

Before Hamilton City Council Independent Hearings Panel

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Plan Change 17 to the Hamilton District Plan

**STATEMENT OF EVIDENCE OF AARON COLLIER
FOR HOROTIU FARMS LIMITED AND TE AWA LAKES UNINCORPORATED JOINT
VENTURE LIMITED (COLLECTIVELY REFERRED TO AS TE AWA LAKES)**

03 November 2024

1. Qualifications and Experience

- 1.1 My full name is Aaron Mark Collier.
- 1.2 I am a Consultant Planner and a Director of Collier Consultants Limited.
- 1.3 My qualifications are Masters' degree with Honours, and a Post Graduate Diploma in Resources and Environmental Planning from the University of Waikato. I am a full member of the New Zealand Planning Institute (NZPI).
- 1.4 I have 30 years' experience working as a Local Authority and Consultant Planner. My predominant experience has been in the area of plan policy development and land use planning. I have prepared numerous Private and Council Plan Changes. I have provided planning evidence and advice in relation to a number of District Plans, including those for the Taupo, Tauranga, Rotorua, Thames-Coromandel, Western Bay of Plenty and Waikato Districts as well as the Auckland Unitary Plan. I was heavily involved in Council hearings and subsequent appeal processes for a number of these Plans. More recently I have been involved in a number of Intensification Planning Instrument Plan Changes (IPIs) introducing changes under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the RMA Amendment Act 2021), My work includes submissions, expert conferencing and hearings on changes to Plans and advice and evidence as part of appeal processes.
- 1.5 I am familiar with Plan Change 17 and the planning context of the wider area, having participated in a number of earlier Planning processes relating to both Te Awa Lakes and Fonterra's sites. These include Plan Changes 9, 12, and 14 as well as the Proposed Waikato District Plan.
- 1.6 I regularly present evidence as an expert planning witness at Council hearings the Environment Court, High Court, and Boards of Enquiry.
- 1.7 I confirm I have read the "Code of Conduct for Expert Witnesses" contained in the Environment Court of New Zealand Practice Note 2023. In particular, unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.8 In preparing this evidence I have reviewed the Plan Change, submissions, the S.42A report and supporting documents and the evidence filed on behalf of Fonterra. My evidence relies on the expert Transport Planning evidence of Mark Apeldoorn and the Master planning/Urban Design evidence of Michael Bilsborough.

- 1.9 I helped prepare Te Awa Lakes submissions on Plan Change 17. These outlined that Te Awa Lakes supports the Plan Change, subject to some amendments to provisions, to address the following:
- (a) The provision of infrastructure, with a coordinated approach to provide greater certainty on its delivery.
 - (b) The scale of the “Focal Area” and its supporting activities. The Focal Area needs further plan provisions beyond those as notified to ensure that cumulative effects are managed and that the scale and extent of activities is appropriate to cater for the needs of the proposed industrial zone.
 - (c) The height and scale of buildings relative to Te Awa Lakes boundary require further consideration. Provisions should be included to ensure there is a scaled, buffer area between the two uses. This is an appropriate response given the unsettled zoning of the adjacent Te Awa Lakes development.
- 1.10 My evidence focuses on the key submission points which remain unresolved and responds to a number of matters raised in the s.42A report prepared by Hamilton City Council on PC17 along with the Evidence prepared by Fonterra.

2. Scope of Evidence

- 2.1 I have reviewed the updated plan provisions for PC17, and Fonterra’s planning evidence, with a particular focus on Te Awa Lakes. I have also met with Fonterra Representatives (Susannah O’Rourke and Nick Grala) on two occasions to discuss Te Awa Lakes submissions. A number of matters raised in the original submission and further submission have been resolved as a result of these discussions.
- 2.2 Based on my planning experience and knowledge, I consider the updated planning provisions are generally appropriate. There have been a number of changes which improve the clarity and workability of these planning provisions. The provisions are largely consistent with other Industrial plan changes with which I am familiar, with the exception of the roading infrastructure provisions and those relating to building scale and setbacks from Te Awa Lakes land along Hutchinson road.
- 2.3 In particular, for Te Awa Lakes, these include:
- (a) Further infrastructure pre-requisites for road upgrades and a fair and clear planning approach to the delivery of roading infrastructure consistent with the approach adopted for the Te Awa Lakes Structure plan (as part of Plan Change 2).

