

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2025] NZEnvC 120

IN THE MATTER OF an appeal under clause 14 of the First
Schedule to the Resource Management
Act 1991

BETWEEN TITANIUM PARK LIMITED
RUKUHIA PROPERTIES LIMITED
(ENV-2023-AKL-000221)

Appellants

AND WAIKATO REGIONAL COUNCIL
Respondent

AND HAMILTON CITY COUNCIL
TAINUI GROUP HOLDINGS
LIMITED

Section 274 Interested Parties

Court: Alternate Environment Judge L J Newhook sitting alone under
s 279 of the Act

Last case event: 2 April 2025

Date of Order: 9 April 2025

Date of Issue: 9 April 2025

CONSENT ORDER



Titanium Park Limited & Rukuhia Properties Limited v Waikato Regional Council

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

(1) Proposed Change 1 to the Waikato Regional Policy Statement is amended in accordance with **Annexure A** (amendments to the Waikato Regional Council's decision on PC1 are shown in underline and deletions are shown in strikethrough).

(2) the appeal is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent order relates to the appeal by Titanium Park Limited (**TPL**) and Rukuhia Properties Limited (**RPL**) (together, the **appellants**) against parts of the decision by Waikato Regional Council (**decision**) on Proposed Change 1 to the Waikato Regional Policy Statement (**PC1**).

[2] PC1 seeks to integrate the requirements of the National Policy Statement on Urban Development 2020 (**NPS-UD**) and reflect the updated Future Proof Strategy.

[3] PC1 achieves this principally through amendments to Parts 1, 2, and 5 and the 'Domains' and 'Topics' sections of the Waikato Regional Policy Statement.

[4] As outlined below, through Court-assisted mediation the parties have agreed amendments to PC1 (from the decision version) that address the concerns of all parties.

Background

[5] The appellants made a joint submission and further submission on PC1 which:

- (a) supported the identification of Hamilton Airport and the surrounding Airport Business Zone as a Strategic Industrial Node and Urban Enablement Area;
- (b) sought the Strategic Industrial Node and Urban Enablement Area match the larger (130 ha) extent of Northern Precinct of the Airport Business Zone that was anticipated to be approved under Proposed Plan Change 20 to the Waipā District Plan (**PC20**);
- (c) sought the Strategic Industrial Node and Urban Enablement Area be extended beyond the Northern Precinct as an expansion area that would provide an additional 60 ha of land to provide for long-term growth;
- (d) sought amendments to the industrial land allocation and staging in the ‘APP12 – Future Proof tables’ to reflect the 130 ha of Northern Precinct and the 60 ha of the expansion area (consistent with points (b) and (c) above);
- (e) sought amendments to ‘Map 44 Future Proof wāhi toitū and wāhi toiora areas’ so that they do not apply to either the 130 ha of Northern Precinct and the 60 ha of the expansion area (consistent with points (b) and (c) above); and
- (f) sought amendments to clauses P and Q of ‘APP13 – Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments (Future Proof local authorities)’ so that they do not apply to Urban Enablement Areas (including those needed in the short, medium, and long-term).

[6] On 18 September 2023, the Hearings Panel issued recommendations on PC1. On 26 October 2023, the Council adopted those recommendations in its decision, approving PC1. The decision addressed some of the concerns raised in the appellants’ submission and further submission but did not fully resolve them.

[7] The appellants filed an appeal against the Council's decision seeking amendments to the following parts of PC1:

- (a) the industrial land allocation and staging for Hamilton Airport/Southern Links in APP12 – Future Proof Table 2020-2030 period so that it is consistent with PC20 by amending it from 94 ha to 130 ha. The appellants also sought an increase in the long-term allocation for the Strategic Industrial Node from 46 ha to 60 ha in the 2031-2050 period and an overall increase in total allocation from 140 ha to 190 ha;
- (b) the Future Proof Indicative Urban and Village Enablement Areas (Map 43) so that it:

is consistent with the operative zoning of the Northern Precinct in PC20 *and* also includes the Northern Precinct Expansion Area within the extent of the Urban Enablement Area;

includes the PC20 extent of the Northern Precinct (130 ha) as 'Short to Medium-term development: 2020-2030';

identifies the Northern Precinct Expansion Area (60 ha) as a 'Long-term development: 2031-2050' area;

retains the identification of the Hamilton Airport as a Strategic Industrial Node; and

retains the identifications of the Southern Links designation.

- (c) the Future Proof wāhi toitū and wāhi toiora areas (Map 44) so that all the PC20 Northern Precinct and Northern Precinct Expansion area are within the extent of the Urban Enablement Area and therefore not subject to those overlays; and
- (d) clauses P and Q of the out-of-sequence development criteria (APP13) so that they do not apply to Urban Enablement Areas (including those

in the short, medium, and long-term). Alternative relief on clauses P and Q was also sought.

[8] Hamilton City Council and Tainui Group Holdings Limited joined the appeal pursuant to s 274 of the Act.

Agreement reached

[9] The parties participated in Court-assisted mediation and have reached an agreement on amendments to PC1 that will resolve the appeal in its entirety.

[10] The parties have agreed to the following amendments:

- (a) Amend APP12 – Future Proof tables:
- (i) amending the industrial land allocation and staging, as follows:

Strategic Industrial Nodes (based on gross developable area)	Industrial Land allocation and staging (ha)		Total allocation to 2050 (ha)
	2020-2030	2031-2050	
...			
Hamilton Airport/Southern Links	94 130	46 60	440 190
...			

- (ii) amending the APP12 explanation as follows:

Hamilton Airport/~~Southern Links~~

The land identified in Table 35 for the Hamilton Airport ~~/Southern Links~~ is based on the amount of land currently provided growth direction that is set out within ~~for in~~ the Waipā District Plan and the Waipā growth strategy, Waipā 2050 ~~as well as an additional 60 ha beyond this.~~

The Airport Urban Enablement Area includes 130ha within the Northern Precinct as shown in the Waipā District Plan that is plan-enabled and infrastructure ready in the short term. A further 60ha is provided as the Hamilton Airport Expansion Area between the

Northern Precinct and Southern Precinct (to the east), and the Southern Links designation (to the west) that provides longer term supply.

