

Plan Change 14: Mangaone Precinct & C10 Industrial Growth Cell - Hautapu

Incorporating

**Decisions of the Hearing Panel and
Section 32AA Evaluation Report**

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Report Information

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Executive Summary

Waipā District Council notified Proposed Plan Change 14 – Mangaone Precinct & C10 Industrial Growth Cell – Hautapu (**PC14**) on 20 June 2024. PC14 seeks to bring forward the development of part of the post-2035 C10 Growth Cell and to rezone an area of approximately 79ha from Rural Zone to Industrial Zone.

A total of 15 submissions, and three further submissions were received, making a number of submission points to various parts of PC14.

A hearing was held on 6 March and 8 April 2025. After hearing from submitters, the Hearing Panel has made decisions on each submission and further submission.

The Panel has determined that PC14 is to be approved and that amendments to the Waipā District Plan are made as detailed in Part C, for the reasons as outlined in Parts A and B of this report.



Part A – Decision Report

Part A – Decision Report

1 Introduction and Decision

1.1 Introduction

- 1.1.1 This decision is made on behalf of the Waipā District Council (**Council**) by Independent Hearing Commissioner Dave Serjeant (Chairperson) and Councillors Clare St Pierre and Roger Gordon (all comprising **the Panel**) appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (RMA).
- 1.1.2 The Panel have been given delegated authority by the Council to make a decision on Plan Change 14 (**PC14**) to the Waipā District Plan (Operative 14 August 2017) after considering all the submissions, the section 32 evaluation, evidence presented during the hearing, and the reports prepared by the officers, including the reply at the conclusion of the hearing.
- 1.1.3 PC14 was originally promoted in May 2024 as a private plan change by Fonterra Limited (**Fonterra**) seeking to bring forward the development of part of the post-2035 C10 Growth Cell. The proposed plan change was presented to the Strategic Policy and Planning Committee on 5 June 2024 at which it was decided that the plan change be adopted and publicly notified by Council.
- 1.1.4 Public notification was undertaken on 20 June 2024 with submissions closing on 19 July 2024. During the submission period a total of 15 submissions were received and during the further submission period a total of three further submissions were received.

1.2 Procedural Matters

- 1.2.1 The section 42A report details the background of the adoption process including that Fonterra both prepared the plan change information and agreed to funding the PC14 process up to the point of notification. At that point the ‘ownership’ of PC14 transferred to Council and the recommendations of staff relied on their adoption of the Fonterra information, subject to the review of the information as presented in the section 42A report.
- 1.2.2 The Panel sought clarification of the independence of the section 42A report authors from the Council’s decision to adopt PC14 and this was provided by Mr Skilton, the District Plan Team Leader prior to the hearing. The section 42A report authors were:
- Ms Hayley Thomas, Project Planner for the Council;
 - Mr Bryan Hudson, Manager Transportation for the Council; and
 - Mr Tony Coutts, Principal Engineer for Growth for the Council.
- 1.2.3 The section 42A report also relied on independent reviews of economic and landscape matters as follows:
- Economic matters, including the report by Property Economics commissioned by Fonterra and PC14 submissions, were reviewed by Mr Greg Akehurst of Market Economics Limited; and
 - Landscape matters, focussing on the industrial/rural interface and the Urban Design Statement prepared by Harrison Grierson and PC14 submissions, were reviewed by Mr

Ben Frost of Beca Limited.

- 1.2.4 At the commencement of the hearing, Councillors St Pierre and Gordon both advised that they were not involved with the decision by the Council to adopt PC14 and were consequently sitting on the Panel as independent commissioners and without any conflicts of interest.

1.3 Hearing

- 1.3.1 PC14 was heard by the Panel on 6 March and 8 April 2025. The following record of attendance is provided as a minute of the hearing:

Table 1: Submitters in attendance

Submitter name	In attendance
Kama Trust	Malcolm and Ashley Boyd (Representatives)
	Michael Hall (Transport)
Waikato Regional Council	Katrina Andrews (Planning)
Fonterra	Daniel Minhinnick (Legal)
	Mark Chrisp (Planning)
	Lisa Jack (Landscape)
	Graham Ussher (Ecology)
	Tim Heath (Economics)
	Mark Apeldoorn (Transport)
	Suzanne O'Rourke (Corporate)
Lesley Dredge	Lesley Dredge
Reon Taylor	Reon Taylor
Henmar Trust	Phil Lang (Legal)
	Mary and Louise Bourke (Representatives)

Table 2: Waipā District Council Team in attendance

Council Attendees	
Hearing Secretary	Deborah Holmes
Hearing Technical Support	Zoe Vincent
Governance Support	Jo Gread
Reporting Planner	Hayley Thomas
Team Leader District Plan	Peter Skilton
Engineering	Tony Coutts
Transport	Brian Hudson
Economics	Greg Akehurst (Market Economics Ltd) online
Landscape	Ben Frost (Beca Limited) online

Tabled Evidence

1.3.2 All submissions and evidence given in relation to the hearing were made available to all parties pursuant to the Panel's directions¹. This includes the following submissions and evidence from submitters who, following the receipt of the section 42A report and/or further consultation with Council, did not wish to attend the hearing but wanted their further submissions to be placed on record and considered by the Panel:

- Letter dated 26 February 2025 from the Department of Conservation addressing matters in the submission by the Director-General of Conservation; and
- Letters dated 17 February 2025 and 20 February 2025 from Transpower addressing its submission and further submission points.

