

**SUBMISSION ON PROPOSED PLAN CHANGE UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE
RESOURCE MANAGEMENT ACT 1991**

TO: Hamilton City Council

SUBMISSION ON: Plan Change 17 to the Hamilton City Operative District Plan – Fonterra

SUBMITTER: HOROTIU FARMS LIMITED AND TE AWA LAKES UNINCORPORATED
JOINT VENTURE (TE AWA LAKES)

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Attention: Ben Tyson

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SCOPE OF SUBMISSION

1. The provisions to which this submission relate are Plan Change 17 in its entirety.

NATURE OF SUBMISSION

2. The nature of our submission is that we support in part Plan Change 17 for the reasons set out in our submission below.

REASONS FOR SUBMISSION

3. Horotiu Farms Limited and Te Awa Lakes Unincorporated Joint Venture (collectively referred to as “**Te Awa Lakes**” in this submission) are currently developing the Te Awa Lakes development at the northern end of Hamilton City.
4. Te Awa Lakes comprises a master-planned mixed-use tourism, commercial and residential community to the north of Hamilton City, enhancing the City’s connection to the Waikato River and providing a catalyst for other tourism, recreational and cultural ventures – Live, Work, Play. The principal development area referenced as Horotiu East North (HEN) comprises a comprehensively designed residential development focused on providing additional housing capacity in the north of Hamilton, incorporating a range of building typologies. The HEN development also includes affordable housing choices and will ultimately deliver an attractive Gateway to the City via Te Rapa.
5. In addition to the primary development area, TAL (through subsidiary Horotiu Farms Limited) own development-blocks to the west and south of HEN; described as Horotiu West (HW) and Horotiu East South (HES) respectively.
6. The Te Awa Lakes site has been referred for a Fast Track Consent under section 26 of the Fast Track Approval Act 2024. The referral includes that land bordering the applicants plan change area which is proposed to be developed for complimentary land use purposes, and which will

include sensitive activities such as accommodation. Given that the applicants plan change adjoins this land, Te Awa Lakes seek to ensure that Plan Change provisions are appropriate.

7. Te Awa Lakes have been consulted by Fonterra and have appreciated the dialogue and engagement. Te Awa Lakes are happy to meet further with the applicant to resolve matters raised in the Te Awa Lakes submission.
8. Te Awa Lakes submission is that Plan Change 17 is generally supported subject to amendments to ensure that adverse effects are avoided remedied or mitigated (particularly beyond the boundaries of the Plan change site).
9. Te Awa Lakes recognises the shared members of the Tangata Whenua Working Group and endorses their consistent approach to achieving cultural outcomes in the area. This is especially important for enhancing the gateway to Hamilton-Kirikiriroa.
10. Te Awa Lakes consider that a more comprehensive approach should have been taken by the applicant to include all deferred industrial zoned land in the area as part of the plan change. The reason for this is that such an approach would have better integrated land use planning across boundaries in a more comprehensive manner.
11. Te Awa Lakes view is that incorporating clear, and certain District Plan provisions is a fundamental part of the sustainable and efficient growth of Hamilton City. The activity status of a number of activities require amendment to ensure that these activities are truly ancillary to Industrial activities and do not compromise the intended future industrial use of the land.
12. As set out below, Te Awa Lakes considers that there are a number of changes needed to the District Plan provisions. The specific amendments sought and the reasons for each are set out in table format.

DECISION SOUGHT

13. The decision Te Awa Lakes seeks from the Council is that the Plan Change be or approved with:
 - (a) amendments to address Te Awa Lakes concerns set out in the submission.
 - (b) such further other relief or other consequential amendments as considered appropriate and necessary to address the concerns set out above.
14. Te Awa Lakes wish to be heard in support of their submission.
15. Te Awa Lakes would not gain an advantage in trade competition through this submission.
16. If others make a similar submission, Te Awa Lakes are prepared to consider presenting a joint case with them at any hearing.

BEN TYSON

Date: 23 May 2025

The specific provisions of Plan Change 17 that Te Awa Lakes submission relate to are as follows:

Reference	Support/Oppose	Decision Sought	Reasons
3.9.2 Objectives and policies	Support in part	Remove reference to "bespoke"	The purpose of the reference is unclear
Section 3.9.3.2(d)	Support in part	Amend as follows: <i>Ancillary to and essential to the function of....</i>	It is important ensure that such activities are ancillary and are restricted in terms of scale
Section 3.9.3.2(e)	Support in part	Insert " <u>small scale</u> " food and beverage.....	Amend the provision to ensure that the scale of the activities is appropriate to service the local needs of the industrial zone.
Section 3.9.3.3 (a)	Support in part	Insert " <u>small scale</u> " food and beverage outlets, gymnasiums.....	Amend the provision to ensure that the scale of the activities is appropriate to service the local needs of the industrial zone.
Section 3.9.3.3e (a)	Support in part	Delete reference to <i>gymnasiums and medical centres</i> .	These activities are sensitive to industrial land uses and should be deleted
Section 3.9.3.4(c)	Support in part	Amend as follows: <u>Within the structure plan area, any development and changes to access and circulation shall not impact on the long term function of the Te Rapa Dairy manufacturing site or other surrounding activities</u>	This will ensure that the provision is clear in relation to impacts on other activities (rather than only relating to the Dairy site)
Section 3.9.3.6	Support	That appropriate provisions be adopted as part of the plan change recognising and providing for Mana Whenua interests	The plan change provisions should acknowledge the interests of Mana Whenua, the Waikato Awa, the need for cultural engagement and the incorporation of cultural elements in future development of the plan change area.

