

PRIVATE PLAN CHANGE 17 - SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

Submission period: 23 April 2025 – 23 May 2025

SUBMISSION FORMS CAN BE:

- Completed online at hamilton.govt.nz/haveyoursay
- Posted to: Freepost 172189, Hamilton City Council, Private Bag 3010, Hamilton, 3240, Attn: Private Plan Change 17 submission.
- Delivered to: Hamilton City Council Municipal Building, Garden Place, Hamilton.
- Emailed to: planchange@hcc.govt.nz

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Please print and do not use pencil. You can attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission.

TO: Hamilton City Council

SUBMISSION ON: Private Plan Change 17 – Te Rapa North Industrial

FULL NAME: (required) _____ **COMPANY NAME:** (if applicable) _____

POSTAL ADDRESS: (required) _____

EMAIL ADDRESS: (required) _____

PHONE NUMBER: (required) _____

ARE YOU SUBMITTING ON BEHALF OF A PERSON OR AN ORGANISATION? (if applicable) ☒ YES ☐ NO

PLEASE STATE THE NAME OF THE PERSON/ORGANISATION YOU ARE SUBMITTING ON BEHALF OF (if applicable)

Empire Corporation and Porter Group

CONTACT NAME AND ADDRESS FOR SERVICE OF PERSON MAKING THE SUBMISSION:

This is the person and address to which all communications from the Council about the submission will be sent. You do not need to fill this in if the details are the same as the above.

Briar Belgrave

Phone: _____ Email: briarb@barker.co.nz

1. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN CHANGE THAT MY SUBMISSION RELATES TO ARE AS FOLLOWS:

(Please reference the specific section or part of the planning provision(s), such as Rule 22.5.6)

Please refer to the attached submission.

2. MY SUBMISSION IS THAT: (State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons.)

Please refer to the attached submission.

3. I SEEK THE FOLLOWING DECISION FROM THE HAMILTON CITY COUNCIL: (Give precise details.)

Please refer to the attached submission.

Ran out of room? Feel free to attach additional pages.

4. DO YOU WANT TO BE HEARD IN SUPPORT OF YOUR SUBMISSION? (REQUIRED)

☒ Yes ☐ No

Hearings will take place later, and we will contact you to arrange a time only if you wish to be heard. Please give us your contact details in the top section.

5. IF OTHERS MAKE A SIMILAR SUBMISSION, WOULD YOU BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING?

☒ Yes ☐ No

6. I COULD GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION (Select One)

☐ Yes (Complete Question 6a) ☒ No

6a. I AM DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—

(A) ADVERSELY AFFECTS THE ENVIRONMENT; AND

(B) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

☐ Yes ☐ No

YOUR SIGNATURE OR THAT OF THE PERSON AUTHORISED TO SIGN ON BEHALF OF THE PERSON MAKING THIS SUBMISSION:

Signature: Briar Belgrave Date: 22/05/2025

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY FRIDAY 23 May 2025

22 May 2025

Hamilton City Council
Via email: planchange@hcc.govt.nz

Submission on Proposed Plan Change 17 – Te Rapa North Industrial Private Plan Change

Introduction

This is a submission on Proposed Plan Change 17 – Te Rapa North Industrial Private Plan Change ('PC17') to the Hamilton City Operative Plan ('HCODP') on behalf of Empire Corporation Limited and Porter Group ('the Submitter').

PC17 is of particular interest to the Submitter, who owns land adjacent to and proximate to the PC17 area, and illustrated in **Figure 1**.