1.4 Site Visit

1.4.1 Prior to Hearing Day 1 the Panel undertook a site visit of the PC14 area. We noted the location of submitters and important features of the local surroundings.

1.5 Format of Decision Report

1.5.1 This decision contains three parts. Part A contains the decision report, Part B contains the decision on Submissions and Further Submissions, and Part C contains a tracked change version of the District Plan amendments.

1.6 Decision

1.6.1 Pursuant to clause 10 of Schedule 1 of the RMA, the Panel decided that:

- (a) proposed Plan Change 14 be approved;
- (b) the submissions are either accepted in whole or in part, or rejected, as set out in Part B of this decision report; and
- (c) amendments to the Waipā District Plan are made in accordance with Part C of this decision report.

2 Overview of Plan Change 14

2.1.1 The Executive Summary of the main application document prepared for Fonterra by Mitchell Daysh provides the following information on PC14 and its District Plan context.²

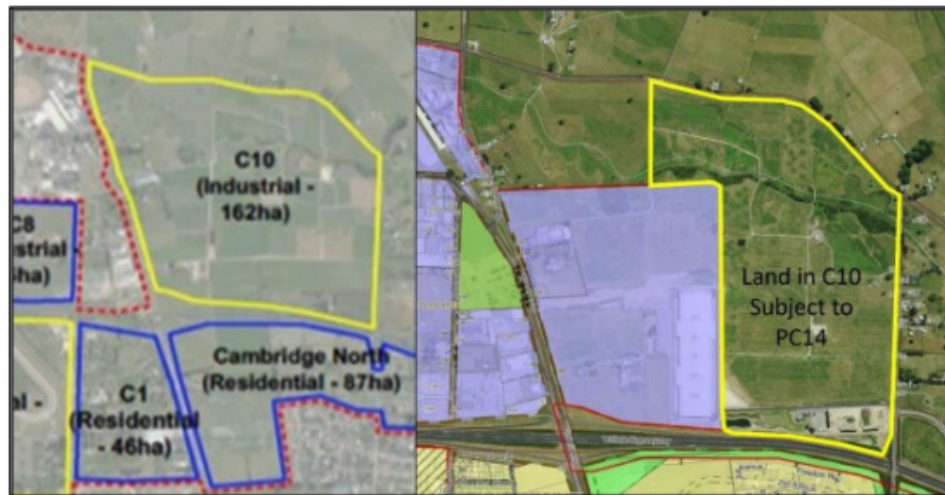
The purpose of the Proposed Plan Change 14 to the Waipā District Plan is to rezone approximately 79.2 ha of land at Hautapu from Rural Zone to Industrial Zone (referred to as the "Mangaone Precinct" – being the name that has been gifted by Ngāti Hauā and Ngāti Korokī Kahukura). The Mangaone Precinct is within the C10 Industrial Growth Cell (bounded by Swayne Road and Zig Zag Road) earmarking it for future industrial development as

¹ See <https://www.waipadc.govt.nz/our-council/waipā-district-plan/waipā-district-plan-plan-changes/current-publicly-notified-plan-changes/proposed-plan-change-14-rezoning-part-of-c10-growth-cell>

² This text does not contain abbreviations shown in the original to avoid repetition in this decision

shown in Figure 1 below.

Plan Change 14 is effectively Stage 2 of the of the C10 Industrial Growth Cell being rezoned to Industrial Zone. Stage 1 was the creation of the Bardowie Industrial Precinct located immediately to the west of the Mangaone Precinct (shown in purple on Figure 1). It involved rezoning approximately 56 ha of land owned by Bardowie Investments Limited (BIL) and Shoof Properties Limited within the C10 Industrial Growth Cell to Industrial Zone by way of Plan Change 11 to the District Plan in 2018.



The majority of the land to be rezoned as part of Plan Change 14 is known as the “Bardowie Farm” (comprising 71.4 ha) owned by Fonterra located on the corner of Swayne Road and Zig Zag Road. It is one of several farms owned by Fonterra used for the spray irrigation of wastewater as part of the operation of the Hautapu Dairy Factory located at Hautapu approximately 4km north of Cambridge. The southern portion of the area proposed to be rezoned Industrial is an area of land known as the “Kiwifruit Block” (comprising 7.8 ha) owned by BIL that adjoins the Waikato Expressway and has now been largely developed and/or consented for industrial purposes (i.e. for stormwater management purposes and a maintenance facility) in conjunction with existing and proposed activities within the Bardowie Industrial Precinct which adjoins the Kiwifruit Block to the west (Figure 2). For that reason, the various technical reports supporting Plan Change 14 relate to the undeveloped /unconsented part of the land that is the subject of Plan Change 14 (i.e. the Bardowie Farm).