~~The node is currently affected by infrastructure constraints, particularly in the surrounding transport network. The Southern Links project will address some of the transport capacity issues but is currently a long term solution. Infrastructure solutions which are consistent with, and work towards a long term infrastructure pattern will be required to enable development in advance of the construction of Southern Links~~

- (b) Amend Map 43 – Future proof indicative urban and village enabled areas to:
- (iii) include all the Northern Precinct which is zoned Airport Business Zone under the operative Waipā District Plan (which equates to 130 ha) and Hamilton Airport Expansion Area (60 ha) within the extent of the Urban Enablement Area;
 - (iv) include all Northern Precinct which is zoned Airport Business Zone under PC20 as ‘Short to Medium-term development: 2020-2030’;
 - (v) identify the Hamilton Airport Expansion Area (60 ha) as a ‘Long-term development: 2031-2050’ area;
 - (vi) retain the identification of the Airport as a Strategic Industrial Node;
and
 - (vii) retain the identification of the Southern Links designation.
- (c) Amend Map 44 – Future Proof wāhi toitū and wāhi toiora areas so that all the Northern Precinct, which is zoned Airport Business Zone under PC20, and Hamilton Airport Expansion Area are within the extent of the Urban Enablement Area which means that wāhi toitū and wāhi toiora areas do not apply.
- (d) The parties agreed that the appeal point on APP13 – Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments

(Future Proof local authorities) is resolved by the agreed changes to the appeal point on Map 44 – Future Proof wāhi toitū and wāhi toiora areas.

[11] All agreed changes are shown in **Annexure A** to this Order.

[12] The WRC wished to record that it considers it unusual for land to be identified in the Future Proof Settlement pattern reflected in the Regional Policy Statement, where, as here, this has occurred outside the Future Proof Strategy process and without agreement from the Future Proof partnership. However, in the present case, WRC considers there are exceptional and unique factors relating to the land that is the subject of this appeal that justify this (without specifying what those exceptional and unique factors were).

[13] It was at this juncture that I became concerned about some matters of scope and natural justice within the agreements reached by the parties. I issued a Minute asking for responses by affidavit and counsel memorandum as follows:

The Court seeks responses to the following questions on the agreed amendments to ‘Map 44 Future Proof wāhi toitū and wāhi toiora areas’¹:

- (a) By what planning mechanism (if any) have the parties agreed that the wāhi toitū and wāhi toiora layers do not apply to either the Northern Precinct or Hamilton Airport Expansion Area once those areas are identified as part of the Urban Enablement Area.
- (b) What are the exceptional and unique factors referenced by Waikato Regional Council (“WRC”); and by what mechanism(s) in the Waikato Regional Policy Statement (“WRPS”) or “*anywhere else, by which they come into play*”. Clarification is also required of any jurisdiction/scope issues that may arise.
- (c) Explain the wāhi toitū and wāhi toiora layers.

¹ The questions have been paraphrased slightly by counsel in their joint reporting memorandum.

- (d) Clarification of section 4.0(2) of the s 32AA report on effects on members of the Future Proof partnership; identification of the members of the Future Proof partnership; and evidence of consultation with those members about removing the wāhi toitū and wāhi toiora layers.

[14] The parties responded promptly and constructively, lodging affidavits of Nicholas Grala, consultant planner for the appellants (who was also author of the s 32AA report), and Marie-Louise Foley, Team-Leader Strategic and Spatial Planning at WRC, and a joint memorandum of counsel.

[15] Mr Grala's affidavit attached a slightly amended s 32AA report to correct an impression that the Court had formed when asking in question (d) above about wāhi toitū and wāhi toiora layers appearing to have been "removed".

[16] I have read the new affidavits and the memorandum of counsel closely. They offer detailed explanations of complex interactions between the RPS, the Plan Change, relevant district plans, and recently extant resource consents (specifically in the Northern Precinct with a now operative Airport Business Zone followed by resource consents). In the case of the Hamilton Airport Expansion Area it transpires a complete absence of the two layers. I am now satisfied that processes within the Plan Change and resolution of this appeal, do not purport to "remove" layers in the two areas of interest.

[17] At the forefront of the responses were explanations of the two layers, with particular reference to the NPS-UD 2020 and recent changes to a collaborative multi-council Future-Proof Strategy.² The layers are based on assessed states of soils, slopes, flood risks, heritage, certain types of reserves, outstanding natural features and certain energy reticulation infrastructure types.

² A 30-year growth management and implementation plan for Waikato Region, Matamata-Piako sub-region, Hamilton City and Waipā Districts. "Future-Proof Partners" comprise central government, local government and iwi collaborators, which group became a submitter on PC1. It did not become a party in the present appeal, but two members did, Hamilton City Council and Tainui Group Holdings Limited.

[18] Counsel's joint memorandum drew on the affidavits to take the Court through the processes followed in promulgation and processing of the Plan Change, and case law, demonstrating to my satisfaction that there is no problem of scope or of unidentified parties having been disadvantaged. I do not feel the need to recite the complex detail, but I thank counsel and the planners for covering off my earlier concerns.

Section 32AA evaluation

[19] Section 32AA of the Act requires a further evaluation for any changes to a proposal since the initial decision and s 32 evaluation report.

[20] The parties provided a s 32AA evaluation regarding the agreed amendments which also assesses the Hamilton Airport Expansion Area against the APP13 criteria included in the Regional Policy Statement. The evaluation as slightly amended in answer to the Court's questions, is annexed hereto as **Annexure B**.

