

BEFORE THE HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a submission by Hamilton City Council in respect of
the PROPOSED WAIKATO DISTRICT PLAN pursuant to
Clause 6 of Schedule 1 to the Act

MEMORANDUM ON BEHALF OF HAMILTON CITY COUNCIL

Dated 7 July 2021

Hearing 28: Other Matters

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INTRODUCTION

1. This memorandum is filed on behalf of Hamilton City Council (**HCC**) in support of its submission and further submission on the Waikato District Council's (**WDC**) Proposed District Plan (**WPDP**) ¹. It addresses the relief sought by HCC in its submission to map the Hamilton Area of Interest (**Area of Interest**) which has been allocated to the Hearing 28 (Other Matters) topic.
2. HCC seeks to further revise the relief it seeks in respect of the Area of Interest to reflect the policy framework embedded in key sub-regional strategic planning instruments that have since been developed.

BACKGROUND

Area of Interest

3. HCC addressed the Area of Interest in detail in legal submissions and evidence in Hearing 3 (Strategic Objectives). In particular, Mr Luke O'Dwyer provides a comprehensive explanation of the Area of Interest, its context, and justification in his evidence dated 15 October 2019.
4. In brief summary, HCC's submission on the WPDP sought an integrated resource management approach to subdivision, land use, and development within a broad geographic area within the Waikato District adjacent to the HCC City boundary. In this defined area, identified in the submission as the Hamilton Area of Interest, there is a high potential for land use and subdivision to affect wider strategic planning undertaken by HCC. HCC's concern is that a lack of forward planning in respect of this area

¹ Submission dated 9 October 2018 and further submission dated 15 July 2019.

would create issues for both WDC and HCC, as well as the wider Waikato metropolitan area, as has occurred in the past².

5. Mr O’Dwyer stated in his evidence that the geographic extent of the Area of Interest boundary was still to be refined through data analysis and research to come at a later stage. At the time of lodgement of the submission, the strategic land use planning framework for the sub-region was in a very dynamic state. The Future Proof strategy was under review, and growth strategies were in development, including the Hamilton to Auckland Corridor Plan (**H2A**) and the Hamilton-Waikato Metropolitan Spatial Plan (**MSP**). These strategies, referred to briefly in legal submissions and evidence presented in Hearing 3, have now been developed and provide a shared long-term vision and spatial framework for the Hamilton-Waikato metropolitan area that directly accords with the strategic policy intent of the Area of Interest, as will be discussed in further detail below.

Specific relief sought to date

6. HCC’s submission sought that the Area of Interest be mapped in the WPDP and supported by objectives and policies that would enable land use decisions to be integrated across territorial boundaries.
7. The amendments to the strategic objectives that HCC originally sought are set out in the planning evidence of Ms Alice Morris dated 15 October 2019 presented in Hearing 3 (Strategic Objectives). HCC presented further evidence in support of these amendments in relation to other hearing topics³.
8. Subsequently, on 25 September 2020, HCC tabled a memorandum amending the specific relief it sought with respect to the policy framework

² The legacy issues are discussed at paragraphs 45 to 47 of Mr O’Dwyer’s evidence dated 15 October 2019.

³ Hearing 12 (Country Living Zone) and Hearing 18 (Rural Zone).

supporting the Area of Interest. In summary, provided the notified version of Objective 5.1.1 was retained, HCC no longer pursued avoidance of non-rural land uses in the Area of Interest, seeking instead to discourage it.

9. In light of the development of the H2A Plan and the MSP, and as signalled in the evidence presented on behalf of HCC, it is appropriate to further revise the relief it seeks in respect of the Area of Interest. Rather than map the Area of Interest, which has been superseded by the H2A Plan and the MSP, HCC seeks that the Hamilton-Waikato Metropolitan geographic area delineated in the MSP be mapped in the WPDP, and that this mapping of the MSP replace the Area of Interest. The context and justification for the revised relief is outlined below.

SUB-REGIONAL STRATEGIC GROWTH INITIATIVES

Hamilton to Auckland Corridor

10. The Government's Urban Growth Agenda (**UGA**), introduced in 2018, represented a major shift in the approach to urban development and infrastructure in New Zealand. Through the UGA, collaboration took place between central government agencies, TAs – including HCC and WDC, and mana whenua to explore opportunities for growth consistent with the objective of the UGA: to improve housing affordability underpinned by affordable urban land. One such initiative was identification of the H2A corridor as a priority area, identified as New Zealand's most significant transport corridor, and development of the H2A Plan.
11. The purpose of the H2A Plan is to create an agreed integrated spatial plan and establish an ongoing growth management partnership for the corridor. A key initiative of the H2A corridor work is the development of the MSP, a joint spatial plan for the emerging Hamilton-Waikato Metropolitan Area

that sits across local authority boundaries, including HCC and WDC (**metro area**).

