

Fonterra Limited
92A Russley Road
CHRISTCHURCH 8042

2 September 2019

Hamilton City Council
Private Bag 3010
HAMILTON
3240

Dear Sir / Madam

RE: FONTERRA LIMITED SUBMISSIONS ON PROPOSED PLAN CHANGE 6

Fonterra Limited (Fonterra) wishes to make the following submissions on the Proposed Plan Change 6 (PC 6) to the Hamilton City Operative District Plan (District Plan).

Fonterra welcomes and supports Council's efforts to improve the efficiency and effectiveness of the District Plan. In general, the proposed amendments improve the clarity of the District Plan and have the potential to reduce or remove unnecessary consenting requirements while still ensuring that its objectives are achieved.

The following submissions relate specifically to provisions that have the potential to affect Fonterra's interests within the City, namely the Te Rapa Dairy Manufacturing Site (Te Rapa site) and Crawford Street Freight Village (Crawford Street site), the Company's offices at 80 London Street and the Company's landholdings within the Te Rapa North Zone. Collectively, these activities contribute significantly to the importance of the dairy sector within the Waikato region.

If you have any questions or would like further information, please do not hesitate to contact Brigid Buckley on 027 886 0431 or via email: brigid.buckley@fonterra.com

Yours sincerely



Brigid Buckley

National Policy and Planning Manager – Global Operations

FONTERRA LIMITED

FONTERRA LIMITED

SUBMISSIONS ON PROPOSED PLAN CHANGE 6 TO THE HAMILTON CITY OPERATIVE DISTRICT PLAN

To: Hamilton City Council
Private Bag 3010
HAMILTON 3240

SUBMITTER: FONTERRA LIMITED

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Fonterra wishes to be heard in support of this submission and will consider combining with others to present a joint case with them at the hearing.

I confirm that I am authorised on behalf of Fonterra Ltd to make this submission.

1. OVERVIEW OF COMMENTS

- 1.1. Fonterra Limited (Fonterra) generally supports the Proposed Plan Change 6 (PC 6).
- 1.2. In the submissions set out in Attachment A, Fonterra is seeking to ensure that PC 6 provides an enabling framework that will facilitate the continued operation and development of the Company's activities at the Te Rapa Dairy Manufacturing Site (Te Rapa site) and the surrounding Te Rapa North Industrial Zone, the Crawford Street Freight Village and the Company's office headquarters at 80 London Street.

- 1.3. Collectively, these facilities support the regional economic significance of the dairy sector. They provide a significant employment base, both directly and indirectly and contribute significantly to the economic strength and resilience of the City and wider region. The ability of the sector to adapt to changing circumstances and to pursue economic development opportunities relies heavily on a supportive statutory planning framework. While recognising the benefits of a regulatory framework, Fonterra considers that the District Plan needs to be clear in its intent and expression and also needs to avoid unnecessary regulation and associated consenting requirements.
- 1.4. The following submission will ensure that these matters are addressed whilst retaining a clear and coherent long-term land use strategy and robust regulatory framework.
- 1.5. Fonterra could not gain an advantage in trade competition through this submission.

2. SPECIFIC SUBMISSION POINTS

- 2.1. Fonterra's specific submissions are provided in **Attachment A**. In respect of these submission points, Fonterra seeks:
 - Where specific wording has been proposed, words or provisions of similar effect;
 - All necessary and consequential amendments to the provisions themselves or to other provisions linked to those provisions submitted on, including any necessary changes to cross references in other chapters; and
 - All further relief that is considered necessary to give effect to the concerns described within Appendix A.

Dated: 2 September 2019



National Policy and Planning Manager – Global Operations
FONTERRA LIMITED

ATTACHMENT A:

FONTERRA LIMITED'S SUBMISSIONS ON PROPOSED PLAN CHANGE 6

TO THE HAMILTON CITY OPERATIVE DISTRICT PLAN

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S REASONS	RELIEF SOUGHT
Chapter 7 – Central City Zone				
1	Rule 7.3a) and b) Alterations and additions <i>Alters the activity status of alterations and additions from Restricted Discretionary to Permitted.</i>	Support	The proposed amendment, in conjunction with new proposed standards, provides a more enabling framework for alterations and additions and removes unnecessary consenting requirements.	Retain Rule 7.3b) as notified.
2	Rule 7.4.2 Building Intensity <i>Deleted</i>	Support	Fonterra supports the deletion of this rule as the intensity of development is already addressed through bulk and location controls that are to be retained.	Delete Rule 7.4.2 as proposed.
3	Rule 7.4.4 Maximum Height Control and Bonuses. <i>Bonus provisions deleted</i>	Support	Fonterra supports the deletion of the bonus provisions as they provide a confusing baseline on which to assess the effects of a proposal. Fonterra supports the retention of the 'no height restriction' in respect of the Height Overlay 1.	Retain Rule 7.4.4 as notified.
4	Rule 7.5.7 Alterations and Additions to Existing Buildings. <i>New Specific Standard</i>	Support in part	Fonterra supports the inclusion of a new standard to provide clarity regarding the circumstances in which an alteration or addition would be classed as a Permitted Activity pursuant to proposed amended Rule 7.3.1b). However, the current wording restricts opportunities to being those where additional gross floor area is restricted to less than 25m ² unless the addition or alteration cannot be seen from a public space. In the context of the Central	Amend Rule 7.5.7a)i) to read: <i>Not be visible from any street or public space adjoining the site.</i> Amend Rule 7.5.7b) to read:

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S REASONS	RELIEF SOUGHT
			City which enables variable building height and where the street layout enables views over longer distances, it is necessary to qualify the requirement that alterations and additions >25m ² gfa should not be visible from a public place. Fonterra seeks that this requirement should be restricted to streets and public spaces immediately adjoining a subject site.	<i>Alterations and additions visible from any street or public space adjoining the site shall not result in more than 25m² of additional gross floor area to the existing building.</i>
Chapter 9 – Industrial Zone				
5	Rule 9.3a) New Buildings and Alterations to Existing Buildings. <i>Amends activity status from Controlled Activity in some circumstances to permitted Activity</i>	Support	The amendment consolidates a number of separate activity listings including 9.3g, h, l and j) which affect Fonterra owned sites and interests. Fonterra supports the amendments to the extent that it retains the permitted activity status of new buildings and alterations.	Retain Rule 9.3a) as notified.
6	9.3g) Light Industrial Activity <i>Omission</i>	Oppose	The current Rule contains an arbitrary restriction on traffic movements such that proposals which exceed the limit (250vpd) require consent as a Restricted Discretionary Activity pursuant to Rule 9.3Il. Fonterra considers that the restriction, and associated Restricted Discretionary consent requirement, is unnecessary. Light industrial activity should be anticipated and provided for within the Industrial Zone, with the traffic effect of development addressed through the existing provisions within Rule 25.14 of the Plan. Additionally, there is no necessity to refer to the need to comply with general and specific standards as this is clearly stated in Section 1 of the Plan.	Amend Rule 9.3g) to delete the following: <i>Where the activity complies with relevant standards in Rules 9.4 and 9.5 and generates < 250 vehicle movements per day.</i>
7	9.3h) Service Industrial Activity <i>Omission</i>	Oppose	The current Rule contains an arbitrary restriction on traffic movements such that proposals which exceed the limit (250vpd) require consent as a Restricted Discretionary Activity pursuant to Rule 9.3Il. Fonterra considers that the restriction, and associated Restricted Discretionary consent requirement, is unnecessary. Service industrial activity should be anticipated and provided for within the	Amend Rule 9.3h) to delete the following: <i>Where the activity complies with relevant standards in Rules 9.4 and 9.5 and generates < 250 vehicle movements per day.</i>

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S REASONS	RELIEF SOUGHT
			Industrial Zone, with the traffic effect of development addressed through the existing provisions within Rule 25.14 of the Plan. Additionally, there is no necessity to refer to the need to comply with general and specific standards as this is clearly stated in Section 1 of the Plan.	
8	Rule 9.3ll) Default Rule for proposals failing Rules 9.3g) and h) <i>Omission</i>	Oppose	Fonterra proposes the removal of reference to traffic generation in Rules 9.3g) and 9.3h) in respect of light and service industrial activities. Accordingly, Rule 9.3ll requires amendment to reflect these changes and remove consenting requirements where proposals exceed 250vpd.	Amend Rule 9.3ll) to delete reference to Rules 9.3g) and 9.3h).
9	9.5.3 Buildings on sites adjoining Major arterial Roads. <i>New Rule</i>	Support	The Rule sets out design and layout standards in respect of developments taking access from a major arterial corridor. Fonterra supports the approach.	Retain Rule 9.5.3 as notified:
10	Rule 9.5.12 Building Setbacks in the Crawford Street Freight Village <i>Reduced setback</i>	Support	The proposed change will assist in achieving the Plan objectives for the Freight Village which aim to optimise the benefits of this regionally significant facility.	Retain Rule 9.5.12a) as notified.
Chapter 12 – Te Rapa North Industrial Zone				
11	Rule 12.4.1 iii) Building Setbacks <i>Omission</i>	Oppose	The Plan Change proposes the amendment of Rules 9.4.1a) and 9.5.12 to reduce the required setback of buildings in relation to local and collector road boundaries. Fonterra considers that the same amendment should be made in respect of the Te Rapa North Industrial Zone where the Plan objectives aim to ensure that industrial land uses are able to establish in the zone in an efficient and effective manner.	Amend Rule 12.4.1iii) to reduce the required building setback from 5m to 3m.
Chapter 25.5 – Landscaping				

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S REASONS	RELIEF SOUGHT
12	Rule 25.5.3.1b)i) Landscaping in the Industrial Zone <i>Omission</i>	Support in part	The Te Rapa North Industrial Zone and Te Rapa Dairy Manufacturing Site are subject to specific landscaping requirements set out within Rule 12.4.6. However, these provisions do not preclude the need for compliance with Chapter 25. The respective provisions are inconsistent.	Amend Rule 25.5.3.1b) to read: <i>Activities in the Industrial Zone (excluding the Te Rapa North Industrial Zone but including Amenity Protection Area)</i>
13	Rule 25.5.4.1 Fences and Walls <i>Clarification</i>	Support	Fonterra supports the clarification regarding the positioning of fences in respect of buffer or planting strips as it will provide flexibility to ensure that planted areas can be maintained whilst ensuring the security of sites.	Retain Rule 25.5.4.1 as notified.
14	Rule 25.5.4.6c) Internal Planting <i>Reduced requirements</i>	Support	Fonterra supports the amendments requiring specimen tree planting per each additional 10 spaces rather than 5.	Retain Rule 25.5.4.6c) as notified
Chapter 25.14 – Transportation				
15	Rule 25.14.4.2f) Parking, Loading Spaces and Manoeuvring Areas <i>Parking standards</i>	Support	Fonterra supports the inclusion within the Rule, of reference to various AS/NZ Standards as an acceptable means of compliance.	Retain Rule 25.14.4.2f) as notified.
16	Rule 25.14.4.3a) Integrated Transportation Assessment Requirements <i>Traffic thresholds for the preparation of Simple of Broad ITA</i>	Support	Fonterra supports the amendments to the Rule and the reduced requirement for ITA preparation and consenting for small scale development.	Retain Rule 25.14.4.3a) as notified.