

# Section 42A Hearing Report

To: Independent Hearing Commissioners

From: Damien McGahan, Consultant Planner

Subject: **Hamilton City Council – Private Plan Change 17**

Prepared by Damien McGahan, Consultant Planner



11 September 2025

Reviewed by Steve Denize, Team Leader  
Urban & Spatial Planning Unit, Hamilton City Council



11 September 2025

Approved by Mark Davey, Unit Director  
Urban & Spatial Planning Unit, Hamilton City Council



11 September 2025

File Reference: SharePoint > City and Strategic Planning and Policy > District Plan Review > Documents > PPC17 – Fonterra Plan Change > 08\_Hearing > Hearings Report > PPC17 - S42A

# **Plan Change 17**

## **Te Rapa North Industrial**

### **Private Plan Change**

## **Section 42A Hearing Report**

**11 September 2025**



Date: 11 September 2025  
Prepared by: Damien McGahan  
Authorised by: Dr Mark Davey

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## Executive Summary

### Purpose of this Report

The purpose of this report is to provide an analysis of Fonterra Limited's private plan change application (Private Plan Change 17 or PPC17) against information provided in submissions and further submissions received in relation to it.

This report, which is prepared under the provisions of Section 42A of the Resource Management Act 1991 (RMA) and is informed by reviews undertaken by Council's technical specialists, is to assist the commissioners appointed to hear PPC17 to fulfil the relevant requirements of the RMA when they perform this function.

### PPC17

PPC17 seeks to rezone approximately 91ha of land surrounding the Te Rapa Manufacturing Site to remove the Deferred Industrial Zone Overlay from all Fonterra owned land and several adjacent parcels owned by third parties. The stated purpose of PPC17 is to:

- 'Live zone' all Fonterra owned land within the TRNIZ thereby enabling industrial activities to occur within the plan change area.
- Protect the Te Rapa Manufacturing Site from incompatible surrounding land use and reverse sensitivity risk.
- Future-proof rail access to the North Island Main Trunk Line (NIMT).

Public notification was initiated on 23 April 2025 and closed on 23 May 2025. HCC received a total of 18 submissions (discussed further below). The summary of submissions was published on 24 June 2025, and the period for further submissions were opened. Further submissions closed on 9 July 2025, with HCC receiving a total of 4 further submissions.

The submissions covered a range of topics which have been arranged for reporting purposes into topics.

Submission Topic
Topic 1 – Extent of PPC17
Topic 2 – Te Rapa North Industrial Zone (TRNIZ) – including 'live zoning,' Structure Plan; Objectives, Policies and Rules Framework and other consequential matters
Topic 3 – Three Waters Infrastructure
Topic 4 – Transport Infrastructure
Topic 5 – Natural Environment / Ecology
Topic 6 – Natural Hazards
Topic 7 – Noise and Vibration
Topic 8 – Planning Maps
Topic 9 – Others Matters – including engagement, existing permitted activities, plan change boundary matters

## Key Findings / Issues

The key findings / issues include:

- PPC17 is strongly aligned with the surrounding land use and is expected under the provisions of the District Plan and strategic regional policies.
- Several submitters have requested that land outside of the notified PPC17 area be rezoned from TRNIZ – Deferred Industrial Zone to Te Rapa North Industrial Zone under PPC17. My evaluation of the submitter's concerns assumes that they are "on" the plan change and I note that this matter will require legal input. No changes to PPC17 are recommended.
- Submitters have otherwise raised a wide variety of submission points across the various topics, including requested edits to the plan change (as notified).
- The updated provisions<sup>1</sup> present transport infrastructure staging that is different to the notified version of PPC17, removing the requirement for development triggers for key infrastructure (including for example, key access points and intersection upgrades) and altering the activity status for implementation and removing a key information requirement (being the Infrastructure Plan). Additional information relating to strategic three waters infrastructure staging has been supplied but this is not clear as to how it is linked and considered under the plan change. The relationship between all strategic infrastructure requirements and how this can be delivered across stages is a matter that requires further consideration and clarity within PPC17. This then needs to flow onto the necessary information requirements which are needed to be provided for each stage of the development.
- Council specialists have identified several issues / gaps with PPC17's supporting assessments. Further information is considered necessary, particularly in the areas of transport, water and wastewater and stormwater.
- While PPC17 finds strong support at a national, regional and district policy level, based on the above findings and the fulsome statutory assessment, I am unable to confirm that PPC17 is entirely consistent with the statutory framework, including Part 2 of the Act.

## Recommendations

This report recommends the following in respect of PPC17:

- Chapter 3.9, at Rule 3.9.3.2 and 3.9.3.3 - it is recommended that these rules are revisited to better articulate the proposed staging anticipated (in an integrated and coordinated way, across transport and three-water infrastructure requirements) including definition of

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<sup>1</sup> Appendix 4 within the PPC17 Supplementary Information, Appendix G

staging triggers (and required infrastructure upgrades). It is recommended that an indicative staging plan is incorporated into the plan change that supports this update and supplements the Structure Plan.

- Chapter 3.9, at Rules 3.9.3.4, 3.9.3.5, 3.9.3.6, 3.9.3.7 – it is recommended to include clear development triggers and the associated activity status, and an update to matters for control, matters of restricted discretion and assessment criteria that may result from the update of Rule 3.9.3.2 and 3.9.3.3 identified above.
- Chapter 3.9, at Rule 3.9.3.4 and at Appendix 1, Section 1.2 – further develop the necessary information requirements to:
  - Include a clear objective for the Ecological Management Plan (1.2.2.29); further develop sub-part b. to identify how the assessment of effects will be considered for identified species and the associated management plan requirements for those species.
  - Re-introduce the requirement for an Infrastructure Plan at Rule 3.9.3.4 including the identification of the information required at 1.2.2.30 that all land use and subdivision applications need to include.
  - Introduce an information requirement for a Landscape Concept Plan at Rule 3.9.3.4 and the information required at 1.2.2.31.
  - Inclusion of a general requirement under the information requirements detailing the outcomes of any consultation undertaken with interested parties.
  - Require the information to be produced for each stage of development (not just the first stage).
- Following the review of Chapter 3.9 identification of any consequential changes needed to other chapters considering the above outcomes to make clearer the intent of the Structure Plan and its delivery, along with clear cross referencing to other relevant parts of the District Plan.
- A broader review of the PPC17 structure against the District Plan structure.
- Finally, I recommend that the amendments that have been proposed in response to submissions be accepted.

Subject to the matters outlined in the recommendations above being satisfactorily resolved, I will be in a position at the time of the hearing to make my overarching recommendation on PPC17.

## 1.0 Introduction

- 1.1 My full name is Damien Ryan McGahan, and I am a Principal with Aurecon New Zealand Limited ("Aurecon"), a multi-disciplinary consultancy firm which provides engineering, management and specialist technical services for public and private sector clients. I hold a Bachelor of Social Sciences (Geography) (University of Waikato, 1995) and a Masters of Resource and Environmental Planning (Massey University, 1997). I am a full member of the New Zealand Planning Institute.
- 1.2 My experience spans statutory, policy and strategic planning, structure/master planning, the management of consultation projects, and consenting for major transport and energy infrastructure projects, industrial and recreation developments. I have extensive experience covering 25 years in statutory land use and infrastructure planning, and this has included preparing applications for resource consents, notices of requirements and plan changes on behalf of multiple Councils and government agencies. Recent plans change processes I have been involved in include reporting roles on Private Plan Change 15 (for Hamilton City Council) and Plan Change 26 (for Waipā District Council).
- 1.3 My role in respect of Private Plan Change 17 (**PPC17**); is to support the Hamilton City Council ('Council') in the summary and analysis of submissions received and as lead author in this Section 42A Report and any associated amendments recommended to PPC17, in response to submissions received.
- 1.4 I can confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2023. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my 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 I express.
- 1.5 I would like to acknowledge Arthur Hung (Intermediate Planner, Urban and Spatial Planning Unit) and Laura Galt (Senior Planner, Urban and Spatial Planning Unit) who have assisted in the development and review of this report.
- 1.6 I am authorised to prepare and present this Section 42A Report on the Council's behalf to the PPC17 Independent Hearings Panel (**IHP**).

1.7 This report is prepared in accordance with Section 42A of the Resource Management Act 1991 (**RMA**) and has been prepared to:

- Assess the merits of PPC17, including proposed amendments to District Plan provisions applying to the Te Rapa North Industrial Zone (**TRNIZ**).
- Assist the IHP in making their decisions on the submissions and further submissions for PPC17.
- Provide submitters with an opportunity to see how their submissions have been evaluated by Council, prior to hearings.

1.8 This report is structured as follows:

- Section 2.0 outlines the scope of the report.
- Section 3.0 summarises PPC17.
- Section 4.0 identifies the applicable statutory framework.
- Section 5.0 provides an overview and assessment of the submissions and further submissions received. It is noted that this report uses ‘key topics and issues’ to group and address matters raised in submissions and further submissions.
- Section 6.0 provides an evaluation of key issues and environmental effects.
- Section 7.0 evaluates PPC17 against the applicable statutory and policy framework, including Section 32 / 32AA of the RMA.
- Section 8.0 includes proposed amendments to PPC17.
- Section 9.0 contains recommendations to the IHP.



## 2.0 Scope of Report

2.1 The scope of my report relates to providing an analysis of Fonterra Limited's plan change and supporting evidence provided by the Council as well submissions and further submissions received in relation to the parts of PPC17 listed in Table 1 below and the applicable statutory framework (which I set out below at Section 4.0). As noted above, this report has been prepared in accordance with Section 42A of the RMA.

*Table 1 Plan Change provisions that this report addresses*

District Plan Volume	Proposed Plan Change 17 Chapters or Appendices	Proposed Plan Change 17 Sections
Volume 1	Chapter 3 Structure Plans	3.9 Te Rapa North Industrial Structure Plan
	Chapter 9 Industrial Zone	
	Chapter 12 Te Rapa North Industrial	
	Chapter 23 Subdivision	
	Chapter 25 City-wide	25.2 Earthworks and Vegetation Removal
		25.8 Noise and Vibration
		25.13 Three Waters
		25.14 Transportation
Volume 2	Appendix 1 District Plan Administration	1.1 Definitions
		1.2 Information Requirements
		1.3 Assessment Criteria Q
	Appendix 2 – Structure Plans	Figure 2-22
Planning Maps		

2.2 In preparing this report, I have reviewed PPC17 documentation including:

- *PC17: Te Rapa North Industrial Private Plan Change Request*, dated December 2024, prepared by Harrison Grierson on behalf of Fonterra Limited (inclusive of Appendices 1 – 22, links included in Appendix F).
- Submissions / Summary of Submissions and Further Submissions.
- *Private Plan Change 17: Supplementary Information*, dated August 2025, prepared by Harrison Grierson on behalf of Fonterra Limited (inclusive of Appendices 1 – 5, included in Appendix G).

2.3 I have also relied expert advice sought from Council specialists on technical matters including transport, stormwater, water and wastewater, geotechnical and ecology. The plan change has been reviewed by these experts, and their input has been provided to help guide and inform the assessment of PPC17 and the recommendations on the submissions and further submissions. The Council's technical specialists have completed Section 42A Technical Memorandums and include:

- PPC17 Transportation Review, dated 8 September 2025, prepared by Naomi McMinn, Grey Matter (Appendix A).
- PPC17 Water & Wastewater Review, dated 8 September 2025, prepared by Chris Hardy, WSP NZ Limited (Appendix B).
- PPC17 Stormwater Review, dated 9 September 2025, prepared by Iain Smith, Beca Limited (Appendix C).
- PPC17 Geotechnical Review, dated 8 September 2025, prepared by Ryan Tutbury, Tonkin & Taylor Limited (Appendix D).
- PPC17 Ecology Review, dated 8 September 2025, prepared by Hazell Burrridge, Boffa Miskell Limited (Appendix E).

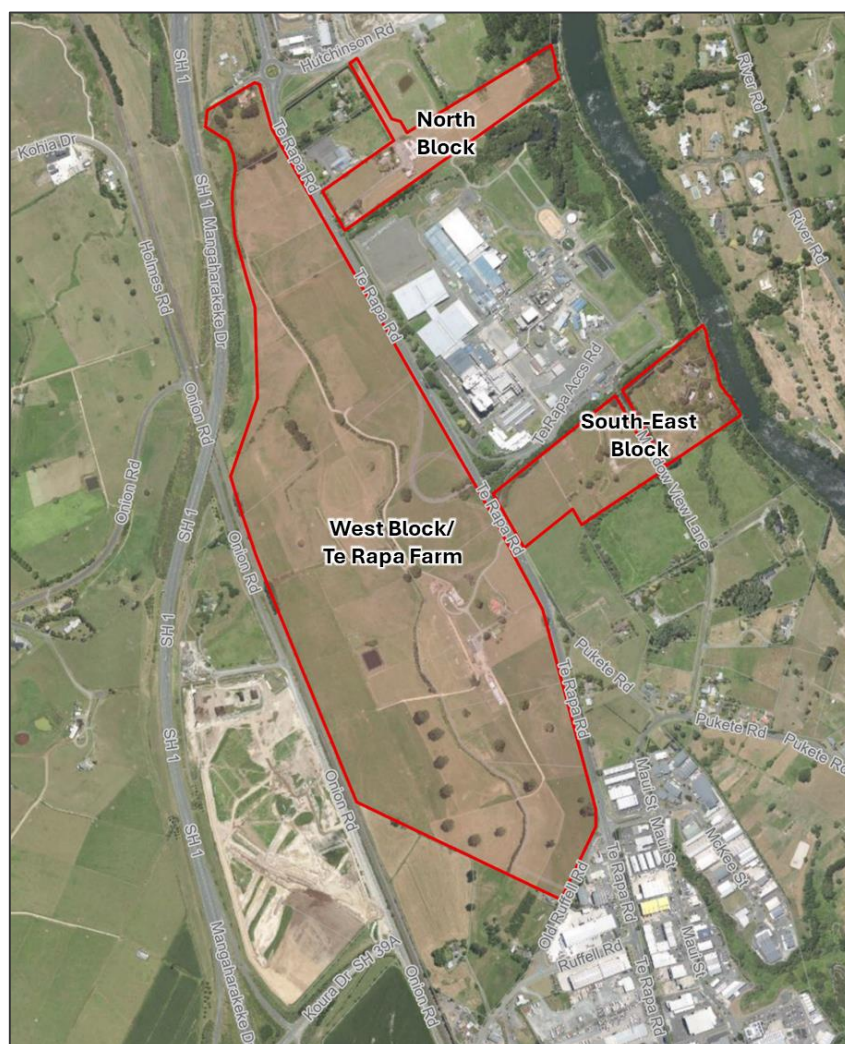
2.4 Finally, I have also relied on a Council officer advice from Mr Paul Ryan in relation to proposed amendments to the District Plan provisions.

### 3.0 Proposed Plan Change 17

#### Summary of PPC17

- 3.1 PPC17 seeks to rezone approximately 91ha of land surrounding the Te Rapa Manufacturing Site at 1344 Te Rapa Road Horotiu, approximately 8km north of Central Hamilton, to remove the Deferred Industrial Zone Overlay from all Fonterra owned land and several adjacent parcels owned by third parties. The location of the plan change area and how it is configured and broadly described is shown in Figure 1 below.
- 3.2 The plan change area is broadly encompassed by the Waikato River to the east, the Waikato Expressway (State Highway 1C) and the North Island Main Trunk rail line to the west, Hutchinson Road and Bern Road to the north, Old Ruffell Road and property boundaries to the south. All blocks within the plan change area have frontage to Te Rapa Road which runs north to south through the centre of the Plan Change Area.

*Figure 1 Private Plan Change Locality*



3.3 The PPC17 area is currently zoned Te Rapa North Industrial Zone (TRNIZ) and is subject to the Deferred Industrial Zone Overlay under the Hamilton City Operative District Plan (**the District Plan**). The stated purpose of PPC17 is to:

- Live zone all Fonterra owned land within the TRNIZ thereby enabling industrial activities to occur within the plan change area.
- Protect the Te Rapa Manufacturing Site from incompatible surrounding land use and reverse sensitivity risk.
- Future-proof rail access to the North Island Main Trunk Line (NIMT).

