

National Policy Statement for Urban Development 2020 (Amendment 2022)

Relevant Objectives and Policies	Comment
<p><i>Objective 1:</i> <i>New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i></p>	<p>The Te Kowhai East industrial development (TKE Development) will provide for a well-functioning urban environment that will seamlessly integrate with the existing Hamilton urban environment. The TKE Development will provide industrial land with a range of lot sizes and industrial uses in close proximity to Hamilton's residential area, community services, natural and open spaces and transportation nodes and links, including SH1.</p> <p>A central open space corridor along with two neighbourhood centres are proposed, providing opportunities for shared recreational links to the wider network. A large wetland and stormwater treatment/storage area will provide additional passive recreation space benefits.</p> <p>The TKE Development is within proximity to wider recreation areas in the city and subregion including: Hakarimata, cycle ways, and sport fields.</p> <p>The TKE Development includes connectivity to the cycle network as shown in Appendix 8 – Transportation Connections. This will allow for a connected cycleway between Horotiu and Te Rapa and Rotokauri Residential growth area with significant wider benefit for the area.</p>
<p><i>Objective 3</i> <i>Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:</i></p> <p>(a) <i>the area is in or near a centre zone or other area with many employment opportunities.</i></p> <p>(b) <i>the area is well-served by existing or planned public transport.</i></p>	<p>The TKE Development is in close proximity to large employment areas at Te Rapa & Horotiu with key connections and linkages to existing or planned public transport as shown In Appendix 8 – Transport connections and Appendix 11 – CKL Transport Assessment¹.</p> <p>The TKE Development will provide further employment opportunities within walking and cycling distance from Rotokauri residential growth area to the south and key linkage through the site to Te Rapa and Horotiu as noted above.</p> <p>Furthermore, the TKE Development will provide industrial land where it has been identified that there is a significant shortfall of industrial land within Hamilton City (particularly within northern Hamilton) in the medium to long term (Market Economics 2023 BCA²).</p>

¹ Traffic Assessment Memo: CKL, April 2025.

² Business Development Capacity Assessment 2023: Future Proof Partners, ME Consulting, 3 April 2024 (BCA).

<p>(c) <i>there is high demand for housing or for business land in the area, relative to other areas within the urban environment.</i></p>	
<p><i>Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.</i></p>	<p>The TKE Development will be designed to incorporate amenity value through open space features proposed and well thought out design.</p>
<p><i>Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</i></p>	<p>The TKE Development is not known to have any registered sites or areas of significance.</p> <p>Recognition of cultural identity will be achieved through placemaking elements including view shafts to maunga, infusing cultural identity with design principles and symbolism for open space and road names and the restoration and enhancement of natural values and the mauri of the stream network, including protection of taonga species.</p> <p>Stormwater will be managed in a manner consistent with the Mangaheka ICMP³ which embodies the Vision and Strategy for the Waikato River and the Waikato River catchment in its approach.</p>
<p><i>Objective 6 Local authority decisions on urban development that affect urban environments are: (a) integrated with infrastructure planning and funding decisions; and (b) strategic over the medium term and long term; and</i></p>	<p>The TKE Development has the potential to supply significant development capacity and be fully integrated with current and future transportation networks, without impinging on the ability to deliver identified network upgrades.</p> <p>The TKE Development can be integrated with known expected settlement patterns and can provide a high level of multi-modal connectivity with the same, without being dependent on their delivery.</p>

³ Mangaheka Integrated Catchment Management Plan (ICMP): Hamilton City Council, January 2019.

