

**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")

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**SUMMARY STATEMENT OF EXPERT EVIDENCE OF  
AARON COLLIER**

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

25 November 2025

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## **1.0 Introduction**

1.1 My full name is Aaron Mark Collier.

1.2 This summary statement of evidence has been prepared to summarise my evidence date 3 November 2025 and replies to a number of matters raised in the supplementary evidence of Nicholas Grala on behalf of Fonterra, along with the updated version of the plan change provisions provided by Hamilton City Council. In preparing this supplementary statement I have also reviewed the Councils S.42AA report which responds to the evidence filed on the Plan Change 17.

## **2.0 Executive Summary of Evidence**

2.1 Te Awa Lakes is a mixed-use master planned community which adjoins Fonterra's Plan Change 17 area. Plan provisions for Te Awa Lakes are relatively recent (Plan Change 2) and included the incorporation of comprehensive assessment requirements and guiding structure plans.

2.2 Development of Te Awa Lakes is underway guided by prerequisites relating to the delivery of infrastructure, most notably for significant transportation infrastructure upgrades. Te Awa Lakes and Fonterra are relying on sharing the same strategic and local transport corridors and the available capacity. In my view transport modelling and upgrade requirements should account for the urban zoning of Te Awa Lakes and its structure Plan in the Operative District Plan, and the triggers under the Te Awa Lakes Structure Plan for roading infrastructure upgrades which are set out in Chapter 3.8 of the District Plan.

2.3 Plan Change 17 disregards the zone enabled development planned under the Te Awa Lakes Structure Plan and chooses to only consider as a baseline those effects authorised under existing resource consents. I agree with the position adopted in the Councils updated s.42AA report in that the "whole" situation in terms of transport

modelling is important and critical to considering infrastructure upgrade obligations and any staging. In my view both developments are dependent on the same infrastructure and a fair and coordinated approach is required to these upgrades. The obligations and contributions towards infrastructure should be shared between the parties and this can occur outside of a plan change process including through a Private Development Agreement.

- 2.4 Concerns were raised by Te Awa Lakes in relation to the Focal Area have been addressed by way of suitable provisions which now provides a scale of food and beverage offerings to meet the daily needs of workers Sensitive activities have also been removed from the Focal Area. The potential cumulative effects associated with food and beverage activities are now controlled by a GFA limit of 800m<sup>2</sup>.
- 2.5 The industrial zone under Plan Change 17 extends to the southern boundary of the Te Awa Lakes site. A planned river trail and community belt is located on Te Awa Lakes land. My evidence addresses how the boundary interface can be more appropriately managed in relation to building scale and locations. I raised concerns in relation to the proximity of 20m high buildings right up to and along the common boundary and adjoining river trail because the future zoning of Te Awa Lakes land along this interface is not yet settled and is zoned Future Urban with a deferred industrial overlay. In my view the Future Urban zoning of Te Awa Lakes land leaves the land open in terms of its potential future use, and any change is subject to a future plan change (or other future processes under the Governments pending legislative reforms).
- 2.6 Te Awa Lakes land has also been successfully referred under the Fast Track Approvals Act 2024 and there is no proposal to develop the area as a future industrial zone. Given the uncertainty in relation to the use of the land, I consider it appropriate to incorporate landscape screening and setback requirements between the Plan Change 17 area and the Te Awa Lakes site in accordance with Objective 12.2.2 and Policy 12.2.2 (a) as set out in Plan Change 17.

2.7 I have reviewed the Council's s.42AA report in relation to the "interface" which focuses more on the zoning aspect rather than interpreting the policy requirements for how this interface is to be treated. Regardless of whether the panel considers Te Awa Lake's future urban land as being zoned or an overlay, a gap in Plan Change 17 remains in that there are no specific standards or rules that follow on from, and give effect to, Objectives and Policies in 12.2.2.

2.8 I have therefore proposed the following amendments to my original evidence:

- a) Retain a proposed 5m landscape buffer and include a requirement relating to the height and density of planting.
- b) Restrict maximum building heights proximity to the boundary by applying the same provisions as the Open Space zone. I note that the reason for this is that the Objectives and Policies in 12.2.2 and Policy 12.2.2 do not differentiate between the open space and deferred industrial.
- c) Introduce a yard control along the Te Awa Lakes boundary.

2.9 These changes are set out as track changes/additions to the Council's current version of the Plan provisions in 3.9 below.