Reference	Support/Oppose	Decision Sought	Reasons
Focal Area General	Oppose in Part	Reassess and consider the appropriateness of the scale of this area (2ha) and its associated activities.	The overall scale and purpose of the Focal area needs to be considered. The potential scale and extent of activities such as food and beverage have not been considered or supported through economic assessment.
Rules 3.9.4.1-3.9.4.4	Support in part	<p>That the provisions relating to transport infrastructure improvements, information requirements, and an ecological and infrastructure plan be adopted with the following amendments in relation to upgrades to be included as provisions in the plan change and its supporting infrastructure requirements</p> <ul style="list-style-type: none"> • Access 2 is supported subject to it being demonstrated that adequate land is to be set aside to support future development of the Horotiu East South (HES) area as has been described in the ITA. Further provisions should be included in the plan change and structure plan to ensure that this occurs • The East West Arterial Road corridor is proposed to be stage constructed as 2 lanes, (initially one in each direction). To ensure the road corridor is protected for its long-term arterial function, the plan change should include an access restriction, to ensure any interim or long-term development adjacent to the corridor locates its access from an alternate road frontage. Further provisions should be included in the plan change and structure plan to ensure that this occurs • Provision for cycling must be provided on the local roads and on a single sided shared path on the internal collector roads as industrial development will be established on both sides of the road corridors. The potential consequence of a cyclist colliding with a truck within these industrial zones has a high probability of resulting in serious and/or fatal outcomes. 	These provisions and the further amendments for infrastructure improvements and upgrades, information requirements, ecological management and the appropriate planning of infrastructure are necessary to support development of the land. Amendments to the infrastructure provisions are required to ensure that transportation outcomes associated with the Plan Change are appropriate. Further provisions and mitigation measures have been identified to ensure that this can occur.

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		<p>Further provisions should be included in the plan change and structure plan to ensure that this occurs</p> <ul style="list-style-type: none"> • The proposed 4.0m carriageways are narrower than the District Plan Appendix 15, Table 15-5aii 4.5m requirements, further compounding safety risk for cyclists. The existing District Plan standard of 4.5m should be adopted to avoid safety outcomes for walking and cycling being compromised from the minimum safe recommended levels in the District Plan. Further provisions should be included in the plan change and structure plan to ensure that this occurs • Collector and local road cross sections should be amended to be consistent with the District Plan requirements, to support safe pedestrian, cycle and vehicle movement outcomes. • An appropriate future set-back of development from the Te Rapa Road frontage should be provided to support the Metro-spatial Plan identified future Bus Rapid Transit (BRT) system. • The prospect for a rail siding is supported and should be included on the Structure plan and in the supporting rule framework. • The assessment of the Te Rapa Road signalised intersection south of Hutchinson Road does not adequately resolve the intersection non-compliance with District Plan requirements, nor does it demonstrate how provision is intended to future-proof the area to enable development of the residual undeveloped land south of Hutchinson Road. The assessment identifies mitigation involving banning the northbound right turn from Te Rapa Road to the east, resulting in vehicles 	

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		<p>travelling a further 1km and u-turning at the Hutchinson Road roundabout to access the area east of Te Rapa Road. This is an adverse outcome in terms of providing for the PC17 land east of Te Rapa Road, the potential future undeveloped land south of Hutchinson Road and in terms of the Government Emissions Reduction Plan outcomes for the country. We seek that access at the intersection be further developed and the setting aside of land to be identified on the structure plan with supporting provisions to enable the plan change and to avoid sterilising the potential for the residual land to be developed in future.</p> <ul style="list-style-type: none"> • The Te Rapa Road / McKee Street intersection upgrade including requiring 4 lanes continuously south to Ruffell Road intersection is supported and should be adopted. • The Te Rapa Road / Ruffell Road intersection form proposed is supported and should be adopted. • The Te Rapa Road / Kapuni Road intersection signalisation is supported and should be adopted. • The applicants traffic assessment identifies significant adverse change effects at the Horotiu interchange roundabouts as a result of the plan change and also identifies mitigation options that are considered valid. The mitigation infrastructure change is however not reflected in the infrastructure provisions of the plan change. Appropriate inclusion of the identified mitigation should be included in the upgrade and implementation table as per the applicants own assessment. 	