- (b) Controls in relation to the scale and setback of buildings relative to Te Awa Lakes boundary.

3. Te Awa Lakes Planning context

- 3.1 Te Awa Lakes is a mixed-use master planned community, incorporating a large component of medium density residential development and zones to cater for sub regional facilities. The plan provisions for Te Awa Lakes were extensively worked through under the relatively recent Plan Change 2 process. Further background to the vision and master planning of Te Awa Lakes including the recent medium density residential zone, and referral which has been accepted under the Fast Track Approvals Act 2024 is outlined in Te Awa Lakes statement of corporate evidence.
- 3.2 As noted in the evidence of Mark Apeldoorn, a key consideration is that Te Awa Lakes and the land which is included in Plan Change 17 share a common existing and future transport network.

4. Transport Infrastructure

- 4.1 Consistent with Plan Change 17, Te Awa Lakes is guided by a structure plan with supporting policy guidance in relation to the delivery of infrastructure. A key component of the Te Awa Lakes structure plan is specific staging rules for significant transportation infrastructure improvements, which trigger major roading upgrades based on traffic generation triggers. These are outlined in the evidence of Mark Apeldoorn. Essentially Te Awa Lakes and Fonterra are relying on sharing the same strategic and local transport corridors and the available capacity. I therefore agree with Mr. Apeldoorn that coordinated planning in relation to network capacity and upgrades is needed. In particular, transport modelling and upgrade requirements should take into account the Te Awa Lakes rule provisions already in the Operative Plan and the triggers under the Te Awa Lakes structure plan for the upgrade of various sections of road including Te Rapa Road, interchanges, and intersections as currently set out in Chapter 3.8 of the Operative District Plan.¹
- 4.2 Plan Change 17 adds significant additional trips to the transport network without any corresponding mitigation response whilst also disregarding the enabled full development planned under the Te Awa Lakes structure plan. Both developments are dependent on the same roading network for access, and a fair and coordinated approach is required to these upgrades. If this is not determined through Plan Change 17 the proposed staging will result in reliance on external infrastructure having to be

¹ See Para 6.5 Mark Apeldoorn transport evidence.

delivered by others including Te Awa Lakes, and consequent adverse effects in the interim.

- 4.3 Shared obligations and contributions to the necessary transport infrastructure can be managed outside of a plan change process. An option for Fonterra is to develop a private developer agreement to set out obligations in relation to the trigger and provision of roading infrastructure in a similar fashion to that which is in place for Te Awa Lakes.
- 4.4 For any resource consent applications there should also be consultation required with those same parties as set out in the Te Awa Lakes structure plan requirements. This would include NZTA, Ports of Auckland, AFFCO and Waikato Regional Council who are all key stakeholders in relation to the efficient and effective operation of the transport network and who should be consulted as part of any future ITA. In my view a broad ITA should consider those matters recommended by Mr Apeldoorn.

5. Focal Area provisions

- 5.1 Rule 12.5.4 relating to food and beverage within the Focal Area has now addressed my concerns in relation to cumulative effects by imposing a cumulative gross floor area (GFA) limit of 800m² for all food and beverage activities.
- 5.2 This cap better reflects proposed policy 3.9.2.2 of the Plan provisions relating to the intention of the focal area which is to meet *workers daily needs*.
- 5.3 Following discussions with Mr. Grala in response to Te Awa Lakes submissions, I am now comfortable with the focal area provisions including the above GFA cap, along with the revised activities now provided for. In my view these activities are not sensitive to the industrial nature of the area which is sought to be enabled.

6. Height and Scale of Buildings along the Te Awa Lakes Interface

- 6.1 The proximity of Te Awa Lakes relative to Fonterra's boundary is shown on the drawing included in the evidence of Te Awa Lakes Urban Designer Michael Bilsborough. Mr Bilsborough's evidence also addresses the extensive master planning which has been completed for Te Awa Lakes.
- 6.2 The industrial zone proposed by Fonterra extends to the southern boundary of Te Awa Lakes' site as there is no roadway separating the Fonterra and Te Awa Lakes land. The sites are separated by a planned river trail and community belt on Te Awa Lakes land.