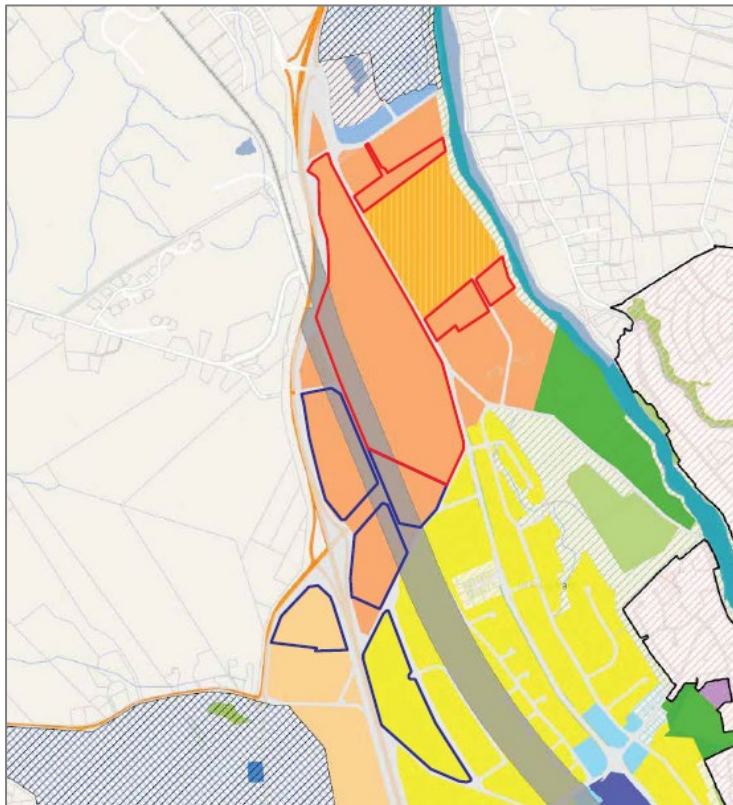


Figure 1: The TRNIZ shown in dark orange, with the Submitter's landholdings shown in blue outline and the PC17 area shown in red outline.

The Submitter could not gain an advantage in trade competition through this submission and the submission does not raise matters that relate to trade competition or the effects of trade competition.

Summary of Submission

The Submitter is generally supportive of live zoning the Deferred Industrial Zone area under the HCODP as this will accommodate future industrial growth to meet demand in Te Rapa North and address the existing identified shortfall in industrial land supply. However, the Submitter opposes PC17 in its current form, which only seeks to live zone a portion of land centrally located within the Te Rapa North Industrial Zone ('**TRNIZ**') and Deferred Industrial Zone area, and considers that further assessment and amendments are required to achieve an effective and efficient planning framework that satisfies the requirements of section 32 of the Resource Management Act 1991 ('**RMA**').

In particular, the Submitter:

- Supports in part the deletion of the Deferred Industrial Zone area from the PC17 area, subject to the deletion of this area from the entire TRNIZ;
- Opposes the insertion of Chapter 3.9 Te Rapa North Industrial Structure Plan and the inclusion of a Structure Plan under Appendix 2 of the HCODP due to its limitation to the PC17 area, rather than the entirety of the TRNIZ; and
- Supports in part the proposed amendments the HCODP in relation to the live zoning of the TRNIZ and subject to enabling the live zoning of the entire TRNIZ.

The reasons for the Submission are summarised as follows, and set out in further detail below.

- (1) PC17 and the proposed Te Rapa North Industrial Structure Plan does not assess the TRNIZ cohesively, and represents a bespoke Industrial Precinct tailored primarily towards the Fonterra-owned and controlled landholdings. The Submitter considers that this approach is piecemeal and ad-hoc, and risks inefficiencies and uncertainties for other landowners within the TRNIZ.
- (2) While the Submitter supports the intent to live zone land within the TRNIZ, PC17 has not undertaken a detailed section 32 analysis of rezoning the entire TRNIZ in accordance with statutory requirements. In addition, the Submitter considers that limiting the live zoning to Fonterra's existing land holdings may not fully address the district's identified industrial land supply shortfall.
- (3) The Submitter supports a Structure Plan approach in principle, but considers the current Te Rapa North Industrial Structure Plan to be an incomplete strategic framework for the TRNIZ. The Structure plan excludes over half of the TRNIZ, and is not integrated with the surrounding land within the TRNIZ.
- (4) The Submitter acknowledges that interim on-site servicing solutions are feasible for the PC17 area, however is concerned that PC17 does not address the long-term, cumulative infrastructure needs of the TRNIZ, and therefore lacks a coordinated approach to staging and upgrading services across this land.
- (5) The Submitter considers reverse sensitivity would be more effectively managed through rezoning or Structure Planning the full TRNIZ, to ensure better integration with adjacent land uses.
- (6) Given the above, the Submitter considers further refinements are necessary to ensure the HCODP provisions enable the live zoning and future development of the entire TRNIZ.

