

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Proposed Private Plan Change 2 to  
the Hamilton City Operative District  
Plan: Te Awa Lakes Private Plan  
Change

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**STATEMENT OF REPLY EVIDENCE OF LALE IEREMIA FOR THE APPLICANT**

**(CORPORATE)**

**25 NOVEMBER 2019**

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**1. INTRODUCTION**

**1.1** My full name is Lale Ieremia

**1.2** I have the qualifications and experience set out in section 2 of my primary statement of evidence dated 29 October 2019.

**2. SCOPE OF EVIDENCE**

**2.1** I have been asked to provide evidence in response to submitter evidence in Proposed Plan Change 2 to the Operative Hamilton City District Plan: Te Awa Lakes ("**PPC2**").

**3. RESPONSE TO SUBMITTER EVIDENCE**

**Hamilton City Council**

*Paragraph 9*

**3.1** At paragraph 9 of Ms Rolfe's evidence she asserts the position that Perry Group should carry the cost of infrastructure and that this should be included as a rule in the District Plan by requiring a PDA. From Perry Group's perspective we are unaware of any similar District Plan rule provisions for developments elsewhere in the City. We acknowledge that further conversations will be required at a later stage as to what the final accounting of development cost will be but expect this is in line with how other developments have been treated through the RMA. It is my experience that these details are finalised at this later stage when the final improvements and development scenario is confirmed. Perry Group is prepared to pay its fair share and note that this share was different during the Special Housing Area (SHA) process. However, as Perry Group is now going through the RMA process it no longer has the regulatory efficiencies which benefitted the SHA.

*Paragraph 12*

**3.2** At paragraph 12 Ms Rolfe claims that the internal water body should have a 20m esplanade reserve around its perimeter. Perry Group cannot accept that. The vision for Te Awa Lakes has always envisaged a mix of public and private lake edges in a well connected open space framework that focuses on key points for people to interact. Furthermore from a development perspective this would be highly detrimental as the higher value water edge land adjacent to the main lake (which will be owned by the

Residents Society) would be underutilised and the planned water edge living dwellings not able to be delivered. These water edge homes are to be a key feature of the Te Awa Lakes, offer a “point of difference”, and along with the riverside houses also underpin the voluntary offer of affordable housing. Mr Broekhuysen also responds to this proposal.

*Paragraph 13*

- 3.3 At paragraph 13 Ms Rolfe, based on brief advice from Mr Parsons (annexed to her evidence), seeks that transport upgrades for walking and cycling (described as “full urbanisation”) be constructed by Perry Group from Te Awa Lakes to the nearest infrastructure on Te Rapa Road, which we understand to be all the way to The Base (intersection of Church Road/Te Rapa Road). This is contrary to the recommendations of both Mr Apeldoorn for Perry Group and Mr Gray, the s 42A report transportation expert, who are in agreement over only more limited works being necessary. It is unclear how this other arm of HCC have come to a different conclusion based on my understanding of the technical discussions to date. This outcome would also not make sense when Perry Group have helped deliver the Te Awa River Ride and promote it as part of the overall focus on recreation, interaction with the River and connectivity to Hamilton. It is acknowledged that improvements will need to be made to this route to make it suitable for commuters. Mr Parsons also refers to the earlier PDA from the Special Housing Area process where a high level of (i.e. not detailed) commitment was made to that type of upgrade. But that has to be seen as part of a totally different process where concessions were required for a much shorter and certain outcome. We are now in quite a different RMA process. In addition, since that time, significant additional traffic modelling and other work has been done which has led to the outcome agreed by Mr Apeldoorn and Mr Gray.

*Paragraph 14*

- 3.4 At paragraph 14 Ms Rolfe seeks a rule which would disperse the affordable housing evenly throughout the development. Te Awa Lakes vision has always been for an integrated community for the full spectrum of people which includes affordable housing. It would not make sense to group all affordable housing in one area as this would be detrimental to the overall value and perception of the development. However, to prescribe so rigidly the spread of affordable housing (10% in each stage) as Ms Rolfe

proposes, could lead to implications and negative outcomes counter to the overall intent of the what Ms Rolfe seeks. This was our experience during the SHA process where HCC sought a similar rule but could not find sufficient certainty to implement the intent without overly prescriptive measures. Practically, there are also some areas which are not suitable for affordable housing such as the River Interface Overlay which has large lots and highly valuable land and the lake edge housing, both of which are commercially important for the development and key funders of the affordable housing. Those are areas where it is not proposed to locate affordable housing. It would not be reasonable therefore to prescribe such an inflexible rule which could overly restrict Perry Group's flexibility and ability to deliver.

