



2 August 2019

Waikato District Council

15 Galileo Street,

Ngaruawahia 3720

Tena Koe,

## Proposed Waikato District Plan Pre-Hearing Meeting re Ambury Properties Limited

Te Whakakitenga o Waikato is the mandated iwi authority of Waikato-Tainui. 68 Waikato-Tainui Marae affiliate to at least one of the 33 hapu of Waikato-Tainui. There are over 68,000 registered tribal members of Waikato-Tainui. The Waikato Tainui Oranga-Taiao is the environmental arm of the iwi authority.

The following sets out the context as Waikato-Tainui understands it, in relation to the request by Ambury Properties Limited (APL) to set an early date to be heard by the hearings panel and receive a decision on their submission in advance of other decisions. The Waikato-Tainui position to these requests are considered below.

### Submission Context

Waikato-Tainui understand APL have requested a specific date (May 2020) to have their submission to the Proposed Waikato District Plan heard and that this date maybe in advance of when related topics are to be heard by the hearing panel. The second request APL has made is that they receive a decision on their submission in advance of other decisions, realistically one - two years in advance of when decisions would be expected to be notified.

Waikato-Tainui understand, through the Memorandum on behalf of APL dated 21 June and the extensive media coverage, that the primary justification for the 'promotion' of this submission in advance of others are commercial pressures. These primarily being an expiring lease on an existing facility and the opportunity to secure spoil from the Auckland Central Rail Link.

Waikato-Tainui understand that there are more than five additional submissions seeking rezoning close to the site which is subject to APLs submission. In addition, there is at least two rezoning's sought elsewhere that are of a greater scale than that sought by APL.

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## Waikato-Tainui Position

The following presents the Waikato-Tainui position in two parts, responding separately to each of the requests by APL.

### **Request 1:**

That the APL submission to the Proposed Waikato District Plan is heard in May 2020, approximately five months in advance of the draft hearings timetable.

### **Response:**

Waikato-Tainui oppose the hearing of the APL submission to the Proposed Waikato District Plan in advance of other submitters with similar proposals and the related sections of the proposed plan that the submission relates to.

Waikato-Tainui would only consider the request for a May 2020 hearing of APL to be appropriate, if all submitters with similar proposals and the related sections of the plan that the proposal relates to could be heard by May 2020. Waikato – Tainui consider this unlikely as it would require a significant amount of the hearings to be heard by May 2020.

### **Request 2:**

APL request that a decision on its submission to the Proposed Waikato District Plan be released by mid-2020, at least one year in advance of when decisions were anticipated.

### **Response:**

Waikato-Tainui oppose the early release of decisions related specifically on the APL submission to the Proposed Waikato District Plan. The reasoning for this opposition is discussed below.

A primary concern of Waikato-Tainui is that advancing a decision in this manner, does not promote a holistic approach to planning for the future of the rohe. There are many submitters who have sought rezoning across the district, some of which are proposing larger areas than APL. Given the strategic nature of the Northern Corridor, Waikato-Tainui consider that decisions made in relation to growth and land allocation should be undertaken in a consistent manner, that allows for consideration of the big picture. Promoting the APL decision in advance of other submissions, allows for decisions to be made when not all of the evidence has been heard, as some submitters simply won't have had the opportunity to present prior to the decision.

A further concern of Waikato-Tainui is that of natural justice or fairness in the process. The request of APL to receive a decision on their submission to the Proposed Waikato District Plan in advance of other submitters, could not have been reasonably anticipated by other submitters nor would it provide for equal opportunity of all submitters to be heard on a level playing field. A lack of fairness may be seen to be promoted, if 'big business' or a particular submitter, is provided with preferential treatment in a planning process that is set up to provide equal opportunities to all submitters. Subsequent submitters may be at a significant disadvantage to a submitter that has already received a decision and is able progress development without any natural competition or competing for resources, as other submitters are still engaged in the plan review process. It raises the question as to why an RMA process would seek to provide for an economic advantage to one party over another.

The ability of a zone change that is promoted in advance of the remainder of a district plan review, to link with the evolving plan provisions and potential regional planning documents is questioned by Waikato-Tainui. A zone change the scale of which APL is promoting has the ability to effect or be effected by provisions throughout the Proposed Waikato District Plan. All zones in the plan require the ability to be linked throughout. It should also be considered how the district plan will link with regional planning documents like the Waikato Regional Policy Statement and FutureProof industrial land allocations. The situation exists if a decision to grant the APL zone change in advance of other industrial land zone changes, a 'first in first served' scenario is created and the industrial land allocation by FutureProof maybe over allocated. Thus, making for zero allocation for those submitters being heard post the early APL decision.

The final concern that Waikato-Tainui have with the request for an early decision, is the ability to consider the natural hazards section of the Proposed Waikato District Plan. Given the location of the proposed APL zone change, it would seem prudent that all natural hazards information be available. By providing a decision in advance of all natural hazards information (and other submitters), a precedent is potentially created as to having to retrospectively deal with the effects of natural hazards. These costs will ultimately fall to the rate payer should council sign off on development that is located inappropriately.

Decision sought

Waikato-Tainui have not considered the merits of the proposal, it may in time provide benefits to the wider community. However, the process that all submitters have committed to is one of equality of opportunity and promotes a holistic approach to the plan making process. Therefore, Waikato-Tainui oppose the request for APL to be heard early in isolation from related submitters and strongly oppose the request to receive a decision on their submission in advance of other submitters.

Nga mihi

Taroi Rawiri

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long horizontal line.

Waikato Tainui

Environment Manager