<p><i>(c) responsive, particularly in relation to proposals that would supply significant development capacity.</i></p>	<p>The design and integrated operation of all three waters will be incorporated applying the sustainability principles of the Mangaheka ICMP⁴.</p> <p>The TKE Development has potential to manage both stormwater quantity and quality within its boundaries without additional infrastructure extensions in accordance with best management practices in low impact design as required under the Mangaheka ICMP⁵ as discussed within the Maven Infrastructure Design Memo⁶.</p> <p>Extension of existing water and wastewater infrastructure will be required to service the TKE Development. There are no known impediments to the treatment/processing of these waters. Trunk services will be sized to accommodate the full development potential.</p> <p>It is intended that infrastructure will be delivered through a staged approach and could be funded privately but also alongside and in conjunction with Territorial Authorities and other neighbouring landowners.</p> <p>In collaboration with other developments, some infrastructure costs in the Rotokauri Growth Cell could by agreement, also be spread over a wider area of benefit, improving the recovery of costs through development contributions.</p> <p>A development contributions funding model based on land area rather than household units can be employed to reduce risk to the council and to further support intensification.</p>
<p><i>Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.</i></p>	<p>The Market Economics BCA 2023⁷ identifies a shortage of industrial land in Hamilton City in the medium term.</p>

⁴ Mangaheka Integrated Catchment Management Plan (ICMP): Hamilton City Council, January 2019.

⁵ Mangaheka Integrated Catchment Management Plan (ICMP): Hamilton City Council, January 2019.

⁶ TKE Infrastructure Design Memo: Maven Associates, May 2025.

⁷ Business Development Capacity Assessment 2023: Future Proof Partners, ME Consulting, 3 April 2024 (BCA).

<p><i>Objective 8:</i> <i>New Zealand's urban environments:</i> <i>(a) support reductions in greenhouse gas emissions; and</i> <i>(b) are resilient to the current and future effects of climate change.</i></p>	<p>The TKE Development responds to climate change by providing a network of open space which will provide opportunities for tree planting.</p> <p>Sustainable forms of multi-modal transport can be incorporated (as demonstrated by the Transport Memo⁸) in proximity to residential areas, thus enabling a reduction of carbon emissions.</p> <p>Furthermore, the TKE Development is in close proximity to the State Highway, providing fast and efficient logistics routes.</p>
<p><i>Policy 1</i> <i>Planning decisions need to directly contribute to delivering this concept of well-functioning urban environments, which at a minimum, have or enable a variety of homes that:</i></p> <p><i>(a) have or enable a variety of homes that:</i></p> <ul style="list-style-type: none"> <i>(i) meet the needs, in terms of type, price, and location, of different households; and</i> <i>(ii) enable Māori to express their cultural traditions and norms; and</i> <p><i>(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and</i></p> <p><i>(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</i></p> <p><i>(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and</i></p>	<p>The TKE Development will provide suitable sites and lots sizes for a variety of businesses to operate.</p> <p>As demonstrated in Appendix 8 Transport Connections, the TKE Development will provide key links and connectivity to the surrounding network including road connections and linkages from the Rotokauri residential growth cell to the south and Te Rapa/Horotiu employment areas to the north. The TKE Development will also provide for key linkages for walking and cycling routes and public transportation.</p> <p>The TKE Development will address the shortfall of industrial land over the medium to long term and will therefore not adversely affect the land development markets.</p> <p>The TKE Development will be designed and developed to encourage a reduction in greenhouse gas emissions through mode shift and road network efficiency, and to build in resilience to the effects of climate change via robust engineering solutions.</p>

⁸ Traffic Assessment Memo: CKL, April 2025.

<p>(e) support reductions in greenhouse gas emissions; and</p> <p>(f) are resilient to the likely current and future effects of climate change.</p>	
<p><i>Policy 2</i></p> <p><i>Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.</i></p>	<p>The TKE Development will contribute towards reducing the current industrial land shortfall over the medium to long term.</p>
<p><i>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</i></p> <p><i>(a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement</i></p> <p><i>(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:</i></p> <p><i>(i) may detract from amenity values appreciated by some people but improve</i></p> <p><i>(ii) amenity values appreciated by other people, communities, and future</i></p> <p><i>(iii) generations, including by providing increased and varied housing densities and types; and</i></p> <p><i>(iv) are not, of themselves, an adverse effect</i></p> <p><i>(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)</i></p> <p><i>(d) any relevant contribution that will be made to meeting the</i></p>	<p>Market Economics BCA⁹ has identified a shortfall of industrial land within the medium to long term within Hamilton City.</p> <p>While providing additional industrial land where there is demand and providing local employment in proximity to key growth areas such as Rotokauri, the TKE Development will also enable a reduction on vehicle trips on the wider roading network.</p> <p>TKE can therefore be considered to be contributing to a well-functioning urban environment, with a relatively compact urban form of mixed-use land-uses, centred around an operating State Highway network.</p>