### **Waikato Regional Council**

#### *Paragraphs 54 and 66*

- 3.5** At paragraph 54 to 66 and in his Figure 4 Mr Wilson outlines an alternative public transport concept to that proposed for Te Awa Lakes in his Figure 2. While we appreciate the progressive thinking and long term foresight of Mr Wilson to optimise the site for public transport now and in the future, the alternative concept proposal is inconsistent with the important design principles for the high value riverside land which includes large lots and high amenity dwellings. It would have a serious impact on the quality of the whole north-eastern quadrant of development. In addition, the uncertainty of such future options, technology and planning mechanisms make it impractical to have to commit to such a concept and effectively put that area of the site "on hold" and unable to be used for residential. Mr Broekhuysen will address this further.

### **NZTA**

#### *Paragraph 12*

- 3.6** In the evidence of Mr Swears at paragraph 12.9 he considers additional mitigation is required to address outstanding effects. This includes the following;
- 3.7** At paragraph 12.9(a), the lake and adventure park are to be "fully screened". I consider this is going too far and would effectively negate one of the aims of Te Awa Lakes which is to provide an attractive entrance to Hamilton City. I note that the recommendation is not adopted by Ms Heppelthwaite and it is not supported by Perry Group's experts.

- 3.8** At paragraph 12.9(b) Mr Swears supports the view of Mr Wilson (discussed above) to reconfigure the site in a manner that will promote the viability of the public transport routes through the site. While we appreciate this forward thinking the timeframes of these possibilities do not provide the certainty to be able to support this view. The site has been designed in an integrated way to deliver the vision developed collectively through Perry Group and many stakeholders and experts and in consideration of the site's constraints and opportunities.
- 3.9** At paragraph 12.9(c) Mr Swears suggests a community working group to address reducing reliance on private motor vehicles. While we support this kind of community feedback and liaison it is not something we see as specifically required in the plan change for the development. Perry Group continues to explore options for ride sharing and other initiatives as they come about.

#### **Waikato Regional Council**

- 3.10** Mr Keenan in his evidence at paragraph 15 refers to the potential costs for managing the alligator weed post-development, as outlined by Mr Embling in his evidence. Mr Keenan correctly concludes that these costs are small in comparison to overall property values and unlikely to affect the commercial outcomes. The Te Awa Lakes Residents Society could help be responsible for certain parts of the development which are outside of the remit of WRC's obligations. It could also help educate and grow awareness of the weed along with other important environmental information to the community if eradication is not achieved.
- 3.11** Regarding Mr Embling's cost estimate of \$217,210 and \$325,815 per annum (i.e. \$3,503 – \$5,255 per hectare per annum for the 62-hectare site). I would point out that this estimate seems to assume that the whole site will be capable of sustaining alligator weed. In reality the site will be developed with a mixture of roads, open space, buildings, and water bodies which will limit the available space for alligator weed to grow. The restricted place notice also does not cover the entire site and excludes approximately 7.5 hectares of the Te Awa Lakes site where development has already partially occurred including the Te Rapa Service Centre and adjoining subdivided lots which are vacant and have not been contaminated despite being the only access for the site. With this in mind the costs for management will be substantially less. It is also unclear whether Mr

Embling's estimate assumes the entire development is larger lot standalone houses as depicted in his evidence, or a mix of densities with apartments with higher site coverage which would again limit where alligator weed could be found.

#### **Future Proof**

- 3.12** I note that in Mr Tremaine's evidence he believe the RPS is being given effect and is support of PPC2.