### **3.0 Response to the Rebuttal Evidence of Nicholas Grala**

3.1 I have reviewed and considered the rebuttal evidence of Mr. Grala and have not changed the opinion given in my evidence dated 03 November 2025 in relation to the deferred industrial area and the need for appropriate treatment of the deferred Industrial area interface through Plan Change 17.

3.2 In response to my primary evidence, Mr. Grala notes that any interpretation that treats the TALs Horotiu East South (HES) block as being within the future urban zone is incorrect<sup>1</sup>.

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<sup>1</sup> See Paragraph 2.22 of the Statement of Evidence of Nicholas Grala.

- 3.3 Mr. Grala and I have differing views on whether the deferred industrial land is within a Deferred Industrial Zone or within a Deferred Industrial Area that falls to be considered under the Future Urban Zone (Chapter 14 of the ODP). In reaching his conclusions that Te Awa Lakes land abutting the Plan Change 17 area is “zoned” Deferred Industrial, Mr. Grala relies upon a screenshot from the Council’s GIS Map Viewer that refers to the deferred industrial land as being a zone.
- 3.4 In my view the District Plan itself should be the primary statutory document relied upon rather than the Council’s GIS layer if there is a conflict between District Plan maps and the District Plan text. In my view plan text should always override maps.
- 3.5 Mr. Grala has quoted the note in 12.1 under the Te Rapa North Industrial Zone provisions which sets out that the area (of deferred industrial) is covered by the provisions identified in Chapter 14 – Future Urban Zone. This is because of the deferred industrial status of the land and a future urban underlying zoning being applicable for deferred industrial. There are provisions included in the Te Rapa North Industrial Zone referring to deferred industrial. Both Chapter 12 and Chapter 14 (Future Urban Zone) refer to the Te Rapa North Deferred Industrial “Area,” rather than zone. As I noted in 6.11 of my evidence, Section 14.1 (Purpose of the Future Urban Zone) sets out that the future urban zone rules also apply to the Te Rapa North Deferred Industrial Area until such time as the area is rezoned. The Plan also notes that in the interim, the Te Rapa North Deferred Industrial Area shall remain in predominantly rural use.
- 3.6 The Future Urban Zone (FUZ) is clearly a holding zone, and I agree with the Council’s s.42AA assessment that the intention is for the land to be maintained in terms of its rural uses. However, any change to the zoning of this land is not simply an “uplift” of the overlay (as suggested in the s.42AA report) and will require a full plan change process (or whatever similar process future planning legislation requires at the time). The Future Urban zone provides for very limited activities including boarding kennels and catteries as a restricted discretionary activity and setback requirements for

buildings including milking and shearing sheds, boarding kennels and outdoor hardstands for rural farming.

- 3.7 The Te Rapa North Industrial Zone provisions also anticipate that the future subdivision and development of land shall be restricted until “further planning tools” such as structure planning are implemented in the deferred industrial area<sup>2</sup>.
- 3.8 In my opinion a precautionary approach should remain until such time as future planning processes properly deal with the rezoning of this deferred area. Its future as industrial is not a given.
- 3.9 I do not agree with Mr. Grala’s view, that Te Awa Lakes should be required to mitigate any effects of Plan Change 17 on its own land<sup>3</sup>. My reasoning for this is based on the Objectives and Policies as set out in 12.2 of the Plan Change 17 policy provisions. They do not say that Te Awa Lakes should manage the effects of Plan Change 17 on its land but rather require high quality amenity outcomes (which act to improve the cities’ industrial locations), screening, landscaping and setbacks in relation to the “interfaces adjoining” (not on) deferred industrial. The intent is also to create attractive industrial precincts that reflect positively on Hamilton, rather than more traditional industrial areas.
- 3.10 These relevant policy provisions are contained in Mr Grala’s rebuttal evidence with the applicant’s updated version of Plan Change 17 provisions as follows:

Objective	Policies
<b>12.2.2</b> A high-quality Industrial area is achieved within the Te Rapa North Industrial Zone.	<b>12.2.2a</b> Amenity levels within the Te Rapa North Industrial Zone are improved through the use of Require industrial development to incorporate landscaping, screening and setbacks within the interfaces between the zone, the Deferred Industrial Zone areas and the Waikato Expressway and Te Rapa Road.
<b>12.2.3</b> The amenity levels of the existing Te Rapa Dairy Manufacturing Site are to be maintained.	<b>12.2.3b</b> Amenity levels within the Dairy Manufacturing Site will continue to reflect the existing activity on site.

<sup>2</sup> This is set out in section 12.6.1 of the District Plan (Te Rapa North Land Release Staging

<sup>3</sup> See Paragraph 2.27 (c) of the evidence of Nicholas Grala.