Hamilton-Waikato Metropolitan Spatial Plan

12. The MSP is the first joint spatial plan prepared by iwi, the Crown, and the four council partners under the Future Proof partnership that sets out the desired urban form and development priorities for the metro area.
13. The metro area extends from Taupiri in the north to Te Awamutu and Cambridge in the south, with Hamilton in the centre. The MSP maps the geographic extent of the metro area as shown in **Attachment 1** to these submissions. Close analysis of the Area of Interest map attached to the original submission (depicted in pale red overlaying the MSP area shown in yellow outline in **Attachment 2**), compared with the MSP area map (Figure 1 in the MSP) shows almost complete alignment. Accordingly, no scope issues arise.
14. The MSP sets out where and how growth will occur in the long-term. It includes a 100-plus year vision and spatial framework and a 30-year plan for delivery. It builds on the Future Proof Strategy and draws on other key documents such as the Regional Land Transport Plan and Waikato Plan.
15. Key objectives of the MSP include:⁴
 - a) Planning in an integrated way based on communities of interest rather than existing council boundaries.
 - b) Enhancing the quality of the natural and built environments and the vitality of Auckland and Hamilton and the communities within the corridor.

⁴ Page 13.

- c) Enabling quality-built environments, whilst avoiding unnecessary urban sprawl.
16. The MSP addresses current and future challenges faced by the metro area including environmental deterioration, increasing housing costs, and demands placed on infrastructure.
 17. The MSP seeks an urban form shaped around a multi-modal rapid and frequent transport network and the objective of a radical mode shift to public transport and active transport modes. This will support reduced carbon emissions, increased housing choice, more affordable housing and improved access to employment and key amenities. Enabling a wide range of urban development opportunities to enhance competitive land markets. The MSP identifies opportunities for both urban expansion and intensification.
 18. HCC and WDC actively participated in the development of the MSP. It was adopted by the Future Proof partners in September 2020 following consideration of feedback obtained through engagement with key stakeholders.
 19. To ensure the strategic direction contained in the MSP will result in change, a programme of implementation has been developed to guide Future Proof partner activities over the short, medium, and long-term. The implementation approach of the MSP requires incorporation into the Future Proof Phase 2 Strategy, the Waikato Regional Policy Statement (**WRPS**), and the Partner councils' district plans.

REVISED RELIEF SOUGHT

20. Rather than map the geographic extent of the Area of Interest, HCC seeks to map the MSP metro area in the WPDP instead, given:
- a) The strategic policy intent and objectives of the MSP directly align with that of the Area of Interest;
 - b) The geographic extent of the mapped MSP metro area is very similar to the geographic extent of the Area of Interest mapped in HCC's submission;
 - c) The comprehensive and robust expertise, input, and analysis that underpins the MSP;
 - d) The need to embed the spatial planning process in the WPDP to anchor and guide District Plan users;
 - e) The need to deliver on central government's urban growth objectives; and
 - f) The programme for implementing the MSP – which includes incorporation into the district plans of the Future Proof partners.
21. HCC continues to seek the associated objectives and policies set out in its memorandum dated 25 September 2020. However, it seeks that any reference to the "Hamilton Area of Interest" be replaced with "Hamilton-Waikato Metropolitan Area". The revised relief sought by HCC in relation to the strategic objectives are set out in **Attachment 3** to these submissions. All other relief sought as set out in HCC's evidence, submissions, and memoranda on the WPDP remains unchanged.

22. The provisions of the RMA and WRPS relevant to the Hearing Panel's consideration of the revised relief sought by HCC are set out in the legal submissions presented in Hearing 3 dated 4 November 2019.

SECTION 42A REPORT

23. The s 42A report on Hearing 28 (Other Matters) dated June 2021 recommends rejecting HCC's request to map the Area of Interest. That is on the basis that it would be unreasonable to include a mapped area that has not been supported by robust analysis and consultation with the affected people⁵. The author of the report states:

The submission indicates that HCC are undertaking a finer detailed analysis, however this work will take some time to complete. The submission also indicates that the area of interest will be fine-tuned as the proposed plan process moves forward.

24. As recorded above, HCC's focus has been on the development of the MSP and the H2A Plan. Both are the culmination of comprehensive analysis and targeted consultation. Accordingly, in respect of the relief now sought by HCC, the author's reason for recommending to the Hearing Panel that it be rejected has been addressed.

CONCLUSION

25. The development and adoption of the MSP is a major milestone for boundaryless strategic planning, both for the sub-region and New Zealand. There is a need to embed this spatial planning process in the WPDP to anchor and guide District Plan users and deliver on central government's urban growth objectives.

⁵ Paragraph 62.