[21] In summary, the s 32AA evaluation report concludes, amongst other things, that the amended provisions:

- (a) align the Regional Policy Statement with the operative Airport Business Zone in the Waipā District Plan for the short to medium-term allocations and provide for the long-term allocation and supply consistent with the direction indicated in the Waipā District Plan in Appendix S1;
- (b) maximise the effective and efficient co-ordination and delivery of enabling infrastructure by providing for the long-term growth direction of a Strategic Industrial Node. This will be achieved by ensuring a planned and integrated approach to land use and infrastructure provision improves the ability to strategically plan for, and develop, the full extent of the Airport Business Zone in an integrated and comprehensive way;

- (c) provide for a coherent development form and avoid the ‘orphaning’ of sites between the Airport Business zoned land and the Southern Links designation; and
- (d) provide additional business/industrial land that will help to meet the long-term deficit that exists for Hamilton City as identified in the latest Business Capacity Assessment.

Consideration

[22] In making this Order I have read and considered the appeal dated 22 December 2023, the s 274 notices, and the parties’ joint memorandum dated 23 January 2025. Subsequently I have read the two affidavits and counsels’ joint memorandum described above, lodged in answer to the Court’s four questions to the parties.

[23] I am making this Order under s 279(1)(b) of the RMA, such order being by consent rather than representing a decision or determination on the merits under s 297, (noting however the assistance the Court gained from the parties’ detailed and constructive responses to my questions). I understand for the present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this Order;
- (b) all parties agree that the agreed amendments resolve the appeal in full; and
- (c) all parties are satisfied that all matters proposed for the Court’s endorsement fall within the Court’s jurisdiction and conform to the relevant requirements and objectives of the RMA, including Part 2.

[24] I am satisfied that the agreement reached is one that reasonably represents the various interests of the parties. It also brings the RPS into line with historical advances in planning and consenting at District level, making the RPS an “honest document” in relation to the issues at hand. It is clear the parties have considered other reasonably practicable options and assessed costs and benefits. I conclude the parties have taken a nuanced and balanced approach, and the agreed amendments are the most

appropriate way to achieve the purpose of the Act and the objectives in the Plan. Overall, I consider the sustainable management purpose and the other relevant requirements of the Act are adequately met.

[25] I am also satisfied that the changes sought are within the scope of the appellants' submission and appeal, assisted by the explanations on that aspect received from the parties in the recent responses.

Orders

[26] Therefore, the Court, by consent, orders that:

- (a) Proposed Change 1 to the Waikato Regional Policy Statement is amended in accordance with **Annexure A** (amendments to the Waikato Regional Council's decision on PC1 are shown in underline and deletions are shown in strikethrough); and
- (b) the appeal is otherwise dismissed.

[27] There is no order as to costs.



L J Newhook

Alternate Environment Judge | Kaiwhakawā o te Kōti Taiao



ANNEXURE A: AMENDMENTS TO PC1

APP12 – Future Proof tables

Strategic Industrial Nodes (based on gross developable area) ¹	Industrial Land allocation and staging (ha)		Total allocation to 2050 (ha)
	2020-2030	2031-2050	
Pōkeno	5	23	53
Tuakau	26	77	103
Huntly/Rotowaro/Ohinewai	77	-	77
Horotiu/Te Rapa North/Rotokauri	189	50	239
Ruakura/Ruakura East WEX	172	245	417
Hamilton Airport/ Southern Links	94 <u>130</u>	46 <u>60</u>	440 <u>190</u>
Hautapu	67	160	227
Totals	630	626	1,256

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.

Explanation

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.

...

Hamilton Airport/~~Southern Links~~

The land identified in Table 35 for the Hamilton Airport /~~Southern Links~~ is based on the amount of land currently provided growth direction that is set out within for in the Waipā District Plan and the Waipā growth strategy, Waipā 2050 as well as an additional 60 ha beyond this.

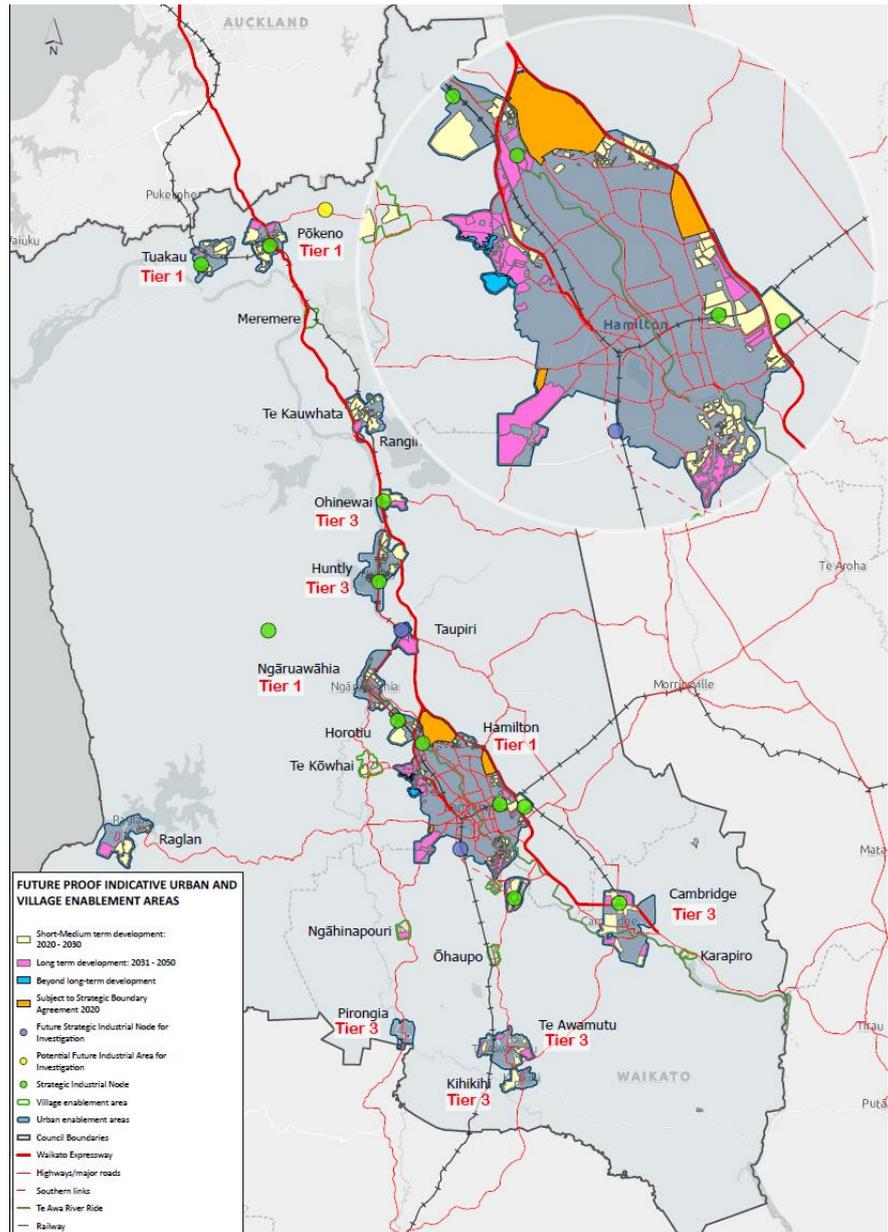
The Airport Urban Enablement Area includes 130ha within the Northern Precinct as shown in the Waipā District Plan that is plan-enabled and infrastructure ready in the short term. A further 60ha is provided as the Hamilton Airport Expansion Area between the Northern Precinct and Southern Precinct (to the east), and the Southern Links designation (to the west) that provides longer term supply.