- (7) The Submitter considers the engagement and consultation process undertaken lacked meaningful dialogue, and expresses willingness to engage further as PC17 is progressed through the statutory process.

Industrial Land Supply

The existing TRNIZ is identified as a Strategic Industrial Node under Future Proof Strategy 2024, and is earmarked for future industrial development under the HCODP. The Submitter acknowledges that the proposed live zoning of the PC17 area to accommodate primarily industrial activities is in keeping with this high-level strategic direction. In addition, the Submitter considers that the general proposed industrial zoning framework under PC17 is appropriate, noting that:

- The Business Development Capacity Assessment 2023 ('BCA') for Future Proof identifies that there are significant shortfalls in industrial land supply across the district (with the exception of Ruakura) over the medium and long terms, being beyond the initial short-term period of the next three years.
- Objective 1 of the National Policy Statement on Urban Development 2020 ('NPS-UD') seeks 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. Policy 2 directs Councils to provide at least sufficient development capacity to meet expected demand for business land over the short, medium and long terms.

Accordingly, the live zoning of the TRNIZ represents a significant opportunity to address the gap in the existing market for industrial land supply, and will better give effect to the requirements of the NPS-UD in comparison to the zoning framework provided for under the HCODP. However, the Submitter is concerned that PC17 has not sufficiently considered the option of rezoning the entirety of the TRNIZ in accordance with the requirements of section 32. Although this option has been identified as 'Option 4' in the Appendix 22 section 32 Evaluation, no detailed analysis on the costs and benefits or assessment of its efficiency and effectiveness has been provided, particularly relation to achieving objectives (particularly Objectives 12.2.1 and 12.2.2 as proposed to be amended).

With respect to the option of rezoning the entirety of the TRNIZ, the Submitter notes that:

- The PC17 area is confined to land owned by Fonterra and a small number of adjoining properties. This aligns with one of the stated objectives of PC17, which is to live zone all Fonterra-owned land to TRNIZ. However, as the proposed live zoning is restricted to land held by the requestor, it remains unclear whether this land will be released to the open market. Consequently, there is uncertainty as to whether the rezoning will contribute meaningfully to addressing the existing shortfall in industrial land supply to meet demand within the market.
- The direction under Policy 2 is to provide "at least" sufficient development capacity, rather than just "sufficient" development capacity. Given the extent of the shortfalls to industrial land supply within the Hamilton District that have been identified in the BCA, further consideration to the balance of the TRNIZ land is necessary to determine whether this option would be more appropriate in giving effect to the NPS-UD.

The Submitter therefore considers that it is necessary to assess the entirety of the existing TRNIZ area in further detail in order to determine the efficiency and effectiveness of live zoning the entirety of this land, rather than limiting the purpose of PC17 to the live zoning to all Fonterra-owned land.

Structure Plan

PC17 proposes the inclusion of the Te Rapa Industrial Structure Plan to guide future development in the PC17 area. The Submitter supports the replacement to the use of the Concept Development Consent framework under the HCODP with a Structure Plan process.

However, the proposed Te Rapa North Industrial Structure Plan is limited to the PC17 area, being 91 hectares and just under half of the total TRNIZ, which has a combined land area over 200 hectares.

In particular, the Submitter is concerned that PC17 and the proposed Te Rapa North Industrial Structure Plan:

- Has not considered the entirety of the TRNIZ in a cohesive manner including any effects on other land owners within and adjoining the existing deferred industrial zone;
- Has been informed by a masterplanning process that has been focused to the PC17 area only; and
- Is not defined by a defensible or logical boundary, particularly as the PC17 area is located centrally within the TRNIZ.

The Submitter disagrees with the proposed Structure Plan approach for the following reasons:

- The proposed Structure Plan has not considered the effects of future development on other landowners within the TRNIZ or how it may influence or affect the long-term development outcomes for this area;
- Consequentially, it will create undue uncertainty for adjoining land owners;
- Without a comprehensive framework, it is unclear whether the proposed Structure Plan has identified the most efficient and integrated pattern of land use and movement networks, including in particular the location of the east-west road;
- Progressing the Structure Plan in its current reform would 'lock in' the identified structural elements, without having been informed by a fulsome assessment of the surrounding land context; and
- As can be seen in Figure 1 above, the proposed Structure Plan and PC17 zoning will create an irregular illogical zoning pattern where there will be discrete and isolated land holdings subject to the Deferred Industrial Area located between existing and proposed live zoned urban land.