3.4 To achieve this purpose, PPC17 proposes to:

- Rezone part of the TRNIZ by removing the Deferred Industrial Zone overlay from all Fonterra owned land and several smaller parcels that are owned by third parties (where the rezoning is needed to achieve the objectives of PPC17).
- Include and implement a Structure Plan (within a new Chapter 3.9) to guide and coordinate the development of the Plan Change Area. This new chapter contains:
  - A vision, objectives and policies to enable 91 ha of deferred industrial land to be developed.
  - An outline of the key land use components of the Structure Plan including primary uses enabled, the inclusion of a focal area, Te Rapa Dairy Manufacturing Site, movement network, water and wastewater network, blue-green corridor and an overview of key cultural and landscape values.
  - Rules (at Section 3.9.4) which requires development to occur in accordance with the Structure Plan and TRNIZ requirements, transport infrastructure improvements staging (enabling development in accordance with the delivery of transport infrastructure upgrades), information requirements including an Ecological Management Plan (as part of the first land use consent or subdivision consent application) and an Infrastructure Plan (as part of the first land use consent or subdivision consent application), and a rule outlining development trigger activity status and associated assessment criteria.
- Amend parts of Chapter 12: Te Rapa North Industrial Zone (TRNIZ), Chapter 23: Subdivision, Chapter 25: City-wide, Appendix 1, and Appendix 2. These include:
  - Chapter 12:
    - a revision of the purpose of the zone, revisions to relevant objectives and policies, removal of Objective 12.2.3, inclusion of a new Objective 12.2.5

- to replace references to the Comprehensive Development Consent process and Stages 1A and 1B within the zone and align it with the proposed Structure Plan.
  - A complete revision of the Activity Status table at Section 12.3.1 to enable activities that meet the daily needs of employees within a limited area.
  - A revision of/inclusion of several rules matters for control and matters for discretion at sections 12.4, 12.5 and 12.7 respectively.
- Chapter 23:
  - Remove references to the Comprehensive Development Consent process and Stages 1A and 1B within the zone.
- Chapter 25:
  - Inclusion of a new rules at 25.2.5.3 and 25.2.5.4 relating to earthworks and vegetation clearance in the TRNIZ.
  - Reference to the Structure Plan within the noise and vibration chapter at 25.8.
- Minor edit to 25.13 to clarify the position of the Te Rapa Dairy Manufacturing Site within the Structure Plan / TRNIZ with reference to three-waters servicing.
  - Chapter 25:
    - Inclusion of a new activity status trigger at Rule 25.14.3 relating to additional vehicle crossings to Te Rapa Road within the TRNIZ – being a non-complying activity, and an outline of associated requirement for an Integrated Transport Assessment.
  - Appendix 1 – introduce specific information requirements in the form of an Ecological Management Plan (section 1.2.2.29) and Infrastructure Plan (section 1.2.2.30 and new assessment criteria (section 1.3.3) relating to the Structure Plan area.

3.5 The proposed rezoning would result in the following alterations to planning maps (at Appendix 2 of the District Plan) as follows:

- Removing the “Deferred Industrial Zone” area from the plan change Area (from approximately 91ha of the Te Rapa North Industrial Zone).
- The extension of approximately 0.5ha of the Natural Open Space Zone where it adjoins the Waikato River within the North Block of the Plan Change Area (coinciding with the Significant Natural Area extent).

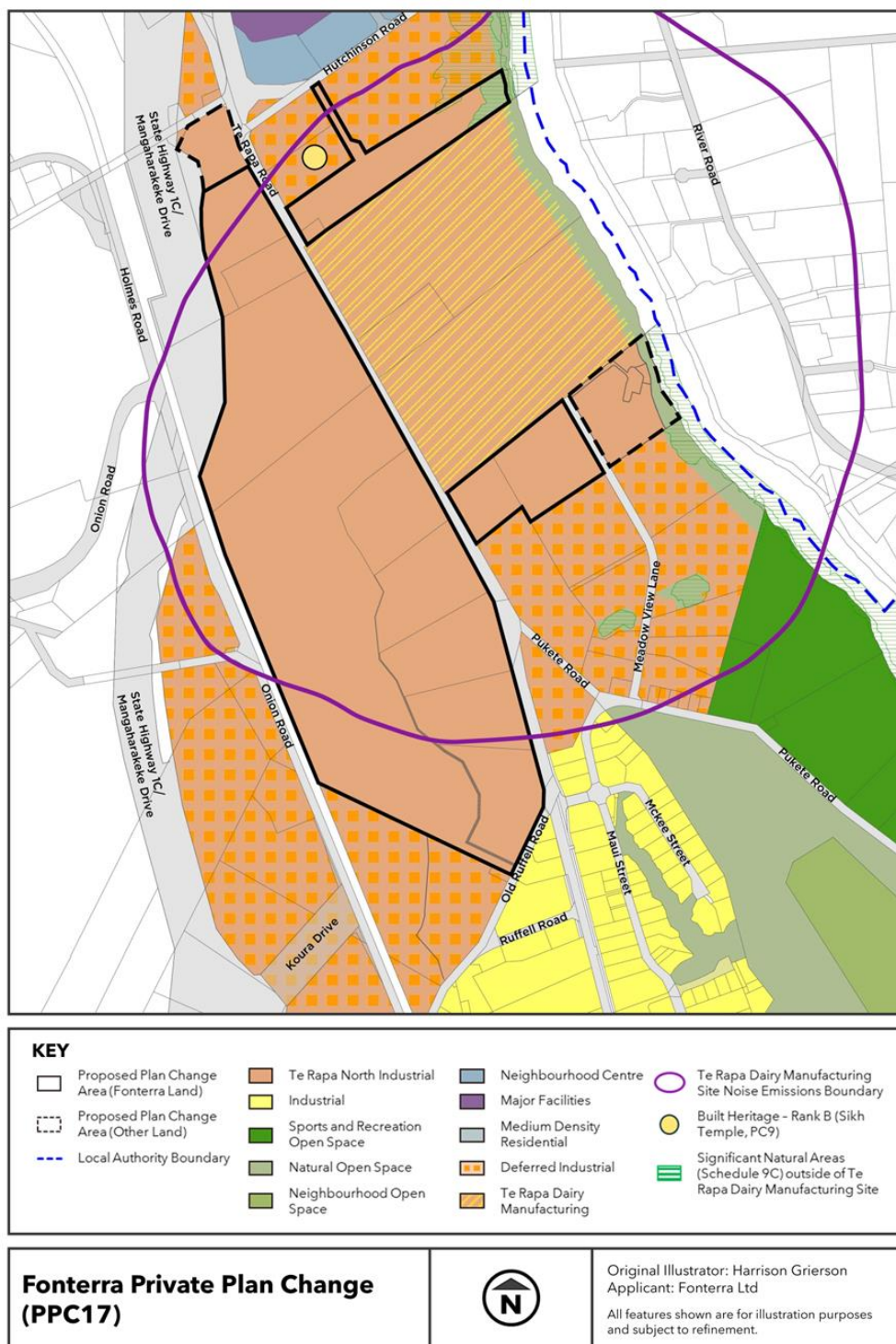


The retention of approximately 1.2ha of the Natural Open Space Zone.

- The removal of the Te Rapa North Industrial Staging overlay.
- The retention of the Te Rapa Dairy Manufacturing Site Noise Emissions Boundary.

3.6 The proposed zoning map is shown in Figure 2 below.

Figure 2 Proposed Zoning Map



3.7 The proposed Structure Plan includes:

- The entire PPC17 area (as described above).
- An indicative roading pattern, including provision for an east-west arterial route (designed to form part of the future Northern River Crossing (**NRC**)), a collector road that will act as a central spine to the PPC17 area and a series of local roads along with proposed intersection locations and treatments.
- Two new intersections with Te Rapa Road (Access 1 and 2) and a new connection with Old Ruffell Road (Access 3).
- Spatial extents of proposed planning provisions that are designed to manage the interface between the plan change area and remaining areas of the TRNIZ which would be still subject to the Deferred Industrial Zone Overlay.
- The location of indicative riparian margins and stormwater management areas.
- A potential rail siding from the North Island Main Trunk Line along the western boundary of the plan change area.

3.8 A full copy of PPC17 is not attached to the report but is available on the Council's website.<sup>2</sup>

### Site Context and Surrounding Area

3.9 The Applicant has described the site and surrounding area within Sections 2.0 and 7.0 of *PC17: Te Rapa North Industrial Private Plan Change Request* (link in Appendix F). I have reviewed the relevant legal descriptions and description of the site and surrounds and adopt it for the purposes of this Section 42A report.

3.10 As noted above, PPC17 will result in the rezoning of the TRNIZ by removing the Deferred Industrial Zone overlay from all Fonterra owned land and several smaller parcels that are owned by third parties, an area of approximately 91 hectares. It is important to note that the Deferred Industrial Zone overlay currently sits across the entire TRNIZ, which has an area of 200 hectares (excluding the already 'live zoned' Te Rapa Dairy Manufacturing site). The proposed uplifting of the overlay proposed by PPC17 equates therefore to the 'live zoning' of approximately 45% of the TRNIZ.

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<sup>2</sup> [Plan Change 17 | Hamilton City Council](#)

## Site History / Recent Planning History

- 3.11 The Te Rapa Manufacturing Site first opened in 1968. Its location was largely chosen for its separation from sensitive land uses. It is a critical asset for Fonterra, and its social and economic significance is recognised in several statutory documents, including:
- Waikato Regional Policy Statement Operative 2016.
  - Waikato Regional Policy Statement Change 1.
  - Future Proof Strategy 2024.
  - Waikato District Plan Operative District Plan 2013.
  - Hamilton City Operative District Plan (District Plan).
- 3.12 The Te Rapa Manufacturing Site was originally part of the Waikato District. On July 1, 2011, it came under the jurisdiction of HCC, approximately six years after the Strategic Boundary Agreement was signed. A Section 32 report, drafted on November 7, 2012, highlighted the lack of infrastructure in Te Rapa North and recommended provisions (Chapter 12) to promote the sustainable management of natural and physical resources. These provisions became operative on September 22, 2017, placing the TRNIZ area under deferred status.
- 3.13 In 2019, Council passed resolutions to prepare Plan Change 10 to live zone Te Rapa North to meet anticipated industrial demand. During 2022 key technical investigations were undertaken to support the progression of the plan change. The investigations identified that the growth cell was, at the time, unfunded with very limited three waters and transport infrastructure and that enabling the zoning ahead of determining how the enabling infrastructure would be provided would result in poor planning outcomes. Through negotiations in 2023 and 2024, Fonterra agreed to advance its own private plan change.
- 3.14 Further detail on relevant site history and relevant planning background relevant to the Te Rapa Manufacturing Site and Fonterra's other landholdings is contained at Section 5.0 of *PC17: Te Rapa North Industrial Private Plan Change Request* (link in Appendix F).



- 3.15 In 2019, an industrial subdivision for approximately 20ha, on land owned by Empire Corporation Ltd, was sought on Onion Road within the Te Rapa North Deferred Industrial Area (adjacent to State Highway 1C). Construction of these industrial premises is underway now and will be home to companies such as Delegat Ltd, which was consented in 2021.

### **PPC17 Process Summary**

- 3.16 HCC received PPC17 for land surrounding Fonterra's Te Rapa Dairy Manufacturing Site on the 12 December 2024. In accordance with Schedule 1, Clause 25 of the RMA, HCC recommended and sought the approval of the Chief Executive on 31 January 2025 to accept PPC17.
- 3.17 HCC sent a letter on 4 February 2025 requesting clarification on various matters.
- 3.18 PPC17 was accepted by Council on 12 February 2025.
- 3.19 HCC received a response to the letter requesting clarifications on 24 February 2025.
- 3.20 Public notification was initiated on 23 April 2025 and closed on 23 May 2025. HCC received a total of 18 submissions (discussed further below).
- 3.21 A series of technical workshops between Fonterra and Council specialists were held in May 2025 to discuss PPC17 and gaps in the various assessments.<sup>3</sup>
- 3.22 The summary of submissions was published on 24 June 2025, and the period for further submissions were opened. Further submissions closed on 9 July 2025, with HCC receiving a total of 4 further submissions.
- 3.23 Two (2) submissions were withdrawn prior to the drafting of this report, leaving a total of 16 submissions on PPC17. I briefly touch on these below at Section 5.0 of this report.
- 3.24 On 21 August 2025, Fonterra submitted Supplementary Information (Appendix G) which signalled updates it proposes to the notified version of PPC17. I discuss the key changes proposed below.

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<sup>3</sup> PPC17 Stormwater Workshop, 12 May 2025; PPC17 Water & Wastewater Workshop, 19 May 2025; and Transportation Workshop, 23 May 2025.

## Key Changes to PPC17 signalled through Supplementary Information

- 3.25 As noted above, the Council received Supplementary Information from Fonterra on 21 August 2025 (Appendix G). At Section 1.0 of this document Fonterra notes that *‘This Supplementary Information Report has been prepared to provide the context and explanation for the changes that have been made to the Te Rapa North Industrial Plan Change since it was notified in April 2025.’* Fonterra further note *‘These changes reflected Fonterra’s view following a series of workshops with Council specialists in May 2025.’*<sup>4</sup>
- 3.26 Based on the explanation included at Section 1.0 of the Supplementary Information, I am of the view that it is this version of plan change provisions that Fonterra are now proposing to move forward with, and which should be the subject of ongoing assessment. On this basis Council and its technical specialists have considered this information as part of its ongoing review, alongside PPC17 as notified and submissions received on the notified version of PPC17.
- 3.27 The Supplementary Information has signalled a significant shift from the plan change that was the subject of notification, particularly with respect to staging and the rules framework associated with Chapter 3.9 (Te Rapa North Industrial Structure Plan). Briefly, the key changes that have been signalled include:
- A complete revision of Rule 3.9.4 (numbered 3.9.3 within Appendix G) to:
    - Remove in totality, the table relating to Transport Infrastructure Improvements (including upgrade requirement and what was needed to implement it) (notified Rule 3.9.4.2) and requirement for a Broad ITA for any consent applications, for the inclusion of directive transport infrastructure staging optionality (Stage 1A / 1B and Stage 2) and provisions along with a softening of activity status for indicated stages/stage options insofar as staging associated with transportation infrastructure delivery is concerned (at Rule 3.9.3.2).
    - Introduce of new rule (Rule 3.9.3.3) outlining strategic three waters infrastructure staging and sequencing optionality along with the inclusion of figures outlining an indicative internal three-waters network. This rule is supported by an associated update to the Structure Plan (located at Appendix 1 within Appendix G) which now

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<sup>4</sup> PPC17 Stormwater Workshop, 12 May 2025; PPC17 Water & Wastewater Workshop, 19 May 2025; and Transportation Workshop, 23 May 2025.

include reference to sub blocks / stages of the plan change area (e.g., Onion South).

- Remove completely the information requirement for an Infrastructure Plan (notified Rule 3.9.4.3 b), presumably due to the introduction of the staging elements noted immediately above and the certainty this is purported to bring.
- Remove the development trigger activity status rule heading (Rule 3.9.4.4), thereby tying it directly to the remaining information requirement, which is for an Ecological Management Plan (now proposed as Rule 3.9.3.4). A shift in activity status from Prohibited to Non-Complying activity consent is indicated, however this would appear to only be triggered in the event the Ecological Management Plan is not provided as structured.
- Introduce Matters of Control, Matters of Restricted Discretion and Assessment Criteria at Rules 3.9.3.5, 3.9.3.6 and 3.9.3.7 respectively, which are designed in kick in, if proposed requirements for transportation staging (being Stage 1A / 1B and Stage 2) only, are not met.
- A sole assessment criterion relating to ecological values of the site (being the plan change area) is retained, however the notified requirement to identify mitigation associated with the impacts three waters infrastructure alongside the consideration of timing for delivery has been removed (refer to Rule 3.9.3.7).
- An update to the Rule 12.3.1 (Activity Status Table – Te Rapa North Industrial Zone) to clarify the activity status of development activities.
- Revision of Rule 12.5.4 (Food and Beverage within the Focal Area) to tighten up / make more certain, in response to submissions.

3.28 Other changes that have been signalled in the Supplementary Information include:

- Renaming of Chapter 3.9 from Te Rapa North Industrial Structure Plan to Te Rapa North Industrial Zone. I note that Chapter 3.9 relates to specifically to structure plans and not zones and on this basis is not supported.

3.29 Finally, as indicated above, the Supplementary Information updated the Structure Plan that supports PPC17 (refer to Appendix 1 within Appendix G).

3.30 The Supplementary Information has been considered by Council's technical specialists and the outcomes of their assessment, along with my own are discussed below at Section 6.0.

## 4.0 Applicable Statutory Framework

4.1 The Applicant has comprehensively described the applicable statutory framework (including non-statutory strategies and guidelines) at Section 9.0 of *PC17: Te Rara North Industrial Private Plan Change Request* (link in Appendix F).

4.2 I include a detailed overview of the applicable framework at Appendix H. In summary the applicable statutory framework is considered to include:

- Resource Management Act 1991
- Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River)
- National Policy Statement on Urban Development 2020
- National Policy Statement on Freshwater Management 2020
- National Policy Statement for Indigenous Biodiversity 2023
- National Planning Standards 2019
- Waikato Regional Policy Statement Operative 2016.
- Waikato Regional Policy Statement Change 1.
- Waikato Regional Plan
- Hamilton District Plan
- Waikato Tainui Environmental Plan
- Ngāti Tamainupō Mātauranga and Taonga Management Plan 2021
- Future Proof Strategy 2024
- Hamilton to Auckland Corridor Plan 2020
- Hamilton-Waikato Metropolitan Spatial Plan 2020
- Hamilton Urban Growth Strategy 2023
- Access Hamilton 2024

## **5.0 Overview and Assessment of Submissions and Further Submissions Received**

- 5.1 PPC17 was notified on 23 April 2025. A total of 18 submissions were received on PPC17.<sup>5</sup> One late submission was received by Waikato-Tainui (Submission 18). A summary of submissions<sup>6</sup> was notified for further submissions on 24 June 2025 and four submissions were received.<sup>7</sup>
- 5.2 In terms of Waikato-Tainui's late submission, I note that this submission was accepted by the IHP in its Direction #1, dated 1 August 2025. Subsequently however, Waikato-Tainui withdrew its submission on 22 August 2025. In addition, Cheryl Anne Meier (Submission 11) also withdrew her submission on 28 August 2025. I make no further comment with respect to these submissions and the points raised within them.
- 5.3 A plan which shows the spatial location of submitters relative to the PPC17 area is included in Figure 3 overleaf.
- 5.4 Of the submissions received, five are in support of PPC17; four submissions support PPC17 in part and 7 are in opposition.
- 5.5 Due to the number of submission points raised (including changes requested), discussion on submissions and further submissions has been grouped into topics (and in some cases sub-topics) to respond to the matters raised as efficiently as possible. Table 2 below sets out these topics and highlights the number of submitters who have raised a submission / submission point in relation to that topic.
- 5.6 Finally, I would note that given the timing of receipt of the Supplementary Information relative to the submissions process, it may be the some of the submission points may have been superseded.

