Before Hamilton City Council Independent Hearings Panel

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Plan Change 12 to the Hamilton District Plan

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STATEMENT OF REBUTTAL EVIDENCE OF AARON COLLIER FOR TE AWA LAKES (AND OTHERS)

14 August 2024

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1. Qualifications and Experience

1.1 My full name is Aaron Mark Collier.

1.2 I am a Planner at Collier Consultants Limited. I set out my relevant qualifications and experience in my Statement of Evidence dated 24th July 2024. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Code of Conduct for Expert Witnesses contained in the Environment Court of New Zealand Practice Note 2023. I have complied with the Code of Conduct in preparing this further statement and I agree to comply with it while giving any evidence before the Hearings Panel. This written 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 expressed in this evidence.

2. Scope of Evidence

2.1 This Statement of Evidence responds to the planning evidence of Mark Chrisp (on behalf of Fonterra) which raises the need for additional policies not addressed in my primary evidence.

3. Evidence of Mark Crisp

3.1 In preparing this further evidence I have reviewed Mr. Chrisp's evidence dated 24th July 2024. For context I have also reviewed Mr. Chrisp's evidence given on behalf of Fonterra at the hearing for Private Plan Change 2 (Te Awa Lakes). This plan change rezoned Te Awa Lakes land and is recent (having occurred in 2020). Having also reviewed the Consent Order for the plan change and the evidence of Ben Tyson (on behalf of Te Awa Lakes), I conclude that Fonterra's main concern with Plan Change 2 was the issue of reverse sensitivity.

3.2 In relation to Te Awa Lakes and Plan Change 12, Paragraph 7.2 of Mr Chrisp's evidence suggests that the Hearings Panel should accept the HCC staff recommendation to retain the status quo (as sought in Fonterra's submission and further submission) and all associated planning provisions for the Te Awa Lakes precinct. However, this is at odds with the provisions included in Attachment A to Mr. Chrisp's evidence. For the Te Awa Lakes precinct, Mr. Chrisp proposes to insert a new reverse sensitivity policy (Policy 4.3.2.4 (f)) as follows:

> *The development ensures reserve sensitivity mitigation measures avoid or minimise effects, including reverse sensitivity effects on lawfully established industrial sites and activities, including dairy manufacturing and associated sites.*

3.3 It is my opinion that this new policy is not required. Within the specific Te Awa Lakes chapter of the Operative District Plan (as per Private Plan Change 2), there is an existing reverse sensitivity objective as follows:

3.8.1.4. *Reverse sensitivity effects are avoided or minimised.*

3.4 This objective is supported by the following reverse sensitivity policies:

3.8.1.4 (a) *require noise sensitive activities to protect themselves from the adverse effects of the operation of industrial activity.*

3.8.1.4 (b) *ensure that reverse sensitivity effects on nearby industry and transport networks are avoided, remedied, or mitigated.*

3.8.1.4 (c) ensure that residential activity in the Business 6 Zone are set back from Hutchinson Road.

3.5 These existing reverse sensitivity policies are explicit to Te Awa Lakes, are zone specific in their nature, and are proposed to be retained.

3.6 I consider it appropriate for policies to relate principally to a zone and its full range of activities rather than being narrowed to relate to specific activities. In this instance the industrial zone provides for a wide and diverse range of activities.

3.7 Fonterra are not a Requiring Authority and therefore a zone approach when dealing with reverse sensitivity continues to be appropriate.

3.8 The new reverse sensitivity policy 4.3.2.4 (f) proposed by Mr Chrisp repeats/replicates reverse sensitivity policies already contained within policies 3.8.1.3(a)-(c) of the Operative District Plan.

3.9 One further matter which I wish to respond to is amendments to Chapter 4 (Residential) policies referred to in Attachment A of Mr Chrisp's evidence.

3.10 These provisions (with Mr Chrisp's changes underlined) are as follows:

(a) Amend Policy 4.1.2.2d:

New buildings and activities shall mitigate effects on and from regionally significant infrastructure <u>and existing non-residential activities</u>.

(b) Amend Policy 4.1.2.2.e:

Residential land uses should be managed to avoid potential effects, such as noise, from arterial transport corridors, and state highways and existing non-residential activities.

(c) Amend Policy 4.1.1.6C

Design measures to minimise reverse sensitivity effects on adjoining non-residential activities and zones, including acoustic insulation and mechanical ventilation.

(d) Amend Objective 4.2.2.2 by adding Policy (d).

Ensure development uses design techniques to minimise reverse sensitivity effects on surrounding non-residential activities and zones, including acoustic insulation and mechanical ventilation.

3.11 These existing policies relate to what I consider to be significant infrastructure, including regionally significant infrastructure, state highways and arterial transport corridors.

3.12 I do not support the amendments proposed by Mr Chrisp to these provisions. Mr Chrisp's underlined amendments would result in the policies relating to all non-residential activities. In my opinion non-residential activities in business zones have a duty under the RMA to manage their adverse effects just like any other activity.

Aaron Collier
Planner
14 August 2024