BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of Proposed Plan Change 12 to the Operative Hamilton City District Plan

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STATEMENT OF EVIDENCE OF BENJAMIN TYSON
ON BEHALF OF TE AWA LAKES UNINCORPORATED JOINT VENTURE (TALUJV)

CORPORATE EVIDENCE IN REBUTTAL

Introduction

1. My name is Benjamin Tyson. My role is Project Manager of Planning on behalf of Te Awa Lakes Unincorporated Joint Venture (TALUJV). I hold a BE (Civil) from the University of Waikato (2021) and have experience in the land development sector across the Waikato, Coromandel and Canterbury. I am authorised to provide this evidence on behalf of TALUJV.

Scope of Evidence

2. The scope of my evidence is to address the 'Te Awa Lakes' section of the planning evidence submitted by Mr Mark Chrisp on behalf of Fonterra Limited, and other parts of Mr Chrisp's evidence which relate to Te Awa Lakes..

3. By way of background, Te Awa Lakes is a master-planned, mixed use, integrated affordable development in the north of Hamilton, comprising of three land blocks Horotiu East-North (HEN), Horotiu East-South (HES) and Horotiu West (HW). Horotiu East-North is the subject of our submission on Plan Change 12.

4. It is important to note that the zoning of Te Awa Lakes reflects a quite recent private plan change, PPC2. PPC2 was heard by a panel of HCC Commissioners in late 2019. After the HCC decision on PPC2 was issued, there were appeals, and these were resolved by a Consent Order issued by the Environment Court on 3 September 2020. I attach a copy of the Consent Order for the Panel's reference which is annexed to my evidence and marked "A".

5. In his evidence, Mr Chrisp noted in para 6.9 that in his view the provisions of PPC2 are not sufficiently strong enough to ensure that reverse sensitivity effects on large-scale industrial activities, such as the Te Rapa Site, will be avoided. I wish to note for the Panel, that these provisions were agreed to and supported by Fonterra as part of the settlement of their appeal on PPC2 (Te Awa Lakes). Fonterra's appeal was in relation to the same issue raised by Mr Chrisp, that of reverse sensitivity.

6. The Plan provisions from the Consent Order are recent and resolved and address the issue of residential activities proximity to the Te Rapa Dairy Factory.

7. As the Consent Order for PPC2 notes, issues of the proximity of different land uses and the potential for adverse reverse sensitivity effects to arise were considered in PPC2. TALUJV considers that the Consent Order resolves issues associated with the compatibility of uses on the Te Awa Lakes site and activities on the Fonterra site. In particular, a large part of the Te Awa Lakes site is already zoned for medium density residential use, with other uses permitted in particular parts (or precincts) of Te Awa Lakes.

8. That is, Mr Chrisp's evidence places some emphasis on the potential for reverse sensitivity effects to arise, but PPC2 has resolved these issues. It is surprising for TALUJV to see Mr Chrisp raise issues with PPC2 (see for example at paragraphs 3.12 and 6.10 of his evidence) given Fonterra's agreement to the outcomes described in PPC2, as outlined in the Consent Order, and given that PPC2 makes it clear that the uses contemplated for Te Awa Lakes and the uses contemplated for Fonterra's site can successfully co-exist.

9. As such, with regard to Attachment A of Mr Chrisp's evidence, the proposed new policies, rules, and assessment criteria, especially proposed new policy 4.3.2.4f, are opposed. The appropriateness of this new policy is further addressed in the evidence of Mr Collier.

10. It is TALUJVs view that issues of reverse sensitivity have already been dealt with extensively through the recent PPC2, and should not be revisited here, especially not in a general sense.

11. The Consent Order, which was mutually agreed upon by Fonterra and Perry Group (TALUJV Partner) in September 2020, stipulated that residential activities should be set back at least 25 metres from Hutchinson Road, to address potential reverse sensitivity effects on the Te Rapa Dairy Factory site.

12. Notwithstanding PPC2, and its resolution of issues relating to compatibility, concerns are expressed in Mr Chrisp's evidence about incompatible land uses. However, it is unclear how an increase in height in Business Zone 6 is in any way incompatible with Fonterra's industrial uses.

13. Further, it is important to note, that the appeal from Fonterra and the signed Consent Order did not address the maximum height restrictions in Business Zone 6. An increase in these maximum height restrictions to 16m, as proposed by HCC, would further help mitigate potential reverse sensitivity effects on the Te Rapa Dairy Factory, acting as a further buffer between the industrial and residential activities.

14. In light of the agreement between the parties (reflected in the Consent Order) regarding residential activities in Business Zone 6, and the ongoing communication between TALUJV and Fonterra, TALUJV finds Fonterra's raising of this matter to be unexpected. TALUJV sees no reason why the maximum height restriction cannot be increased to 16m in Business Zone 6, particularly since Fonterra's position on the matter, as outlined in paragraph 6.7, appears to support an increase in this height limit in principle.

Conclusion

15. As TALUJV and Fonterra are neighbours, TALUJV are consistently in communication with Fonterra, and welcome any further discussion that may be required.

16. TALUJV remain committed to mitigating reverse sensitivity activities as seen through PPC2 to continue delivering the live, work, play vision for Te Awa Lakes and the broader northern node of Hamilton.

17. TALUJV support HCC’s proposed increase in maximum height restrictions for the Business Zone 6 as stated in the evidence from Dr Juliana Reu Junqueira.

Dated at Hamilton this 14 August 2024

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Mr B Tyson