supporting infrastructure and open spaces. The related provisions of the Plan Change most efficiently and effectively achieve these objectives compared to the other options evaluated. The main costs of the Structure Plan and the loss of developable land through setting aside a large amount of land for open space, stormwater management and roads (and therefore dwelling yield and return) are necessary costs to manage environmental effects and achieve the well-functioning urban environment outcomes sought by the objectives. The Plan Change option evaluated here provides a Neighbourhood Centre than meets the social and cultural needs of residents and will give rise to the positive benefits that come from a close and accessible centre for the new neighbourhood at Tuumata.

In respect to Topic 2, the objectives here relate to the Ruakura-Tuumata Structure Plan and achieving its outcomes through subdivision and development. The Plan Change provisions are preferred because they most efficiently and effectively achieve the objectives compared to the other options evaluated. An alternative less prescriptive option is evaluated also, with no structure plan for Tuumata and arguably has the benefit of providing greater development flexibility, with no or limited rules, allowing the 'fine grained' decisions to be made at subdivision and land use stage. However, having this lesser level of certainty compared to the provision set proposed would require greater discretion at resource consents stage, and therefore consenting time and risks in order to ensure subdivision and development met the objectives. It would also less likely achieve the objectives. A third option of maintaining the land development plan (**LDP**) approach in addition to a Structure Plan is discounted because it would impose unnecessary consenting costs and time and sets Tuumata apart in this regard, where LDPs are being abandoned as a method elsewhere for greenfield development.

In respect of Topic 3, the question of whether the 3-level density objective proposed for the Tuumata Residential Precinct achieves the purpose of the Act is evaluated, where it is concluded that it does compared to theoretically higher densities. The related provisions enable a variety of housing typologies with a mix of densities within the Tuumata Residential Precinct and provide for developments not meeting permitted activity status, while encouraging high-quality developments. The Plan Change option of applying permitted activity status on 1-3 residential units is preferred because it most efficiently and effectively achieves the objectives compared to the alternative option. While it has greater consenting costs and risks compared to an alternative of all development being

permitted regardless of the number of units proposed, these costs and risks will not apply to what will be expected to be the majority of the development at Tuumata. These consenting costs as they apply to 4+ units (including terrace houses and apartments) are offset by the amenity outcomes achieved, the limited (and targeted) scope of matters of discretion and the application of non-notified activity status to such applications.

In respect to Topic 4, the related objectives seek that residential dwellings within the Tuumata Residential Precinct are designed and developed to create an attractive and safe urban environment, providing a high level of amenity. The Plan Change rule and assessment criteria set is preferred here because it most efficiently and effectively achieves the objectives compared to an alternative option of applying MDRS methods only. While it may have greater consenting and compliance costs compared to the slightly more limited rule set under the MDRS, these are not significant and the proposed provisions readily able to be complied with limited additional costs and considerable additional amenity and environmental outcomes.

13.0 Consultation

The following sections summarises the consultation undertaken during the preparation of the Plan Change.

13.1 Ruakura Tangata Whenua Engagement Group

Several presentations were made by TGH and its consultants to the Ruakura Tangata Whenua Engagement Group (**TWWG**) throughout 2022 in March, May and September on the master plan and the Plan Change 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 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.

In May the TWWG resolved to endorse the approach taken with the Plan Change and commended the Plan Change to be accepted by the Council for the formal RMA notification process.

TWWG recorded in its resolution that engagement on the plan change by TGH would continue prior to and after notification as the details are further developed. A further update on the Plan Change 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 CIA at **Attachment 14**, 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.

13.2 Hamilton City Council

13.2.1 Elected Members

TGH briefed Elected Members on the Plan Change on 23 February 2022. The purpose of that briefing was to inform Elected Members on the scope of the 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 28 June 2022. This presentation gave an update on the 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.

13.2.2 Council Officers

TGH and HCC have worked in partnership during the development of the Plan Change. Although it is a private plan change, Council have 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 Plan Change 12 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 Plan Change provisions have been 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 Plan Change. These changes and evaluations have included:

- A reduction in the size of the proposed business centre at Tuumata from the original 10,000m² GFA Suburban Centre proposal to the 6000m² 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 10,000m² 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 PC12. 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.

13.3 Waikato Regional Council

TGH and its consultants have met with WRC officers during the preparation of the 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 drains⁷⁵.

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.

13.4 Kāinga Ora

The Master Plan for Tuumata 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.

13.5 Ministry of Education

TGH has engaged with the MoE through HCC. 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.

⁷⁵ Letter from Amy Robinson, Manager – Regional Consents Resource Use, Waikato Regional Council to Peter Hall dated 20 April 2022.