⁹ Business Development Capacity Assessment 2023: Future Proof Partners, ME Consulting, 3 April 2024 (BCA).

<p><i>requirements of this National Policy Statement to provide or realise development capacity</i></p> <p><i>(e) the likely current and future effects of climate change</i></p>	
<p><i>Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well functioning urban environments, even if the development capacity is:</i></p> <p><i>(a) unanticipated by RMA planning documents; or</i></p> <p><i>(b) out-of-sequence with planned land release.</i></p>	<p>The TKE Development has the potential to add significantly to the development capacity and functionality of northern Hamilton and the Waikato industrial supply. There is currently a significant insufficiency of industrial land supply in these noted areas for the medium and long terms.</p>
<p><i>Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:</i></p> <p><i>(a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and</i></p> <p><i>(b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and</i></p> <p><i>(c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and</i></p> <p><i>d) operate in a way that is consistent with iwi participation legislation.</i></p>	<p>The Treaty of Waitangi will be taken into account when preparing planning documents and making decisions.</p> <p>The TKE Development will ensure continued engagement with Iwi, Tangata and Mana Whenua throughout the project. This engagement will also formalise agreed components via a cultural impact assessment and Memorandum of Understanding.</p>
<p><i>Policy 10: Tier 1, 2, and 3 local authorities:</i></p> <p><i>(a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and</i></p> <p><i>(b) engage with providers of development infrastructure and</i></p>	<p>The TKE site is located within the Waikato District and on the northern periphery of Hamilton City urban extents. The TKE Development is an opportunity to achieve integrated land use and infrastructure planning between both districts.</p>

<p><i>additional infrastructure to achieve integrated land use and infrastructure planning; and</i></p> <p><i>c) engage with the development sector to identify significant opportunities for urban development</i></p>	
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National Policy Statement for Highly Productive Land 2022 (2024 Amendment)

Relevant Objectives and Policies	Comment
<p><i>Objective 2.1</i></p> <p><i>Highly productive land is protected for use in land-based primary production, both now and for future generations.</i></p>	<p>The TKE site comprises LUC Class 2 land as identified within the NPS-HPL assessment prepared by AgFirst (Appendix 19)¹⁰.</p>
<p><i>Policy 1: Highly productive land is recognised as a resource with finite characteristics and longterm values for land-based primary production. Policy 2: The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.</i></p> <p><i>Policy 3: Highly productive land is mapped and included in regional policy statements and district plans.</i></p>	<p>As per NPS-HPL implications letter provided by the Environmental Lawyers Ltd (Appendix 18)¹¹, while it is noted that the TKE site is confirmed to contain highly productive land and considered 'urban rezoning' the BCA prepared by Market Economics¹² provides a reasonable basis to argue that the TKE Development meets the criteria from clause 3.6(1)(a) of the NPS-HPL, in respect of the land that is to be rezoned for industrial use. Furthermore, the TKE Development meets the requirements of Clause 3.6(1)(b) and 3.6(2)(c) of the NPS-HPL given that there are no other reasonably practicable and feasible options which are better suited in terms of impacts on productive land (noting that the TKE Development avoids class 1 land) for providing additional development capacity for Hamilton north where there is insufficient supply over the medium to long term (as highlighted within Market Economics BCA¹³).</p>

¹⁰ TKE NPS HPL Assessment, AgFirst, March 2024

¹¹ Implications of the NPS – HPL for TKE, The Environmental Lawyers, April 2025

¹² Business Development Capacity Assessment 2023: Future Proof Partners, ME Consulting, 3 April 2024 (BCA).