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<sup>5</sup> [Plan Change 17 | Hamilton City Council](#)

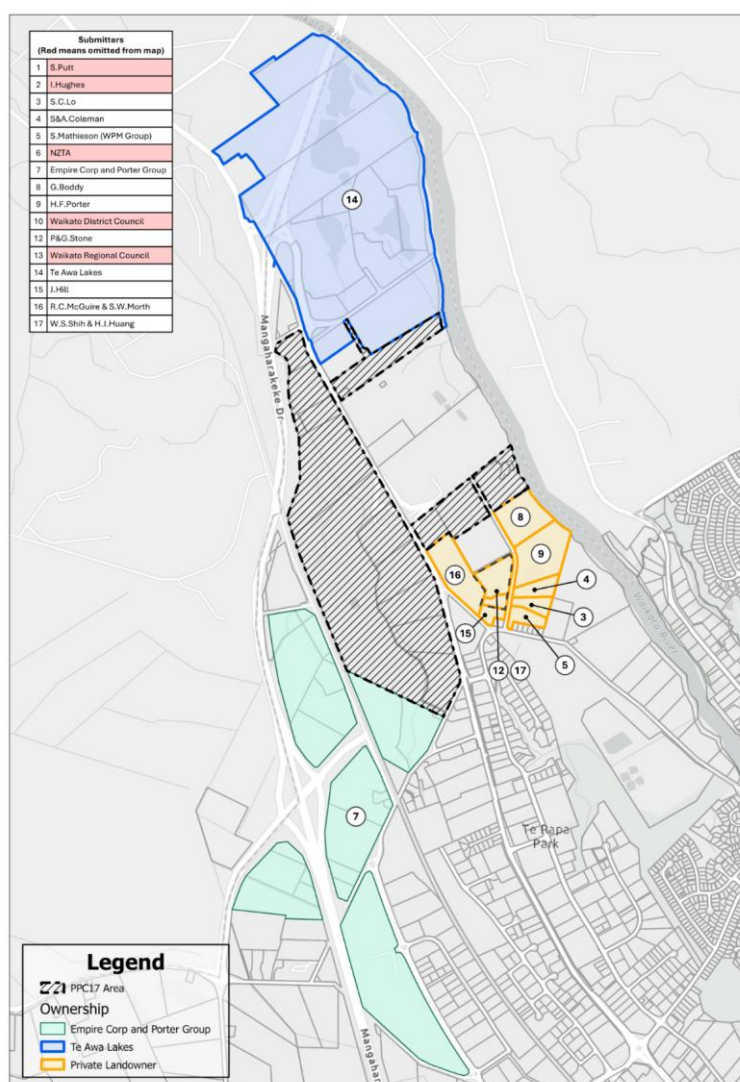
<sup>6</sup> [PPC17-Summary-of-Submissions-24-June-2025.pdf](#)

<sup>7</sup> [Morth Trust Partnership, Te Awa Lakes, First Gas Ltd, Wen-Sen SHIH & Hsiu-Jung Huang](#)

Table 2 Submission Overview

Submission Topic	Number of submitters who have raised
Topic 1 – Extent of PPC17/Rezoning of entire TRNIZ	11
Topic 2 – Te Rapa North Industrial Zone (TRNIZ) – including ‘live zoning,’ Structure Plan; Objectives, Policies and Rules Framework and other consequential matters	7
Topic 3 – Three Waters Infrastructure	8
Topic 4 – Transport Infrastructure	9
Topic 5 – Natural Environment / Ecology	3
Topic 6 – Natural Hazards	1
Topic 7 – Noise and Vibration	1
Topic 8 – Planning Maps	2
Topic 9 – Others Matters – including engagement, existing permitted activities, plan change boundary matters	7

Figure 3 Submitter Locations



## Topic 1 – Extent of PPC17/Rezoning of entire TRNIZ

5.7 Eleven (11) submissions have raised a submission point requesting that land outside of the notified PPC17 area be rezoned from TRNIZ – Deferred Industrial Zone to Te Rapa North Industrial Zone under PPC17.<sup>8</sup> My evaluation of the submitter's concerns assumes that they are "on" the plan change and I note that this is a matter that has been recognised by the IHP and which will require legal input.

5.8 The following table addresses concerns raised in submissions regarding the extent of PPC17.

<b>Topic 1 – Extent of PPC17 / TRNIZ ‘live zoning’</b>
<i>The extent of PPC17 should be expanded to include the entire Te Rapa North Industrial Zone and / or the submitter’s property. While the ‘live zoning’ is generally supported by all submitters, the approach in some instances is not.</i>
<b>Submission Points Relating to Topic</b>
3.1, 4.1, 4.2, 4.5, 4.8, 4.9, 5.1, 7.1, 7.2, 7.4, 7.6, 7.8, 7.9, 7.10, 8.1, 8.2, 8.4, 8.6, 8.8, 8.9, 8.10, 9.1, 9.2, 9.4, 9.6, 9.8, 9.9, 9.10, 12.1, 13.1, 13.2, 13.3, 14.2, 15.1, 16.1, 17.1
<b>Further Submission relating to Topic</b>
FS04.01, FS01.02, FS01.03, FS01.04, FS01.05, FS01.06, FS03.05, FS03.07, FS03.09, FS04.01
<b>Analysis of Topic</b>
<p>PPC17 is a privately promulgated plan change by Fonterra to uplift the deferred industrial zone overlay from 91 hectares of TRNIZ over land that it owns and over several smaller parcels that are owned by third parties. The PPC17 area represents approximately 45% of the overall TRNIZ and the spatial extent of the PPC17 area relative to the wider TRNIZ can be seen in Figure 2 above.</p> <p>A key driver for the plan change is to enable industrial activities to occur within the plan change area and in doing so to protect the Te Rapa Manufacturing Site from incompatible surrounding land use development occurring and therefore reverse sensitivity risks emerging.</p> <p>Submissions that request that the PPC17 extent be expanded to account for either their property or the entire TRNIZ gives rise the following questions:</p> <ol style="list-style-type: none"> <li>1. Does the staged uplift of the deferred industrial overlay from the TRNIZ in the way that PPC17 is promoted give rise to potential adverse effects that are either not appropriate and/or not able to be managed?</li> </ol>

<sup>8</sup> Submissions 3, 4, 5, 7, 8, 9, 12, 14, 15, 16, 17



2. When should TRNIZ, without the overlay in place, be live zoned / available in totality?

PPC17 includes an economic assessment which includes an industrial land market assessment. The assessment confirms that Te Rapa area is expected to have sufficient capacity in the short-term (i.e., next three-years), with shortfalls of 84 hectares and 87 hectares in the medium (3-10 years) and long-terms (10-30 years) respectively. On that basis the Applicant concluded that PPC17 would unlock industrial land supply in the short and medium terms, in a form attractive to the market, and which would assist in reducing the average price of industrial land in the sub-region over these terms.

I note that the Applicant's Section 32 Analysis identified and considered a range of options that would achieve the objectives of the plan change. Option 4 (live zone the entirety of TRNIZ) was considered but not progressed on the basis that Option 3 (PPC17) better achieved the objectives of the plan change (i.e., to protect the Te Rapa Manufacturing Site from incompatible surrounding land use development in the near-term). The Applicant also states that Option 3 does not bring forward the need to determine a route for the NRC now, whereby Option 4 would likely drive the need to define this longer-term strategic project.

Acknowledging that some submitters are concerned that PPC17 has not sufficiently considered the rezoning the entirety of the TRNIZ, in the absence of evidence to the contrary, I am of the view that:

- The plan change is aligned with surrounding land use and other relevant statutory documentation and strategic guidance including Future Proof and the District Plan. The proposed uplift of the overlay (in part or in full) is anticipated and therefore the plan change is enabling of industrial land uses. I am of the view that the plan change represents an efficient use of the land resource.
- As a privately promulgated plan change, the need for and the associated timing has been demonstrated through the application material. This has not been directly challenged through evidence from submitters. As previously noted, PPC17 represents 45% of the TRNIZ, so the question arises as to whether Fonterra, as the Applicant, should be responsible for the 'whole.'
- Based upon my review of the supporting material, including the Structure Plan, despite clarification being required as to likely staging (with a particular focus on key strategic infrastructure provision), I do not consider that the Structure Plan approach under PPC17 will hinder wider development outside the plan change area, with one potential exception which I discuss below. I consider the clear intention of Fonterra is for the



Structure Plan (and associated provisions) to be enabling and not limiting, including of adjacent land holdings within the TRNIZ.

- Finally, I also note that landowners who have raised this topic in submissions have recourse to progress either their own private plan change (as Fonterra has done) or resource consents (as has occurred on the land owned by Empire Corporation & Porter Group for example).

I note that Submitter 7 (Empire Corporation & Porter Group) are one of the submitters who have raised this topic. The part of their land holding, the land bound by Old Ruffel Road, Ruffel Road, Onion Road / NIMT (the triangle) in my opinion represents a land block which is worthy of further consideration for inclusion within PPC17. This is on the basis that it is an adjoining block of land which is wholly contiguous with the PPC17 land area, and which is contained within the above-mentioned roads. This block also contains the indicative NRC corridor within it, connecting to Koura Drive (as shown on the PPC17 Structure Plan). I consider that the inclusion of this land block within the plan change area and associated Structure Plan, if possible, to be a logical addition.

Submitters 3, 4, 5, 8, 9, 12, 15, 16 and 17 have also raised this topic. I refer to these submitters as the Meadowview Lane grouping. While I acknowledge that these landowners desire for their land holdings to be included, I note that the Structure Plan approach does not hinder their ability to develop individually or collectively. I note that access to these land blocks is primarily from Meadowview Lane and can ultimately be serviced by HCC strategic transportation and three-waters infrastructure. As such, PPC17 and implementation of the Structure Plan, in my opinion, does not hinder them in the short to medium term.

Until such time as evidence is produced by submitters who request the relief of an expanded PPC17 (including for the 'triangle' area discussed above), I am unable to confirm a clear position on the matter of whether expanding the extent of PPC17 in the manner requested by submitters would be appropriate. I am comfortable with the approach that the Applicant has taken with respect to PPC17 for the reasons I have outlined above.

#### **Recommendation / Recommended Changes**

No changes to PPC17 are recommended. I invite submitters to produce comprehensive evidence that either support the zone to be expanded in part or in totality to support the relief sought.

## Topic 2 – Te Rapa North Industrial Zone (TRNIZ)

- 5.9 Seven (7) submissions have raised a wide variety of submission points relating to the TRNIZ including support for the proposed ‘live zoning’ of TRNIZ (but not the approach proposed through PPC17); issues with the approach taken with respect to the Structure Plan; matters in relation to objectives, policy and rules framework; and various consequential matters.<sup>9</sup>
- 5.10 The following tables (which define sub-topics for ease of reference) address concerns raised in submissions regarding TRNIZ.

Topic 2a – TRNIZ – Structure Plan
<i>Components of Structure Plan (Chapter 3.9) should be retained and/or amended. I note that elements of this topic are also covered in related topics e.g., Transport.</i>
Submission Points Relating to Topic
13.4, 13.33, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10
Further Submission relating to Topic
FS02.10
Analysis of Topic
<p>Several submitters raise points relating to the Focal Area function, scale and activities within it. The Applicant in response to submissions has proposed a cap on the gross floor area (GFA) and amended the activities that can occur, that consequently addresses submitters points on this matter.</p> <p>A submitter also sought amendments to clarify that ancillary activities must be ancillary and essential to the function of the industrial activity. it is recommended that this amendment is accepted.</p> <p>A submitter sought amendments to ensure development doesn't impact the Te Rapa Dairy or surrounding activities. It is recommended that this amendment is accepted.</p> <p>A submitter also sought the inclusion of provisions to recognise Mana Whenua interests, this is accepted in part and addressed through the proposed ecological management plan and landscape concept plan recommendations.</p>

<sup>9</sup> Submissions 4, 7, 8, 9, 13, 14, 16

## Recommendation / Recommended Changes

- 13.4 / 13.33 (FS02.10): Retain the proposed function of the Focal Area for meeting the daily needs of people working in the industrial precinct and the limitation of food and beverage outlets to the Focal Area.  
Accept in part, noting that the Applicant has proposed updates to cap GFA within the Focal Area.
- 14.3: Remove the word “bespoke” from 3.9.1a as the purpose is unclear. I consider that the use of the term ‘bespoke’ is potentially not required / necessary in this instance. I recommend that Fonterra consider strengthening the rationale for the use of this term with reference to the specifics / Structure Plan or remove it.  
Accept.
- 14.4: Amend 3.9.2.2d to include “... to enable the spaces that are ancillary to and essential to the function of...” to ensure such activities are ancillary and are restricted in terms of scale. I agree with this request as it makes more certain with respect to the nature of the activities proposed expected and follows 3.9.2.2 c. which uses the term ancillary.  
Accept.
- 14.5: Amend 3.9.2.2e to include the words “small scale” as follows: “Small scale food and beverage outlets are limited to the Focal Area...” I note that the Applicant has proffered an update through its Supplementary Information that further clarifies and limits these uses within the Focal Area through an alternative mechanism, a gfa cap. I query the relief sought in the basis that ‘small scale’ would need to be defined.  
Reject.
- 14.6/14.7: Amend 3.9.2.3b to include the words “small scale” and delete references to gymnasiums and medical centres as follows: “Small scale food and beverage outlets, gymnasiums, medical centres and other activities...” Refer to my response above (14.5). I note that the Applicant has indicated through its Supplementary Information that medical activities and other like activities are removed from this provision (which I support), however gymnasiums are retained. I consider that gymnasiums are ancillary to the predominant industrial use (providing for the general health and wellbeing of works for example) and support its retention.  
Reject.
- 14.8: Seeks that 3.9.2.4c is amended to ensure that the provision is clear in relation to impacts on other activities (rather than only relating to the dairy site): “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.” Given these provisions relate directly to the Structure Plan area, I consider this is an appropriate request and which provides greater clarity.

Accept.

- 14.9: Seeks that appropriate provisions be adopted as part of the plan change recognising and providing for Mana Whenua interests. I note that through Council’s review of ecological and landscaping matters, mana whenua interests have been recommended, including through an enhanced Ecological Management Plan and proposed Landscape Management Plan (I discuss this below in Section 6.0).

Accept in part.

- 14.10: Seeks the reassessment and consideration of the appropriateness of the scale of the 2ha Focal Area and its associated activities. Refer to my responses above at 13.4/13.33, 14.5.

Accept in part.

## **Topic 2b – TRNIZ – Objectives, Policies, and Rules Framework**

*Objectives, Policies, and Rules Framework related to TRNIZ should be amended.*

### **Submission Points Relating to Topic**

4.7, 13.5, 13.6, 13.7, 13.8, 13.9, 13.10, 13.22, 13.23, 13.24, 13.25, 13.26, 14.11, 14.14, 14.15, 14.16, 14.17, 14.18, 14.19, 14.20, 14.21, 14.22, 14.23, 14.24, 14.25, 14.37, 14.38, 14.39

### **Further Submission relating to Topic**

N/A

### **Analysis of Topic**

There was general support from submitters on several of the notified policies in Chapter 12 which is noted but does not require any amendments.

The changes sought by submitters to the policies and rules are supported where they related to ensuring that non-industrial activities are ancillary to industrial land uses and that do not adversely affect the industrial zone or other strategic commercial centres.

The submitters who sought changes to the scale and GFA limits in specific rules are not supported as addressed in Chapter 3.9, the Applicant has proffered a total GFA cap, and it is addressed in other Rules within Chapter 12.

It is recommended that changes sought by submitters in respect of activity status of Gymnasiums and Yard-based retail, and the building height and setback standards are rejected for the reasons addressed below.

Further, changes related to ensuring the adverse effects on indigenous fauna is accepted in part to support other recommended changes relating to Ecological Management Plans and broader ecological assessment.

#### **Recommendation / Recommended Changes**

- 4.7: Seeks as notified, retaining the deletion of Rule 12.3.1 and related provisions.  
No action required.
- 13.5: Seeks that Policy 12.2.1a and Policy 12.2.1b are retained but amended as follows: “Non-industrial uses establish and operate only where they are ancillary to or support [remove "supportive of"] industrial activities.” I consider that the relief sought aligned with current District Plan language.  
Accept.
- 13.6: Seeks that Policy 12.2.1c is retained but with the amendment: “Non-industrial uses do not adversely affect the industrial use of the Te Rapa North Industrial Zone, nor impact adversely on the strategic role of the Central City as the primary office, retail, and entertainment centre, and the other commercial centres in the City.” This change is supported as areas outside of PPC17 (zoned as TRNIZ) are also affected and this provides better alignment to higher order policy.  
Accept.
- 13.7/14.18: Seeks that Objective 12.2.6 is retained. Submitter 13 supports Policy 12.2.6a while Submitter 14 supports all associated Policies.  
No action required.
- 13.8/14.20: Submitter 13 seeks that Activity Status Table Rules 12.3.1p and 12.3.1r are retained. Submitter 14 seeks that the definitions for Rules 12.3.1p, 12.3.1r, (Ancillary Offices and Retail) are amended to include an appropriate scale and maximum GFA requirement per activity.  
Reject, on the basis that the Applicant has provided for appropriate restrictions at rule 12.5.2 and 12.5.3.
- 13.9/14.23: Submitter 13 seeks that Rule 12.3.1q is amended to: “Ancillary Offices that do not comply with 12.5.2” and Rule 12.3.1s is amended to: “Ancillary Retail that do not comply with 12.5.3” to correctly reference their relevant rules. Submitter 14 seeks that Rule 12.3.1q is amended to a non-complying activity.