- 2.1.2 The Section 42A report also contains the following information on the purpose and content of PC14:

PC14 seeks to bring forward the development of part of the post-2035 C10 Growth Cell. This is proposed to be achieved through the rezoning of the land from Rural Zone to Industrial Zone and amending the Operative Waipā District Plan as follows:

- *Rezone the following land parcels from Rural Zone to Industrial Zone;*
 - *Lot 2 DP 529042; and*
 - *Sections 1, 4 and 7 SO 499872.*
- *Insert new Appendix S27 – Mangaone Precinct Structure Plan;*
- *Amend Appendix S20 – Bardowie Industrial Precinct Structure Plan;*
- *Add new definitions and amend objectives, policies, performance standards and assessment criteria to the following sections of the Waipā District Plan:*
 - *Part B – Definitions;*
 - *Section 7 – Industrial Zone;*
 - *Section 15 – Infrastructure, Hazards, Development and Subdivision;*
 - *Section 16 – Transportation; and*
 - *Section 21 – Assessment Criteria and Information Requirements.*

- 2.1.3 The section 42A report also identified key elements of the Mangaone Precinct Structure Plan as follows:

- *Protection and enhancement of the Mangaone Stream and associated wetlands and ecology (including bat habitat) with the potential for a network of pedestrian and cycle paths to be provided;*
- *The identification of a Collector Road and Local Roads, as well as points of connectivity to the wider roading network;*
- *Stormwater detention and management devices (precise locations to be confirmed at the subdivision consenting phase);*
- *A Central Focal Area that will provide for small-scale retail and service activities to establish that will service the day-to-day needs of the industrial businesses in the area; and*
- *Proposed landscaping treatments at the site edges (particularly along the Mangaone Stream, Swayne Road and Zig Zag Road).*

3 Submissions and Further Submissions

3.1 Topic Areas and Related Submissions

- 3.1.1 The submissions and further submissions were grouped by the section 42A report into the topic areas listed below. The decisions on submissions will adopt this same topic area format.³ However, by the time the matter came to hearing several of the topics and related submissions had been largely agreed. Our analysis of the topics and submissions will

³ The Panel did not include the 'Rezoning' topic as referred to in the section 42A report as we considered the substantive matters in the relevant submission by Henmar Trust have been addressed in other topics such as the rural interface, transport and stormwater.

therefore focus on those topics that were still in contention at the time of the hearing:

- Topic 1 - All of Plan Change;
- Topic 2 - Bats;
- Topic 3 - Economic;
- Topic 4 - Industrial Zone Activities;
- Topic 5 - Infrastructure Capacity/Stormwater;
- Topic 6 - Kiwifruit Block;
- Topic 7 - Mangaone Stream;
- Topic 8 - National Grid Yard;
- Topic 9 - Rural/Rural Interface;
- Topic 10 - Structure Plan; and
- Topic 11 - Transport.

3.1.2 Sections 3.2 to 3.12. of this decision provide discussion and our findings under these topic headings. Table 3 shows which submitters lodged a submission point on the various topics.

Table 3: Topic and Submitter number and name

Topic	Submitter
All of Plan Change	1 – T M West 5 – Fonterra Ltd 6 – Kama Trust 7 – Bardowie Investments Ltd 10 – Waikato Regional Council 13 – Geoffrey and Beverly Laurent 14 – Fire and Emergency New Zealand FS1 – Henmar Trust FS2 – Fonterra
Bats	10 – Waikato Regional Council 12 – Director-General of Conservation FS2 – Fonterra FS3- Forest & Bird
Economic	6 – Kama Trust 8 – Lesley Dredge 10 – Waikato Regional Council FS1 – Henmar Trust FS2 – Fonterra Ltd
Industrial Zone Activities	7 – Bardowie Investments Ltd 9 – Henmar Trust 10 – Waikato Regional Council FS1 – Henmar Trust FS2 – Fonterra Ltd
Infrastructure Capacity/ Stormwater	6 – Kama Trust 9 – Henmar Trust 10 – Waikato Regional Council FS1 – Henmar Trust FS2 – Fonterra Ltd
Kiwifruit Block	7 – Bardowie Investments Ltd 8 – Lesley Dredge 9 – Henmar Trust 11 – Ken Dredge

Topic	Submitter
	FS1 – Henmar Trust FS2 – Fonterra Ltd
Mangaone Stream	4 - Waipā District Council 9 – Henmar Trust 10 – Waikato Regional Council 12 - Director-General of Conservation FS2 – Fonterra Ltd FS3 – Forest & Bird
National Grid Yard	3 – Transpower FS2 – Fonterra Ltd
Rural/Rural Interface	2 - H Wood & O'Sheas Trustees No 8 Ltd 7 – Bardowie Investments Ltd 9 – Henmar Trust 11 – Ken Dredge 14 – Fire and Emergency New Zealand 15 – Reon Taylor FS1 – Henmar Trust FS2 – Fonterra Ltd
Structure Plan	9 – Henmar Trust FS2 – Fonterra Ltd
Transport	2 - H Wood & O'Sheas Trustees No 8 Ltd 6 – Kama Trust 7 – Bardowie Investments Ltd 9 – Henmar Trust 10 – Waikato Regional Council 13 – Geoffrey and Beverly Laurent 14 – Fire and Emergency New Zealand 15 – Reon Taylor

3.2 Topic 1 – All of the Plan Change

- 3.2.1 Topic 1 submissions were considered by the section 42A report to be relevant to the whole District Plan. Many of the matters, including the effects on the local environment, transport matters and the sufficiency of industrial land are addressed to some extent under more specific topic headings below. The following matters were addressed in more detail by the section 42A report or during the hearing.

Initial Preparation by Fonterra and Independence of the Assessment

- 3.2.2 This matter has been addressed above at [1.2]. The Panel are satisfied as to the manner in which the Council adopted PC14, and the Council staff subsequently assessed the information provided and the submissions lodged. We have no reason to doubt the independence of the reporting process, or the professionalism of the officers involved.