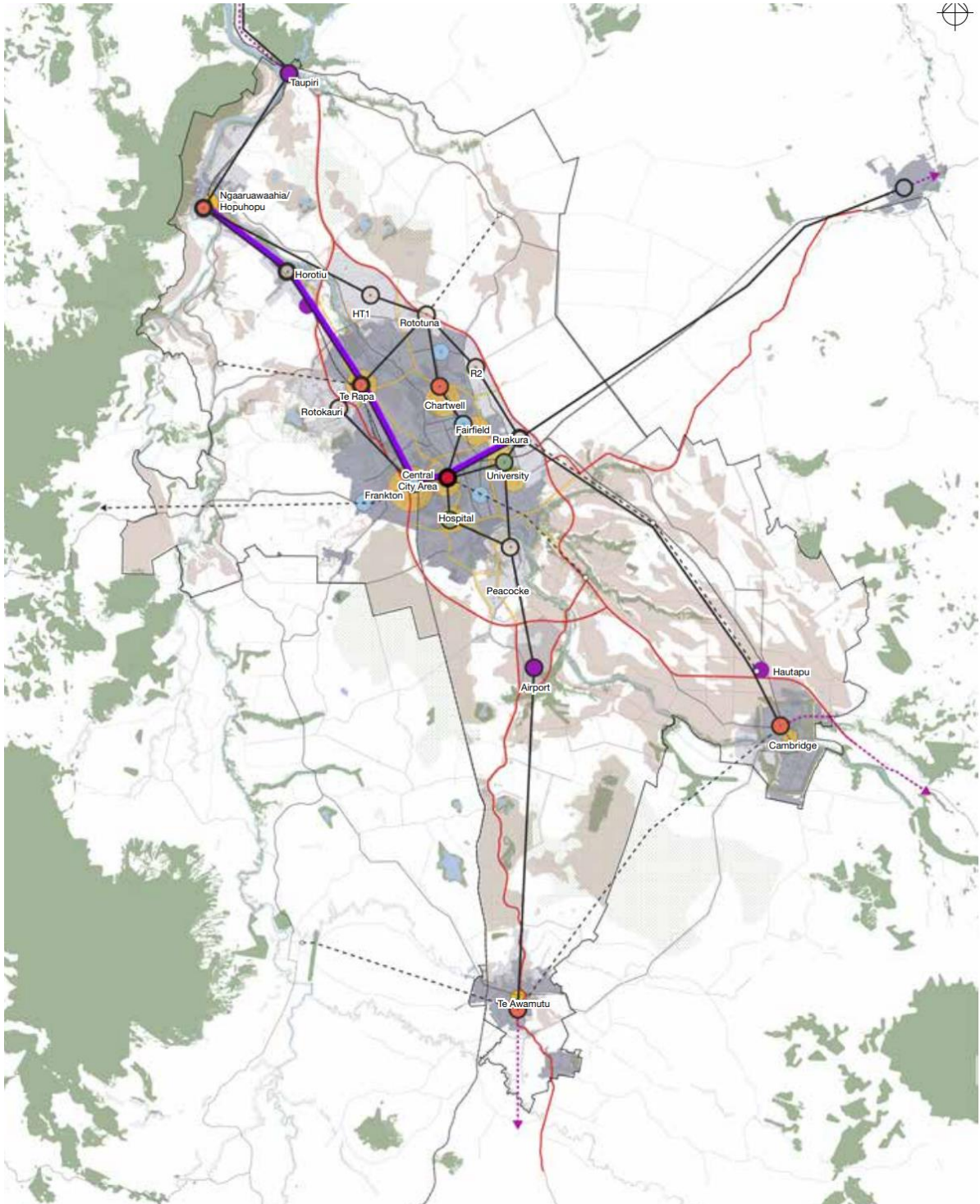
26. It would be wrong to dismiss the H2A Plan and the MSP as having little or no weight and therefore of little or no relevance in the WPDP process. It would also be wrong to reject HCC's request to include a map of the MSP metro area in the planning maps on the basis that there has been a lack of robust analysis and consultation. The MSP is supported by WDC. Recognising the MSP and its intent within the WPDP is consistent with WDC's role as a Future Proof partner.
27. The WPDP process is a critical implementation tool for this higher-level, strategic work and to achieve sustainable management of the natural and physical resources of the Waikato District and Hamilton City. It is efficient for the WPDP to implement the outcomes of the collaborative work undertaken by the MSP partners through recognition of the MSP metro area in the WPDP planning maps, together with a supporting suite of objectives and policies directing land use outcomes consistent with the MSP.