- 3.11 The supporting explanation relating to 12.2.2 is also important to consider when interpreting these objectives and policies and notes:

*Although lower standards of amenity are often characteristic of industrial locations, Plan provisions aim to enable a general improvement in the amenity of the City's industrial locations. The Te Rapa North Industrial Zone incorporates greenfield, industrial activities and the existing Dairy Manufacturing Site, and managing the amenity values of the parts of the zone that remain deferred is important to consider. The purpose of this is to create functional and attractive industrial precinct that reflects positively on Hamilton.*

- 3.12 Even in the unlikely event the Fast Track application for other business uses of the deferred industrial area were not applied for by TAL, or were declined, it is my view that even for deferred future uses the expectation under 12.2 is that the newer industrial areas are to have a much higher quality of industrial development that requires higher amenity outcomes, and which address interfaces (particularly the deferred industrial), with screening, landscaping and setbacks.
- 3.13 At a policy level Plan Change 17 treats the deferred industrial in a manner that supports my earlier recommendations.
- 3.14 Based on the policy framework, TAL is simply seeking a more appropriate rule framework which implements and reflects those policies as they relate to the TAL boundary interface. Where such standards are not met, then they will trigger a resource consent as a restricted discretionary activity as provided for under the rule framework with one of the considering being the guiding policy framework (including 12.2.2) under relevant objectives and policies.
- 3.15 As such I have given further consideration to the latest version of the plan provisions included with the Councils further reporting, and I recommend amendments (with the changes and additions set out in red) with respect to Rule 12.4.1x.i (building setbacks) , Rule 12.4.2.a (building height), 12.4.3a (height in relation to Boundary), and rule 12.4.6.v (boundary landscaping) as set out below:

**12.4.1 Building Setbacks**

<b>Building setback (minimum distance)</b>	
i. Transport corridor boundary — local and collector transport corridors	3m
ii. Transport corridor boundary — arterial transport corridors	5m
iii. Te Rapa Road	10m from the western side of Te Rapa Road 5m from the eastern side of Te Rapa Road
iii. Waikato Expressway (Designation E99 and E99a)	i. 5m from designation boundary
iv. East — West Road (as shown on the Te Rapa North Industrial Structure Plan)	i. 6.5m on the northern side; and ii. A-18.5m setback from the legal road corridor from the southern side of the East-West Road, which shall apply in addition to the above until such time as the Northern River Crossing is constructed. <sup>2</sup>
iv. Any boundary adjoining any Open Space Zones	8m
v. From the bank of the Waikato River	30m Despite the above, a public amenity of up to 25m <sup>2</sup> on an esplanade reserve, a public walkway, a water take or discharge structure, or a pump shed are not subject to this rule
viii. From the banks of the Te Rapa Stream (Riparian Setback)	10m
ix. From the banks of any other watercourses (Riparian Setback)	5m
x. Adjoining any Significant Natural Area	5m
vi. Other boundaries	0m



vii. Waikato Riverbank and Gully Hazard Area	6m (applies to buildings and swimming pools)
xii. Deferred industrial area	5m (excluding the landscape strip required under 12.4.6)

- 3.16 The above change implements a setback taking into account the policy 12.2.2a and the existing landscape strip requirement noted in the landscaping standard in 12.4.6 noted below.