#### **Fonterra Limited**

- 3.13** I have also read the evidence of Ms Buckley and make the following comments
- 3.14** At paragraph 2.2 and repeated at paragraphs 7.1, 7.3, 7.3 and 7.5, Ms Buckley claims that Te Awa Lakes "will result in significant adverse reverse sensitivity effects on nearby industrial land uses and in particular the Te Rapa Dairy Factory" and there will be "significant disruption to the Factory." I have not seen any expert evidence to justify such assertions and believe these claims are greatly overstated.
- 3.15** Likewise I can see no objective basis for her claim at paragraph 2.2 and elsewhere that reverse sensitivity effects could result in limited or re-investment being undertaken at their Te Rapa site. The reality is that reverse sensitivity effects appear to be minimal or non-existent. At paragraph 2.3 Ms Buckley references the dairy industry's contribution to the local and national economy. Perry Group acknowledges this significance however believes that this should not be to the detriment of other opportunities for economic development and housing.
- 3.16** Perry Group have invested significantly in the Te Awa Lakes planning and design process as well as through further land acquisition between Hutchinson Road and Fonterra. Perry Group intend to develop this land for non-residential purposes in due course. Fonterra has also purchased land in this area referenced in Ms Buckley's evidence at paragraph 4.3. While Fonterra assert a general desire to expand or develop their surrounding land we have seen no real indication of this through evidence or behaviour. Fonterra's landholding and further acquisition especially in the case of the block on Hutchinson Road seem to be motivated by protectionism rather than development or expansion.

- 3.17** At paragraph 4.4 Ms Buckley refers to the \$20m expansion to Fonterra's cream cheese operation in 2017 which she says was confirmed on the basis that Te Rapa North would continue to be surrounded by industrial. PPC2 was notified in October 2017 and well prior to then, had been consulted on widely as a concept including with Fonterra so was well-known to them. In addition, the SHA was being processed around that time. So the prospect of a land use change was very real. Yet this expansion by Fonterra was confirmed and delivered. This is inconsistent with the message of halting investment or operations because of TAL. For the reasons given above, I also cannot see that the very low level of any reverse sensitivity effects would ever be determinative of investment decisions.
- 3.18** At paragraph 4.9 regarding the needs and expectations of stakeholders and community. Perry Group regularly attend the yearly neighbours' meeting held by Fonterra and from the information shared at those meeting I understand that Fonterra operate comfortable within capacity. indicating that the site performs well with minimal off-site effects on other land. This is also related to the compliance costs noted by Ms Buckley at paragraphs 6.5 and 6.7 which one would expect Fonterra has capacity to absorb in their business overheads. All responsible businesses, including Perry Group and Fonterra, have to see environmental compliance and participation costs as part of normal business operations. It is hard to imagine Te Awa Lakes causing a "significant disruption to the factory" and increase to what Fonterra already allows for within its current business structure. We note Fonterra's commitment to environmental performance and continuous improvement, which we applaud and believe will further lessen potential future risks.
- 3.19** At paragraph 5 Ms Buckley outlines Fonterra's establishment through the DIRA legislation, etc. We understand this is undergoing reform and which Fonterra has submitted on to amend the limitations on Fonterra. This coupled with increased competition and their new business strategy would suggest that the prospect of expansion of whole milk powder production is lessened in favour of internal optimisation and value added products.
- 3.20** At paragraph 7.5 regarding Perry Group's submission on Fonterra's recent air and River discharge renewal consents, I reject the claim from Ms Buckley that this was motivated by the intention to develop the Te Awa Lakes land for residential purposes. As already explained, the effects of Fonterra's activities on Te Awa Lakes is of no concern. Perry

Group had recently purchased land however directly adjoining Fonterra and we wanted to ensure in our submission in support of the grant of consents, that the effects produced by Fonterra would be in line with the best practice. In my opinion, that is a reasonable request for an immediate neighbour. Perry Group must also consider its stakeholders such as Turangawaewae Marae who are members of our mana whenua group and who submitted to seek improvement of the treatment of the River. Fonterra offered \$100,000 (inclusive of GST) for river restoration to satisfy submitter concerns. This was not taken up. Perry Group itself has since been largely satisfied over the proposed effects subject to agreement between Fonterra and the Waikato Regional Council on the conditions for the discharge consents. This process also helped Perry to better understand the Te Rapa Site's operation and effects which was otherwise difficult to receive through consultation with Fonterra who would not share this information. This further established, as an aside, that the Factory activities with its potential effects could certainly co-exist with the more distant Te Awa Lakes land.