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Traffic management rule framework General	Support in part	<p>Further provisions are required to address the following matters:</p> <ul style="list-style-type: none"> Travel Demand Management measures targeted to minimise the potential for travel and therefore reduce/minimise the potential for vehicle emissions generation; Enablement of electric vehicle charging facility as a mechanism to minimise adverse vehicle emissions outcomes. Provisions relating to how “emissions reductions” outcomes can be achieved. 	That further provisions be included in the plan change to address these matters.
Rule 9.3gg motorised recreation activity Permitted activity)	Oppose	Change the permitted activity status of motorised recreation activities to a discretionary activity.	The activity it is not considered to be an efficient use of the site and may generate unforeseen effects including noise odour, and traffic effects which will be difficult to manage through a permitted activity status
12.2.1b	Support in part	Delete and replace the provision with the following: <u><i>non industrial uses established and operate only where they are consistent with industrial uses</i></u>	The existing wording will achieve unintended outcomes
Policy 12.2.1.e	Support in part	Amend the policy as follows: <u><i>prohibit new direct access to or from Te Rapa Rd.</i></u>	The amendment better clarifies the intent of the policy.
Objective 12.2.3 & 12.2.4 and Policies 12.2.3a – 12.2.4b and supporting explanations	Oppose	Retaining the existing Plan provisions	There is no valid reason to delete the provisions in their entirety. The provisions provide current guidance in relation to matters such as infrastructure improvements and capacity, management of transportation and traffic effects the staging of development and the management of reverse sensitivity effects

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Objective 12.2.5 and policies 12.2.5a-e	Support	That the objective and policies be adopted as notified	The objective and policies will ensure that existing ecological values are maintained and enhanced
Objective 12.2.6 and Policies 12.2.5a-c	Support	That the objectives and policies be adopted is notified	The objectives and policies will provide appropriate guidance in terms of infrastructure provision and servicing outcomes
3.3 Activity status table C	Oppose	That the activity status be changed to a non-complying activity where land use is not in accordance with Development trigger status provisions	the existing provision provides for a permitted activity status for noncompliance which is inappropriate
Activity status table Ancillary activities	Support in part	Ancillary retail and ancillary offices are identified as a permitted activity. However, neither are defined. A definition should be included including an appropriate scale and maximum GFA requirement per activity.	That ancillary retail and ancillary offices be defined.
Activity status table food and beverage outlets	Support in part	The provision of small-scale local food and beverage outlets are required in industrial areas, however a 250m ² Gross Floor area permitted activity status per site is inappropriate. We seek that a total GFA be included for the overall focal area not exceeding 500m ² with a consequential amendment to provisions in ff and gg.	The permitted activity status applying per site is inconsistent with the purpose of the zone and may result in unintended outcomes such as the uncontrolled use of industrial land for food and beverage offerings.
Activity status table gymnasiums and yard-based retail	Oppose in part	These activities should be provided for as a discretionary activity	The activities are not appropriate to be provided for as permitted or restricted discretionary within the zone
Activity status table and salary officers that do not comply with 12.5.1A	Oppose	We seek that the status of ancillary officers that do not comply be amended to a non-complying activity to be consistent with the policy framework of the zone	This activity status change will avoid the potential for the proliferation of non-industrial activities in the zone

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12.4.2 Building height	Support in part	the provisions be amended to provide for a stepped approach of a graduated building height from 20 metres to 12 metres within 50 metres of a zone boundary	It is appropriate to provide for a stepped height outcome transitioning from 20 metres to 12 metres at the boundary with external zones.
12.4.3.a Height in relation to boundary	Support in part	That the provision be amended to refer to <i>any adjoining zone</i>	This will ensure that an appropriate height in relation to boundary provision is applied
25.8 noise and vibration	Support in part	Reference to the provision not applying to the remainder of the Te Rapa North industrial zone until such time as the deferred industrial zone overlay is removed should be deleted. The provision should only apply to the structure plan area	This will ensure that the provision only applies to the structure plan.
Stormwater management and water quality general	Oppose	<p>There are no specific provisions relating to stormwater discharge and treatment matters which need to be dealt with in a comprehensive manner across the Structure Plan area.</p> <p>We seek that the applicant:</p> <ol style="list-style-type: none"> Includes appropriate provisions relating to stormwater management and water quality Applies for a comprehensive stormwater discharge consent to the Waikato Regional Council to be heard and decided in conjunction with Plan Change 17. 	Appropriate stormwater measures should be included in the plan change to ensure water quality outcomes are appropriate. It is also best practice for a comprehensive discharge consent to be applied for in conjunction with a plan change and this has not been addressed. This joint approach will avoid the unnecessary repetition of process and enable the matter of stormwater management to be addressed at the same time as the plan change in a fully integrated process.