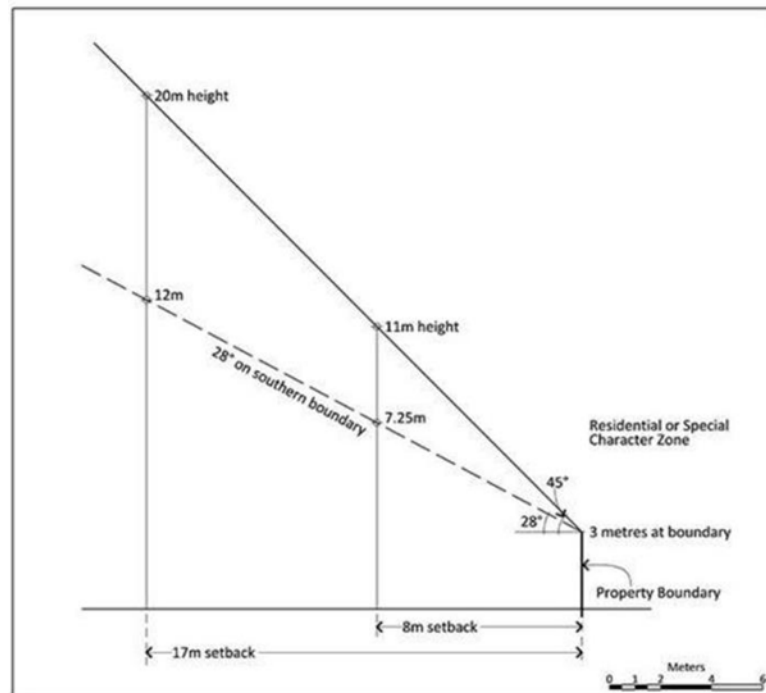
#### 12.4.2 Building Height

a. Maximum building height	20m
b. Maximum container stacking height	25m
c. Height of lighting towers, poles, aerials, loading ramps, link spans, flagpoles, machinery rooms and cranes and other lifting or stacking equipment	35m

#### 12.4.3 Height in Relation to Boundary

- a. No part of a building may penetrate a height control plane rising at an angle of 45 degrees (except for the southern boundary where it is measured at 28 degrees) starting at:
- an elevation of 3m above the boundary of any adjoining Open Space Zones and the Deferred Industrial Area (Future Urban Zone)
- (refer to Figure 12.4.3a); and/or
  - an elevation of 5m above the boundary adjoining any arterial transport corridor (refer to Figure 12.4.3b).

**Figure 12.4.3a:** Height Control Plane for Boundaries adjoining Open Space Zones and the Deferred Industrial Area (Future Urban Zone)



- 3.17 The above change addresses the matter of a stepped building height approach and setback as required under Policy 12.2.2.a. aligned with the approach sought by TAL.

### 12.4.6 Landscaping

Notwithstanding the provisions in Chapter 25.5: City-wide — Landscaping and Screening, within the Te Rapa North Industrial Zone.

Area to be planted	Extent	Height at maturity (minimum)	Density
i. Between Parking areas and storage areas and road frontage	2m depth along whole road frontage	-	Buffer Strip
ii. Within 15m of the bank of the Waikato River where the land is not subject to an esplanade reserve	Full extent	-	Sufficient to visually screen the activity from the river (except for areas used for water take and discharge structures and associated infrastructure, and access to these.)
iii. Adjacent to Te Rapa Road	2m	At least 2 metres	1. Boundaries where no vehicle access is obtained: Buffer Strip 2. Within 5m of a vehicle access: Planting Strip
iv. Land adjacent to the Te Rapa section of the Waikato Expressway	5m depth along whole road frontage	-	-
v. Boundary of Te Rapa North Industrial Zone and any land subject to the Deferred Industrial Zone Area (Future Urban Zone)	5m depth along whole boundary	10m (within 5 years of planting)	Buffer Strip
vi. Within a riparian setback	Entire extent	-	-

- 3.18 The above landscaping provision provides for a landscape strip to a suitable height to provide a landscape buffer as required under Policy 12.2.2.a.
- 3.19 Mr Grala, in his rebuttal evidence, adopts the position that in relation to the transport framework, it is only appropriate to model the existing Te Awa Lakes consents and not the development envisaged under the zone on the basis that future consenting processes are required. In my experience the structure plan and rule provisions which apply to TAL are not unusual as comprehensive residential development typically requires a resource consent process to be followed often with prerequisites being imposed in relation to the release of stages or the generation of effects such as vehicle movements.
- 3.20 I do not agree with Mr. Grala in 2.12 of his statement that there needs to be an attempt to guess what the upgrades may be. These upgrades, (prerequisites and triggers) are clearly set out as noted in the evidence of Mr. Apeldoorn and in the existing TAL Plan provisions.
- 3.21 I do not consider that there are any unknowns as suggested. Te Awa Lakes have always been happy to provide this mitigation themselves as this was a core part of Plan Change 2.
- 3.22 Mr Apeldoorn has provided further changes to the relevant infrastructure requirements relating to the roading network which if implemented would assist in satisfying the concerns raised in the TAL submission. I have reviewed these provisions and consider them appropriate.
- 3.23 In my experience It is most unusual for modelling (whether be traffic modelling, stormwater modelling or water modelling) to not take into account existing zoned urban land and what the District Plan anticipates as being the planned and likely effects anticipated from this zoned land are (particularly when there are comprehensive Structure Plans developed for such land as is the case for TAL).

3.24 I therefore agree with the Council's s.42AA report in relation to the need to consider the "whole Scenario".



**Aaron Collier**

Planner

28 November 2025