Transport Infrastructure

- 3.2.3 Kama Trust, G & B Laurent and Henmar Trust raised concerns with regard to traffic effects and the requirement for the relevant infrastructure to be in place prior to development occurring. The section 42A report responded to these concerns with a recommendation that a performance standard (Rule 7.4.2.46) be included for the Mangaone Precinct which specifically addresses transport infrastructure works that are required as a result of PC14.

Mr Apeldoorn, for Fonterra, suggested some amendments to the proposed rule, following which a further iteration was proposed by Mr Hudson, for the Council, in his rebuttal evidence for the hearing. The standard, as amended in the right of reply by Council (in green) and agreed to by Mr Apeldoorn, is:

Rule – Mangaone Precinct – Transport [6/3, FS2/21]

7.4.2.46 The following transport upgrades are required prior to any development within the Mangaone Precinct being reliant on them the existing transport network [Fonterra/WDC Right of Reply]. These upgrades, along with when they will be required, are set out below:

	Transport Upgrade	Implementation Requirement
a)	Victoria Road / East-West Collector Road Intersection	To be completed prior to: - Any Section 224(c) certificate for subdivision under the RMA being issued for the completion of any subdivision south of the Mangaone Stream; or - Any activity located south of the Mangaone Stream being able to generate traffic.
b)	A 2-lane plus painted median Industrial Collector Road - Structure Plan East-West	
c)	Internal public road formation within the plan change area to be vested as 'local road'	
d)	Zig Zag Road carriageway <u>shoulder</u> widening and pavement strengthening <u>Zig Zag Road / Victoria Road Intersection [WDC]</u>	To be completed prior to: - Any Section 224(c) certificate for subdivision under the RMA being issued for the completion of any subdivision north of the Mangaone Stream, <u>with the potential to generate traffic movements directly to or from Zig Zag Road [WDC].;</u> or - Any activity located north of the Mangaone Stream being able to generate traffic.
e)	Swayne Road / Site Access 2-lane T-intersection	To be completed prior to: - Any Section 224(c) certificate for subdivision under the RMA being issued for the completion of any subdivision south of the Mangaone Stream <u>with the potential to generate traffic movements directly to or from Swayne Road [WDC].;</u> or - Any activity located south of the Mangaone Stream being able to generate traffic.
f)	Swayne Road Rural Industrial Road formation – carriageway <u>should</u> [WDC] widening, potential localised pavement strengthening together with light/medium vehicle access restriction within the site and including a shared path connection to the south to adjoin existing facilities on Swayne Road.	

Activities that fail to comply with Rule (NEW) will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Amenity effects; and
- Road design and connectivity; and
- Safety, capacity, and efficiency of the transport network; and
- The design and sequencing of upgrades to the transport network; and
- Provision of cycling and pedestrian networks; and
- Enabling of public transport; and
- The ability to adequately manage stormwater.

These matters will be considered in accordance with the assessment criteria in Section 21.

- 3.2.4 Mr Lang, for Henmar Trust, submitted that Rule 7.4.2.46 lacked certainty in interpretation. Specifically, Mr Lang was critical of the reference to *“being reliant on...”* in the header clause, and of the interpretation of the word *“directly”* in clauses (d) and (f). A related criticism of the rule came from Mrs Bourke, for Henmar Trust, who considered that subdivision or land use within the Mangaone Precinct south of the Mangaone Stream, as expressed in subclauses (e) and (f), should trigger the transport upgrades listed for (d) relating to Zig Zag Road, as well as those for Swayne Road, assuming that considerable traffic exiting from such subdivision or land use would travel via Swayne Road and Zig Zag Road to Cambridge or the Waikato Expressway.
- 3.2.5 We had discussion during the hearing on the need for *“being reliant on...”* and *“directly”*. Mr Lang supported the suggestion from the Panel that the clause *“being reliant on the existing transport network”* could be removed as it served no purpose, with the timing for the transport upgrade being determined by the criteria in the column in the table headed Implementation Requirement.

Finding

- 3.2.6 We note that the implementation of infrastructure requirements for the Mangaone Precinct are to be determined in accordance with a Development Agreement as required by the provisions of Appendix S27 and Rule 7.4.2.36. That agreement would include the new transport infrastructure and upgrades referred to in Rule 7.4.2.46.
- 3.2.7 On the matter of the *“being reliant on the existing transport network”* we find that the criteria for implementation should be left for clear statement within the table, without the uncertainty of any other qualifiers within the introductory clause, so this clause is to be deleted.
- 3.2.8 On the matter of the word *“directly”*, this word is part of the amendment to (d) which reads *“with the potential to generate traffic movements directly to or from Zig Zag Road”* [or Swayne Road in the case of (f)].
- 3.2.9 We note that the development of land within the Mangaone Precinct Structure Plan could be staged, but ultimately it must be *“designed in general accordance with the requirements of that structure plan”* (Rule 15.4.2.69) which would include the proposed local roads connecting north and east to Zig Zag Road and Swayne Road from subdivision to the north or south of the Mangaone Stream reserve respectively.
- 3.2.10 With the prohibition of new direct access to either Zig Zag Road or Swayne Road from proposed Rule 15.4.2.91A, direct access would relate to any traffic which travels along these local roads within the Structure Plan area to or from either Zig Zag Road or Swayne Road.
- 3.2.11 We consider that the words *“with the potential..”* set a fairly low trigger to the implementation of the required works in the case of either (d) or (f) in Rule 7.4.2.46. Likely exclusions would be a subdivision to create Mangaone Reserve or for utility provision purposes (water, electricity etc.). Any other subdivision would trigger the first bullet points in (d) or (f).
- 3.2.12 Accordingly, we find that the wording of Rule 7.4.2.46 (d) and (f) is to remain as set out above.