~~The node is currently affected by infrastructure constraints, particularly in the surrounding transport network. The Southern Links project will address some of the transport capacity issues but is currently a long term solution. Infrastructure solutions which are consistent with, and work towards a long~~

term infrastructure pattern will be required to enable development in advance of the construction of Southern Links.

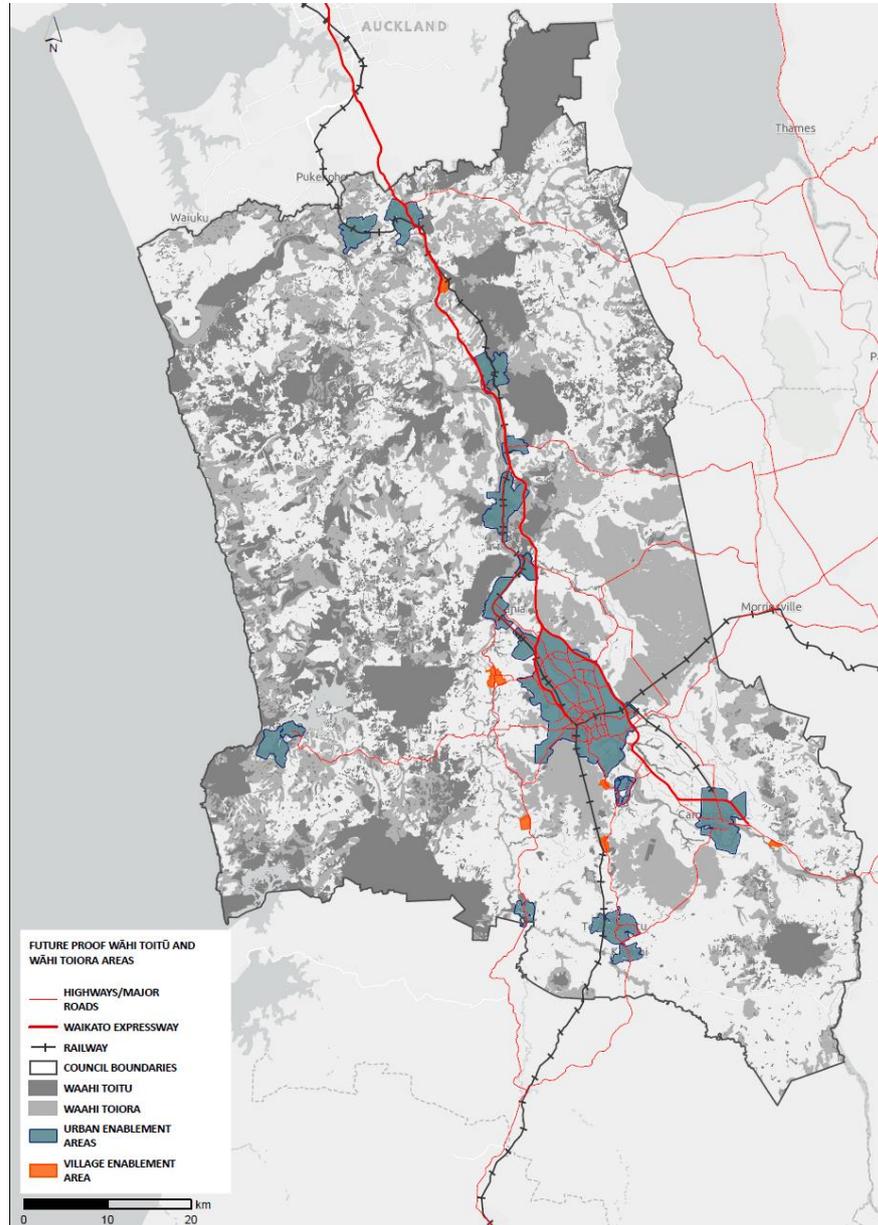
Amend Map 43 to:

- (a) Include all the Northern Precinct (130ha) and Hamilton Airport Expansion Area (60ha) within the extent of the 'Urban Enablement Area';
- (b) Include the PC20 extent of the Northern Precinct (130ha) as 'Short – Medium term development: 2020-2030';
- (c) Identify the Hamilton Airport Expansion Area (60ha) as a 'Long-term development: 2031-2050' area;
- (d) Retain the identification of the Airport as a 'Strategic Industrial Node'; and
- (e) Retain the identification of the Southern Links designation.