**3.21** At paragraph 8.1 Ms Buckley refutes the assertion that Fonterra stopped talking with Perry Group after the Minister's decision to decline the SHA was made. For clarity I would point out that my evidence states Fonterra stopped talking about mitigation. This is reflected in paragraph 8.2 where Ms Buckley states that Fonterra's issues are still not appropriately addressed after two years, however leaves no further detail on what these issues are and how they might be addressed.

**3.22** I will now address Mr Chrisp's evidence. In paragraph 8.2 he states that the majority of the proposed rehabilitation of the quarry has not occurred within the indicated timeframes which he suggests to be a breach of the relevant consent conditions. He points to a high level reinstatement plan from 2012 to support this claim. It is unclear exactly where Mr Chrisp believes the non-compliance lies. It appears to be regarding the unfilled lakes which Mr Olliver will address in his evidence. With regards to the inexact sequence of mining operations, this could be due to a number of factors such as the market demand for aggregate and disposal of clean fill, variabilities in the ground or other operational factors and externalities. In October 2019, Perry Group met on site with an HCC compliance officer who was satisfied that the site is meeting the consent conditions to date and that full rehabilitation is yet to occur. A copy of this correspondence is below.



**Paul Radich [TAL]**

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**From:** Peter Kirk <Peter.Kirk@hcc.govt.nz>  
**Sent:** Wednesday, 30 October 2019 12:49 PM  
**To:** Paul Radich [TAL]  
**Subject:** RE: Hutchinson Road Quarry Documentation

Thanks Paul for your time today.

I understand the site is generally in a state of maintenance and disestablishment while awaiting the outcome of the change in land use. It is noted that quarrying activities have effectively ceased on site, and the current activities are limited to the processing of imported sand - drying and dispatch, general storage, bee hives and grazing.

It is noted that there has been temporary reinstatement of the site, and full rehabilitation of areas as identified in the Management Plan Version 3 dated 18 September 2012 is yet to occur. The results of soil testing and copies of the contour plans are to be submitted upon completion of rehabilitation for each mining stage. Condition 38 refers.

The forestry planting area on the river side within the site remains in place as per condition 26.

From a compliance perspective, I am satisfied the site is meeting the consent conditions to-date and that there are no current issues.

Regards.

Peter R Kirk  
Senior Compliance Officer  
Planning Guidance Unit  
HAMILTON CITY COUNCIL  
DDI: 07 8386559 Mob: 021823112 Email: peter.kirk@hcc.govt.nz

- 3.23** Mr Chrisp then goes on to discuss the site's industrial viability. It should be highlighted that this is not the determining factor for Perry Groups decision to pursue a land use change but an additional factor.
- 3.24** In section 9 Mr Chrisp addresses reverse sensitivity. There is nothing in this section which would change Perry Group's view that this risk is low and manageable. At paragraph 9.8 he states a worst case scenario that the presence of sensitive land uses could foreclose the development of industrial activities. This seems alarmist and contrary to the technical expert evidence in this case that demonstrates reverse sensitivity is not an issue and contrary to how many other areas operate in New Zealand where residential and industrial operate in close proximity.
- 3.25** At paragraph 9.10 Mr Chrisp refers to our expert's evidence on air quality and points out that most of the complaints about odour have been from the eastern side of the River

because that is where the highest number of houses are located. The point being that if Te Awa Lakes were to be approved it would increase the number of sensitive receptors and likely complaints. Perry Group rely on our own evidence from Mr Pearce and further note that it has operated on the Hutchinson Road site for 20 years so has a level of knowledge and experience which allows the comfort to proceed with the development from an odour perspective. As one illustration of our own experience of odour from Fonterra not being an issue at Te Awa Lakes Attached is a Fonterra odour survey completed during the quarry operation in 2013 to support this.

**Lale Ieremia**

**25 November 2019**

31 July 2013



Dear Neighbour

**FONTERRA - TE RAPA DAIRY MANUFACTURING SITE – ODOUR SURVEY**

Fonterra Te Rapa has recently received some feedback from neighbouring properties in relation to odour. To help us better understand the issue, we are undertaking an odour survey to gather further information.

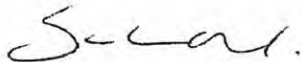
We would appreciate it if you could fill out the attached odour survey form, even if you don't notice any odours, and return it in the self-addressed envelope enclosed, or alternatively scan and email to: [sarah.pond@fonterra.com](mailto:sarah.pond@fonterra.com).