National Policy Statement – Highly Productive Land

- 3.2.13 In its original submission, the Waikato Regional Council stated that “at the commencement date of the NPS - HPL, the land subject to PC14 did not meet either of the exemptions under Clause 3.5(7)(b)”, the exemptions being referred to determining the status of the land under the National Policy Statement – Highly Productive Land (**NPS-HPL**). This submission was addressed in the section 42A report which explained that, because the Waikato Regional Council had not yet mapped highly productive land for the purpose of the NPS-HPL, the transitional definition for highly productive land in Clause 3.5.(7) is applicable. This clause states:

Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is

- (i) Zoned general rural or rural production; and*
- (ii) LUC 1, 2 or 3 land; but*

(b) is not:

- (i) identified for future urban development; or*
- (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*

- 3.2.14 The PC14 land is zoned Rural and comprises LUC Class 1 land. Consequently, the determination of whether the land is highly productive land rests solely on the land, at the commencement date of the NPS-HPL (17 October 2022), being identified for future urban development. The NPS-HPL defines “*identified for future urban development*” as meaning:

(a) identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or

(b) identified:

- (i) in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and*

(ii) at a level of detail that makes the boundaries of the area identifiable in practice.

- 3.2.15 The section 42A report advised that the Future Proof Strategy 2022 (**FPS 2022**) is a strategic planning document and that the subject land is part of the Hautapu Strategic Industrial Node identified for development between 2031 and 2050 (i.e. commencing development over the next 10 years) and had been mapped accordingly. The report concluded that the PC14 land was therefore not within the transitional definition of highly productive land and exempt from the from the NPS-HPL under Clause 3.5.(7)(b)(i).

- 3.2.16 Ms Andrews, for the Waikato Regional Council (**WRC**), noted her agreement with this further assessment in her statement of evidence.

Finding

- 3.2.17 We have examined the FPS 2022 document and agree that it is a strategic planning document to be had regard to by the Future Proof Partners, including the WRC and the Council, for the purposes of implementing the NPS-HPL, amongst other things. FPS 2022

existed at the commencement date.⁴ In this regard, when it comes to mapping highly productive land within the region as required by Clause 3.4, WRC must comply with Clause 3.4(2) which states:

However, despite anything else in this clause, land that, at the commencement date, is identified for future urban development must not be mapped as highly productive land.

3.2.18 We note that the Hautapu Strategic Industrial Growth Node is identified on Table 2 (page 73 of FPS 2022) for development commencing 2031. The boundary of this area is shown on Map 6 (page 61 of FPS 2022). While Map 6 has some mapping errors (such as the Waikato Expressway being too far south) we find that the location and boundaries of the C10 Growth Cell and the PC14 land are clearly recognisable.

3.2.19 We agree that the subject land is exempt from the provisions of the NPS-HPL.

Fish Passage

3.2.20 In its original submission the Waikato Regional Council sought the addition of an information requirement in Section 21.2.7.1 regarding the Mangaone Stream Reserve Plan in relation to fish passage.

Finding

3.2.21 The section 42A report accepted this submission and we accordingly agree with the inclusion of the addition wording in Section 21.2.7.1 as noted in Appendix A to the Council's right of reply.

Urban Limits

3.2.22 Fire and Emergency NZ, Henmar Trust and Fonterra Ltd submissions sought the extension of the 'urban limit' notated on the Planning Maps to include the area subject to the plan change. The extension of the urban limit will ensure the firefighting provisions within Section 15 of the District Plan include the plan change area.

Finding

3.2.23 The section 42A report recommended acceptance of these submission and we accordingly agree with the update to the Planning Maps to have the 'urban limit' include the PC14 area.

3.3 Topic 2 – Bats

3.3.1 Several parties, including the WRC, the Director-General of Conservation, Fonterra and Forest & Bird made submissions on PC14 provisions that supported the long-tailed bat (pekapeka) habitat within the vicinity of the Mangaone Stream. The pekapeka have a Threatened – Nationally Critical status and are commonly found in and around Cambridge. The preparation of the plan change had included ecological investigations to identify the presence of the pekapeka and recommendations on measures for protection including the recognition of a 'High Value Bat Habitat Area' in the vicinity of the Mangaone Stream.

3.3.2 The above submissions targeted a number of PC14 provisions. Including a resource management issue and related objectives and policies for the pekapeka, the Mangaone Stream Reserve provisions and the trigger for the preparation of the Mangaone Stream

⁴ The Future Proof Implementation Committee approved the updated 2022 Future Proof Strategy at its meeting on 16 June 2022 and recommended the endorsement of the updated Future Proof Strategy by the partner councils.

Reserve Management Plan, the Mangaone Precinct Plan provisions, the development agreement requirements, relevant assessment criteria and information requirements.