Map 43: Future Proof indicative urban and village enablement areas

Amend Map 44 to include the Northern Precinct and Hamilton Airport Expansion Area within the extent of the 'Urban Enablement Area', which means that wāhi toitū and wāhi toiora areas do not apply.



Map 44: Future Proof wāhi toitū and wāhi toiora areas

ANNEXURE B

Section 32AA Evaluation Report on agreed changes to PC1 in respect of Titanium Park Limited and Rukuhia Properties Limited's appeal (Version 2 with deletions in strike through and additions underlined).

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Introduction

This document provides a section 32AA Evaluation of the amended provisions agreed by parties to the appeal by Titanium Park Limited (“TPL”) and Rukuhia Properties Limited (“RPL”) (ENV-2024-AKL-000221) against parts of the decision by Waikato Regional Council (the “Council Decision”) on Proposed Change 1 to the Waikato Regional Policy Statement (“PC1”). The Evaluation includes an assessment against the APP 13 Criteria within PC1.

PC1 seeks to integrate the requirements of the National Policy Statement on Urban Development 2020 (“NPS-UD”) and reflect the updated Future Proof Strategy.

TPL and RPL made a joint submission and further submission on PC1. TPL/RPL’s submission:

1. Supported the identification of Hamilton Airport and the surrounding Airport Business Zone as a Strategic Industrial Node and Urban Enablement Area.
2. Sought the Strategic Industrial Node and Urban Enablement Area match the larger (130ha) extent of Northern Precinct of the Airport Business Zone that was at the time anticipated to be approved under Proposed Plan Change 20 to the Waipā District Plan (“PC20”).³
3. Sought the Strategic Industrial Node and Urban Enablement Area be extended beyond the Northern Precinct as an expansion area that would provide an additional 60ha of land to provide for long term growth.
4. Sought amendments to the industrial land allocation and staging in the ‘APP12 – Future Proof tables’ to reflect the 130ha of Northern Precinct and the 60ha of the expansion area (consistent with points (2) and (3) above).
5. Sought to amend ‘Map 44 Future Proof wāhi toitū and wāhi toiora areas so that they do not apply to either the 130ha of Northern Precinct or the 60ha of the expansion area (consistent with points (2) and (3) above).
6. Sought amendments to Clauses P and Q of ‘APP13 - Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments (Future Proof local authorities)’ so that they do not apply to Urban Enablement Areas (including those needed in the short, medium, and long term).

On 18 September 2023, the Hearings Panel issued recommendations on PC1. On 26 October 2023, the Council adopted those recommendations as the Council Decision, approving PC1. On 22 December 2023, TPL/RPL filed an appeal against the Council Decision seeking amendments to parts of PC1.

Section 274 notices were subsequently filed by Hamilton City Council and Tainui Group Holdings Limited. Hamilton City Council supported the appeal, while Tainui Group Holdings Limited also supported the appeal, provided it did not impact its interests in the region.

³ At the time of preparing the submission in late 2022, PC20 had been notified but a hearing was yet to be held. PC20 was made operative on 1 July 2024 and so the 130ha extent of the Northern Precinct is now operative within the Waipā District Plan.

Since the appeal was filed, all parties have participated in Court-assisted mediation. The parties have reached agreement on changes that will resolve the appeal in its entirety.

To resolve the appeal, the parties have agreed to the following amendments to PC1:

- a) Amend APP12 – Future Proof tables:
- b) Amending the industrial land allocation and staging, as follows:

Strategic Industrial Nodes (based on gross developable area)	Industrial allocation and staging (ha)		Total allocation to 2050 (ha)
	2020-2030	2031-2050	
...			
Hamilton Airport/Southern Links	94 <u>130</u>	46 <u>60</u>	140 <u>190</u>
...			

- c) Amending the APP12 explanation as follows:

Hamilton Airport/Southern Links

The land identified in Table 35 for the Hamilton Airport /Southern Links is based on the ~~amount of land currently provided~~ growth direction that is set out within ~~for in~~ the Waipā District Plan and the Waipā growth strategy, Waipā 2050 ~~as well as an additional 60 ha beyond this.~~

The Airport Urban Enablement Area includes 130ha within the Northern Precinct as shown in the Waipā District Plan that is plan-enabled and infrastructure ready in the short term. A further 60ha is provided as the Hamilton Airport Expansion Area between the Northern Precinct and Southern Precinct (to the east), and the Southern Links designation (to the west) that provides longer term supply.

The node is ~~currently affected by infrastructure constraints, particularly in the surrounding transport network. The Southern Links project will address some of the transport capacity issues but is currently a long term solution. Infrastructure solutions which are consistent with, and work towards a long term infrastructure pattern will be required to enable development in advance of the construction of Southern Links~~

- d) Amend Map 43 – Future proof indicative urban and village enabled areas to:

- i) Include all the Northern Precinct which is zoned Airport Business Zone under the operative Waipā District Plan (130ha) and Hamilton Airport Expansion Area (60ha) within the extent of the 'Urban Enablement Area';
 - ii) Include all the Northern Precinct which is zoned Airport Business Zone under the operative Waipā District PC20 as 'Short – Medium term development: 2020-2030';
 - iii) Identify the Hamilton Airport Expansion Area (60ha) as a 'Long-term development: 2031-2050' area;
 - iv) Retain the identification of the Airport as a 'Strategic Industrial Node'; and
 - v) Retain the identification of the Southern Links designation.
- e) Amend Map 44 – Future Proof wāhi toitū and wāhi toiora areas to:
- i) Ensure all the Northern Precinct, which is zoned Airport Business Zone under the operative Waipā District PC20, and Hamilton Airport Expansion Area are within the extent of the 'Urban Enablement Area'; and
 - ii) Ensure that both the wāhi toitū and wāhi toiora areas are not applied ~~do not apply~~ to the Northern Precinct, which is zoned Airport Business Zone under the operative Waipā District PC20, and the Hamilton Airport Expansion Area.
- (viii) The parties agreed that the appeal point on APP13 - Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments (Future Proof local authorities) is resolved by the agreed changes to the appeal point on Map 44 – Future Proof wāhi toitū and wāhi toiora areas.

