

BEFORE THE INDEPENDENT HEARINGS PANEL OF HAMILTON CITY COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Private Plan Change 17 to the Hamilton Operative District Plan ("PC17")

SUMMARY STATEMENT OF EXPERT EVIDENCE OF MICHAEL BILSBOROUGH and RESPONSE TO REBUTTAL AND S42A ADDENDUM REPORT

ON BEHALF OF HOROTIU FARMS LIMITED AND TE AWA LAKES UNINCORPORATED JOINT VENTURE LIMITED (COLLECTIVELY REFERRED TO AS "TAL")

Partner: Urban Design

28 November 2025

1.0 INTRODUCTION

- 1.1 My full name is Michael James Bilsborough. My qualifications and experience are set out in my statement of evidence dated 30 October 2025
- 1.2 This evidence is a summary of my evidence filed on PC17 and also comments on matters the applicants rebuttal evidence and the s42AA addendum report in relation to urban design matters.
- 1.3 In preparing this assessment, I have reviewed the s.42AA report as well as the evidence of:
 - Nicholas Colyn Grala (Planning)
 - Peter Noel Kensington (Landscape)
 - Samuel James Coles (Urban Design)

2.0 SUMMARY OF EVIDENCE

- 2.1 PC17 proposes to rezone portions of the deferred industrial zone, including land owned by Fonterra and others, to the Te Rapa North Industrial Zone.
- 2.2 I support the rezoning and proposed land use of the PC17 North Block. However, I have concerns regarding the proximity and scale of built form enabled along the boundary with the HES site. Specifically, the proposed controls may result in adverse landscape and visual effects, including the potential for visual dominance of future buildings.
- 2.3 The current development controls propose:
 - A 20m building height
 - A 5m landscape buffer along the boundary
- 2.4 There are no controls to limit building length or require modulation of the built form facing the HES boundary.
- 2.5 TAL The HES site, located to the north of the PC17 North Block, is currently deferred industrial. This allows for future land uses

that may include industrial, commercial, or residential activities, although the final use is yet to be determined.

2.6 As noted in the Corporate evidence prepared by TAL there is a covenant over the HES site that limits this part of the land to be used for commercial, major facilities and community purposes. I understand that the site is also a referred Fast Track application site under the Fast Track Approvals Act 2024.

2.7 TALs current masterplan intends mixed use development incorporating commercial, indoor and outdoor recreational, and hospitality activities. The masterplan has considered the PC17 North Block boundary interface and incorporates a landscaped zone approximately 18m -37 wide. This includes pedestrian and cycle connections from the river ride to the HES site and continues into the TAL village centre and is intended as a key outdoor amenity for the wider TAL development.

2.8 The current HES masterplan does not incorporate any industrial activities.

3.0 RESPONSE TO EVIDENCE OF SAMUEL JAMES COLES (URBAN DESIGN) FOR FONTERRA

3.1 I have reviewed the evidence prepared by Samuel Coles which concludes that the proposed 20m building height at the interface with Te Awa Lakes is not expected to generate adverse amenity effects. However, I do not concur with the conclusion that no further development controls are necessary, and we submit that additional measures are warranted to ensure a high-quality urban outcome.

3.2 Key Points of Concern

a) Future Land Use

The current proposed land use includes commercial, recreational and hospitality activities with supporting car parking and outdoor amenity areas. There are no intended industrial activities. I submit

that that a more precautionary approach is appropriate to avoid adverse landscape and visual effects, and visual dominance of future buildings.

b) Visual Impact and Urban Form

A 20m high built edge, even without shading impacts, can still result in significant visual dominance, particularly if buildings are long and unmodulated. The absence of controls on building length, articulation, and façade treatment risks creating a monotonous and imposing edge condition that undermines the amenity of adjacent development.

c) Amenity and Sense of Place

The expert evidence suggests that the presence of roading and large-scale development on the HES site justifies the proposed height. However, this does not account for the qualitative aspects of urban design, such as human scale, visual permeability, and landscape integration. These are critical to achieving a sense of place, especially along a prominent interface like the PC17 North Block boundary interface.

3.3 While the expert evidence provides a technical assessment of shading and view impacts, it does not fully address the broader urban design implications of the proposed interface. In my view further development controls are necessary to ensure the PC17 North Block integrates successfully with HES at the interface and contributes positively to the urban fabric of the area. I agree with Mr Colliers evidence which discusses the policy basis for this.

4.0 RESPONSE TO EVIDENCE OF PETER NOEL KENSINGTON (LANDSCAPE) FOR FONterra

4.1 I have reviewed the evidence prepared by Peter Noel Kensington which responds to the submission by TAL regarding the HES boundary interface. While the expert supports the principle of a stepped building height to manage potential adverse landscape and visual effects, I submit that the conclusion not to amend the provisions is premature and

overlooks key urban design and amenity considerations and the policy framework relating to the interface

4.2 Mr Kensington acknowledges that a graduated building height approach could assist in mitigating visual dominance and landscape effects at the northern boundary of the Plan Change Area. This recognition is important and aligns with best practice in managing industrial zone interfaces, particularly where future land use is uncertain or transitioning.

4.3 However, I still have concerns around:

a) Mr Kensington's dismissal of the 12m metric without alternative guidance.

While he considers the proposed 12m height within 50m of the boundary to be too restrictive, no alternative metric or design-based solution is offered.

b) A lack of consideration for built form modulation. Mr Kensington's response focuses solely on height, without addressing other critical aspects of visual impact such as building length, articulation, and façade treatment. These elements are essential to reducing perceived bulk and enhancing the quality of the interface.

c) Deferred Zoning and Future Sensitivity.

The HES site is currently under a Deferred Industrial Zone overlay, meaning its future use is not yet fixed. This uncertainty warrants a precautionary approach, particularly given the for future intended mixed-use development.

d) Amenity and Landscape Integration

The proposed Natural Open Space Zone near the river edge is a positive inclusion, but it does not fully address the interface condition along the shared boundary. Without additional controls, the risk remains that future industrial buildings will dominate the landscape and compromise amenity.

5.0 RESPONSE TO SECTION 42A REPORT

- 5.1 The report writer addresses the urban design evidence at para 4.22 and 4.23 of the s 42 A Addendum Report. In my opinion the Council has been too dismissive of this interface both in terms of risks of adverse effects and the opportunity it presents for better amenity outcomes.
- 5.2 Given the uncertainty of future land use for the HES site, I recommend a more appropriate approach to the interface between the PC17 North Block and Te Awa Lakes to mitigate potential adverse effects.
- 5.3 To manage the bulk and location of buildings along the PC17– HES interface and to limit adverse landscape and visual effects, in my opinion additional development controls should be considered, I have discussed the plan amendments suggested by Mr. Collier and support these changes to the Deferred Industrial Zone interface. Although they do not go as far as I recommended in my brief of evidence, I consider they are a compromise, that allows for the efficiency of the industrial zone to be developed and will protect amenity and future range of land use mix of uses between the sites. These are by way of including DIZ interface rules with the same approach to the Open Space Zone including:
 - a) a proposed 5m landscape buffer
 - b) Height in relation to boundary controls which will achieve appropriate building setbacks and will promote graduation
 - c) The adoption of a 5m yard in addition to the landscaping

MICHAEL BILSBOROUGH

28 NOVEMBER 2025