

UNDER

the Resource Management Act 1991 ("RMA")

IN THE MATTER

of the Proposed Waikato District Plan: Hearing 25 – Zone Extents.

MEMORANDUM OF COUNSEL FOR TAINUI GROUP HOLDINGS LTD

HEARING 25: REZONING

17 February 2020

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Introduction

1. This memorandum is filed on behalf of Tainui Group Holdings Ltd (“**TGH**”) in relation to its submission¹ on the Proposed Waikato District Plan (“**PDP**”) seeking the rezoning of TGH owned land adjacent to the eastern side of the Waikato Expressway at Ruakura from Rural to Industrial (“**the Ruakura Land**”). A map identifying the Ruakura Land is attached as **Annexure A**.
2. The Ruakura Land is on the edge of the district and directly east of TGH’s Ruakura Inland Port and industrial zoned land within Hamilton City. TGH considers it appropriate that, in light of the ongoing growth of Hamilton, the TGH Land be rezoned for industrial / logistics purposes.
3. Strategic planning issues raised by the relief are currently being progressed in conjunction with the Future Proof partners including Waikato-Tainui, Waikato Regional Council, Waikato District Council (“**WDC**”), Hamilton City Council and key infrastructure providers. In those circumstances, TGH has not at this stage prepared a full section 32 RMA analysis of its relief and is instead filing this memorandum to record the current position and provide clarity as to how TGH may proceed in the future regarding the zoning of the Ruakura Land.

Background – TGH Interests

4. TGH is owned by Te Whakakitenga o Waikato Incorporated (Waikato-Tainui), which is the governing body for the 33 hāpu and 68 marae of Waikato Tainui. TGH manages assets on behalf of Waikato-Tainui for the benefit of over 70,000 registered tribal members.
5. TGH has developed a diverse and extensive investment portfolio located largely in the Waikato Region and which includes interests in commercial, residential and industrial developments, fisheries, transportation and manufacturing companies. It has significant landholdings and land interests within the Waikato District.
6. TGH has extensive landholdings at Ruakura, straddling the Waikato Expressway and the Waikato District / Hamilton City boundary. The

¹¹ Submission No 341.

Ruakura Land forms part of those holdings, and comprises part of Sections 8 and 9 Survey Office Plan 483544. TGH's Ruakura landholdings within Hamilton City have a range of primarily industrial zonings and either form part of or are adjacent to the Ruakura Inland Port. The Ruakura Land is located to the east of the Waikato Expressway and is within the Waikato District.

Relief sought re zoning of Ruakura Land

7. The Ruakura Land has a Rural zoning under both the Operative Waikato District Plan and the notified PDP. TGH's submission seeks that the PDP Rural zoning of the Ruakura Land be replaced by a new "*Ruakura Industrial Zone*". Consequential changes are also sought to the PDP policy and provision framework.
8. The new Ruakura Industrial Zone is intended to effectively replicate the existing Ruakura Logistics² and Ruakura Industrial Park³ zone provisions from the Operative Hamilton City District Plan, which apply to land around the Ruakura Inland Port.
9. TGH considers that the following factors support the urbanisation of the Ruakura Land for industrial purposes:
 - 9.1 The Waikato Regional Policy Statement ("**RPS**") identifies the value of significant industrial activities and the benefits these can bring to local communities and the region. The RPS also recognises the need to use existing infrastructure efficiently and achieve integration between land use and infrastructure provision.
 - 9.2 The Ruakura Land is across the Expressway from but otherwise contiguous with the existing Ruakura Logistics and Ruakura Industrial Park zones in the Hamilton City District Plan. The Ruakura Land is also located within a wider area specifically identified in the RPS for industrial growth. Utilising the Ruakura Land for industrial and inland-port related activities would provide

² Section 10.2 of the Operative Hamilton City District Plan.

³ Section 11.2 of the Operative Hamilton City District Plan.]

for the efficient use of land in a manner that is well aligned with existing infrastructure.