Accept. Final cross referencing will need to be checked considering any other changes that come forward on the plan change provisions.

- 13.10: Seeks use of “principal industrial activity” to ensure consistency and effectiveness in adhering to Policy UFD-P13 of the Waikato Regional Policy Statement. Affected rules include Rule 12.5.2a (“... 50% of the gross floor space of the principal industrial activity [remove "all buildings"] on the site.”), Rule 12.5.3a (“... the equivalent of 10% of the gross floor area of the principal industrial activity [remove "all buildings"] on the site or 250m<sup>2</sup>...” ). Additionally, titles for Rules 12.5.2 and 12.5.3 should be amended to “Ancillary Offices and Retail”.

Accept. Final cross referencing will need to be checked considering any other changes that come forward on the plan change provisions.

- 13.22/14.17: Seeks that Objective 12.2.5 and the associated policies are retained, but seeks an additional policy relating to avoiding, remedying, mitigating, offsetting or compensating for adverse effects on indigenous fauna and their habitats, including long-tailed bats.

Accept in part. I note that the Ecological Management Plan includes reference to the requested clause that this submitter has highlighted, however as Dr Burrridge has observed, there is no underpinning assessment to support this outcome (other than for bats). On that basis I consider there is merit in bringing this requirement forward as a policy directive which would necessitate an assessment of ecological values on a stage-by-stage basis. I consider this would support objective 12.2.5 as proposed.

- 13.23: Seeks that Rule 12.4.1x is retained.

No action required.

- 13.24/13.25: Seeks that Rules 25.2.5.4a.ii.A.1 and 1.2.2.30a are retained but amended to refer to the latest version of the Department of Conservation ‘Protocols for Minimising the Risk of Felling Bat Roosts’.

Accept on basis that this refers to the most recent version.

- 13.26: Seeks that an additional assessment criterion is added to enable assessment of the extent to which the proposal avoids, remedies, mitigates, offsets or compensates for adverse effects on indigenous fauna and their habitats. A review of the contents of the Ecological Management Plan (and information requirement) is recommended.

Accept in part.

- 14.11: Seeks that the provisions relating to infrastructure requirements, transport infrastructure upgrades, information requirements, and ecological management and

infrastructure plan be adopted, but with amendments to ensure that further provisions in the plan change and structure plan provide adequate land to support the future development of HES. The reintroduction of the Infrastructure Plan is recommended along with a review of the contents of it.

Accept in part.

- 14.14: Seeks that notified Policy 12.2.1b is deleted and replaced with the following: "Non-industrial uses established and operate only where they are consistent with industrial uses."

Reject. Non-industrial uses would not be consistent with industrial activities given their inherent nature. Activities such as ancillary offices and retail are considered a support activity as opposed to "being consistent with industrial usage".

- 14.15: Seeks that Policy 12.2.1.e is amended as follows: "Prohibit [remove "Prevent"] new direct access to or from Te Rapa Road." "Prohibit" is a stronger phrasing compared to "Prevent". Considering the future NRC is connected to Te Rapa Road. Additionally, residents from Meadow View Lane may require access to Te Rapa Road.

Reject.

- 14.16: Seeks that the existing District Plan Objective 12.2.3 and Policies 12.2.3a – 12.2.3g and supporting explanation are retained.

Accept in part. References to Stage 1A and 1B should be removed as the intention is to live zone the area. Other provisions should be integrated into other policies within PPC17.

- 14.19: Seeks that Activity Status Table Rule 12.3.1c (Activities not in accordance with 3.9.3.4) is changed to a non-complying activity. This submission point has been superseded by the Supplementary Information and revised provisions. I agree that activity status aspects need to be reviewed so support the intent of this submission point.

I invite Fonterra to respond to this matter.

- 14.21: Seeks that Rule 12.3.1 for food and beverage outlets is amended to include a total GFA for the overall focal area not exceeding 500m<sup>2</sup> with consequential amendments to provisions in ff.[v.] and gg.[x].\*

Accept in part, noting that the Applicant has proposed updates to cap GFA within the Focal Area within Supplementary Information.

- 14.22: Seeks that Rule 12.3.1ff is amended from a permitted to a discretionary activity. I consider that gymnasiums are ancillary to the predominant industrial use (providing

for the general health and wellbeing of works for example) and support its retention.  
Reject.

- 14.24: Seeks that Rule 12.4.2 is amended to provide for a graduated building height from 20 metres to 12 metres within 50 metres of a Zone boundary. I would require further information as to the request, particularly given the limits the 20m requirement is designed to replace, relative to the proposed restriction to 12m the submitter notes.  
Reject.

- 14.25: Seeks that Rule 12.4.3.a is amended to refer to any adjoining zone. I consider the setbacks to be appropriate in the context of the zone objectives and the surrounding land uses.  
Reject.

- 14.37: Seeks that the existing Objectives 12.2.3 and 12.2.4 and Policies 12.2.3a – 12.2.4b and supporting explanation are retained.  
No action required.

- 14.38/14.39: Seeks that Rules 12.3.1z and 12.3.1aa (Yard-based Retail) are amended to discretionary activities. I would need further detail on the submitters concerns, noting that car and boat sales for instance are non-complying.  
Reject.

## Topic 2c – TRNIZ – Consequential Matters

*Consequential effects and impacts of PPC17.*

### Submission Points Relating to Topic

7.6, 7.7, 7.8, 7.9, 7.10, 8.6, 8.7, 8.8, 8.9, 8.10, 9.6, 9.7, 9.8, 9.9, 9.10, 13.1, 13.2, 13.3, 13.30, 13.31

### Further Submission relating to Topic

N/A

### Analysis of Topic

Three submitters seek consequential amendments to a range of chapters to address the relief sought; it is recommended that these are rejected as the specific submission points have not been accepted and therefore consequential amendments are not required.

A submitter also notes their support for ‘live zoning’ of the Plan change as it aligns with the anticipated industrial use identified in Future Proof and the Waikato Regional Policy Statement. Further, the intent of PPC17 is to ensure incompatible activities around the Te Rapa Dairy



Factory are recognised, and the risks are reduced. No changes are recommended in response to these submissions.

The same submitter also seeks that the whole Te Rapa North Industrial Node is considered as part of the economic assessment and against the Waikato Regional Policy Statement Change 1. It is not clear if this assessment is required and it is recommended that the Applicant consider this in their evidence.

The final two submissions relate to drafting errors in the notified plan change; it is noted that these have been corrected in the updated provisions provided through the Supplementary Information.

#### **Recommendation / Recommended Changes**

- 7.6/7.8/7.9/7.10/8.6/8.8/8.9/8.10/9.6/9.8/9.9/9.10: Submitters 7, 8, and 9 seek consequential changes to Chapters 9, 23, 25.8, 25.14 resulting from submission points raised.  
Reject. At this point no consequential amendments to other chapters have been identified needed a response at this stage. Should evidence point to any specific aspects, this broad request will be reconsidered.
- 13.1/13.2: Submitter supports the proposed live zoning of the Plan Change area by removing as the development aligns with the anticipated strategic industrial use of the site in the Future Proof Strategy 2024 and the Waikato Regional Policy Statement. The submitter recognises and supports the intent to reduce the risk of incompatible activities establishing in the area surrounding the Te Rapa Dairy Manufacturing Site.  
No action required.
- 13.3: Seeks consideration of industrial land demand/supply in the whole Strategic Industrial Node of Horotiu/Te Rapa North/ Rotokauri in the economic assessment and assessment against Proposed Waikato Regional Policy Statement Change 1 – Decisions. I am unclear as to whether this is necessary, however I recommend that Fonterra consider this in evidence.  
No action required.
- 13.30: Seeks that Rule 12.4 is amended to correctly reference activities in Table 12.3.1. This has been corrected in the latest version.  
Reject.
- 13.31: Seeks that Appendix 1, 1.3.3 Development is amended to correctly reference their respective provisions. This has been corrected in the latest version.  
Reject.

### Topic 3 – Three Waters Infrastructure

- 5.11 Eight (8) submissions have raised a wide variety of submission points relating to three waters infrastructure, including the serviceability of the full TRNIZ, provisions related to stormwater design, and concerns surrounding wastewater capacity constraints.<sup>10</sup>
- 5.12 The following table address concerns raised in submissions regarding three waters. I have relied on the PPC17 Water & Wastewater Review (Appendix B) and PPC17 Stormwater Review, (Appendix C) to assist in the consideration of submissions raised on this topic and I cross reference to these assessments where appropriate.

Topic 3 – Three Waters Infrastructure
<i>Serviceability of the full TRNIZ should be considered. Additionally, provisions related to three waters infrastructure should be amended.</i>
Submission Points Relating to Topic
4.4, 7.3, 8.3, 9.3, 10.1, 10.2, 10.5, 10.6, 13.11, 13.12, 13.13, 13.14, 13.15, 14.27, 16.4, 16.5
Further Submission relating to Topic
FS02.03, FS02.06, FS03.01, FS03.02, FS03.03
Analysis of Topic
<p>A series of submission points have been raised relating to three waters infrastructure that raise concerns with the PPC17 approach and / or have the potential to require consequential changes needed to planning provisions. I deal with these in turn below with a brief analysis and recommendation (<u>in underline</u>).</p> <p>Several submitters raise issues related to Water and Wastewater, including points seeking the revision of Chapter 3.9 to address infrastructure planning for the whole TRINZ, and amendments of information requirements to address staging. It is recognised that water and wastewater provision within the plan change area should be planned to support the wider TRINZ and infrastructure outside the plan change is sized for the whole TRINZ. Further it is acknowledged there is limited wastewater treatment plant capacity which will require development to be staged. Therefore, it is recommended that these submissions are accepted in part, as amendments to the provisions are required, however as noted in response to other topics, the Applicant has been invited to reintroduce Infrastructure Plan provisions.</p> <p>Two submitters raise matters related to stormwater matters including points related to Stormwater volume and Stream Erosion, alignment with the Integrated Catchment</p>

<sup>10</sup> Submissions 4, 7, 8, 9, 10, 13, 14, 16

Management Plan (**ICMP**), and consultation matters with relevant parties. It is recommended that the points are accepted in part as it is recommended that the Infrastructure Plan provisions are reintroduced, and consultation outcomes are included in the Information Requirements. However, the point seeking the requirement for a comprehensive discharge consent to be applied for and heard alongside the plan change is rejected as it is not appropriate to require this at the plan change stage and will be addressed during later stages.

#### **Recommendation / Recommended Changes**

- 4.4: Seeks that proposed rule 3.9.2.6 is accepted.  
No action required.
- 7.3/8.3/9.3/16.4/16.5: Seeks revision of Chapter 3.9 to identify the infrastructure required to service the entire TRINZ. Mr Hardy has noted that HCC strategic infrastructure planning is considering requirements for the entire TRINZ area. Fonterra will be required to consider and implement/accommodate infrastructure of a suitable scale within the PPC17 area to service the broader TRINZ area (water, wastewater). Enabling infrastructure outside PPC17 land will need to be sized to service the TRINZ.

However, the following is noted:

- Constraints on wastewater treatment capacity will apply and will need to be assessed prior to connection. Staged implementation of development within TRINZ is expected subject to treatment plan capacity, and on a first in first served basis. Individual stage approvals to connect will not necessarily represent approval to connect for subsequent stages or other land holdings within the wider TRINZ.
- Water allocation (water abstraction consent) will need to be sought by Fonterra or individual developers and transferred to HCC. We do not expect that Fonterra will seek allocation for the entire TRINZ.
- Staged development requirements (including the timing of new infrastructure and connections aligning to network and WWTP capacity) are proposed to be defined and documented in an Infrastructure Plan to be developed by Fonterra in advance of the first stage of development within PPC17.

Through the Council's analysis several issues remain which find general alignment with the matters raised in these submission points. This will potentially result in a revision to Chapter 3.9 (and consequential changes needed). As such, while these submissions are accepted in part, no specific changes to provisions included at this time.

Accept in part.

- 10.1/10.2/10.6 (FS03.03)/10.5 (FS02.03, FS03.02)/10.6 (FS02.06): The submitter states that the infrastructure report does not address stormwater volume mitigation, and PPC17 should align with the Te Rapa North Integrated Catchment Management Plan. Stormwater designs, including but not limited to constructed wetlands, ponds and swales, and rain gardens at the subdivision consent stage, are provided to Waikato District Council (WDC) for review. If WDC consider that the volume effects are not mitigated, then the design will be changed and/or financial contributions be made to WDC to mitigate the effects.

Further Submission 2 supports the points raised.

Further Submission 3 supports the submission points raised but seeks that they're expanded to include provision for FirstGas where such options intersect or are near the existing pipeline or access routes.

Mr Smith agrees that PPC17 documents do not adequately address volume effects on Te Rapa stream, nor respond to the ICMP adequately and these are gaps that have identified and discussed further as part of his technical review and at Section 6.0 of this report. In terms of the specific relief sought, I note that it is not appropriate to include them as a party within the plan change itself. Rather, I consider inclusion, as part of the information requirements associated with the plan change, details and outcomes of any consultation undertaken (e.g. Waikato iwi and local hapu, Waka Kotahi New Zealand Transport Agency, Heritage New Zealand Pouhere Taonga, Waikato Regional Council, Waikato District Council, First Gas) could be usefully imported.

Accept in part.

- 13.11: Seeks that Rule 1.2.2.31a. is retained but amended to include reference to the staging of any upgrades or new infrastructure that may be required to the public wastewater network. The submitter notes discussions with HCC will be important in this regard. Amend Rule 1.2.2.31b as follows: "The method of water supply, including any upgrades or new infrastructure that may be required to the public network; and...". Mr Hardy concurs that these aspects are planned to be addressed in planning and hydraulic modelling that will be undertaken to define requirements for the connection of the TRINZ Area.

Accept.

- 13.12 (FS03.01): Seeks further details on the proposed short-term water supply option as part of the plan change process, including construction water requirements and preferred source of water. The submitter also seeks clarification on the estimated daily

water requirement for the fully developed plan change area. Mr Hardy notes that Fonterra is no longer seeking an interim on-site wastewater solution, and PPC17 will need to connect to the WWTP via a new connection, and development timing and stages will need to align to the available WWTP capacity.

I invite Fonterra to respond to this submission point and make further comments or recommendations to provisions included at this time.

- 13.13: Seeks the Infrastructure Assessment is updated to acknowledge that the proposed development of the plan change area will result in significant volumes discharging to the Te Rapa Stream and that volume retention will be required as part of the stormwater management system due to the erosion susceptibility of the stream. The submitter notes options for addressing this adverse effect should start to be investigated now, prior to lodgement of resource consent applications for the proposed development. Mr Smith concurs that there are gaps in the infrastructure report and stream erosion from volume increases remain inadequately addressed. While Fonterra removed the requirement for an Infrastructure Plan as an information requirement, it is recommended that this should be reintroduced to PPC17, and this aspect should be dealt with as part of that / at the appropriate stage of development.

Accept in part.

- 13.14: Seeks that the PPC17 area is connected to public wastewater infrastructure, to avoid any potential adverse effects on groundwater quality in the locality. Mr Hardy notes that the WWTP will be upgraded progressively over the next 10-15 years, but the exact timing and capacity of the staged WWTP upgrades is to be confirmed. The alignment of proposed stages with WWTP capacity is proposed to be addressed in an Infrastructure Plan to be developed by Fonterra in advance of the first stage of development within PPC17. While Fonterra removed the requirement for an Infrastructure Plan as an information requirement, it is recommended that this should be reintroduced to PPC17, and this aspect should be dealt with as part of that / at the appropriate stage of development.

Accept in part.

- 13.15: Seeks that HCC takes over management of the land drainage network within the plan change area and upstream, as part of the plan change process, due to the proposed urbanisation of this area. The submitter also seeks HCC to work with WRC's Integrated Catchment Management Directorate to enter into an agreement for this, including an agreed date for HCC to take over management of this part of the drainage

scheme. Mr Smith considers this a reasonable and appropriate but at the right time. As development changes the nature of the stream from serving rural land drainage to being a naturalised, urban waterway that is part of stormwater HCC's network rather than just receiving runoff from HCC's network. As such it will no longer be WRC's responsibility under its land drainage scheme and so maintenance responsibility should be transferred to HCC. While Fonterra removed the requirement for an Infrastructure Plan as an information requirement, it is recommended that this should be reintroduced to PPC17, and this aspect should be dealt with as part of that / at the appropriate stage of development.

Accept.

- 14.27: Seeks that PPC17:
  - o Includes appropriate provisions relating to stormwater management and water quality.
  - o Applies for a comprehensive stormwater discharge consent to the Waikato Regional Council to be heard and decided in conjunction with PPC17.

Mr Smith notes that:

- o In the main, PPC17 includes appropriate stormwater treatment measures in accordance with the ICMP. This is by wetlands, swales and catchpit inserts. However, there are some clarifications needed to address gaps through the consenting phase (via information requirements).
- o There is no requirement to obtain discharge consents as part of a plan change process. These are obtained via a separate statutory process. Following the ICMP will provide an integrated approach.

Reject.