Dated 7 July 2021

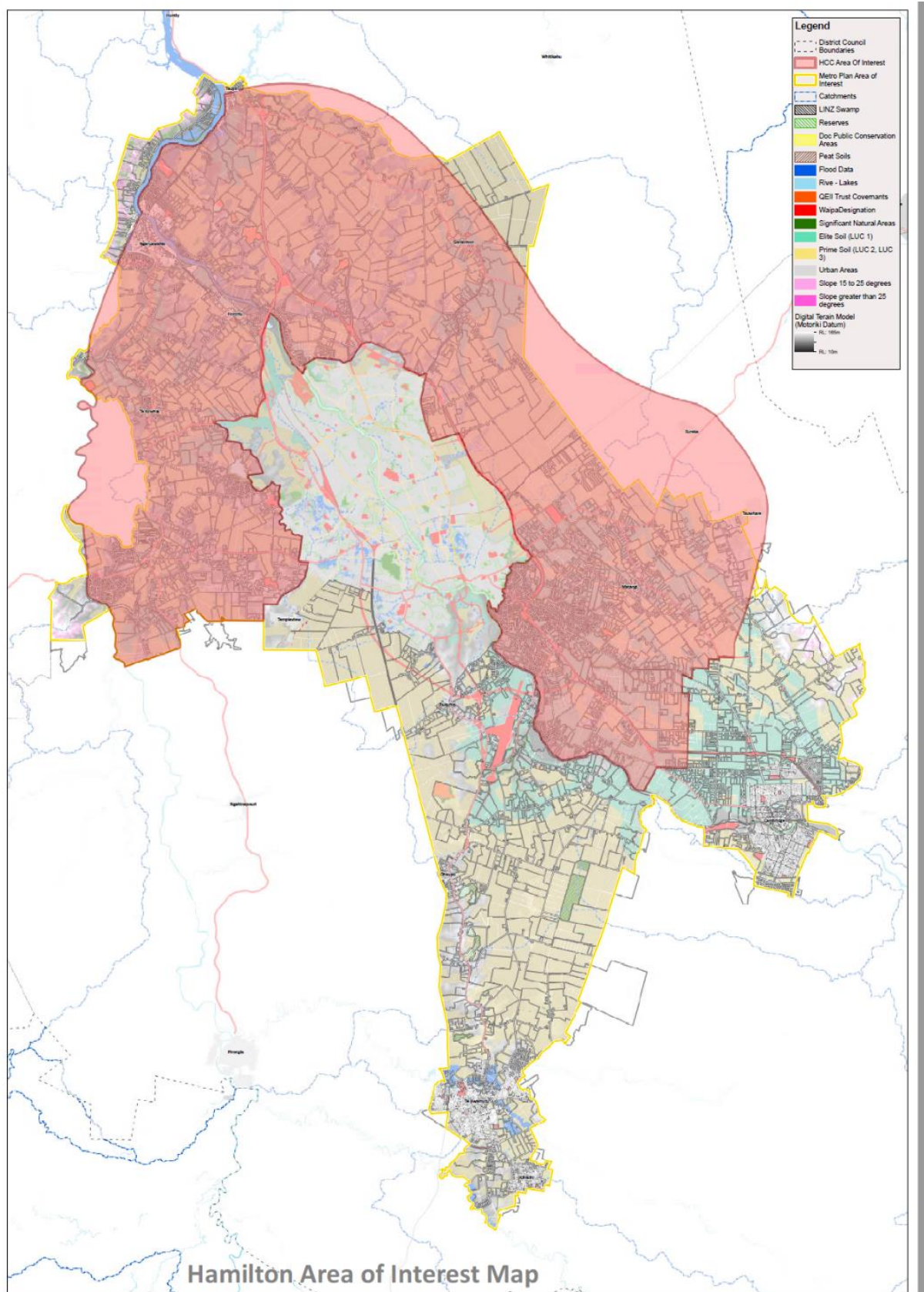


L F Muldowney/S K Thomas
Counsel for Hamilton City Council

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3

Objective 4.1.2 Urban growth and development:

(a) Land use and subdivision within the ~~Hamilton Area of Interest~~ ~~Hamilton-Waikato Metropolitan Area~~ supports a compact urban form and discourages non-rural land uses in the rural areas.

New section 5.5:

5.5 ~~Hamilton's Area of Interest~~ ~~Hamilton-Waikato Metropolitan Area~~

5.5.1 **Objective** – ~~Hamilton Area of Interest~~ ~~Hamilton-Waikato Metropolitan Area~~

(a) Land use and subdivision in the rural zone within the ~~Hamilton-Waikato Metropolitan Area~~ ~~Area of interest~~ supports a compact urban form and discourages non-rural land uses.

5.5.2 **Policy** – Activities within the ~~Hamilton Area of Interest~~ ~~Hamilton-Waikato Metropolitan Area~~

(a) Rural land uses are supported and encouraged

(b) Non-rural land uses are discouraged.