The Submitter considers that a comprehensive Structure Plan covering the entire TRNIZ is necessary to support coordinated development and achieve best practice urban planning outcomes.

Infrastructure

The PC17 area will rely on interim service solutions for water supply and wastewater, until such time that there is capacity within the piped network. In these circumstances, the Submitter is of the view that there

are no significant constraints from a three waters infrastructure and serviceability perspective that would restrict the entire TRNIZ land from being live zoned.

Notwithstanding the availability of interim on-site servicing solutions, the Submitter is concerned that PC17 has not assessed the long-term cumulative infrastructure demands for the TRNIZ. In this regard, PC17 seeks to enable the live zoning of part of the land within the TRNIZ, however has not identified the logical staging of land within the TRNIZ against infrastructure servicing and upgrades that would be required in the long term.

In the Submitter's view, it is necessary to identify the infrastructure required to service the entire TRNIZ at the Structure Planning stage to ensure infrastructure is delivered in a staged, efficient, and coordinated manner that aligns with future industrial growth in the TRNIZ.

Reverse Sensitivity

The purpose of PC17 includes protecting the Te Rapa Dairy Manufacturing site from incompatible surrounding land use and reverse sensitivity risk¹. The Submitter notes that the TRNIZ already earmarks this land for industrial activities, and supports the protection of the TRNIZ from potential adverse reverse sensitivity effects.

However, the Submitter considers that reverse sensitivity effects would be more effectively addressed through a comprehensive Structure Plan or rezoning process that considers the TRNIZ in its entirety. This would allow for a holistic assessment of land use interfaces and better integration with adjacent zones, thereby reducing potential conflicts through a clear and consistent zoning framework.

Plan Provisions

The Submitter acknowledges the proposed amendments to the HCODP, and in particular to Chapter 12, seek to provide for development of the TRNIZ while recognising particular characteristics of this land that require a different approach to the Industrial Zone. In addition, the Submitter agrees the insertion of Chapter 3.9 is necessary to provide for a Structure Plan Process for this land, in place of the Concept Development Consent framework.

The Submitter considers the abovementioned amendments are necessary to support the live zoning of the TRNIZ, however are of the view that refinements are necessary to more efficiently incorporate the entire TRNIZ and effectively enable industrial growth within the district, for the reasons identified in this submission.

Engagement and Consultation

The PC17 engagement and consultation strategy included discussions with adjacent landowners to the PC17 area. Representatives for the Submitter met with Fonterra on multiple occasions throughout 2024 to discuss PC17.

In the Submitter's view, the engagement consultation process did not provide a meaningful opportunity for dialogue or for matters to be addressed ahead of the PC17 application being finalised. In addition, multiple requests were made to review the technical information supporting PC17 in order for the Submitter to

¹ PC17: Te Rapa North Industrial Private Plan Change Request, Section 4.0 Purpose.

understand the full impacts of PC17 and to provide more meaningful feedback to Fonterra. This information was not supplied by Fonterra.

The Submitter emphasises a willingness to participate in further discussions and welcomes the opportunity for further engagement with the application as PC17 progresses through the statutory process.

Relief Sought

Overall, the Submitter is supportive of live zoning land within the TRNIZ for industrial purposes, particularly given the shortfall identified within the district. However, the Submitter does not support the approach proposed under PC17, and the following relief is sought to address this submission:

- Delete the entirety of the Deferred Industrial Zone Area to address the concerns set out above;
- Amend Chapter 3.9 Te Rapa North Industrial Structure Plan and Appendix 1 and Appendix 2 to address the TRNIZ as a cohesive whole, and address the concerns set out above; and
- Amend Chapters 9 Industrial Zone, 12 Te Rapa North Industrial Zone, Chapter 23 Subdivision, 25.2 Earthworks and Vegetation Removal, 25.8 Noise and Vibration, and 25.14 Transportation to address the concerns set out above.

In addition to the specific relief above, the Submitter seeks such other alternative or consequential relief to give effect to the matters raised in its submission.

Hearing

The Submitter wishes to be heard in support of its submission. If others wish to make a similar submission, the Submitter will consider presenting a joint case with them at the hearing.

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