2.0 Section 32AA Evaluation

Section 32AA requires a further evaluation of any changes that have been made to, or are proposed for, a proposal since the evaluation report for the proposal was completed. The further evaluation must be undertaken in accordance with section 32(1) to (4) and at a level of detail that corresponds to the scale and significance of the changes.

**3.0
Section 32(1)(a) Further Evaluation**

Section 32(1)(a)

Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act

Further Changes

Assessment

No further changes are proposed to the objectives of the Regional Policy Statement.

No further assessment required.

4.0
Section 32(1)(b) Further Evaluation

Section 32(1)(b)

Examine whether the provisions in the proposal are the most appropriate way to achieve the 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; and
- (iii) Summarising the reasons for deciding on the provisions.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
<p>1. Amend 'APP12 – Future Proof tables' and 'Map 43: Future Proof indicative urban and village enablement areas' to be consistent with what has been approved by PC20.</p> <p>Amend 'APP12 – Future Proof tables' and 'Map 43: Future Proof indicative urban and village enablement areas' to provide for long term development around the Airport (the Hamilton Airport Expansion Area).</p>	<p>Retain the current allocation (based on the pre-PC20 Northern Precinct extent).</p> <p>Update the allocation to reflect the operative extent of the Northern Precinct (based on PC20) but do not provide any long-term allocation and supply (for the 2031-2050 timeframe).</p>	<p>Benefits</p> <ul style="list-style-type: none"> • Aligns the Regional Policy Statement with the operative Airport Business Zone in the Waipā District Plan for the short-medium term allocation, and provides for the long-term allocation and supply consistent with the direction indicated in the Waipā District Plan in Appendix S1. • Enables agglomeration benefits to be realised within an existing Strategic Industrial Node. • Maximise infrastructure efficiency by providing for the long-term growth direction of a Strategic Industrial Node by ensuring a planned and integrated approach to land use and infrastructure provision. • Enable maximisation of the Node's multimodal potential; connecting road and rail with air. • Provide certainty, to encourage investment in the Northern Precinct and the Hamilton Airport. • Economic stimulus generated by the construction of the full extent of the Northern Precinct and the Hamilton Airport Expansion Area, providing a one-time boost in regional GDP. 	<p>It will provide additional business land that is plan-enabled and capable of being infrastructure ready in the short term. This is achieved by the Northern Precinct now having an operative Airport Business zoning under the Waipā District Plan and there being adequate and feasible infrastructure solutions available to service the land.</p> <p>The Structure Planning that has taken place for Northern Precinct (130ha) is scalable and contemplated (and allowed for) the longer-term Hamilton Airport Expansion Area (60ha). This long term and strategic approach has been followed to ensure that a well-functioning urban environment can be achieved.</p> <p>Including the full extent of Northern Precinct and the Hamilton Airport Expansion Area as Urban Enablement Area improves the ability to strategically plan for, and develop, the full extent of Airport Business zone in an integrated and comprehensive way. It also provides a balanced settlement pattern for the growth that is planned between Hamilton and the Airport (being Peacocke, SL1 and SL2); providing a</p>

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		<ul style="list-style-type: none"> • Provides for a coherent development form and avoids the 'orphaning' of sites between the Airport Business zoned land and the Southern Links designation. • Provides additional business / industrial land that will help to meet the deficit that exists within Hamilton City as identified in the latest Business Capacity Assessment.⁴ • The Hamilton Airport Expansion Area (60ha) ensures a long-term supply of business land to meet demand, as required by the NPS-UD. • Benefits arising from additional job creation and employment opportunities. • Providing for the long-term growth of a Strategic Industrial Node will enable developers and landowners to enter into long term and more strategic partnering agreements with Mana Whenua. • Potential reduction in commuter distances through creation of employment opportunities close to the Peacocke growth cell and Tamahere. 	<p>clear direction for establishing new residential areas that are near future business land / employment opportunities.</p> <p>This future growth direction is also consistent with what has already been contemplated in the Waipā District Plan in Appendix S1.</p>

⁴ Business Development Capacity Assessment 2023. Prepared for Future Proof Partners. 3 April 2024 – Final.

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		<p>Costs</p> <ul style="list-style-type: none"> • Loss of productive soils; although it is noted that the ownership area is already fragmented into smaller lifestyle lots and will be further fragmented / marginalised through the construction of the Southern Links project, and the Northern Precinct. • The financial cost of providing the necessary infrastructure to support urban growth at the Hamilton Airport Strategic Industrial Node. This includes the necessary upgrades to provide water, wastewater, and stormwater services along with the necessary upgrades that are required for the transport network. • Opportunity cost associated with the loss of productive soils. <p>Risks of Acting or Not Acting</p> <p>The RPS is inconsistent with the District Plan, in regard to the land rezoned through PC20, and does not provide a direction for the long-term growth around a Strategic Industrial Node or integrate with planned and authorised infrastructure.</p>	

