

**BEFORE THE INDEPENDENT HEARINGS PANEL
OF HAMILTON CITY COUNCIL**

UNDER the Resource Management Act 1991 ("RMA")

AND

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

**STATEMENT OF REBUTTAL EVIDENCE OF SAMUEL JAMES COLES
ON BEHALF OF FONTERRA LIMITED
URBAN DESIGN**

20 NOVEMBER 2025

**Russell
McLeagh**

D J Minhinnick | K L Gunnell
P +64 9 367 8000
F +64 9 367 8163
PO Box 8
DX CX10085
Auckland

1. INTRODUCTION

Qualifications and Experience

- 1.1 My full name is Samuel James Coles.
- 1.2 My qualifications and experience were set out in my Primary Statement of Evidence dated 7 October 2025 ("Primary Evidence").

Scope and Structure of Evidence

- 1.3 My evidence responds to matters raised in the statements of evidence filed on behalf of PC17. This statement addresses matters raised in the:
 - (a) Statement of Evidence of Michael Bilsborough (Urban Design) on behalf of Horotiu Farms Limited and Te Awa Lakes Unincorporated Joint Venture Limited (which I collectively refer to as "TAL").
 - (b) Statement of Evidence of Aaron Collier (Planning) on behalf of TAL (to the extent that it reflects the conclusions of Mr Bilsborough).
- 1.4 I also refer to and rely upon the Statement of Rebuttal Evidence of Mr Grala, whose conclusion I support. I have also liaised with Mr Kensington (expert landscape architect for Fonterra) while preparing this rebuttal evidence.

Code of conduct

- 1.5 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearings Commissioners. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

- 1.6 The main focus of my rebuttal evidence is the interface between the "Plan Change Area" (approximately 91 hectares of land surrounding the Te Rapa Dairy Manufacturing Site at Te Rapa North) and the land owned by TAL at Hutchinson Road, known as Horotiu East South ("HES") site. The HES Block abuts the Plan Change Area at what is referred to as the "Fonterra North stage".

1.7 The key issue that I respond to in this statement is the urban design outcome of PC17's proposed boundary controls at the HES Block interface. The location and extent of this boundary (the "**HES Boundary**") is shown in **Figure 1** below.



Figure 1: Extent of the common boundary between the North Block of the Plan Change Area and the HES Block owned by TAL.

2. PLANNING CONTEXT

2.1 As set out by Mr Grala:¹

It is therefore appropriate that, in the context of PC17, the HES Boundary be viewed as a common boundary between land that can be developed for industrial use in the short term (being the North Block within the Plan Change Area) and in the long term (being the HES Block).

2.2 As explained by Mr Grala, the Master Plan for the TAL development does not hold any statutory weight, and that:²

...any additional mitigation along the HES Boundary should be on the HES site rather than within the Plan Change Area.

¹ Statement of Rebuttal Evidence of Nicholas Grala on behalf of Fonterra Limited dated 20 November 2025 at [2.24].

² Statement of Rebuttal Evidence of Nicholas Grala on behalf of Fonterra Limited dated 20 November 2025 at [2.27(a) to (c)].

2.3 As noted in my Primary Evidence and as addressed by Mr Grala in his Rebuttal Evidence,³ the adjacent HES Block is zoned for industrial development (applying the TRNIZ and then the DIZ overlay). Additionally, approximately half of the HES Block near the HES Boundary is subject to the Te Rapa Manufacturing Site Noise Emissions Boundary overlay. This planning context is a key factor in my determination of suitability of the controls proposed for PC17.⁴

2.4 Mr Collier notes that, in relation to the TAL Land, "...the zoning of this land is not settled, and its rezoning will need to be subject to a future plan change or consenting process."⁵ The TAL Master Plan is hypothetical and many possible types of activities could eventuate on the HES Block.⁶ The potential dominance effects cannot be fully assessed without first understanding what activities are proposed within the HES Block.

3. RESPONSE TO CONTROLS PROPOSED

3.1 I remain satisfied that the proposed controls for PC17 are appropriate given the planning status of the HES Block. If, however, the Panel considers that a more precautionary response to the HES boundary is warranted to reflect a broader range of potential uses of the HES Block and that the responsibility for mitigating the effects on those potential future uses sits with Fonterra (both of which I disagree with), then I make the following comments in relation to the controls being proposed by Mr Collier,⁷ based on Mr Bilsborough's evidence:

Restrict maximum building height to 12m within 40m of the HES Boundary

(a) I do not support restricting the maximum building height to 12m within 40m of the HES Boundary.

(b) A stepped building height control or, more commonly, a height in relation to boundary ("HIRB") recession plane, is typical for industrial

³ Statement of Rebuttal Evidence by Nicholas Grala on behalf of Fonterra Limited dated 20 November 2026 at [2.19].