3.3.3 The submissions were generally not accompanied by specific wording amendments to the provisions however, where the section 42A report authors agreed with the submissions, the report provided wording. The section 42A report rejected some of the submissions. We note that this was not typically because the submission was disagreed with, but because the authors considered that the matter was already addressed or the amendment required was not specific to the Mangaone Precinct and would apply to other structure plans thereby raising scope issues.

3.3.4 At the hearing we received evidence in response from the submitters as follows:

(i) Ms Andrews, for WRC, supported all of the proposed amendments in the section 42A report in relation to bats and sought two further amendments in relation to a 20m buffer for the bats within the Mangaone Stream Reserve, to be referred to in Rule 21.2.7.1 Information Requirements and Appendix S27.2.26 Bat Habitat Values in the Mangaone Precinct Structure Plan.

The Council reply accepted these amendments subject to the provision of flexibility on the minimum buffer size, recognising that the reserve is a multi-purpose reserve and subject to detailed design for stormwater management purposes.

(ii) Dr Ussher, in his ecological evidence for Fonterra, supported the recommendations in the section 42A report.

(iii) The Director-General of Conservation did not attend the hearing but tabled a statement supporting all of the recommended amendments in the section 42A report and the amendments from the WRC.

Findings

3.3.5 The Panel appreciates the high level of agreement reached by the parties on these important provisions for the pekapeka and agrees with the final amendments contained in Appendix A to the Council's right of reply.

3.4 Topic 3 – Economics

3.4.1 Economics, more particularly the matter of sufficiency of industrial land supply, was a matter of broad interest for the submitters. A number of submitters were concerned that there was already sufficient industrial land in the Cambridge area and that PC14 was unnecessary.

3.4.2 The PC14 application material prepared by Fonterra and adopted by the Council included an economic assessment prepared by Mr Heath of PE.⁵ Mr Heath was critical of the Future Proof Business Development Capacity Assessment 2023⁶ (**BDCA 2023**) which predicted sufficient industrial land capacity within the Cambridge – Karāpiro local market, the Waipā

⁵ *Plan Change 14 to the Waipā District Plan Mangaone Precinct Economic Assessment* prepared by Property Economics, May 2024

⁶ *Business Development Capacity Assessment 2023 Future Proof Partners: Hamilton City, Waikato District, Waipā District and Waikato Regional Council* 3 April 2024 – Final M.E Consulting

District, and the broader Future Proof sub-region over the next 30 years.⁷ He considered that this forecast was unreliable and not reflective of ‘real world’ practicalities such as:

(a) the potential underestimated employment growth and land demand within the relevant markets,

(b) inappropriate industrial capacity modelling approaches adopted,

(c) the relocation outcome of Carter’s Flat industrial activity, and

(d) the Waikato Expressway proving attractive to industrial activity beyond those servicing the Cambridge market.⁸

- 3.4.3 Mr Heath’s view was that the Future Proof sub-region would face a shortfall in industrial land capacity over the medium and long term. In weighing up the benefits and costs of making more industrial land available through PC14 he considered:

the economic benefits of advancing the PC14 Site (e.g., increased industrial land capacity, increased surety and market certainty for industrial land supply, improved land use efficiency, greater level of growth, potential decrease in industrial land price, etc) would significantly outweigh the economic costs associated with additional infrastructure investment requirement (if land supply to meet demand was provided in a separate less efficient location).⁹

- 3.4.4 We note that Mr Heath’s analysis was based on the net developable area of industrial land being added by PC14 at approximately 48ha, accounting for the large area of reserve proposed along the Mangaone Stream and that the Kiwifruit Block land is already developed.

- 3.4.5 As noted above, the Council commissioned a peer review of Mr Heath’s economic assessment by Mr Akehurst of ME. ME also provides economic advice to the Future Proof partners and had prepared the BDCA 2023. Mr Akehurst did not accept Mr Heath’s criticism of the BDCA 2023 findings and considered that the industrial land demand identified, which was based on both WISE and NIDEA information,¹⁰ “offers a fair projection for the Future Proof area.”¹¹ Mr Akehurst noted that the NIDEA high growth projection series was an input to the WISE model, which incorporates population growth, export performance (by sector), national economic growth and capital formation to provide estimates of output, Gross Domestic Product and employment at the Statistical Area 2 and District level.

- 3.4.6 Mr Akehurst pointed out that the PE assessment, while being critical of the BDCA 2023 outputs, did not offer an independent or alternative projection to validate or challenge the BDCA’s methodology for assessing industrial land demand and capacity. In particular, Mr Akehurst noted that:

“their analysis lacks specific information on occupancy and vacancy rates of industrial land

⁷ Heath EIC at [2.2]

⁸ Heath EIC at [2.2]

⁹ Heath EIC at [2.7]

¹⁰ WISE stands for Waikato Integrated Scenario Explorer, a model developed by ME incorporating land use, population and economic growth information; NIDEA stands for the National Institute of Demographic and Economic Analysis at Waikato University

¹¹ Market Economics Limited -Economics Review Appendix 3 to the Section 42A report at page 5.

in general. As a result, there is no clear indication of the available industrial land capacity—a critical component covered in the BDCA. Without data on occupancy and vacancy, the assessment may not fully account for the sufficiency or availability of industrial land, potentially impacting the reliability of the conclusions regarding demand and capacity.”