## Topic 4 – Transport

- 5.13 Nine (9) submissions have raised a wide variety of submission points relating to transport, including matters in relation to the Integrated Transport Assessment, designs and upgrades in relation to Te Rapa Road, and issues with the East-West Road.<sup>11</sup>
- 5.14 The following tables address concerns raised in submissions regarding transport. I have relied on the PPC17 Transportation Review, (Appendix A) to assist in the consideration of submissions raised on this topic and I cross reference where appropriate.

<b>Topic 4 – Transport Infrastructure</b>
<i>Provisions related to transport should be amended.</i>
<b>Submission Points Relating to Topic</b>
4.3, 4.10, 6.1, 10.3, 10.7, 10.8, 10.9, 10.10, 10.11, 13.27, 13.28, 13.29, 14.12, 14.28, 14.29, 14.30, 14.31, 14.32, 14.33, 14.34, 14.35, 14.36, 16.2, 16.3
<b>Further Submission relating to Topic</b>
FS02.01, FS02.02, FS02.04, FS02.05, FS02.08, FS02.09
<b>Analysis of Topic</b>
<p>A series of submission points have been raised relating to transport and transportation infrastructure that raise concerns with the PPC17 approach and / or have the potential to require consequential changes needed to planning provisions. I deal with these in turn below with a brief analysis and recommendation (<u>in underline</u>).</p> <p>Submitters raise a number of points in relation to transport matters including consideration of Meadow View Land and Pukete Road within the provisions and ITA, support for and retention of a number of the notified provisions, inclusion of Travel Demand Management, East-West Arterial Road (restricted access and realignment), carriageway widths, Bus Rapid Transit, rail siding, intersection and access improvements, and inclusion of mitigation measures identified in the ITA.</p> <p>It is recommended that these submissions are accepted / accepted in part, insofar that amendments to the provisions are required, however as noted in response to other topics. In addition, the Applicant has been invited to reintroduce Infrastructure Plan provisions, including a requirement to undertake a Broad ITA at each stage of development.</p>

<sup>11</sup> Submissions 4, 6, 7, 8, 9, 10, 13, 14, 16

## Recommendation / Recommended Changes

- 4.3/4.10: Seeks that Provision 12.5.1a is deleted. Additionally, Rule 3.9.3.2 and the Integrated Transport Assessment (ITA) should be amended to include Meadow View Lane and Pukete Road and its requirements. Ms McMinn notes that if the full TRNIZ is included then further assessment is needed of Meadow View Lane and Pukete Road. The provisions would then need to include all transport recommendations and should outline access for Meadow View Lane for all stages and options. While Fonterra removed this rule and associated requirement for an Infrastructure Plan as an information requirement, it is recommended that this should be reintroduced to PPC17, and matters raised in this submission should be dealt with as part of that / at the appropriate stage of development.

Accept in part.

- 6.1 (FS02.01/FS02.02)/10.3: Submitters 6 and 10 have no issues with the plan change from a transport perspective. However, Submitter 6 raises the following concerns:
  - o The primary concern is about the potential impacts on the Horotiu interchange.
  - o Horotiu interchange is expected to experience additional queuing in all scenarios except for PM peaks in infrastructure 4, which includes the completed Northern River Crossing (NRC).
  - o The ITA indicates that the Eastern Horotiu roundabout maintains acceptable safety performance; However, the Western Horotiu roundabout shows a decrease for safety performance during PM peaks in Scenarios 2 and 3.
  - o Scenario 4, which includes the NRC, restores performance to 2035 baseline levels. If NRC is delayed beyond 2045, separate mitigation is proposed for Scenario 3, which has not been identified in Rule 3.9.3.2. However, the submitter is satisfied that future Land Development Plan consent applications, and resource consent applications will require a broad ITA (in accordance with 3.9.3.2b), allowing for further input at that stage. I note however, that this rule has been removed as part of Supplementary Information supplied by Fonterra.

Submitter 6 understands that stormwater will be managed onsite and expects no impact on the state highway stormwater infrastructure.

Further Submission 2 supports the points raised by Submitter 6.

Accept.

- 10.7 (FS02.04): The submitter supports the proposal to construct an East-West road to a suitable standard to allow for the Northern River Crossing (NRC) as the future



connection will facilitate further connectivity between Waikato District and Hamilton City. Further Submission 2 supports this point.

Accept.

- 10.8 (FS02.05): The submitter supports and the consideration of pedestrian and cycling facilities as expanding connections for pedestrian, cycling and micro mobility between the plan change, Te Awa Lakes and Waikato District will enhance connectivity. Further Submission 2 supports this point.

Accept.

- 10.9: The submitter supports the installation of proposed traffic signals at intersections as it will make it easier for vulnerable road users/pedestrians.

Accept.

- 10.10: The submitter supports the statement in the report that 'PPC17 increases feasibility of public transport' as it will be in the Waikato District's best interest if the bus service remains efficient in terms of travel time by using facilities such as bus-friendly lanes and reducing public transport impediments are encouraged.

Accept.

- 10.11: The submitter supports the consideration of rail and planning efforts to protect and enhance the future of rail from connectivity, efficiency and safety perspectives.

Accept.

- 13.27 (FS02.09)/ 13.28 (FS02.08): Seeks that Rule 3.9.2.5 (Public Transport/Walking and Cycling) is retained. Additionally, seeks that Rule 3.9.3.2a(6) (walking and cycling) is retained. Further Submission 2 supports these points.

No action required.

- 13.29: Seeks that Rule 3.9.3.2b is retained.

No action required.

- 14.12: Seeks to include provisions to address Travel Demand Management (TDM) measures, enablement of electric vehicle charging facility, and achieving emission reductions. Ms McMinn notes that emissions reductions in PPC17 will be supported through the provision of infrastructure for alternative transport modes, including connections to future residential growth areas. While TDM is not explicitly required in the District Plan and can be challenging in industrial areas due to shift patterns and frequent heavy vehicle movements, the plan's design provides appropriate support for encouraging low-emission travel. Section 25.14 requires 10% of staff cycle and

micromobility parking to include charging facilities. EV charging is not currently mandatory for industrial developments.

Accept in part.

- 14.28: Seeks to include an access restriction for the East West Arterial Road, to ensure any development adjacent to the corridor locates its access from an alternate road frontage. Ms McMinn concurs that access from the East–West Road should be carefully managed.

Accept.

- 14.29: Seeks that the provision for cycling must be provided on the local roads and on a single sided shared path on the internal collector roads. Additionally, amend the carriageway width to the District Plan standard of 4.5m. Collector and local road cross sections should be consistent with the District Plan requirements. Ms McMinn notes that while the District Plan requires a 4.5m movement lane on local roads, the overall proposed width is sufficient due to a flush median being included. The current proposed width is appropriate for the purpose of the plan change.

Reject.

- 14.30: Seeks to include an appropriate set-back of development from the Te Rapa Road frontage to support the future Bus Rapid Transit (BRT) system. Ms McMinn concurs that a 30m corridor is likely to be required to accommodate future BRT. While this width is generally available along most of Te Rapa Road, it is constrained at the Te Rapa interchange. The provisions should therefore be updated to ensure that any additional widening is secured at the time of subdivision, so the full corridor width needed for BRT can be achieved.

Accept.

- 14.31: Seeks that the proposed rail siding should be included on the Structure plan and in the supporting rule framework.

Accept.

- 14.32: Seeks that the access at the Te Rapa Road signalised intersection south of Hutchinson Road is further developed, and that land is set aside and identified on the Structure Plan with supporting Provisions. Ms McMinn notes a provision for a right turn should not be ruled out, and the provisions should ensure sufficient land is set aside to allow flexibility in the intersection design. Accept.

- 14.33: Seeks that the Te Rapa Road / McKee Street intersection upgrade is adopted.  
Accept, I note however, that this rule has been removed as part of Supplementary Information supplied by Fonterra.
- 14.34: Seeks that the proposed Te Rapa Road / Ruffell Road intersection form is adopted.  
Accept, I note however, that this rule has been removed as part of Supplementary Information supplied by Fonterra.
- 14.35: Seeks that the signalisation of the Te Rapa Road / Kapuni Road intersection is adopted.  
Accept, I note however, that this rule has been removed as part of Supplementary Information supplied by Fonterra.
- 14.36: Seeks that appropriate identified mitigation in the upgrade and implementation table as per PPC17's ITA are included. Ms McMinn notes while the ITA looks at some mitigation options, no actual measures were included. The provisions should be updated to reflect the recommended changes while still allowing design flexibility so the final layout can respond to the latest information.  
Accept in part.
- 16.2/16.3: Seeks that either the East-West Road is moved northward to connect to the southwest corner of 1340 Te Rapa Road, or that the Structure Plan map be updated to show a local road connection to 1340 Te Rapa Road from PC17 adjoining its northern boundary. Ms McMinn notes that the PPC17 Revised Structure Plan includes an east-west road that's been aligned to connect with a possible future northern river crossing. Although the NRC location hasn't been locked in and designated yet, PPC17 has been designed around this alignment, and as such it's not easy to shift. However, should PPC17 be updated to include the entire TRNIZ, local road access should be provided.  
Reject.

## Topic 5 – Natural Environment / Ecology

- 5.15 Three (3) submissions have raised a wide variety of submission points relating to natural environment and ecology, including matters in relation to Significant Natural Areas (SNAs), concerns surrounding the Bat Survey, and issues with the Ecological Management Plan.<sup>12</sup>
- 5.16 The following table addresses concerns regarding natural environment and ecology in PPC17. I have relied on the PPC17 Ecology Review, (Appendix E) to assist in the consideration of submissions raised on this topic and I cross reference where appropriate.

Topic 5 – Natural Environment / Ecology
<i>Provisions related to SNAs, the Bat Survey, and the Ecological Management Plan should be amended.</i>
Submission Points Relating to Topic
10.4, 13.17, 13.19, 13.20, 13.21
Further Submission relating to Topic
N/A
Analysis of Topic
A series of submission points have been raised relating to ecological matters associated with PPC17. I deal with these in turn below with a brief analysis and recommendation ( <u>in underline</u> ). Submitters are generally seeking a strengthening of plan change ecological provisions and information requirements. While these submissions points have generally been accepted, there are aspects that I invite Fonterra to consider and further comment on.
Recommendation / Recommended Changes
<ul style="list-style-type: none"> <li>- 10.4: Seeks that the SNAs, wetlands and watercourses are enhanced to buffer these potential impacts, including the following: <ul style="list-style-type: none"> <li>○ Generous Riparian setback and plantings with dense multi-tiered native plantings that are managed in perpetuity</li> <li>○ Extensive and well-designed stormwater management systems that incorporate existing wetlands and watercourses with added features that treat runoff before entering the stormwater system.</li> <li>○ Incorporate fish-friendly passage designs for culverts and bridges.</li> </ul> </li> </ul>

<sup>12</sup> Submissions 10, 13, 14

Accept in part. PPC17 at Chapter 3.9 sets the framing for a blue-green network, which is supplemented by a requirement for an Ecological Management Plan and Objective 12.2.5 and associated policies which direct the management of setbacks and other interventions. I do consider however that the requirements could be strengthened both through the required Ecological Management Plan and the recommended Infrastructure Plan (which would cover stormwater management systems) and inclusion of Landscape Concept Plans as an information requirement.

I request that Fonterra consider strengthening its various information requirements in response to this submission point.

- 13.17: Seeks an updated Bat Survey and Effects Assessment that addresses the proposed departure from the recommended artificial lighting controls and whether any alternative mitigation measures are recommended. The submitter also seeks amendment of the proposed District Plan Provisions relating to effects on long-tailed bats as required to reflect any updated ecology recommendations.

Accept in part, Dr Burrridge considers the effects assessment is adequate and is therefore not seeking an update to that. She does however suggest that a lighting control, like that contained within rule 25.6.4.4 relating to lighting near known bat habitat (which in this case could include land near to / adjacent to the river). I request that Fonterra consider this request.

- 13.19: Seeks that the proposed Rule 3.9.2.7 is retained.

Accept.

- 13.20: Seeks that Rule 3.9.3.3a is retained.

Accept, noting this is now numbered 3.9.3.4 in Supplementary Information.

- 13.21: Seeks that proposed assessment criteria 3.9.3.5a is retained.

Accept, noting this is now numbered 3.9.3.7 in Supplementary Information.

## Topic 6 – Natural Hazards

- 5.17 One submission has raised a submission point relating to natural hazards, requesting that further modelling is conducted. <sup>13</sup>
- 5.18 The following table addresses concerns regarding natural hazards in PPC17. I have relied on the PPC17 Geotechnical Review, (Appendix D) to assist in the consideration of submissions raised on this topic and I cross reference where appropriate.

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<sup>13</sup> Submission 13

<b>Topic 6 – Natural Hazards</b>
<i>Seeks further modelling at the detailed design stage. Additionally, a more intensive geotechnical investigation is recommended.</i>
<b>Submission Points Relating to Topic</b>
13.16
<b>Further Submission relating to Topic</b>
N/A
<b>Analysis of Topic</b>
<p>The submitter supports in part the application but considers the statement in the plan change application that “the preliminary geotechnical investigation report in Appendix 5 found no geotechnical natural hazards (as listed in the Act) that were considered an undue impediment to future development for an industrial use, or that could not be reasonably addressed by typical engineering design and construction” underestimates the importance of the Geotechnical Report findings.</p> <p>The submitter recommends there should be a clear stipulation that any subsequent building consent applications must be subject to more intensive geotechnical investigation and should include a Level C or D liquefaction assessment.</p> <p>According to Mr Tutbury, the necessity for a Level C or D assessment for liquefaction is not always warranted for the scale of the structure. There may be a sufficient level of existing information available to inform the liquefaction risk and/or the adoption of conservative foundation solutions to manage the potential risk.</p> <p>The geotechnical engineering assessment provided with the application includes in Section 14: Future work, that they, <i>“recommend these aspects be subject to development-specific geotechnical investigation and assessment at the Resource/Building Consent stage (as appropriate)”</i>.</p> <p>On the basis of this analysis and the review by Mr Tutbury, I consider that there are existing statutory provisions for addressing these specific matters as part of future stages of the land development (e.g. Subdivision consent, Building Consent).</p>
<b>Recommendation / Recommended Changes</b>
<u>Reject.</u>

## Topic 7 – Noise and Vibration

5.19 A submission has raised a submission point related to noise and vibration, requesting that Rule 25.8.3.7c should only apply to PPC17 until the deferred status is uplifted fully.<sup>14</sup>

5.20 The following table addresses concerns regarding noise and vibration in PPC17.

<b>Topic 7 – Noise and Vibration</b>
<i>Rule 25.8.3.7c should only apply to PPC17 until the deferred status is uplifted fully.</i>
<b>Submission Points Relating to Topic</b>
14.26
<b>Further Submission relating to Topic</b>
N/A
<b>Analysis of Topic</b>
The submitter seeks that Rule 25.8.3.7c. is amended to delete 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. It should be noted that this rule is part of the District Plan, and PPC17 only removes the reference to Stage 1A as the staging is now obsolete.
<b>Recommendation / Recommended Changes</b>
<u>Reject.</u>

## Topic 8 – Planning Maps

5.21 Two (2) submissions have raised submission points relating to planning maps, requesting that the proposed various elements are amended or retained.<sup>15</sup>

5.22 The following table addresses concerns regarding planning maps in PPC17.

<b>Theme 8 – Planning Maps</b>
<i>Elements of the planning maps should be amended.</i>
<b>Submission Points Relating to Topic</b>
13.18, 13.32, 16.6
<b>Further Submission relating to Topic</b>
N/A

<sup>14</sup> Submission 14

<sup>15</sup> Submission 13, 16

<b>Analysis of Topic</b>
Submissions relate to mapping updates or corrections. These submissions have been accepted.
<b>Recommendation / Recommended Changes</b>
<ul style="list-style-type: none"> <li>- 13.18: Seeks that the proposed Natural Open Space Zone on the plan change site is retained, including over SNAs. <u>Accept.</u></li> <li>- 13.32: Seeks that Figure 2-22 is retained, but consequential amendments to Figure 3.1a Chapter 3 Structure Plans are made. <u>Accept.</u></li> <li>- 16.6: Seeks that the watercourse currently shown on 1406 Pukete Road in the proposed Structure Plan map is removed. <u>Accept.</u></li> </ul>

## Topic 9 – General Matters

5.23 Seven (7) submissions have raised a wide variety of submission points relating to general matters, including consideration for existing activities, issues surrounding consultation for PPC17, and issues beyond Hamilton’s boundary.<sup>16</sup>

5.24 The following table addresses concerns regarding general matters in PPC17.

<b>Theme 9a – Other Matters – PPC17 Consultation and Engagement</b>
<i>Concerns regarding communication during the planning process.</i>
<b>Submission Points Relating to Topic</b>
7.5, 8.5, 9.5
<b>Further Submission relating to Topic</b>
FS03.04, FS03.06, FS03.08
<b>Analysis of Topic</b>
Submitters note that the engagement consultation process did not provide a meaningful opportunity for dialogue, and express willingness for further engagement in the future. Further Submission 3 concurs with these points. I consider this is a matter for Fonterra to respond to.
<b>Recommendation / Recommended Changes</b>
<u>No action needed.</u>

<sup>16</sup> Submissions 1, 2, 4, 7, 8, 9, 14



<b>Theme 9b – Other Matters – Existing and Permitted Activities</b>
<i>Concerns related to existing activities and their status.</i>
<b>Submission Points Relating to Topic</b>
1.1, 4.6, 14.13
<b>Further Submission relating to Topic</b>
N/A
<b>Analysis of Topic</b>
One submitter seeks a change to the speed limits near schools. One submitter seeks the inclusion of a permitted activity status for existing uses. The third submitter seeks a change to the activity status related to accessory buildings in the Industrial Zone. For the reasons below, it is recommended that these are all rejected.
<b>Recommendation / Recommended Changes</b>
<ul style="list-style-type: none"> <li>- 1.1: Seeks that speed limits are lowered to 30km/hr due to schools within the vicinity. It is unclear which school the submitter is referring to, as the closest school (Te Rapa Primary School) is located on Ashurst Ave, approximately 2 kilometres away from PPC17. <u>Reject.</u></li> <li>- 4.6: Seeks amendments to Rule 9.3 to add "Existing residential, rural-lifestyle or farming activities (at the date of PC17)" as a permitted activity in the Industrial Zone. There is no justification for residential activities within the Industrial Zone. The exemption should only apply to TRNIZ. <u>Reject.</u></li> <li>- 14.13: Seeks that Rule 9.3 gg is amended from a permitted to a discretionary activity. This is beyond the scope of PPC17 and would require more evidence. <u>Reject.</u></li> </ul>

<b>Theme 9c – Other Matters – PPC17 Boundary Matters</b>
<i>Concerns that affect matters beyond Hamilton's boundary.</i>
<b>Submission Points Relating to Topic</b>
14.1
<b>Further Submission relating to Topic</b>
N/A

<b>Analysis of Topic</b>
The submitter generally supports Plan Change 17 subject to amendments to ensure that adverse effects are avoided remedied or mitigated (particularly beyond the boundaries of the Plan change site).
<b>Recommendation / Recommended Changes</b>
<u>Accept</u> . Notwithstanding the plan change in its current form requiring some additional work (as identified in Section 6.0), including with respect to this topic, I note that there are provisions embedded which assist in managing the effects beyond its boundary, such as setbacks for example. Further analysis and work is required however in relation to infrastructure provision, staging / timing however as this will have an influence on how and when adverse effects are felt.