- 9.3 The Ruakura Land is immediately proximate to the Waikato Expressway, the planned Ruakura Expressway interchange, and the East Coast Main Trunk rail line. This integration with key infrastructure aligns with the strategic objectives of the RPS.
- 9.4 The significance of the wider Ruakura development as a whole is well recognised and market response to the current offering at Ruakura has demonstrated strong demand for large logistics and industrial footprints.
- 9.5 Providing for a longer-term expansion of TGH's operations at Ruakura aligns not only with TGH's intergenerational investment approach but also will help address future demand for developable land of this nature. Expansion of TGH's operations at Ruakura:
 - (a) Would provide a regionally significant facility which will support and strengthen regional growth;
 - (b) Would provide conveniently located employment opportunities for residents of nearby urban centres in the district and Hamilton; and
 - (c) Would be consistent with WDC's strategic objectives promoting industrial economic growth in the district.
- 9.6 Undertaking the re-zoning as part of the PDP provides efficiencies for WDC, TGH and all relevant stakeholders; minimising the significant costs and procedures that would be associated with a separate plan change process.

Strategic Consideration of the zoning of the Ruakura Land

10. A set of directions were issued by the Commissioners' on 12 May 2020 in relation to zoning requests made through the PDP process. These recorded the Commissioners' expectations with regard to the level of detail to be provided in support of submissions seeking the rezoning of land, including provision of a detailed section 32AA RMA report and evidence justifying submitter proposals.

11. TGH is currently focusing its efforts on the regional strategic planning process outlined below and accordingly does not propose at this stage to provide a detailed section 32AA RMA report or evidence. It considers that a more comprehensive analysis could be provided on completion of the strategic planning exercise.
12. The Hamilton-Waikato Metro Spatial Plan (“**MSP**”) was adopted by the Future Proof Implementation Committee on 10 September 2020. The MSP is a non-statutory spatial plan which sets out the spatial growth pattern for urban development within the Hamilton and Waikato districts.
13. In relation to the Ruakura East area, which includes the Ruakura Land, the MSP identifies as a matter for future investigation⁴ the possibility of providing for industrial and inland port-related activities on the eastern side of the Waikato Expressway. To that end, investigation of alternative land use arrangements for the long-term development of Ruakura, including to the east of the Waikato Expressway, has been identified within the “*priority development area*” programme for the Central Corridor.⁵
14. The intention is that these investigations take place through Phase 2 of the Future Proof Strategy review which is currently underway. TGH’s preference is that the Future Proof Phase 2 process be completed prior to any substantive investment in related rezoning and regulatory processes.
15. While the PDP process is progressing ahead of the Future Proof Stage 2 work programme, TGH considers it appropriate to retain in the interim the opportunity for an industrial / logistics zoning east of the WEX and accordingly maintains its submission. Depending on the outcome of the Future Proof Stage 2 work, work will be commenced in accordance with the RMA to progress and support an agreed outcome for the land east of WEX.

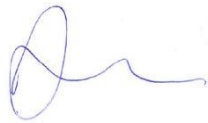
⁴ Future Proof *Hamilton Waikato Metropolitan Spatial Plan* (10 September 2020) at Table 3.

⁵ *Ibid.*, at Table 6.

Conclusion

16. For the reasons set out above, TGH considers industrial / logistics zoning of the Ruakura Land would be appropriate and would complement the Ruakura Inland Port and related logistics and industrial zonings west of the Expressway.
17. TGH's hope is that the Future Proof Stage 2 process will reach a conclusion in time to allow any agreed outcomes to be implemented through the PDP process. While TGH is not providing detailed evidence in support of its submission at this stage, it may prove possible to use the TGH submission at a later stage in the PDP process to rezone the Ruakura Land without an additional plan change being notified.

DATED this 17th day of February 2020.



D A Allan / AK Devine

Counsel for Tainui Group Holdings Ltd

Annexure A – Plan identifying the Ruakura Land