13.6 Transpower

As discussed above, Transpower provided a report in May 2022 to TGH on how space beneath the transmission corridor through Tuumata 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.

Peter Hall on behalf of TGH met with Trudi Burney (Environmental Policy and Planning Team) at Transpower to discuss the Plan Change in June 2022. The masterplan presented at that stage had open space rather than residential zoning under the transmission line corridor. The feedback provided was that the application of the transmission line corridor was correct although the preference was for a wider buffer of open space on the eastern side of the lines to provide for better access to the lines for ongoing maintenance. The western side of the lines was entirely open space where this land was set aside for stormwater management.

In response to this request for a wider eastern buffer, Peter Hall advised on behalf of TGH that this was not palatable to TGH, nor necessary. A considerable amount of land is already proposed as open space in the Plan Change area and providing more would not be efficient use of a scarce and valuable land resource. Moreover, this open space provision was not necessary, given that the lines were indicated to be removed by Transpower in 2026.

Subsequent to this, ongoing engagement has occurred between the Tuumata project team with Grant Martin of Transpower, and through this, further advice provided on the timing and process for decommissioning the lines through the site (with 2026 the likely decommissioning date and the removal of the lines to occur within a window of some 5 years thereafter).

Based on this further information, TGH determined that more efficient approach would be to zone for residential beneath the lines to make most efficient use of the land and avoid the need for a further plan change post their removal. 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.

14.0 Part 2 of the RMA 1991

The purpose and principles of the RMA are set out in its Part 2, sections 5, 6, 7 and 8.

As required under section 32 of the Act, the objectives of the Plan Change have been evaluated against the Part 2 **section 5** purpose of the Act (refer **Attachment 4**). It is concluded here that these objectives achieve the purpose of the Act and promote the sustainable management of natural and physical resources.

The section below evaluates the Plan Change against section 6 “Matters of National Importance”, the relevant section 7 “Other Matters” and against section 8 “Treaty of Waitangi”.

Section 6 requires that in achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for matters of national importance.

In relation to the matters of national importance in section 6:

- The site does not have any rivers or wetlands which require the preservation of natural character under 6(a) or outstanding natural features and landscapes which require protection under 6(b).
- There are limited habitats of indigenous fauna on the site and not areas as required to be protected under 6(c). Specifically, these are limited to the potential habitat of black mudfish and eels in the two relatively small sections of farm drains on the site, and whose loss will be off-set by provision of better habitat by the Plan Change provisions.
- Because there are no lakes or rivers on the site, maintenance and enhancement of public access to and along them is not required under 6(d).
- The relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga required under 6(e) will be assured through the Plan Change at multiple levels. Enabling the outcomes of the Plan Change furthers the relationship Waikato Tainui have with this whenua in a very positive way. The Plan Change approach to managing water will assist to meet the aspiration of Waikato Tainui to restore the health and wellbeing of their sacred river. The ongoing relationship of Maaori and their culture and traditions with Tuumata will be ensured through the design and consenting stages through the Plan Change provisions as described further in this report.
- There is no historic heritage identified on the site which requires protection under 6(f). Although the hydrology and surface of the site has been highly modified by past farming practices, New Zealand Heritage Authority to modify, ongoing engagement with tangata whenua and accidental discovery protocols on future consents will properly manage the unlikely any as yet discovered archaeological remains.
- There are no known customary rights, including no customary rights identified through consultation with tangata whenua on the Plan Change, which require protection under 6(g).
- No significant risks from natural hazards required to be managed under section 6(h) have been identified on the site after geotechnical assessment and through the Sub-Catchment ICMP. Geotechnical and hydrological constraints have been identified through this work and are able to be managed through normal land development and building methods.

Section 7 requires that in achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to the other matters listed.

Relevant other matters from section 7 are discussed here:

- Kaitiakitanga under 7(a) has and will be achieved by the Plan Change through the engagement with the TWWG offering the opportunity of representatives to exercise kaitiakitanga in relation to Tuumata and ongoing through this group.
- The ethic of stewardship under 7(aa) has also been implemented through the careful assessment of the constraints and opportunities of the site by TGH, relying on technical assessments and advise, and the design of the Plan Change to both realise these opportunities through development of this special land resource and recognise its constraints through the application of various Plan Change controls.
- The efficient use and development of resources under 7(b) has been achieved at Tuumata where maximization of density of residential development and size of the neighbourhood centre has been balanced against site and capacity constraints and the desire for a high quality and very liveable new urban environment.