<b>Theme 9d – Other Matters – General</b>
<i>Concerns about the costs of the project.</i>
<b>Submission Points Relating to Topic</b>
2.1
<b>Further Submission relating to Topic</b>
N/A
<b>Analysis of Topic</b>
This submitter seeks relief that goes beyond the scope of the plan change and plan change process.
<b>Recommendation / Recommended Changes</b>
<u>Reject</u> .

## 6.0 Evaluation of Key Issues and Environmental Effects

- 6.1 This section of the report evaluates issues that remain at large following a review of Supplementary Information alongside the range of potential positive and adverse environmental effects associated with PPC17, and further addresses submitter issues insofar as they relate environmental effects.
- 6.2 Section 10.0 of PPC17's *Private Plan Change Request* document (Appendix F) provides a comprehensive overview of the environmental effects, which is supported by the technical appendices to that report. The evaluations below draw on that material, as well as the supporting Section 42A Technical Memorandums attached to this report as Appendix D, and with the benefit of having reviewed the submissions received. The conclusions reached below on issues, concerns and environmental effects have then informed suggestions and / or recommended changes to district plan provisions (as shown within Appendix I).
- 6.3 The evaluation is structured under the following topic headings:
- PPC17 planning framework and provisions.
  - Transport.
  - Water and Wastewater.
  - Stormwater.
  - Geotechnical.
  - Ecology / Environmental.
  - Other effects:
    - Contaminated land
    - Landscape and visual
    - Urban Design
    - Archaeology
    - Noise / Acoustics
  - Cultural.
  - Positive effects of PPC17.

## PPC17 planning framework and provisions

6.4 I note that PPC17 is strongly aligned with the surrounding land use and is expected under the provisions of the District Plan and other regional policy documentation. I have outlined the structure of the plan change as lodged / notified at paragraphs 3.4 to 3.7. Since notification however, the Applicant has provided Supplementary Information including updated planning provisions that it has confirmed it would now like considered (refer paragraph 3.25). I set out the key differences between these updated provisions, and of those notified at paragraph 3.27.

6.5 Of the changes signalled as part of the Supplementary Information, and from my own review, I note the following:

### *Transport*

6.6 The updated provisions present transport infrastructure staging that is different to the notified version of PPC17 – this includes presenting a choice of two options for stage 1 (area-based optionality) and one option for stage 2 (the full development).

6.7 The updated provisions remove the requirement for development triggers for key infrastructure (including for example, key access points and intersection upgrades) and alter the activity status for implementation (i.e., the updated provisions appear to be significantly relaxed), subject to meeting listed infrastructure requirements which could be largely internalised and permitted, for example under Option 1A.

6.8 Option 2 (for the balance of the development) curiously lists the majority of the same requirements needed for Options 1A or 1B plus additional requirements involving existing roading reconfigurations, the need for it to be supported by a LCSIA for the Ruffle Road level crossing and a Simple ITA which assesses capacity and efficiency of the adjoining road network, particularly key intersections along Te Rapa Road. Subject to compliance with the noted list, Stage 2 would be a Controlled activity.

6.9 The revised rules are linked to several matters of control and matters of restricted discretion (in the event the permitted or controlled elements are not met), along with assessment criteria that are almost wholly transport focussed.

- 6.10 Critically, the removal of a key information requirement (being the Infrastructure Plan tied to an activity status trigger) is of concern. I will return to this matter later.
- 6.11 This revised approach in my opinion, is difficult to follow and therefore leads to a greater level of uncertainty than the notified provisions and will ultimately lead to less control for the regulator when an application for development arrives. I agree with Ms McMinn, that the provisions now lack clarity on the proposed staging, triggers and responsibility for some of the more critical transport upgrades that may be required.

#### *Three Waters Infrastructure*

- 6.12 The updated provisions now include strategic three waters infrastructure staging and sequencing optionality along with the inclusion of figures outlining an indicative internal three-waters network. This is supported by an associated update to the Structure Plan which now includes reference to sub blocks / stages of the plan change area (e.g., Onion South). While this is additional information which starts to provide improved definition to staging, I cannot see how this is linked into any information requirements and / or associated consenting activity status and assessment criteria within Chapter 3.9, including matters of control or restricted discretion for example. There are development activity triggers within Rule 12.3.1, but I am unclear to what rules they are supposed to correspond to in Chapter 3.9 or how these are intended to overlap.
- 6.13 As with Transport, the removal of a key information requirement (being the Infrastructure Plan tied to an activity status trigger) is of concern and represents a gap.

#### *Staging*

- 6.14 While some progress has been made with respect to the three waters staging opportunity, I consider the transportation element remains somewhat open and unclear. The relationship between all strategic infrastructure requirements is also a matter for further consideration. How all infrastructural elements can be brought together into a more defined and coordinated staging plan / provision is something that I recommend Fonterra consider.

### *Information Requirements*

- 6.15 The removal of the information requirement for an Infrastructure Plan (notified Rule 3.9.4.3 b)), presumably due to the introduction of the staging noted above, has been highlighted as a gap by several of Council's specialists. The need for an improved staging framework is in my opinion important to have within the plan framework. To that end, this is one aspect I will be recommending, along with a strengthening of the information required as set out in Appendix 1, section 1.2.2.30.
- 6.16 In a similar vein, I consider the information requirement for an Ecological Management Plan has the potential to be strengthened to respond to the identified values across the site and the effects assessments that have been undertaken for the plan change area to date.
- 6.17 I note in relation to both the Infrastructure Plan (included in the notified version of PPC17, but subsequently removed) and the Ecology Management Plan, the requirement is that these would be produced as part of the first land use or subdivision consent (stage) and would cover the whole site. All subsequent applications would then need to demonstrate consistency with these plans. I agree that an overarching 'whole of plan change area' approach is necessary at the outset but consider that these information requirements would be critical to complete (or as a minimum update) for all subsequent stages. This may be the intention however the provisions and currently drafted on this matter are not clear.
- 6.18 Council officer Paul Ryan has recommended that the plan change would benefit from a further information requirement in the form of a Landscape Concept Plan. Alongside the base landscaping provisions (i.e., general setbacks and requirements in Chapter 12) and the strong intent indicated within Chapter 3.9 relating to the Blue-Green Corridor, Cultural Values and Landscape Values, I agree that the plan change would benefit from the inclusion of defined Landscape Concept Plans (across stages) that responds to / strengthen many of the guiding principles that the plan change sets out. I also consider that this provides an opportunity to better recognise elements set out in the CIA that supports PPC17. I have attached a recommended structure for the proposed Landscape Concept Plan for Fonterra's consideration (attached at Appendix J). I would see this requirement slotting into Rule 3.9.3.4 (Information Requirements), with the primary content requirements being set out in Appendix 1, at or about 1.2.2.31.

- 6.19 The detail of what must be contained in the Ecological Management Plan and Infrastructure Plan required in notified Rule 3.9.4.3 b) are set out in Appendix 1.2 - Information Requirements. A review of the details of these required plans has been undertaken and based on the assessment of Council's specialists, it is considered that these requirements could be further developed and strengthened. As previously indicated and at the time of writing, the Infrastructure Plan has been removed by Fonterra as an information requirement.

*Alignment with District Plan Structure*

- 6.20 I consider that there are some elements of PPC17 that are misaligned with the general approach / structure adopted under the District Plan. This includes the placement of maps under rule 3.9.3.3 (which typically sit within Volume 2, Appendix 2); the location of information requirements (which typically sit within Volume 2, Appendix 1); the location of matters of control and matters of restricted discretion (which typically sit within section Volume 2, Appendix 1, section 1.3.2 and 1.3.3 respectively). In addition, assessment criteria typically sit within Volume 2, Appendix 1, section 1.3.3.

*Summary*

- 6.21 Based on my assessment (and having also considered the review by technical specialists, which are set out in the following subsections), I consider that PPC17 as currently proposed and structured is not fit for purpose and requires further work to better:
- Articulate the proposed staging anticipated (in an integrated and coordinated way).
  - Consider the inclusion of clear development triggers and the associated activity status aspects.
  - Strengthen and clarify the information requirements needed as part of each stage.
  - Better align PPC17 with the District Plan Structure.

## Transport

6.22 A transport assessment has been provided in Appendix 4 of PPC17's *Private Plan Change Request* document (Appendix F), and this has been reviewed by Ms McMinn. The key observations from / findings of the Applicant's transport assessment include:

- Four transport access points are proposed for the Plan Change Area: three from Te Rapa Road and one via Old Ruffell Road.
- PPC17 includes provision for an East-West Road to support the future Northern River Crossing (NRC). The proposed alignment meets geometric standards for a 70 km/h design speed and aligns with the anticipated overbridge connection to Koura Drive.
- Crash data for the mid-block section of Te Rapa Road indicates incidents were primarily speed related. To address this, PPC17 proposes signalised intersections to reduce operating speeds and includes separated walking and cycling paths to enhance safety for vulnerable users.
- Traffic impacts on the surrounding road network are expected to be managed and mitigated to acceptable levels.
- Provisions have been inserted to safeguard Te Rapa Road's future upgrade as a rapid transit corridor, and existing services will remain unaffected. Integrated walking and cycling paths will support safe alternative transport modes and help reduce traffic volumes.

6.23 Supplementary Information (Appendix G) was provided which contains further information following technical SME workshops in May 2025. Based on the assessment of Ms McMinn, several issues remain, stemming from her initial review of the notified PPC17. Her review is attached at Appendix A, and the below summarises her key findings:

- The proposal has not adequately provided for the NRC, considered the effects of the rail level crossing on Ruffell Road being opened to traffic and there is a risk to the future of the strategic network (NRC and Bus Rapid Transport corridor). The Integrated Transport Assessment (ITA) supporting the notified PPC17 presented several Waikato Regional Transportation Model (WRTM) scenarios, none of which presented a scenario that matches the PPC17 development and transport network staging. Ms McMinn considers that the WRTM scenarios should be updated to match the proposed staging and with the Ruffell Road rail level crossing closed and



the ITA updated to ensure that the safety and efficiency effects on Ruffell Road and the wider transport network are acceptable.

- The Supplementary Information outlines transport infrastructure staging that differs from the notified version of PPC17. Ms McMinn considers that currently, there remains insufficient detail to fully assess the transport effects of PPC17.
- Two options are presented for Stage 1 land use and transport infrastructure, and one option for Stage 2 (full development). Greater clarity is needed to understand the implications of each scenario from a transportation perspective.
- The Te Awa Lakes Structure Plan requires upgrades to Te Rapa Road once traffic exceeds 500 vehicles per hour (vph). PPC17 proposes an additional 410 vph without corresponding improvements, raising concerns about the adequacy of proposed mitigations. The full Te Awa Lakes Structure Plan traffic should be considered as part of the 2045 baseline.
- The proposal (and the modelling) depends on reopening the Ruffell Road rail level crossing, which remains uncertain. While the revised Structure Plan shows a future connection to Koura Drive via the NRC corridor, this requires an overbridge and access through land outside PPC17. Responsibility for constructing the link and protecting the corridor remains unclear. There is a risk that development could proceed without the East-West Road, compromising Hamilton's strategic transport network and the future delivery of the NRC.
- The amended provisions do not trigger infrastructure consistent with Hamilton's long-term transport strategy. While Access 1 and the East-West Road are shown on the Revised Structure Plan, they are not activated by the provisions.
- Stage 1A allows development with sole access via Old Ruffell Road (Access 3), without requiring a direct connection to the arterial network. This could result in inefficient and indirect transport outcomes.

6.24 To improve clarity and alignment with HCC's expectations, Ms McMinn recommends that a staging table be provided within PPC17 which outlines:

- Land use and development areas (with indicative staging).
- Infrastructure provision.
- Timing and delivery responsibilities.

- 6.25 In addition, Ms McMinn considers that the table should be specific to each development stage and formatted in accordance with HCC's preferred structure.

### **Water and Wastewater**

- 6.26 A detailed infrastructure assessment has been provided in Appendix 6 of PPC17's *Private Plan Change Request* document (Appendix F), and this has been reviewed by Mr Hardy. PPC17 acknowledges that capacity limitations exist in the public water supply and wastewater distribution network. PPC17 further acknowledges that no development will proceed without a servicing solution that has been supported by HCC.
- 6.27 Supplementary Information (Appendix G) was provided which contains further information relating to infrastructure servicing following technical SME workshops in May 2025. Based on the review of the Supplementary Information by Mr Hardy (attached at Appendix B), the following comments are made:
- From a water and wastewater servicing perspective, the PPC17 and TRINZ area will ultimately be serviced from the HCC water and wastewater networks and treatment plants.
  - While wastewater servicing within the TRINZ area is not dependent on any outside considerations, a dedicated wastewater connection will be required if development occurs prior to strategic wastewater infrastructure which is not currently confirmed and committed. Specific assessment will also be required to assess Wastewater Treatment Plant capacity at or near the proposed time of connection of the first and subsequent stages.
  - Water servicing within the TRINZ area requires a detailed assessment to determine appropriate connection points and trunk pipeline sizing. This is due to the influence of service level requirements and potential impacts on adjacent areas of the water network.
  - Water supply servicing for the PPC17 area is dependent on Fonterra securing additional water allocation, which would then need to be transferred to Hamilton City Council (HCC).
  - More certainty is required around the proposed staging, even if subject to change. My Hardy considers that south-to-north staging will be the most efficient approach for water and wastewater infrastructure. Proposed staging will form the basis of

planning, modelling, and design to be undertaken by the developer, in consultation with HCC.

- To ensure coordinated and efficient infrastructure delivery, Mr Hardy recommends that an Infrastructure Plan be prepared (a requirement of the notified PPC17 but removed as part of Supplementary Information supplied). This plan should document the assessment, design, and staged implementation of infrastructure for the PPC17 area. Such a plan is important to provide certainty that PPC17 can be adequately serviced without adverse effects on existing or planned water and wastewater networks.

6.28 Mr Hardy notes that he cannot support PPC17 without a provision for an Infrastructure Plan. An Infrastructure Plan will provide details regarding the staging and timing of infrastructure, including dedicated infrastructure to enable development prior to long-term strategic infrastructure being implemented.

### **Stormwater**

6.29 The stormwater management proposed by the PPC17 is documented in the Infrastructure Assessment (Appendix 6 of PPC17's *Private Plan Change Request* document, Appendix F) and Supplementary Information (Appendix G). These documents have been reviewed by Mr Smith using HCC's Integrated Catchment Management Plan (**ICMP**) as a key reference document. His review is attached at Appendix C.

6.30 PPC17 proposes to treat and manage stormwater using a treatment train and (when required) flow attenuation approach. At-source treatment could be provided with a combination of road corridor treatment swales (or raingardens) and on-lot soakage for smaller storm events; treated and attenuated flows from the wetlands would be discharged in a controlled manner to the Te Rapa Stream. Based on the assessment from Mr Smith, there are in his opinion several matters that still need to be addressed.

6.31 These matters relate to aligning with HCC's ICMP; inclusion of downstream erosion resilience works; providing clarification on various aspects of the proposed stormwater management; addressing stormwater integration with areas outside of the PPC17 area; inclusion of a provision for an Infrastructure Plan and inclusion of the downstream stream erosion resilience works in PPC17's staging provisions.