- 6.3 The submission by Te Awa Lakes raised concerns in relation to the boundary interface and how relevant amenity considerations were to be managed in relation to building height, daylighting, and noise and vibration effects. These are referred to in submission points 14.4.24-14.4.26. Specifically, Te Awa Lakes concerns relate to the proximity and extent of 20m high industrial buildings along their boundary and adjoining the river trail.
- 6.4 Paragraph 9.3 of the evidence of Michael Coles states that the proposed development on Te Awa Lakes land adjacent to the northern edges of the Plan Change Area is shown as commercial / industrial land uses (including large areas of car parking). However as indicated on Figure 3 in his evidence this development is set back with a community belt and river trail adjacent to Fonterra's boundary.
- 6.5 Te Awa Lakes land on the southern side of Hutchinson Road (called HES) is identified as being future urban and no account appears to have been given to the community belt/River Trail (which is effectively open space) with 20m high buildings being located immediately up to this amenity and recreation area.
- 6.6 Te Awa Lakes sought a stepped approach to any building development in this area rather than the application of a standard 20 metre high building right up to the zone interface.
- 6.7 In considering whether a stepped approach is appropriate it is important to consider the existing zoning of the land and its likely intended use.
- 6.8 The Operative Plans explanation given for the Future Urban zone is set out in Objective 14. 2.2 (ensuring activities and development does not compromise future urban use or the potential of land to be used for farming activities) as follows:

Development within the Future Urban Zone will require effective planning to ensure that critical elements are identified and planned for before development occurs. This approach ensures the management of the land for rural activities until such time as a structure plan has been prepared that identifies the most appropriate form of development. Whilst permitting a range of compatible uses that prevent fragmentation and maintain amenity are provided for, in the interim. Where a structure plan has been prepared it is particularly important that development is managed to ensure the integrity and viability of these areas are not compromised. Nevertheless, rural-residential development, non-farming related industry and commercial activities are discouraged in the zone. Development is restricted to limit fragmentation of land before urbanisation and to maintain the land's productive capability in the interim. Structure planning will determine if alternative uses can be

accommodated in the future but farming is expected to remain the dominant activity, until such time as rezoning is appropriate.

In my view the Future Urban zoning of Te Awa Lakes land leaves the land open in terms of its potential future urban zoning and use. Options include MDRZ, commercial, major facilities zone, and industrial.