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
<p>2. Map 44: Future Proof wāhi toitū and wāhi toiora areas</p> <p>(i) Consequential amendment to Map 44 so that all the Northern Precinct which is zoned Airport Business Zone under the operative Waipā District Plan (amended by PC20) and Hamilton Airport Expansion Area are within the extent of the 'Urban Enablement Area'.</p>	<p>None – this is a consequential amendment resulting from the Northern Precinct and Hamilton Airport Expansion Area being included within an Urban Enablement Area in Map 43 above.</p>	<p>Benefits (in addition to those set out above)</p> <ul style="list-style-type: none"> • The identification Hamilton Airport Strategic Node and Urban Enablement Area will ensure consistent and efficient plan administration. • Enable the efficient use of scarce business land resources. • Enabling a well-functioning urban environment to be achieved. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • None identified <p>Costs (in addition to those set out above)</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • None identified. <p><u>Economic</u></p> <ul style="list-style-type: none"> • None identified. <p><u>Social</u></p> <ul style="list-style-type: none"> • None identified. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • None identified 	<p>The Northern Precinct and Hamilton Airport Expansion Area land is not subject to the factors that comprise the wāhi toitū and wāhi toiora areas.</p> <p><u>The Northern Precinct is (under the decisions version of PC1) currently subject to the wāhi toitū and wāhi toiora area.</u></p> <p><u>The wāhi toitū is due to a watercourse (but its noted that the ecological assessment that informed and support PC20 confirmed these were artificial farm drains rather than a natural watercourse⁵.</u></p> <p><u>The wāhi toiora area is either due to moderate slopes (15-25 degrees) or peat soils (depth less than 3m).</u></p> <p><u>The Northern Precinct now has an operative Airport Business zone and is in the early stages of being developed having recently</u></p>

⁵ Northern Precinct Expansion Assessment of Ecological Effects prepared by Tonkin & Taylor Ltd, dated June 2022, page 14 [Appendix 08 - Ecology Report](#)

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		<p>Risks of Acting or Not Acting</p> <p>The amendment to Map 43 above will not be fully realised in the RPS.</p>	<p><u>secured the necessary resource consents for the first stage. This means that the wāhi toitū and wāhi toiora areas are no longer a relevant consideration for urban development and there is no effect of ensuring they aren't applied to the Northern Precinct in Map 44.</u></p>

5.0

Appendix 13 Assessment for PC1 (Hamilton Airport Expansion Area)

This assessment relates to the Hamilton Airport Expansion Area only. The full extent of the Northern Precinct has already been assessed as part of Plan Change 20 to the Waipa District Plan.

APP13 – Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments (Future Proof local authorities)	
Criteria A	
<p>a) That the development would add significantly to meeting a demonstrated need or shortfall for housing or business floor space, as identified in a Housing and Business Development Capacity Assessment or in council monitoring.</p>	<p>The latest Business Capacity Assessment (BCA) for the sub-region identified insufficient industrial supply within Hamilton City in the long-term of 55 hectares⁶.</p> <p>Although located in the north of the Waipā District, the Hamilton Airport Strategic Industrial Node is functionally part of the Hamilton Market.</p> <p>The inclusion of Hamilton Airport Expansion Area (providing a further 60ha of long-term supply) will ensure that sufficient development capacity is provided for Hamilton City across all time horizons.</p>
<p>b) That the development contributes to a well-functioning urban environment. Proposals are considered to contribute to a well-functioning urban environment if they:</p> <ul style="list-style-type: none"> i. have or enable a variety of homes that: meet the needs, in terms of type, price, and location, of different households; and/or enable Māori to express their cultural traditions and norms; and/or have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and ii. support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets. 	<p>While the Hamilton Airport Extension Area does not enable additional housing stock, it does enable industrial growth in an area that is well accessible to future residential growth, such as Peacocke. It will also contribute to the availability of land for different business sectors within an area that will be easily accessible to current and future residential areas in Hamilton City (including Peacocke).</p> <p>The Airport Business Zone enables a variety of sites that are suitable for the industrial sector in the future.</p> <p>The Hamilton industrial land market is highly concentrated in spatial terms, with the 2023 BCA for Future Proof region showing that 94% of the city’s remaining vacant industrial land resides in only two locations (Ruakura and Te Rapa).</p> <p>The Hamilton Airport Expansion Area directly addresses this lack of spatial competition and land availability by providing the long term expansion of a large, master-planned industrial growth node to the south of the city (rather than to the north or west like Te Rapa and Ruakura, respectively). Accordingly, this will not only provide much-needed employment land to accommodate future workforce growth from</p>

⁶ Figure 7-5 of the Business Development Capacity Report 2023 prepared by Market Economics Consulting.

<p>APP13 – Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments (Future Proof local authorities)</p>	
	<p>Peacocke to the north but will also significantly enhance land market competition compared to the status quo.</p>
<p>c) That the development is consistent with the Future Proof Strategy guiding principles, and growth management directives (as set out in Sections B2, B3, B6, B7, B8, B9 and B11 of the strategy).</p>	<p>The Northern Precinct was demonstrated to be consistent with the Future Proof Strategy guiding principles and growth management directives as part of PC20. The Hamilton Airport Expansion Area will also be consistent with these principles because it is an extension of the Northern Precinct.</p> <p>The Structure Planning that has taken place for Northern Precinct was scalable and contemplated (and allowed for) the longer-term Hamilton Airport Expansion Area (60ha). This long term and strategic approach has been followed to ensure that a well-functioning urban environment can be achieved.</p> <p>It improves the ability to strategically plan for and develop the full extent of the Hamilton Airport Strategic Industrial Node in an integrated and comprehensive way. It also provides a balanced settlement pattern for growth that is planned between Hamilton and the Airport (including Peacocke, SL1 and SL2), providing clear direction for establishing new residential areas near future business land / employment opportunities.</p> <p>At a local level, it also ensures coherent land use form for those sites which would otherwise be 'orphaned' between the Northern Precinct, Southern Links and State Highway 3.</p>
<p>d) That the development has good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.</p>	<p>The Hamilton Airport Expansion Area is well connected to the airport and other precincts of the Airport Business Zone, as well as residential growth areas (such as Peacocke).</p> <p>It will benefit from the active transport links that are required to be developed as part of the Northern Precinct, which includes walking and cycling connections between Airport precincts as well as to the Peacocke growth area to the north.</p> <p>It is also well placed to benefit from public transport connections that are in place and will continue to be developed to the Airport.</p>
<p>e) In cases where development is being brought forward, whether it can be demonstrated that there is commitment to and capacity available for delivering the</p>	<p>TPL and RPL owns a large portion of land in the Hamilton Airport Expansion Area and its long-term allocation would enable them to plan to develop it after the completion of the Northern Precinct (beyond 2040).</p>