6.32 The following summarises the most significant issues and gaps regarding stormwater:

- PPC17 does not address options for stream erosion protection downstream of the plan change area caused by increased volumes discharged i.e. via a pipe to river or stream works. This is a key constraint to development in the West block.
- While compliance with HCC's ICMP is stated, an assessment against the ICMP has not been included.
- The hierarchy of stream erosion measures require further detail. On-lot management requirements are significant to the overall stormwater management strategy and to comply with the ICMP. These should be included in the infrastructure report / plan.
- While PPC17's wetlands could be sized to provide a similar level of flood control to the ICMP's wetland/stream floodplain combination, this has not been demonstrated to be equivalent. The wetlands, having been sized using the hydrological software HEC-HMS, present an incomplete hydraulic assessment, and are therefore not yet sufficiently demonstrated to be accepted as an alternative to the arrangement set out in the ICMP.
- The South-east block has two existing gullies that fill with flood water and provision to route flows to the Waikato River will need to be made in developing this block. More detail is needed around the new outlet to the river.
- Flood and flow path management require further detail. Management of overland flow paths and the performance requirements of these should be clarified in the infrastructure report.
- The Regional Infrastructure Specification (RITS) is not referenced as a standard to which future stormwater infrastructure design will need to adhere to.
- Groundwater monitoring requirements at devices (wetlands/swales) in accordance with the ICMP should be stated.
- The report "precludes" soakage but notes "moderate" soakage rates from testing. It proposes to use soakage on-lot for 10mm depth of rainfall. While the 10mm on-lot is consistent with the ICMP, this needs to include the potential to account for 10mm from road areas as well on a catchment wide basis.

6.33 In summary, further information is needed to close out stormwater-related gaps and this should be done as part of the PPC17 process. Recommendations include:

- An update to the infrastructure report.

- Reinstate the provision for an Infrastructure Plan be in the proposed PPC17 Structure Plan. Additionally, the staging within the Structure Plan (3.9.3.3) should be updated to include the stream erosion resilience works, stream culverts and river outlets.
- WRC, WDC, IAWAI, Waikato Tainui, and FirstGas should be referenced within the information requirements as organisations to be consulted about the development designs and the Infrastructure Plan.

## **Geotechnical**

6.34 Based on the assessment from Mr Tutbury from Tonkin & Taylor Ltd (attached at Appendix D), he considers that there are three key areas that would benefit from further clarification in relation to the identification and assessment of the geotechnical hazards present within the plan change area. In summary, these relate to:

- The level and spatial distribution of geotechnical investigation, review of existing historical imagery data and confidence in assessed groundwater levels based on the groundwater monitoring undertaken in the plan change area.
- How the existing stability of the slopes along the Waikato River, within the plan change area and adjacent to the plan change area have been assessed and/or the requirements for further assessment of the stability of these slopes.
- How the effects of certain activities (e.g., earthworks, stormwater ponds) may influence specific geotechnical hazards, such as stability and liquefaction, and the potential change in risk to neighbouring properties because of these activities.

6.35 While he acknowledges that these clarifications would be beneficial, they are not considered to form insurmountable barriers to future development but would serve to clarify aspects of the geotechnical assessment undertaken and inform future information and assessment requirements as part of subsequent subdivision and land use consenting.

## **Ecology**

6.36 An ecological assessment has been provided in Appendix 7 to PPC17, and this has been reviewed by Dr Burrridge.

6.37 Based on Dr Burrridge's review attached in Appendix E; the following issues have been identified:

- Despite the title, an effects assessment (except in relation to bats) is not included in the Ecological Values and Effects Assessment (EVEA) report. The EVEA identifies ecological features of the site and provides a broad assessment of the potential constraints and opportunities.
- PPC17 includes an Ecological Management Plan to be undertaken as part of the first application for sub-division consent. It is also proposed that that all (except in relation to bats subsequent applications would comply with this Ecological Management Plan. It is, however, unclear whether the intention is for the initial subdivision applicant to undertake this for the whole site. I note that this is a matter that I have highlighted to above under the heading *PPC17 planning framework and provisions*.
- A separate bat report was provided with the EVEA. It is recommended that artificial lighting strategies should establish specific lighting limits for lighting intensity and colour temperature to avoid additional light spill into the Waikato River corridor. This is considered a critical aspect of the proposal.
- The information provided in the EVEA is sparse for herpetofauna and no surveys were undertaken. As copper skinks have previously been identified on site (BECA 2022), a more detailed assessment of their numbers and habitats will be required to inform an Ecological Management Plan.
- While no At-Risk species were recorded within the site, there are local records of At-Risk shag species which are likely to be using the Waikato River and riparian vegetation.
- Four At Risk-Declining species of fish have been identified, including Īnanga (*Galaxias maculatus*) and Black mudfish (*Neochanna diversus*). While suitable habitats for said species were identified, the locations were not been included in the EVEA.
- A method for identifying wetlands has been provided, but limited detail of how the field surveys corresponded with these, particularly in the context of pasture exclusion species.

- 6.38 Overall, there is scope to better understand potential effects on native fauna. Dr Burrridge notes that current proposal focuses primarily on long-tailed bats, and it is important to widen the assessment and protection to all native fauna, as other at-risk species are potentially present.
- 6.39 The Ecological Management Plan that is required will require more information than is currently available regarding ecological effects, as this was not fully assessed in the EVEA. How that is best progressed as part of the future staging proposals is an important consideration, noting that the Ecological Management Plan information requirement is not an assessment, but rather an approach to confirming mitigation for known values / effects that will occur as part of development.
- 6.40 Dr Burrridge has also noted that avoiding light spill into the Waikato River corridor is an important component of ecological management for this site and the recommended lighting control should be included.
- 6.41 While Dr Burrridge notes that adding a broader policy that includes all measures necessary to avoid, remedy, mitigate, offset or compensate for adverse effects on habitats of indigenous fauna would be of value, I note that there is an objective and policy framework at 12.2.5. I consider there is merit in reviewing the components of this objective and its associate policies considering Dr Burrridge's review.

#### **Other Effects**

- 6.42 A range of other potential effects have been identified as part of PPC17 and supporting technical reports have been appended to the request. While these have not been formally peer reviewed by technical specialist, I have considered these assessments in the context of the governing underlying zoning and am satisfied that potential effects have been recognised and can be appropriately dealt with via the provisions of PPC17 or future consent activities. I briefly summarise the key matters arising from the Applicant's various assessments and adopt the summaries and where appropriate conclusions for the purposes of my assessment.

#### Contaminated land

- 6.43 A detailed assessment is provided in Appendix 17 of PPC17's *Private Plan Change Request* document (Appendix F). The site assessment identified that the following

Hazardous Activities and Industries List (HAIL) activities have, or potentially have, occurred within PPC17:

- Persistent pesticide bulk storage or use associated with horticultural activities.
- Potential contamination from Asbestos / Asbestos Containing Materials in historical structures.
- Potential contamination from Lead based paint.

6.44 A detailed assessment is provided in Appendix 17 of PPC17. The site assessment identified that the following Hazardous Activities and Industries List (HAIL) activities have, or potentially have, occurred within PPC17.

6.45 42 soil samples were collected and analysed. Arsenic concentration in one sample (AH07) exceeded the applicable criteria<sup>17</sup>, while Heavy Metals concentrations were above Background Levels in 19 of the 42 samples.

6.46 Three groundwater samples were collected and analysed. Total Phosphorus<sup>18</sup> and Copper<sup>19</sup> Concentrations were detected in all samples and exceeded the applicable criteria; Zinc<sup>19</sup> Concentration was detected in one sample (PZ10) and exceeded the applicable criteria.

6.47 However, I note that the PPC17 is a request for a zone change and does not determine the actual usage. Therefore, the guidelines listed within the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health does not strictly apply at this stage but may apply as part of future consenting activities.

#### Landscape and visual

6.48 A detailed assessment is provided in Appendix 3 of PPC17's *Private Plan Change Request* document (Appendix F). The following is a summary of the assessment.

- Most of the Plan Change area maintains a high-quality rural character, largely due to Fonterra's management. Without active rural usage, these properties have a transitional character that is neither fully rural nor urban. The Te Rapa Dairy

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<sup>17</sup> National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

<sup>18</sup> Phosphorous follows the criteria set within the ANZECC 2000 Guidelines – Primary Industries (Volume 3), Irrigation and general water uses.

<sup>19</sup> Copper and Zinc follow the criteria set within the Australian and New Zealand Guidelines for Fresh and Marine Water Quality



Manufacturing Site, located between Te Rapa Road and the Waikato River, impacts the area's landscape with its prominent industrial appearance.

- There is a significant zoned and resource consent approved mixed-use and predominantly residential development, branded as Te Awa Lakes, currently under development to the north and northeast of the site. As this development rolls out, it will become a significant visual feature in the landscape adjoining the PPC17 area.
- Significant infrastructure such as SH1C, the Main Trunk Railway Line, and Te Rapa Road, along with the urbanized industrial land to the south (the Te Rapa industrial estate), contribute to the area's character. Consequently, most of the Plan Change area has low landscape or amenity value, making it logical to rezone it for industrial purposes.
- The Waikato River is the most prominent element within the surrounding area. Additionally, a popular existing riverside walking and cycling trail (Te Awa River Ride – The Great New Zealand River Ride) passes through the eastern edge of the existing Te Rapa Dairy Manufacturing Site. As such, the land east of Te Rapa Road, especially near the Waikato River, has higher landscape, natural character, and amenity value sensitivities. PPC17 includes provisions for Open Space Zones and setback requirements to retain an open space character adjacent to the river.
- In addition, properties east of Te Rapa Road, adjacent to the Plan Change area, will continue as rural lifestyle areas for the immediate future, have existing dwellings. A Sikh Temple is located at 1418 Te Rapa Road, just north of the Plan Change area.
- To maintain landscape and amenity values, PPC17 proposes a 5.0m wide planted buffer or shelterbelt in the Te Rapa North Industrial Zone. This buffer will include evergreen trees and vegetation capable of growing to at least 10m within five years, except where riparian planting takes precedence.
- The buffer aims to create a dense vegetated barrier between new industrial properties and adjacent rural land, preserving rural character. The planting is temporary until adjacent properties are rezoned industrial in the future.

6.49 Based on the summary and the proposed provisions, it is considered that any potential adverse landscape and visual amenity effects will be minimised and are able to be managed.

## Urban design

6.50 A detailed assessment is provided in Appendix 16 of PPC17's *Private Plan Change Request* document (Appendix F). The following is a summary of the assessment.

- PPC17 creates a compact urban form with clear boundaries that can be expanded in the future. The site is well-suited for industrial activity due to its proximity to the Te Rapa Dairy Manufacturing Site, strong transport links, and even terrain.
- The interfaces between future industrial development and surrounding activities in the PPC17 Area varies. Most of the Plan boundary includes a landscaped buffer, ensuring amenity protection as per the District Plan Policy 25.5.2.1a.
- The Structure Plan features the Te Rapa Stream as a central element, with a Riparian and Stormwater Reserve designed to support ecological and stormwater functions, meeting the District Plan Objectives 3.3.6 and 3.3.7. The development's character is amplified by the Te Rapa Dairy Manufacturing Site and the Waikato River, which contribute to the area's attributes. Protecting these elements achieve Objective 25.15.2.2 and Directive 7.9.

6.51 I consider that PPC17 aligns sound urban design practices and aligns with Future Proof Strategy Directive 10.6 (Topic B10: People, Places, Communities, and Growth Management) and Objective 1 of the National Policy Statement on Urban Development 2020. PPC17 establishes the key components needed for a well-functioning environment.

## Archaeology

6.52 A detailed assessment is provided in Appendix 18 of PPC17's *Private Plan Change Request* document (Appendix F). The following is a summary of the assessment.

- One New Zealand Archaeology Association recorded site (S14/17) is within PPC17. It is the remains of a paa site related to the Mangaharakeke Paa (S14/18) and has significant archaeological value. Additionally, traditional garden sites, including a series of burrow pits (S14/505), were found and recorded in the southeast corner of the West Block.
- To ensure that S14/17 is excluded from development and protected, a site visit to the paa in collaboration with tangata whenua will be undertaken. Additionally, a paa management plan will be developed and informed by the site visit along with recommendations shared by mana whenua.

- The burrow pits are likely heavily impacted and need further inspection. Although more investigations will be conducted to assess their condition, the sites are not considered rare and have limited amenity value.

6.53 Overall, effects on the heritage values of the area have been assessed as minor to moderate. The proposed Structure Plan has identified S14/17 and S14/18 as areas of significance to be avoided and protected. While the footprint of future development and whether sites would be impacted is yet to be determined, PPC17 acknowledges that all work will be subjected to an archaeological authority.

#### Noise/acoustics

6.54 A detailed assessment is provided in Appendix 19 of PPC17's *Private Plan Change Request* document (Appendix F). The assessment finds that the current noise provisions within the District Plan are adequate to manage the industrial development enabled by PPC17. All future activities and development shall follow the objectives and policies set within Chapter 25.8 of the District Plan. I accept this conclusion.

#### **Cultural**

6.55 Mana and tangata whenua have been engaged in the development. The Tangata Whenua Working Group (TWWG, representing Ngaati Maahanga, Ngaati Wairere, Ngaati Tamainupoo, Tuurangawaewae Trust Board & Waikato-Tainui) have undertaken a Cultural Impact Assessment (CIA), provided in Appendix 14 of PPC17's *Private Plan Change Request* document (Appendix F).

6.56 The CIA includes recommendations on the following, all of which have been adopted by PPC17:

- A full assessment against the objectives of Te Ture Whaimana.
- Risk management strategies for wastewater.
- The enhancement of ecological values through the revegetation of riparian margins using native vegetation.
- Retaining natural watercourses and Significant Natural Areas.

- 6.57 The CIA reviewed the proposed Structure Plans and planning provisions. In summary, the CIA has confirmed that the proposed objectives, policies, and provisions are acceptable.
- 6.58 Recommendations from the CIA relating to future consenting and development stages include the following:
- Ongoing engagement with the TWWG by Fonterra, HCC, and future developers.
  - The absolute avoidance and protection of Mangaharakeke Paa and its associated site (S14/17). Additionally, the burrow pits in the southeastern corner of the West Block (S14/505) should be retained if possible.
  - Water managements should adopt green features such as swales and raingardens. Additionally, structures should be designed to minimise impacts on natural watercourses.
  - The use of rainwater harvesting and greywater recycling to reduce the strain on the existing water network.
  - The use of solar panels.
  - Consider sourcing native plants from iwi-owned nurseries.
  - Application of accidental discovery protocols.
  - Incorporation of cultural narratives into future development.

### **Positive Effects**

- 6.59 Hamilton is experiencing ongoing strong demand for industrial land, with Te Rapa historically being the main area of growth, accounting for nearly 70% of new industrial floorspace between 2017 and 2022. The Business Development Capacity Assessment 2023 (BCA) indicates industrial land shortfalls in both the medium term (10 years) and long term (30 years), even with the inclusion of the deferred Te Rapa North Industrial Zone in the long-term supply.
- 6.60 PPC17 provides 91 hectares of gross land area (58 hectares of net developable area) in the medium term. It aligns with the industrial site criteria and offers potential synergies with other land uses, as confirmed by the BCA's multicriteria assessment.
- 6.61 PPC17 is well-suited for industrial activity due to its proximity to the Te Rapa Dairy Manufacturing Site, strong transport links, and terrain and given the wider land use pattern surrounding it. The proposal seeks to create a compact urban form with clear boundaries that can be expanded in the future.

6.62 An economic assessment (provided as Appendix 15 of PPC17's *Private Plan Change Request*, Appendix F) concludes that future development activities are expected to generate \$185 million in wages and boost GDP by \$330 million. Once operational, the site is estimated to support 1,450 full-time jobs, generate \$105 million in annual wages, and contribute \$220 million to GDP each year.

### Summary

6.63 Having reviewed PPC17 (as lodged / notified) including accompanying technical assessments, Supplementary Information (Appendix G) which substantially updated Chapter 3.9 of PPC17, the technical review of Council specialists, and having considered the matters raised in submissions there remain some issues that have not been sufficiently addressed and therefore gaps remain that are required to be resolved. These include:

- The need to articulate the proposed staging anticipated (in an integrated and coordinated way, across all infrastructure requirements) and progression of the necessary further assessment(s) to confirm the above.
- Consideration of the need to inclusion of clear development triggers and the associated activity status.
- Strengthen and clarify the information requirements needed as part of each stage of development.
- A review of PPC17 Chapter 3.9 (and any consequential changes needed to other chapters) considering the above outcomes to make clearer the intent of the Structure Plan and its delivery, along with clear cross referencing to other relevant parts of the District Plan.
- A broader review of the PPC17 structure against the District Plan structure.

## 7.0 Statutory Evaluation

- 7.1 The Applicant has prepared a comprehensive statutory assessment, and this is summarised at Section 9.0 of the *PC17: Te Rara North Industrial Private Plan Change Request*. This is supported by a detailed analysis located at Appendix 21 of PPC17's *Private Plan Change Request* document, titled 'Statutory Assessment' (Appendix F). In addition, I have introduced the applicable statutory framework at Section 4 of this report.
- 7.2 I agree with the Applicant's identification of the relevant statutory planning documents, although I note that the National Policy Statement for Indigenous Biodiversity (NPS-IB) has not been considered.
- 7.3 Notwithstanding the identified gaps that remain, I consider the plan change finds support at a national, regional and district plan level, based on the Applicant's assessment and I largely adopt this adopt it for the purposes of this report, except where I have stated below. I consider that resolution of the identified gaps identified in section 6 of this report will strengthen PPC17's alignment to the relevant statutory framework.

### Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River)

- 7.4 I understand Te Ture Whaimana has significant statutory weight, including status as a National Policy Statement. Furthermore, Te Ture Whaimana prevails where there is any inconsistency with any other national policy statement or national planning standard.
- 7.5 Te Ture Whaimana has a central focus on restoring and protecting the Waikato River and its contributing catchment along with the enhancement of sites, fisheries, flora and fauna. There are specific directives regarding the restoration and protection of the health and wellbeing of the river, the relationship of Iwi with the river, the restoration of water quality and the adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River.
- 7.6 While I agree that PPC17 is generally consistent with and therefore contributes to giving effect to Te Ture Whaimana, there are identified opportunities to improve PPC17 provisions to strengthen this outcome. These include:
- Clarification of the stormwater management approaches relative to the staging of the plan change area.
  - Strengthening of the objective and policy framework at section 12.5.

- Strengthening of the Ecological Management Plan provisions, re-introduction of the Infrastructure Plan and adoption of the recommended Landscape Concept Plan.

7.7 Alignment with the ICMP and the treatment of the lower reaches of Te Rapa Stream are issues that has been highlighted as requiring resolution. Alignment with the ICMP is a critical aspect to ensure Te Ture Whaimana can be given effect to.

## **National Policy Statement on Urban Development 2020**

7.8 In terms of the relevant NPS-UD objectives and policies, I consider PPC17 is generally consistent with them, with a couple of exceptions. I note the following:

- Objective 1: PPC17 will ultimately support and enable a well-functioning urban environment that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, by providing land for industrial land uses.
- Objective 2: PPC17 will result in the release of additional land supply which will meet medium-term requirements.
- Objective 3: PPC17 is well located in an area of demand, will enable more business to locate within an urban environment that is an identified employment node, and which will over time be connected to improved public transport opportunities such as Bus Rapid Transit.
- Objective 4: notwithstanding the identified matters that require resolution, I consider that change in amenity is anticipated, and the Structure Plan approach supported by appropriate provisions will result in appropriate levels of amenity being achieved for an industrial node of this nature.
- Objective 5: The Applicant has considered Te Titriti through its engagement with tangata whenua and the inclusion of recommendations within the plan change itself. I consider there are opportunities to strengthen this aspect including through the inclusion of a Landscape Concept Plan and an enhanced Ecological Management Plan which is responsive to feedback from tangata whenua.
- Objective 6: This objective requires land use decisions are integrated with infrastructure planning and funding decisions; are strategic in the medium and long-term; and responsive. I note that while the plan change has provided detail on proposed staging, Council's review has confirmed that greater clarity on staging across the PPC17 area is required, particularly as it relates to the implementation of

critical infrastructure that is required to support and enable the land use, and which will ensure effects are appropriately managed.

- Objective 8: PPC17 provides provision for future rapid transit links and walking and cycling, assisting to give effect to this objective.
- Policy 1: PPC17 will contribute to the land supply for a variety of industrial land uses, in an area that is well suited for this land use (and indeed anticipated by the District Plan and other statutory documents).
- Policy 2: PPC17 contributes to HCC meeting its business land capacity requirements by bringing forward the supply of industrial land from the long to the medium term, assisting with supply across the next 10-years.
- Policy 3(d): PPC17 will enable heights commensurate with the nature of industrial activities and demand in this area. The plan change provides for and will enable the area over time to be connected to improved public transport opportunities such as Bus Rapid Transit in the future.
- Policy 6: I consider that once provisions are strengthened, the plan change, its Structure Plan approach supported by appropriate provisions and information requirements (e.g. the Landscape Concept Plan) will result in appropriate levels of amenity being achieved for an industrial node of this nature.
- Policy 8: I note that the land supply enabled by PPC17 is anticipated within Future Proof and the Waikato Regional Policy Statement, although it does represent out of sequence land supply and development. The implications of this have been recognised through Council's review, particularly as it relates to strategic infrastructure provision. Despite this, it is acknowledged that the plan change brings forward the supply of industrial land from the long to the medium term.
- Policy 9: refer to my commentary under objective 5.
- Policy 10: I note that discussions are advancing between HCC and Fonterra with respect to an agreement to ensure the coordinated and efficient delivery of the necessary public infrastructure.



## **National Policy Statement on Freshwater Management 2020**

- 7.9 The NPS-FM provides local authorities with direction on how they should manage freshwater under the RMA. The requirements of the NPS-FM relevant to PPC17 include managing freshwater in a way that gives effect to Te Mana o te Wai and an obligation to improve degraded water bodies and maintain or improve all others using bottom lines defined in the NPS-FM.
- 7.10 The concept of Te Mana o te Wai as set out in the NPS-FM is fundamentally linked to Te Ture Whaimana and what it seeks to achieve. Te Mana o te Wai refers to the vital importance of water. Te Mana o te Wai imposes a hierarchy of obligations. This hierarchy means prioritising the health and well-being of water first. The second priority is the health needs of people (such as drinking water) and the third is the ability of people and communities to provide for their social, economic, and cultural well-being.
- 7.11 I note that the plan change seeks to enable a development pattern guided via a Structure Plan which defined a land use and indicative roading pattern which responds to the general location of identified streams and natural inland wetlands and to ensure direct impacts on these features is minimised. I note that the objectives, policies and provisions attempt to maintain and enhance the ecological values of identified water bodies, as previously described in this report.
- 7.12 That said, the discussion at paragraphs 7.6 and 7.7 above is relevant to the consideration of the NPS-FM.

## **National Policy Statement on Highly Productive Land 2022**

- 7.13 I agree with the Applicant's assessment regarding the relevance of the National Policy Statement on Highly Productive Land to the plan change. Given the existing underlying zoning is not rural / rural production, the plan change area does not fall within the definition of highly productive land.

## **National Policy Statement for Indigenous Biodiversity 2023**

- 7.14 I note that PPC17 has identified ecological values across the plan change area and undertaken an assessment on long-tail bats. The plan change provisions do provide for the recognition and management of ecological values, however Council's review has identified opportunities to strengthen both the underpinning assessment and plan provisions themselves, which in my opinion, will enable the plan change to better give effect to the NPS-IB.
- 7.15 I request that the Applicant undertake an assessment of the plan change against the requirements of the NPS-IB.

## **Waikato Regional Policy Statement Operative 2016 / Waikato Regional Policy Statement Change 1**

- 7.16 In terms of the relevant regional policy statement objectives and policies (identified at Section 4 of this report), I consider PPC17 is generally consistent with them. I note the following:
- Integrated Management (IM-01, 02, 04, 07, 09): PPC17 is informed by a Structure Plan and designed to be delivered in a staged and coordinated manner. This implementation is supported by planning provisions. The intent of the plan change in this regard is acknowledged, however as identified, the plan change needs to better articulate the proposed staging anticipated (in an integrated and coordinated way, across all infrastructure requirements) and progression of the necessary further assessment(s) to confirm the above. I consider that the plan change is an important tool to ensure potentially incompatible uses do not occur on land adjacent to the Te Rara Dairy Manufacturing site.
  - Land and Freshwater (LF-01, 03): PPC17 seeks to retain natural water courses and wetlands and has provided provisions to ensure setbacks are applied and appropriate enhancement of these margins is achieved. I consider there are opportunities to enhance these outcomes through a strengthening of information requirements. While the approach to stormwater management is acknowledged, better integration with the ICMP, addressing stormwater integration with areas outside of the PPC17 and consideration of and inclusion of downstream erosion resilience works are matters that have been identified by Council's review.

- Ecological integrity and indigenous biodiversity (ECO-01): I refer to my discussion at paragraph 7.14 above.
- Natural hazards (HAZ-O1): the potential flood and land stability hazards across the site can be appropriately managed.
- Historic and cultural heritage (HCV-O1): PPC17 recognises and provides for sites of significance. The assessment confirms that these sites will be avoided.
- Natural character (NATC-O1): As discussed above, PPC17 seeks to retain natural water courses and wetlands and has provided provisions to ensure setbacks are applied and appropriate enhancement of these margins is achieved.
- Urban development / Built environment (UFD-O1, P2, P11): The plan change area is acknowledged as an appropriate location for industrial land use activities as it is zoned for this purpose and is recognised within other policy documents. While PPC17 brings forward the supply of industrial land earlier, this is expected to assist in managing demands across the medium term, greater clarity on staging as it relates to the provision / implementation of strategic infrastructure provision is necessary. Again, I consider the plan change is an important tool to ensure potentially incompatible uses do not occur on land adjacent to the Te Rara Dairy Manufacturing site.

### **Waikato Regional Plan**

- 7.17 I consider the plan change to not be inconsistent with the Waikato Regional Plan, insofar as it gives effect to and is not inconsistent with the Waikato Regional Policy Statement, which I have discussed above.

### **Hamilton District Plan**

- 7.18 I consider that PPC17 is well aligned to the District Plan's Strategic Policy Framework, and subject to the resolution of identified issues and gaps will give effect to the District Plan through enabling industrial and business activities to contribute to the economic, cultural, social and environmental wellbeing and prosperity of the community. This includes safeguarding for enabling industrial activities in appropriate locations.

## **Future Proof Strategy 2024**

7.19 Within the Future Proof Strategy, Te Rapa remains identified for 'Long-Term Development between 2031-2050. PPC17 brings approximately 45% of the TRNIZ land area forward to be available within the medium (0–10-year term). In terms of PPC17, I consider that it broadly aligns with the Future Proof Strategy for the following reasons:

- Enabling development within an identified urban enablement area that is complementary to and will protect regionally significant industry from potential reverse sensitivity issues. In doing so, the plan change will enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, by providing land for industrial land uses.
- PPC17 is anticipated and although it does represent out of sequence land supply and development, it is acknowledged that the plan change brings forward the supply of industrial land from the long to the medium term. However, greater clarity on staging as it relates to the provision / implementation of strategic infrastructure provision is necessary.

## **Waikato Tainui Environmental Plan**

7.20 The Applicant has comprehensively assessed PPC17's alignment with the Waikato Tainui Environmental Plan and has found that it is generally aligned with the relevant objectives. I have reviewed the assessment and generally concur with it, subject to my proposed recommendations including the inclusion of additional information requirements such as a Landscape Concept Plan and an enhanced Ecological Management Plan. I do note that Waikato Tainui did also submit a supportive CIA and are no longer a submitter on the plan change.

## **Other Strategies**

7.21 I note that PPC17 has also considered other relevant strategies including the Hamilton-Auckland Corridor Plan, Hamilton-Waikato Metropolitan Spatial Plan, Hamilton Urban Growth Strategy and Access Hamilton. These strategic documents are designed to give effect to higher order regional policy from a direction and implementation perspective. While there are some matters to resolve with respect to the plan change, I consider that at a broad level, PPC17 is not inconsistent with these documents.

## Resource Management Act - Section 32 / 32AA RMA

- 7.22 The plan change is supported by a Section 32 Assessment Report (Appendix 22 of PPC17's *Private Plan Change Request* document, Appendix F). A Section 32AA Assessment Report was included within Section 6 of Supplementary Information which provided a short assessment of a revision to a rule relating to restrictions on the Focal Area of the Structure Plan. This was in response to submission received on the matter.
- 7.23 The Section 32 Assessment supporting PPC17 concludes that the objectives of the plan change (as notified) is the most appropriate way to achieve the purpose of the RMA, the provisions of the plan change are the preferred option achieve the objectives of the plan change, and that the overall benefits of the plan change outweigh the costs on the community, the economy and the environment and the provisions are efficient and effective in achieving the objectives of the plan change.
- 7.24 I record that the Section 32 Assessment is comprehensive, however note the following:
- The Section 32 Assessment is based on the PPC17 plan change structure and associated provisions that was notified. I note the Supplementary Information altered the shape of the plan change, particularly in respect of Chapter 3.9. On that basis, and subject to any further updates that are made in respect of the recommendations at Section 9 of this report, I consider that a further Section 32AA Assessment will be required.
  - Given the nature of submissions on the matter and my assessment of those submissions (refer to Topic 1, Section 5 of this report), I consider that the Applicant should further develop its Section 32AA Assessment to better respond to this topic and the submission points raised, assuming that these submissions are determined to be on the plan change.
- 7.25 The Section 32AA Assessment issued with the Supplementary Information is supported and I make no further comment.

## **Resource Management Act - Part 2 Assessment**

- 7.26 When considering changes to a District Plan, a territorial authority is required by s74(1)(b) to do so in accordance with the purpose and principles of the RMA.
- 7.27 The Applicant has provided a detailed assessment of PPC17 against the matters within Part of the RMA and I have reviewed this assessment. While I find that the plan change is broadly consistent with the purpose and principles, the Council's review of both the technical elements supporting the plan change and the plan change itself has identified several matters that require resolution.
- 7.28 On this basis, I am unable to determine if the plan change, in its current form, can successfully achieve the purpose of the RMA.

## **Conclusion to Statutory Assessment of PPC17**

- 7.29 While PPC17 finds strong support at a national, regional and district policy level, based on the preceding assessment, I am unable to confirm that PPC17 is entirely consistent with the statutory framework, including Part 2 of the Act.

## **8.0 Proposed Amendments to PPC17**

8.1 This section of the report summarises the proposed amendments to PPC17, following an analysis of submissions (refer to Section 5.0 of this report).

8.2 The below summary is supported by an edited version of the relevant chapters of PPC17 where changes have been proposed at Appendix I.

8.3 The following is a summary of the proposed amendments that have been recommended in response to submissions:

- Chapter 3.9 – Te Rapa North Industrial Zone
  - Amendments to 3.9.1a (Submission Point 14.3).
  - Amendments to 3.9.2.2d (Submission Point 14.4).
  - Amendments to 3.9.2.4c (Submission Point 14.8).
- Chapter 12 – Te Rapa North Industrial Zone
  - Amendments to 12.2.1b (Submission Point 13.5).
  - Amendments to 12.2.1c (Submission Point 13.6).
  - Amendments to 12.3.1q and 12.3.1s (Submission Points 13.9/14.23).
  - Amendments to 12.5.2a and 12.5.3a (Submission Point 10).
- Chapter 25.2 – Earthworks and Vegetation Removal
  - Amendments to 25.2.5.4a.A1 (Submission Points 13.24/13.25).
- Appendix 1 – 1.2 Information Requirements
  - Amendments to 1.2.2.30a (Submission Points 13.24/13.25).
  - Amendments to 1.2.2.31b (Submission Point 13.11).

## 9.0 Recommendations

9.1 PPC17 seeks to rezone approximately 91ha of land surrounding the Te Rapa Manufacturing Site to remove the Deferred Industrial Zone Overlay from all Fonterra owned land and several adjacent parcels owned by third parties.

9.2 Having reviewed PPC17 (as lodged / notified) including accompanying technical assessments, Supplementary Information (Appendix G) which substantially updated Chapter 3.9 of PPC17, the technical review of Council specialists, and having considered the matters raised in submissions, there remain some issues that have not been sufficiently addressed and therefore gaps remain that are required to be resolved. These include:

- Chapter 3.9, at Rule 3.9.3.2 and 3.9.3.3 - it is recommended that these rules are revisited to better articulate the proposed staging anticipated (in an integrated and coordinated way, across transport and three-water infrastructure requirements) including definition of staging triggers (and required infrastructure upgrades). It is recommended that an indicative staging plan is incorporated into the plan change that supports this update and supplements the Structure Plan.
- Chapter 3.9, at Rules 3.9.3.4, 3.9.3.5, 3.9.3.6, 3.9.3.7 – it is recommended to include clear development triggers and the associated activity status, and an update to matters for control, matters of restricted discretion and assessment criteria that may result from the update of Rule 3.9.3.2 and 3.9.3.3 identified above.
- Chapter 3.9, at Rule 3.9.3.4 and at Appendix 1, Section 1.2 – further develop the necessary information requirements to:
  - Include a clear objective for the Ecological Management Plan (1.2.2.29); further develop sub-part b. to identify how the assessment of effects will be considered for identified species and the associated management plan requirements for those species.
  - Re-introduce the requirement for an Infrastructure Plan at Rule 3.9.3.4 including the identification of the information required at 1.2.2.30 that all land use and subdivision applications need to include and which cover/include the following:
    - A Broad ITA that identifies the necessary transport upgrades and implementation requirements.
    - Matters raised by Mr Hardy at paragraph 40 of the PPC17 Water & Wastewater Review.



- Matters raised by Mr Smith at paragraph 76 of the PPC17 Stormwater Review.
  - Introduce an information requirement for a Landscape Concept Plan at Rule 3.9.3.4 and the information required at 1.2.2.31 (refer to Appendix J), in part to respond to the recommendations outlined in the CIA as highlighted in paragraph 6.58.
  - Inclusion of a general requirement under the information requirements detailing the outcomes of any consultation undertaken with interested parties (e.g. Waikato iwi and local hapu, Waka Kotahi New Zealand Transport Agency, KiwiRail, Heritage New Zealand Pouhere Taonga, Waikato Regional Council, Waikato District Council, First Gas).
  - Require the information to be produced for each stage of development (not just the first stage).
  - Following the review of Chapter 3.9 identification of any consequential changes needed to other chapters considering the above outcomes to make clearer the intent of the Structure Plan and its delivery, along with clear cross referencing to other relevant parts of the District Plan.
  - A review of the PPC17 structure against the District Plan structure (as broadly described at paragraph 6.20 of this report).
- 9.3 I recommend that the amendments that have been proposed in response to submissions be accepted.
- 9.4 Subject to the matters outlined above at paragraph 9.2 being satisfactorily resolved, I will be in a position at the time of the hearing to make my overarching recommendation on PPC17.