¹³ Business Development Capacity Assessment 2023: Future Proof Partners, ME Consulting, 3 April 2024 (BCA).

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement. Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8: Highly productive land is protected from inappropriate use and development.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

The AgFirst NPS-HPL assessment¹⁴ also confirms that intensive agricultural operations are restricted on the TKE Development site due to surrounding land uses, soil conditions and limited expansion or improvement opportunities.

National Policy Statement for Freshwater 2020 (Amendment 2024)

Relevant Objectives and Policies	Comment
<p>2.1 Objective</p> <p><i>(1) The objective of this National Policy Statement 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</i></p> <p><i>(b) second, the health needs of people (such as drinking water)</i></p>	<p>The TKE Development will manage stormwater and enhance waterways in a manner consistent with the Mangaheka ICMP¹⁵ which embodies the Waikato River Vision and Strategy in its approach.</p> <p>A preliminary ecological assessment¹⁶ identifies watercourses as artificial farm drains or highly modified streams. The habitat value of the watercourses is currently very low. A small area of natural wetland is</p>

¹⁴ TKE NPS HPL Assessment, AgFirst, March 2024

¹⁵ Mangaheka Integrated Catchment Management Plan (ICMP): Hamilton City Council, January 2019.

¹⁶ Preliminary Ecological Assessment, Freshwater Solutions Environmental Consultants, July 2021

(c) third, the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future

2.2 Policies

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected. Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

also identified. The TKE Development will provide good opportunities for restoration and enhancement of waterways.

The TKE Development will utilise best practice erosion and sediment control to minimise sediment discharges to the receiving environment and stormwater management infrastructure, including quality treatment wetlands that will remove contaminants as a result of industrial development.

Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

National Policy Statement for Indigenous Biodiversity 2023 (2024 Amendment)

Relevant Objectives and Policies	Comment
<p><i>Objective 2.1</i></p> <p><i>1) The objective of this National Policy Statement is:</i></p> <p><i>(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and</i></p> <p><i>(b) to achieve this:</i></p> <p><i>(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and</i></p> <p><i>(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and</i></p> <p><i>(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and</i></p> <p><i>(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.</i></p>	<p>The TKE Development site has been highly modified through farming activities and is dominated by exotic pasture as detailed within ESL Ecological Assessment (Appendix 16)¹⁷. The TKE Development will enable restoration and enhancement opportunities including reserve and open space areas, stormwater management areas and through the retention of large specimen trees within reserves and roads where they have a suitable form, health and longevity.</p>
<p><i>Policy 1: Indigenous biodiversity is managed in a way that gives effect to the decision making principles and takes into account the principles of the Treaty of Waitangi.</i></p>	

¹⁷ Preliminary Ecological Assessment, Freshwater Solutions Environmental Consultants, July 2021

Policy 2: Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:

- (a) managing indigenous biodiversity on their land; and*
- (b) identifying and protecting indigenous species, populations and ecosystems that are taonga; and*
- (c) actively participating in other decision-making about indigenous biodiversity.*

Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.

Policy 4: Indigenous biodiversity is managed to promote resilience to the effects of climate change.

Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries. Policy 6: Significant indigenous vegetation and significant habitats of indigenous fauna are identified as SNAs using a consistent approach.

Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.

Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

Policy 9: Certain established activities are provided for within and outside SNAs.

Policy 10: Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.

Policy 11: Geothermal SNAs are protected at a level that reflects their vulnerability, or in accordance with any pre-existing underlying geothermal system classification.

Policy 12: Indigenous biodiversity is managed within plantation forestry while providing for plantation forestry activities. Policy

13: Restoration of indigenous biodiversity is promoted and

provided for. Policy 14: Increased indigenous vegetation cover is promoted in both urban and nonurban environments.

Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved. Policy 16: Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.

Policy 17: There is improved information and regular monitoring of indigenous biodiversity.