APP13 – Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments (Future Proof local authorities)	
development within the advanced timeframe.	
f) In cases where the development is proposing to replace a planned land use with an unanticipated land use, whether it can be demonstrated that the proposal will not result in a shortfall in residential, commercial or industrial land, with robust data and evidence underpinning this analysis.	The zoning for industrial activities in the Hamilton Airport Extension Area is not an unanticipated land use for the Airport location, and the Waipā District Plan has envisaged future long-term development in the location.
g) That the development protects and provides for human health.	The Hamilton Airport Expansion Area will not compromise human health.
h) That the development would contribute to the affordable housing stock within the sub-region, with robust data and evidence underpinning this analysis.	The Hamilton Airport Expansion Area will not have any impact on affordable housing stock within the sub-region.
i) That the development does not compromise the efficiency, affordability or benefits of existing and/or proposed infrastructure in the sub-region.	Including the Hamilton Airport Expansion Area as Urban Enablement Area improves the ability to strategically plan for and develop the full extent of the Hamilton Airport Strategic Industrial Node in an integrated and comprehensive way. This will improve the ability to strategically plan the growth of the Hamilton Airport area over the long-term.
j) That the development can be serviced without undermining committed infrastructure investments made by local authorities or central government (including NZ Transport Agency). Development must be shown to be adequately serviced without undermining committed infrastructure investments made by local authorities or central government to support other growth areas.	The Hamilton Airport Expansion Area will be serviced without undermining committed infrastructure investments made by local authorities or NZ Transport Agency.
k) That the development demonstrates efficient use of local authority and central government financial resources, including prudent local authority debt management. This includes demonstration of the extent	It is anticipated that the Hamilton Airport Expansion Area will be funded by the developers of the land when it is ready to be developed in the long term.

APP13 – Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments (Future Proof local authorities)	
to which cost neutrality for public finances can be achieved.	
l) The compatibility of any proposed land use with adjacent land uses including planned land uses.	The Hamilton Airport Expansion Area will avoid orphaned rural zoned land between the Airport and the Southern Links Designation that is too small and fragmented to be used for productive rural use.
m) That the development would contribute to mode-shift that supports the medium and long-term transport vision for the sub-region being the creation of a rapid and frequent multi-modal transport network and active mode network.	In addition to Northern Precinct ensuring active mode transport links are integrated into development (required by the District Plan), future rapid and multi-modal transport connections can be made to service the Hamilton Airport Strategic Industrial Node.
n) That the development would support reductions in greenhouse gas emissions and would be resilient to the likely current and future effects of climate change, with robust evidence underpinning this assessment.	The Hamilton Airport Expansion Area supports reductions in greenhouse gas emissions by clustering industrial growth around existing industrial areas (a Strategic Industrial Node) and the Airport, reducing travel distances within the sector, while also enabling active mode transport. It will also result in the creation of employment near a large residential growth area (in Peacocke, SL1 and SL2) and thereby reduce commuter distances. The Airport Industrial Node will be resilient to the likely current and future effects of climate change through appropriate stormwater management.
o) That the development provides for the values that make the area wāhi toitū and can avoid or mitigate any adverse effects arising in respect of those values as a result of the proposed development.	The Hamilton Airport Expansion Area will be included in the Urban Enablement Area extent - Urban Enablement Areas are and is not subject to the wāhi toitū overlay on Map 44.
p) During a review of the Future Proof strategy (including the development of a Future Development Strategy under the National Policy Statement on Urban Development 2020 and its subsequent 3-yearly review), or a comprehensive district plan review, consideration may be given to urban development on areas identified as wāhi toitū. A strong precautionary approach will be taken such that if the land is not needed to fill an identified shortfall of development capacity in the	Not applicable

APP13 – Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments (Future Proof local authorities)	
short-medium term, it should not be considered for urban development. Preference will be given to urban development proposals which are not located on areas identified as wāhi toitū.	
q) That a precautionary approach be taken when considering development on areas identified as wāhi toiora, such that if the land is not needed in the short-medium term it should not be considered for urban development.	The Hamilton Airport Expansion Area will be included in the Urban Enablement Area extent - Urban Enablement Areas are <u>and is</u> not subject to the wāhi toiora overlay on Map 44
Criteria B	
a) That the development demonstrates that it would not affect the feasibility, affordability and deliverability of planned growth within urban enablement areas and/or village enablement areas over the short, medium and long term. In the interest of clarity, proposals in areas currently identified for development beyond long term on Map 43 and which are proposed to be brought forward to an earlier timeframe must demonstrate that they do not affect the feasibility, affordability and deliverability of planned growth in the earlier time periods.	The Hamilton Airport Expansion Area will not affect the feasibility, affordability, or deliverability of any other planned growth within the Titanium Park urban enablement area or anywhere else given there is an identified shortfall of industrial land capacity within Hamilton City in the long term (an the Airport is effectively part of the Hamilton City market).
b) That the development demonstrates that value capture can be implemented and that cost neutrality for public finance can be achieved.	The development of the Hamilton Airport Strategic Industrial Node will not require the financial resources of central government or local authorities because it will be funded (either directly or indirectly) by TPL, RPL and any other landowners / developers.
c) That the proposed development would not adversely affect the function and vitality of existing rural settlements and/or urban areas.	The Hamilton Airport Expansion Area will be for industrial development. As such any retail and/or office will be limited in scale and location so that it only meets the daily needs of local business and workers.
d) That the development would address an identified housing type/tenure/price point need.	Not applicable