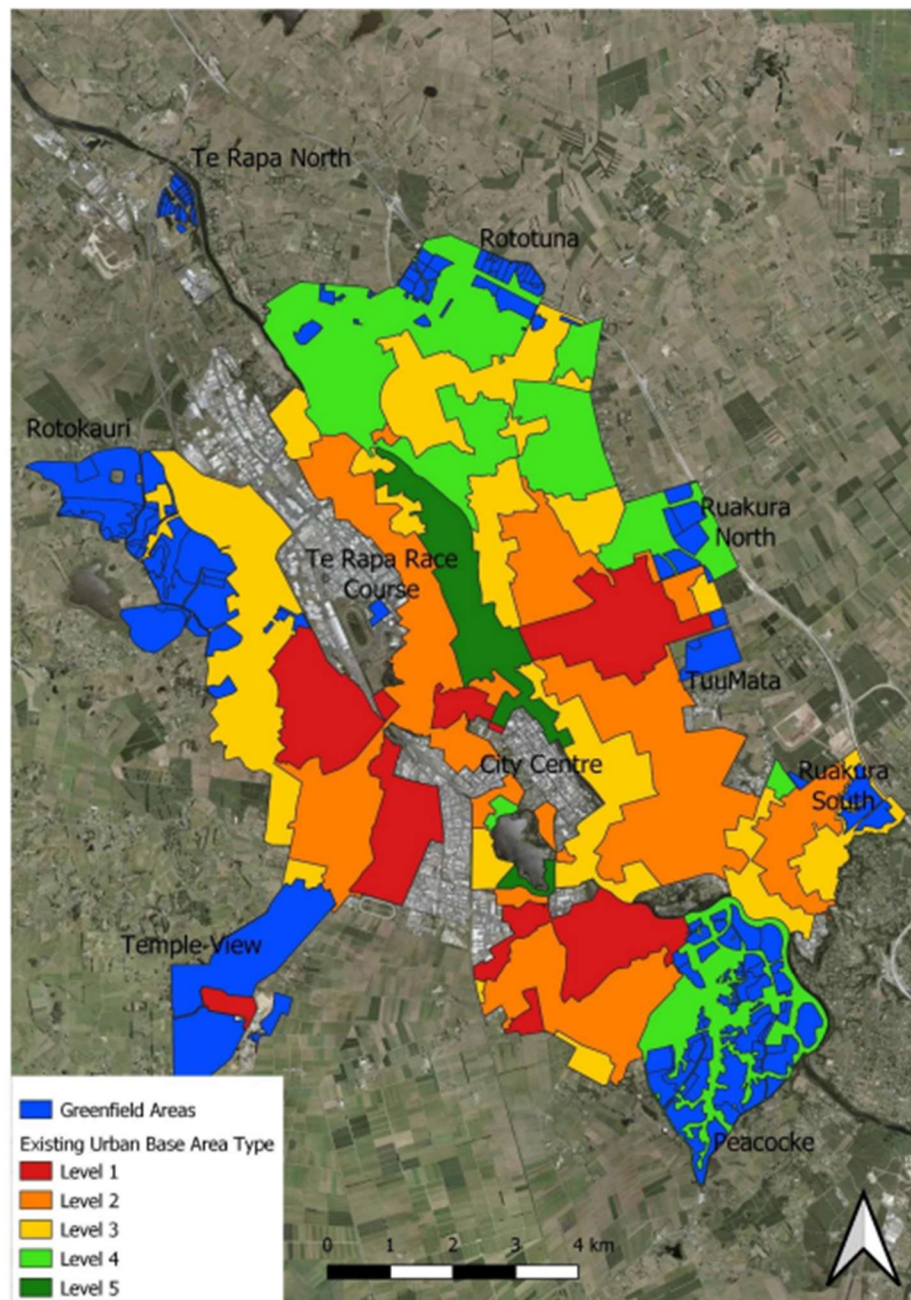
Figure 4.5 of the 2023 Business Development Capacity Assessment prepared by Market Economics for Futureproof indicates that Plan Change 17 will essentially provide for the current and medium-term needs in terms of industrial land supply. This does not account for other planning initiatives currently underway such as applications for consent under the Fast Track Approvals Act 2024. Figure 4.5 is replicated below.

Figure 4-5: Hamilton Industrial Land Demand (ha), Short Medium and Long Term

| Name | Short Term | Medium Term | Long Term |
|--------------|-------------|--------------|--------------|
| Te Rapa | 32.1 | 102.7 | 205.7 |
| Chartwell | 0.2 | 0.5 | 1.5 |
| Frankton | 7.1 | 26.0 | 78.2 |
| CBD | 2.3 | 8.1 | 24.3 |
| Ruakura | 1.4 | 4.3 | 13.4 |
| Other | 8.2 | 25.4 | 74.7 |
| Total | 51.2 | 166.9 | 397.8 |

The urban zoned Te Rapa North Residential area of Te Awa Lakes is now incorporated in the Futureproof strategies Housing Development Capacity Assessment prepared under the requirements of the National Policy Statement-Urban Development. Figure 2.2 from the capacity assessment is shown below.

Figure 2-2: Greenfield and Existing Urban Spatial Structure of Hamilton City



The current deferred industrial area of Te Awa Lakes is not included in either the business or residential assessment areas, therefore its intended zoning is not yet clear.

In the meantime, the future urban zone provisions continue to apply, noting specifically that the Operative Plan requires:

“existing rural amenity of a low density character and that rural character and amenity shall be retained until rezoning occurs “ (Objective 14.2.1 and supporting policies 14.2.1).

- 6.9 The Section 42A report prepared by Hamilton City Council rejects the submission points made by Te Awa Lakes on the basis that Te Awa Lakes land is zoned deferred industrial. There is a note in Chapter 12.1 which states the following:

The area, with an exception for the Dairy Manufacturing Site and the 30ha within Stage 1A as provided for, 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 zoning being applicable for deferred industrial.