- 3.4.7 Mr Akehurst nevertheless acknowledged that, since completion of the Waikato Expressway, Cambridge had experienced significant transformations in economic development and population growth, and that these recent changes were not reflected in the 2023 BDCA.
- 3.4.8 Both the PE economic assessment and the ME peer review described the growth potential and market attractiveness of the land within the C10 Growth Cell, which includes the PC14 land. Key factors in this attractiveness include extensive flat land, large sites, connectivity to local primary producers, proximity to the extended motorway system connecting to the wider Waikato region, Auckland and Tauranga, and the co-location or agglomeration advantages for industry the land offered.
- 3.4.9 Mr Akehurst agreed with Mr Heath’s assessment that while the increase in land supply due to PC14 might result in some minor adverse economic effects on individual industrial land owners due to downward pressure on land prices, these effects were outweighed by the benefits.
- 3.4.10 Despite his criticisms of the economic assessment, Mr Akehurst concluded that “granting PC14 and bringing forward the development timeline for the C10 Growth Cell would create a stronger economic platform for Cambridge and the wider Waipā District, benefiting businesses, residents, and the regional economy as a whole.”¹²
- 3.4.11 Three submitters, Kama Trust, Ms L Dredge and the WRC, raised concerns regarding the PE economic assessment and the economic effects of bringing forward the industrial growth cell as follows:
- (i) Kama Trust submitted that the additional industrial land will have an impact on stakeholders within the C9 Growth Cell and requested that staging provisions are included in the District Plan to prevent an oversupply of industrial land;
 - (ii) Ms Dredge opposed the plan change and her submission was critical of the economic assessment assumptions and methodology. She requested an updated BDCA be prepared by Future Proof to support a decision on PC14. If this updated BDCA forecasts sufficient medium to long term capacity, Ms Dredge sought that a restriction on development within the C10 Growth Cell be imposed (e.g. development not being able to commence until 80% of the existing live zoned areas at Hautapu are developed); and
 - (iii) WRC raised general concerns about the adequacy and robustness of the economic assessment and how the PC14 application had addressed several of the Urban Form and Development policies and methods of the Waikato Regional Policy Statement and Proposed Waikato Regional Policy Statement Change 1 – Decisions version.
- 3.4.12 The Panel questioned Mr Heath on his economic assessment on Day 1 of the hearing, expressing similar concerns to the submitters on the adequacy of the economic justification for additional industrial land supply. Following the hearing adjournment, we issued Direction 2 seeking, amongst other matters, additional information from Mr Akehurst on

¹² Market Economics Limited -Economics Review Appendix 3 to the Section 42A report at page 9.

current land utilisation within the Hautapu area, wider industrial land demand data, and price information.

3.4.13 Mr Akehurst responded with a supplementary report as part of the Council's reply.¹³ Following an overview of the BDCA spatial framework, existing industrial zones, and key growth cells in the Cambridge-Karāpiro area, the report provided the following information on supply and demand for industrial land:

- (i) An analysis of employment and business growth trends influencing industrial land demand. This analysis emphasised the strong and continuing employment growth in Cambridge-Karāpiro (compound annual growth rate (CAGR) of 2.75%) compared with the wider Waipā District (CAGR of 1.77%) , in particular the Statistical Areas relevant to the Hautapu Industrial Area being Hautapu SA2 and Fencourt SA2 with growth rates over the 2020 – 2024 period of 17% and 193% respectively.
- (ii) An assessment of currently zoned industrial land, including constraints on development due to landowner preferences or other limitations/factors. The report provided detailed land utilisation data for both the Hautapu Industrial Area and the Matos Segedin Industrial Area to the south. The information categorised land utilisation into land currently in use, land recently zoned and under development or committed, industrial land with deferred zoning, vacant industrial zoned land, both market available and where not available, background information on landowner intentions for future use (if known).

The report identified that in the Matos Segedin Industrial Area there were six sites available, totalling in the order of 4 – 5 ha, providing for smaller industrial development. An addendum to the report also estimated land availability in the Hautapu Industrial Area, identifying a total of 102ha of currently vacant industrial land but discounting in the order of 50% of this as being already committed to development and being subdivided (corner of Hautapu Road and Peake Road) or not available to the market (Hannon Block).

- (iii) The impact of PC14 on market competition and business attraction in relation to industrial land price movements. The report explained that an analysis of local and regional land price movements would require access to data from CoreLogic, at considerable expense for the Council. In the absence of that data, the report provided some information on the relative price of Cambridge industrial land to industrial land in Hamilton, Tauranga and Auckland. The report advised that Cambridge was a competitive option but that the land within PC14 would strengthen Cambridge's position as an 'industrial hub'.

3.4.14 PE also provided a response to Direction 2, emphasising employment data, GDP growth, and industrial building consents for Waipā as supporting the provision of more industrial land through PC14.

Discussion and Findings

3.4.15 As with other matters in contention, the Panel's consideration of the whether additional live-zoned industrial land as proposed by PC14 is needed in Cambridge and Waipā District

¹³ PC14 – Council Right of Reply – Appendix D Market Economics Response to Hearing Panel

is framed by the provisions of the RMA on plan changes and relevant policy documents. Key amongst the policy documents is the National Policy Statement on Urban Development 2020 (**NPS-UD**). The NPS-UD has identified Waipā District as a high-growth urban area and a 'Tier 1 Urban Environment' meaning that it applies to planning decisions by Council that affect an urban environment, and Council must give effect to it.