⁴ Statement of Evidence of Samuel Coles on behalf of Fonterra Limited dated 7 October 2025 at [7.6(c)].

⁵ Statement of Evidence of Aaron Collier on behalf of Horotiu Farms Limited and Te Awa Lakes Unincorporated Joint Venture Limited dated 3 November 2025 at [6.13].

⁶ Statement of Evidence of Aaron Collier on behalf of Horotiu Farms Limited and Te Awa Lakes Unincorporated Joint Venture Limited dated 3 November 2025 at [6.8].

⁷ Statement of Evidence of Aaron Collier on behalf of Horotiu Farms Limited and Te Awa Lakes Unincorporated Joint Venture Limited dated 3 November 2025 at [6.18]

zones where they interface with existing or planned residential or public open space zones.

- (c) The stepped height control proposed by Mr Collier and Mr Bilsborough produces an outcome broadly equivalent to a HIRB standard of 4m above ground level at the boundary plus a 22-degree recession plane. This is more onerous than standards typically applied at industrial zone interfaces with residential or open space zones.⁸ The proposed control does not appear to take account of the required 10m height of the trees within the Interface Landscape Buffer, that would provide screening.
- (d) Building height setback controls (and recession planes) are most effective in reducing the visible height of buildings when viewed from close distances (eg 20m). This is helpful at roads (Te Rapa Road being an example), public parks or residences. The effectiveness of this mechanism is reduced at greater viewing distances (such as the 200m distance between the Plan Change Area boundary and Hutchison Road) due a lower viewing angle.
- (e) Implementing a stepped height control within industrial development is not straight-forward and requires the architecture of buildings and internal operations to conform to this envelope. A 12m maximum building height produces a design envelope similar to that of a light industrial activity alongside the HES Boundary, rather than the proposed TRNIZ activity.

Apply a 20m Yard Setback along the HES Boundary

- (f) I do not support a 20m yard setback. It is an unusually large restriction and would result in open area where activity may occur. In my view, enabling buildings is preferred to a yard-based outcome, because buildings internalise noise, lighting, dust and movement effects.
- (g) Although a building often has a larger visual presence due to its size, it is typically a clean and tidy structure and would be preferable to a more dynamic (and eye-catching), yard-based outcome. I do not

⁸ For example: Rule 9.4.3 of the ODP applies a 3m plus 45 degrees recession where Industrial Zoned land adjoins Residential or Open Space Zones; Rule H16.6.2 of the Auckland Unitary Plan applies a 6m plus 35 degrees plane between Industrial Zones and Residential or Open Space Zones; Rule GIZ-S3 of Wellington City District Plan applies 5m and 60 degrees where the Industrial Zone adjoins Open Space Zones; Rule 14B.2.5 of the Tauranga City District Plan applies 4m plus 60 degrees between Industrial Zones and all other "sensitive" zone boundaries.

consider that a bland building façade is a poor outcome at an industrial zone boundary, especially when softened by landscaping buffers.

Require that this 20m yard not be used for industrial operational activities

- (h) Restricting the use of the 20m yard to exclude “industrial operational activities” could be problematic to define in practical terms (and therefore difficult to administer). This is because it enables functions (such as storage yards) that inherently involve loading, stacking, cleaning, security, and other “operational” activities.

3.2 From my assessment, the amendments proposed by Mr Collier⁹ seek to restrict development within approximately 8000m² of TRINZ land within the Plan Change Area.

3.3 When applied together, the 20m yard setback control and 12m building height control would generally require industrial development to respond by placing functions such as accessways, car parking, administration or loading dock functions within the 40m strip affected by these restrictions. Those functions, however, are typically laid out on site according to roading and circulation patterns, rather than being placed at, or oriented toward, neighbouring property boundaries.

3.4 The restrictions on development proposed by Mr Collier are overly restrictive and not needed to manage visual and dominance effects arising from PC17. In my view, the PC17 provisions include appropriate controls governing the interface boundary. I do not consider other planning controls are warranted but in the event there was an effects basis demonstrated to the Panel, there are other controls that are also effective but avoid placing onerous restrictions on industrial activity such as a control on building façade appearance (ie a recessive colour palette).

4. CONCLUSION

4.1 I support the interface treatments proposed by PC17 and I am satisfied that Interface Landscape Buffer and Yard Setback rules in relation to the interface with the HES Block will be appropriate.

⁹ Statement of Evidence of Aaron Collier on behalf of Horotiu Farms Limited and Te Awa Lakes Unincorporated Joint Venture Limited dated 3 November 2025 at [6.18].

4.2 The range of controls proposed on TRINZ activity by Mr Collier and Mr Bilsborough are unusually and unnecessarily restrictive on fundamental aspects of industrial activities, such as their site layout, orientation and building envelope.

Samuel Coles

20 November 2025