- The efficient end use of energy under 7(ba) has been promoted at Tuumata through a block layout that maximises solar gain and reduces the need for private motor vehicle trips compared to traditional forms of residential subdivision.
- The maintenance and enhancement of amenity values under 7(c) will be achieved at Tuumata in the ways described in full above in this report in the Assessment of Effects section on Amenity.
- Regard has been had to the intrinsic values of ecosystems under 7(d) through the assessment of ecological values undertaken for the Plan Change and the methods to manage effects on ecosystems in the Plan Change described in full above in this report in the Assessment of Effects section on Ecology.
- The quality of the environment of the Tuumata site under 7(f) will be enhanced through the creation of the new neighbourhood described in this report, and maintained outside of the site through the controls on built form and design, traffic, noise and lighting also described above.
- Regard has been had to the finite characteristics of natural and physical resources under 7(g) in assessing the potential effects of development at Tuumata, including alternatives and developing the Structure Plan provisions. These have included the finite land resource itself, the limits on further contaminants to the Waikato river, the limits on energy use and greenhouse gas emissions and the limits of services and transport infrastructure to meet the needs of development.
- Regard has been had to the effects of climate change under 9(i) through the provisions in the Plan Change which require trees for shade in public places and on-site, and through modelling undertaken for the Sub-Catchment ICMP taking into account future rainfall scenarios.

Section 8 requires that in achieving the purpose of the RMA 1991, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The Plan Change, and its preparation, and the overall outcome it promotes have properly taken account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) as follows:

- 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 the Plan Change. Further partnership has occurred between Waikato Tainui and Hamilton City Council, and with TGH, during the development of the Plan Change 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 preparation of the Plan Change, which identified key issues for tangata whenua, including for example the protection and enhancement of the Waikato Awa.
- 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.

15.0 Conclusions

Tuumata represents a unique opportunity to provide a new residential neighbourhood for Kirikiriroa Hamilton: adopting the best urban design and environmental management practices, in a place that is close to the significant employment node at Ruakura and beyond, and well-served by existing and future transport connections.

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. Its development will assist TGH to achieve its mission of growing puutea, tuuranga mahi and whenua for the people of Waikato Tainui, the region and for generations to come. The new neighbourhood created will assist the Council in its vision of creating a more sustainable urban form in Kirikiriroa and one that achieves the best urban design outcomes.

Development under the Plan Change will help to meet future household demand growth, including in the short and medium terms, at a location very well suited for residential development.

Future development at Tuumata 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 Plan Change gives effect to the relevant National Policy Statements, including the NPS:UD policy outcome of creating well-functioning urban environments. It is consistent with all relevant National Environmental Standards.

Te Ture Whaimana o te Awa o Waikato has been given effect to in developing the Plan Change, including the approach and design of stormwater management through wide swales and a large new wetland. Proper regard has also been had to Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan where it is concluded that the Plan Change will be consistent with the overriding principles, objectives and policies of that Plan.

The Plan Change gives effect to the Waikato Regional Policy Statement, including being consistent with the land use pattern for the region adopted by the current Change 1 to the WRPS, following the Future Proof Strategy 2022. The Plan Change also complies with the residential density targets for Ruakura from Change 1 to the WRPS and the Future Proof Strategy 2022, and rezoning the land from industrial accords with the industrial land allocation for the region provided to 2050.

The Plan Change is consistent with the District Plan's wider policy direction as articulated in the District Plan's Strategic Framework in Chapter 2, and in particular also as proposed to be changed through Plan Change 12 on matters of city form, growth and intensification. Its density at this location is consistent with the approach proposed by Plan Change 12.

Proper regard has been had to the actual or potential effect that land use, subdivision and development in accordance with the Plan Change may have on the environment, with a full planning assessment of these matters supported by robust technical analysis. The Plan Change provisions respond appropriately to avoid, remedy or mitigative adverse effects and provide for and enable the many positive effects identified.

Analysis of the Plan Change under section 32 of the RMA 1991 has confirmed that the objectives of the Plan Change are the most appropriate way to achieve the purpose of the RMA 1991 and its provisions are the most appropriate way to achieve the objectives.

The Plan Change request and the information presented in this report and attachments have been prepared in accordance with Schedule 1 of the RMA 1991. It satisfies the matters against which the Council can determine how to process the request in Clause 25 of Schedule 1, and provides full information to inform decision making.

Overall, the Plan Change accords with and gives effect to planning policy documents, includes provisions suitable to avoid, remedy or mitigate adverse effects on the environment, will give rise to considerable positive benefits, satisfies the requirements of section 32 and accords with the purpose and principals of Part 2.

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