- 6.10 Te Awa Lakes land is not a deferred industrial zone, but rather is treated by the Operative Plan as a future urban zone.
- 6.11 This is reinforced through the future urban zone provisions where the purpose of the future urban zone sets out under 14.1.e, the following:

“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 notes that in the interim, the Te Rapa North deferred industrial area will remain in predominantly rural use”.

- 6.12 The overlay does not have any plan provisions or weight to it by way of Plan policy, and the land is treated as rural until such time as it is rezoned through a plan change or developed as part of a further planning process².
- 6.13 It is my view that the zoning of this land is not settled and its rezoning will need to be subject to a future plan change or consenting process. As set out in the corporate evidence for Te Awa Lakes there is no current proposal to develop this area as a future industrial zone. This evidence confirms that the likely future use will be as a major facilities area incorporating commercial, retail, hospitality, and community activities.
- 6.14 Based on the above Plan provisions the interface is rural in nature and in my view should not be treated as a Deferred Industrial “zone” as it is zoned Future Urban.
- 6.15 Objective 12.2.2 and policy 12.2.2a included in the applicant’s current version of the provisions for Plan Change 17 support the incorporation of landscaping screening and setbacks within the interfaces between the zone and deferred industrial zone areas as follows:

² The land has been approved for referral under the Fast Track Approvals Act 2024 and is identified in the Fast Track application for accommodation and recreational uses as part of a major facilities area in the Te Awa Lakes Masterplan.

| Objective | Policies |
|--|--|
| 12.2.2 <u>A high-quality Industrial area is achieved within the Te Rapa North Industrial Zone.</u> | 12.2.2a Amenity levels within the Te Rapa North Industrial Zone are improved through the use of <u>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.</u> |

- 6.16 Under the development standards contained in Rule 12.4, there do not appear to be any specific building setbacks nor height in relation to boundary requirements. The exceptions to this are transport corridors, the river, and water courses.
- 6.17 In my view there does not appear to be any setback or height in relation to boundary requirements in relation to Te Awa Lakes³.
- 6.18 I also agree with the evidence of Michael Bilsborough that a 20 metre high built edge will result in significant visual dominance and would not in my experience be best practice in managing industrial zone interfaces particularly where (as Mr Bilsborough notes) the future land use is uncertain or is transitioning. I therefore support the proposed amendments suggested by Mr. Bilsborough as follows:
- (a) retain the proposed 5 metre landscape buffer and include a requirement relating to the height and density of planting
 - (b) Restrict maximum building height to 12 metres within 40 metres of the Te Awa Lakes boundary.
 - (c) Introduce a 20 metre yard control along the Te Awa Lakes Lakes boundary to ensure adequate separation between future buildings and the boundary.
 - (d) Require that yards not be used for industrial operational activities other than exists car parking all storage areas.

7. Conclusions

- 7.1 A more coordinated and staged approach to the delivery of road upgrades is in my view appropriate. This should be coordinated and shared with Te Awa Lakes as both

³ See rules tables 12.4.1-12.4.3 on page 72 and page 73 of the Evidence of Nick Grala which addresses the interfaces associated with transport corridors, river, and watercourses but not the deferred industrial overlay area (future urban zone).

the Fonterra and Te Awa Lakes structure plans are reliant on the same strategic and local roading network.

- 7.2 I support the suggestions outlined in the evidence of Mr Bilsborough's evidence in relation to setbacks, stepping of building heights and the need for a landscaping strip along the boundary. The future zoning of Te Awa Lakes land along Hutchinson Road is not settled and the rule framework in relation to deferred industrial area does not align with the policy outcomes sought under the plan change. Plan standards are needed to ensure appropriate amenity outcomes are achieved based on the Te Awa Lakes Masterplan.
- 7.3 The revised focal area provisions have addressed my earlier concerns therefore minimising the area to be developed for service activities to better align with the needs of the industrial zone and its policy framework. I agree with the conclusions of Mr Grala in this regard.
- 7.4 I would be happy to answer any questions the Hearings Panel may have.



Aaron Collier
Planner
03 November 2025