

IN THE MATTER

of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER

of Proposed Plan Change 2 to the Hamilton City
District Plan – Te Awa Lakes Private Plan Change

LEGAL SUBMISSIONS ON BEHALF OF PORTS OF AUCKLAND LIMITED

27 NOVEMBER 2019

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1. INTRODUCTION

- 1.1 These submissions are made on behalf of Ports of Auckland Limited ("**POAL**") in relation to Proposed Private Plan Change 2 to the Hamilton City District Plan – Te Awa Lakes Plan Change ("**Plan Change**").
- 1.2 POAL submitted in opposition to the Plan Change when it was notified in 2017 on the basis of potential adverse effects on POAL's Horotiu Inland Freight Hub, including (among other things) reverse sensitivity and transport effects.¹ The Plan Change was subsequently updated on 21 August 2019 with amended rules relating to, though not specifically addressing, POAL's concerns.²
- 1.3 POAL has subsequently been involved in ongoing discussions with Perry in relation to its submission and have reached agreement on the matters raised therein. POAL has reached agreement with Perry Group on changes to the Plan Change to address POAL's concerns, should the Plan Change be approved. POAL does not have a view on the overall merits of the Plan Change.

Evidence

- 1.4 Fonterra will call evidence from the following witnesses:
- (a) **Mr Mark Arbuthnot** (Planning) – Director at Bentley & Co. Limited. Mr Arbuthnot's evidence will address the changes agreed between POAL and Perry and explain why these are appropriate to resolve POAL's concerns; and
 - (b) **Mr Dave Smith** (Transport) – Technical Director, Transportation Planning at Abley Transportation Consultants. Mr Smith's evidence explains the amendments agreed between Perry and POAL relating to transport matters and explains why those changes are justified.
- 1.5 Mr Alistair Kirk, General Manager of Infrastructure and Property for POAL, will also be available to respond to any queries.

¹ Submission on behalf of POAL on Proposed Plan Change 2 (Submission 52), dated 29 November 2017.

² Te Awa Lakes Updated Request for Plan Change, Bloxam Burnett & Olliver, dated 21 August 2019 at [5.12.18].

Structure of submissions

- 1.6 These submissions will address the following matters:
- (a) POAL's interests and operations in Hamilton City and the Waikato Region; and
 - (b) the agreement reached between POAL and Perry Group in relation to POAL's concerns.

2. POAL IN HAMILTON CITY AND THE WAIKATO REGION

- 2.1 POAL was established as a port company under the Port Companies Act 1988, and has more than 550 employees.³ In addition to operations at the Port of Auckland and three inland freight hubs at Wiri in South Auckland, Mt Maunganui and Longburn, POAL is in the process of establishing an inland freight hub at the Horotiu Industrial Park.⁴
- 2.2 The first stage of the Waikato Freight Hub at Horotiu, which is being established on 33ha of land, was opened in April 2019.⁵ The location of the Freight Hub, within the Horotiu and Te Rapa Strategic Industrial Nodes, was selected due to the surrounding land uses, which are predominantly rural and industrial in nature. The site also provides access to the Waikato Expressway and North Island Main Trunk railway and, once completed, will consist of rail sidings, pavement container yards and warehouse and distribution activities.⁶
- 2.3 The Waikato Freight Hub will generate significant economic benefits to the Waikato region (through access to an "end-to-end" supply chain) and also more widely to importers and exporters throughout New Zealand.⁷ In terms of employment, the Waikato Freight Hub is anticipated to generate 300 full time equivalent jobs, and associated flow on effects for secondary employment in other service industries such as transport.⁸

³ Evidence of Mark Arbuthnot, dated 18 November, at [3.1].

⁴ Evidence of Mark Arbuthnot, dated 18 November, at [3.2].

⁵ Evidence of Mark Arbuthnot, dated 18 November, at [3.2].

⁶ Evidence of Mark Arbuthnot, dated 18 November, at [3.2].

⁷ Evidence of Mark Arbuthnot, dated 18 November, at [3.3].

⁸ Evidence of Mark Arbuthnot, dated 18 November, at [3.3].

3. POSITION OF POAL

3.1 As will be explained in more detail in the evidence of Mr Arbuthnot and Mr Smith, Perry has agreed to the following amendments to the Plan Change to address POAL's concerns:⁹

- (a) acknowledgement of the significance of the strategic industrial nodes in the Te Awa Lakes Structure Plan and recognition of the ongoing presence of industry in the area that has the potential to produce adverse effects within the Structure Plan area (which requires reverse sensitivity effects to be minimised);
- (b) the inclusion of an objective and policy that requires reverse sensitivity effects to be minimised and for noise sensitive activities to protect themselves from the adverse effects of industrial activity operations;
- (c) the addition of further policies to "ensure safety, efficiency and long term sustainability of the transport network";
- (d) a requirement for further assessment of the capacity and safety of the Horotiu Interchange after 500 dwellings are occupied;
- (e) the inclusion of reverse sensitivity as a matter of discretion and assessment criteria for restricted discretionary activities in the relevant section of the plan for Te Awa Lakes;
- (f) amendments to the notification provisions to enable the effects of development on any person to be considered where the relevant living spaces are not orientated to address reverse sensitivity effects,
- (g) amendments to require consultation with POAL where an Integrated Transport Assessment is required;
- (h) amended noise performance standards; and
- (i) further cross references and minor amendments to increase clarity and consistency, including, for example, the addition of links back to the objectives and policies of the Te Awa Lakes Structure Plan Area for the assessment criteria for Land Development Plan proposals.

⁹ These amendments are set out in full in the evidence of Mark Arbuthnot, dated 18 November, at Section 8 and Annexure A.

4. CONCLUSION

- 4.1 Should the Plan Change be approved, the matters outlined in section 3 of these submissions should be included, as agreed between POAL and Perry Group.

DATED 27 November 2019

Daniel Minhinnick / Tom Atkins
Counsel for Ports of Auckland Limited