Over the coming dairy season (now – May 2014) we may also be asking our neighbours if they would keep what are called 'Odour diaries'. This is a method of recording details of any odour incident and feeding this information back to the site so that we can try to identify the cause of the odour.

There is space on the attached questionnaire to indicate whether you would be willing to assist us with that in the future.

Thank you very much for taking the time to complete the questionnaire.

Yours faithfully



Sarah Pond

**Environmental Team Lead – Te Rapa**

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1975-1976

1976-1977

1977-1978

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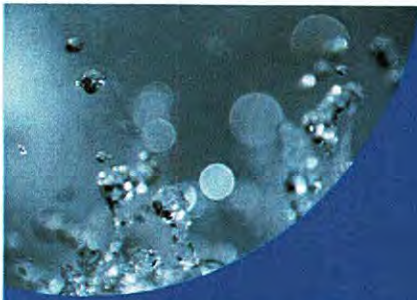
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# Fonterra Te Rapa

Community Odour Survey – July 2013

Fonterra Te Rapa has recently received some feedback from neighbouring properties in relation to odour. We were not aware of the issue and therefore are undertaking an odour survey to gather further feedback to assist us with understanding the problem and how frequently and extensive the odour occurs so that we can take action to prevent the odours occurring.

We would appreciate it if you could complete this survey, even if you don't notice any odours, and return it in the self-addressed envelope enclosed, or alternatively scan and email to: sarah.pond@fonterra.com

- How long have you lived in this location? Sand quarry sink mid 1995
- Do you rent or own the property? owned by Horotui farms
- Do you occupy the property yourself? work from this site
- Are you normally home during the day on week days? If so, please estimate how many days from Monday to Friday that you would normally be home.

Yes / No 5 days at home work

- Have you noticed odour that you attribute to the Fonterra Te Rapa dairy manufacturing site over the last six months or so, and if so, how often do you notice an odour?

Yes  No \_\_\_\_\_ times per month

- Is there any particular time of day, time of year or weather conditions when an odour that you think is from the Fonterra site is more noticeable, and if so, when?

N/A

- When you notice an odour that you think is from the Fonterra site, how strong is it normally?

- Very strong
- Strong
- Distinct
- Weak
- Very weak

- How long is the odour noticeable (minutes or hours) and is it intermittent?

N/A

- Could you describe the nature of the smell you associate with the Fonterra site?

- |                  |             |                         |
|------------------|-------------|-------------------------|
| Boiling milk     | Fishy       | Smokey                  |
| Ammonia/chlorine | Dead animal | Other (please describe) |
| Rotten eggs      | Sewer       |                         |

N/A

10. How would you describe your overall feelings about odour from the Fonterra site?

Not at all annoying

Not very annoying

Quite annoying

Very annoying

11. Please indicate which part of the neighbourhood you live in. This will help us to identify how widespread any odours are:

a) East of the Site, across the river on River Road

b) North of the Site, towards Horotiu

c) South of the Site, in vicinity of Meadowview Lane/Pukete Road

12. Is there anything else that you would like to provide feedback on?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact Details**

Please provide your contact details below. Please note that this is kept as confidential. Please leave blank if you would prefer to remain anonymous:

Name: Phill Hunter Perry Resources (2008) Ltd

Residential address: 21 Hutchinson Road

Postal address (if different): P.O. Box 33 Horotiu

Phone number: 021-2758277

**Odour Diaries**

Over the coming dairy season we are considering asking our neighbours if they would keep what are called 'Odour diaries' - a method of recording details of any odour incident and feeding this information back to the site so that we can try to identify the cause of the odour and relating this to any specific activities on site on the day the odour occurs.

Would you be prepared to assist us by keeping an odour diary please indicate confirm this and complete contact details.

Yes/ No

① no smells on this site  
② after indoors in A/c offices  
③ Happy to notify you if we do smell anything!

We look forward to hearing from you and thank you for your assistance.

Sarah Pond

Environmental Team Lead - Te Rapa

Email: [Sarah.pond@fonterra.com](mailto:Sarah.pond@fonterra.com)

Phone: 07-849 7852