- 3.4.16 The section 42A report provides a table of NPS-UD objectives and policies that are relevant to the consideration of PC14.¹⁴ We consider that the broadly expressed Objective 1 and the following policy clauses are the key provisions in relation to provision of industrial land.

Objective 1	New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
Policy 1	Planning decisions contribute to well-functioning urban environments, which are urban environments that, <u>as a minimum</u> : have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and <u>support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and</u>
Policy 2	Tier 1, 2, and 3 local authorities, at all times, <u>provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.</u>
Policy 8	Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is: unanticipated by RMA planning documents; or out-of-sequence with planned land release. [our emphasis]

- 3.4.17 The Panel had the benefit of briefs of evidence from Messrs Heath and Akehurst, both independent experts with considerable experience in the provision of urban land to meet NPS-UD requirements. Whilst the two experts expressed criticism of each other's findings, they both supported the provision of additional industrial land at Hautapu that would result from PC14. No other party presented expert evidence, however we note that Ms Dredge, while not presenting as an expert witness, was qualified in economics and the content of her submission contained informed and detailed questions that assisted our enquiry.
- 3.4.18 Both the economic assessment and the review contained a cohesive line of reasoning as to the benefits of the provision of more industrial land at Hautapu. Mr Heath's view was that in order to maximise these benefits there needs to be *"timely and efficient provision of additional industrial land to accommodate the faster growth (than the BDCA projects), likely industrial land deficits and ongoing industrial expansion of the economy."*¹⁵ We note that Mr Heath focussed on the medium and longer term in terms of industrial land shortfall. Consistent with his BDCA findings that there was no industrial land shortfall, Mr Akehurst

¹⁴ Section 42A report at [3.2.2]

¹⁵ Heath EIC at [2.3]

emphasised the strategic importance of PC14, referencing the fact that the PC14 land was within the C10 Growth Cell and its live-zoning was simply being brought forward, that benefits outweighed costs, and the contribution the additional land would make to competitive land markets, particularly for larger sites.

- 3.4.19 The Panel's concern expressed in Day 1 of the hearing was that despite the very plausible arguments made by both Messrs Heath and Akehurst, it nevertheless sought additional hard data on industrial land supply and demand within the Cambridge area. This information was provided by Mr Akehurst in his supplementary report. Whilst it would have been reassuring to have price information, the Panel found the information on the Hautapu industrial land market to be sufficiently convincing to support the addition of the PC14 land.
- 3.4.20 Implicit in Objective 1 above, and a requirement of the section 32 evaluation that accompanies PC14, is the consideration of costs and benefits. We have described the benefits identified by Messrs Heath and Akehurst above. In terms of costs, we consider that a depressed industrial land price is a potential cost of too much land, but that scenario assumes that most of the land is available at the same time. The other potential cost factor identified is the lack of or inefficient provision of infrastructure to service the rezoned land. This cost was not addressed by any expert evidence and the matter of infrastructure provision is addressed in a later topic. We note that the Council has not expressed any reservation on the matter of infrastructure provision.
- 3.4.21 We find that the evidence indicates that sufficient industrial land currently exists but that the take up of land has accelerated beyond the most recent predictions in the 2023 BDCA and that the exposure of the Hautapu land to a multi-region industrial land market is likely to support ongoing growth and land utilisation, with the large flat sites offered being particularly attractive.
- 3.4.22 With reference to the relevant NPS-UD objectives and policies above, as noted by Mr Minhinnick in closing remarks for Fonterra, the policy setting refers to "*minimum*" provision of "*a variety of sites*" and "*support..[for] the competitive operation of land and development markets*", provision of "*at least sufficient development capacity...*" and the Council being "*responsive to ... plan changes that are out-of-sequence with planned land release*". In summary, these provisions do not envisage an upper limit on land sufficiency, unless of course economic costs or adverse environmental effects outweigh the benefits in terms of meeting Objective 1. We have examined economic costs above and potential environmental effects are considered under other topics.
- 3.4.23 In summary, our finding supports the live-zoning of the additional Industrial Zone land as proposed by PC14.

3.5 Topic 4 – Industrial Zone Activities

- 3.5.1 This topic addresses the activity status and related provisions for activities within the Industrial Zone. As noted by the section 42A report:¹⁶

"The Industrial Zone provides for a wide range of industrial based activities, including but not limited to, those associated with manufacturing and processing of goods, machinery servicing, testing and repairs, storage, and transportation and distribution activities."

¹⁶ Section 42A report at [4.5.1]

- 3.5.2 The Industrial Zone within the proposed Mangaone Precinct does not have a separate listing of activities but shares a list with the Industrial Zone of the wider district. However, previous plan changes had recognised specific constraints applying to the Hautapu Industrial Plan Structure Plan Area (SPA) and the Bardowie Industrial Precinct SPA relating to constraints on the wastewater system and the sensitivity of the Hautapu dairy industrial area.¹⁷ Each of these constraints were addressed by specific rules restricting industrial activities as follows:
- (i) Industrial activities were not provided for as permitted activities within the Hautapu Industrial SPA (Rule 7.4.1.1a). However dry industry, as defined in the District Plan,¹⁸ is provided for within the Hautapu Industrial SPA (Rule 7.4.1.1w) as a permitted activity. If an industrial activity is not a dry industry, or otherwise provided for, then it is a non-complying activity pursuant to the 'default' rule, Rule 7.4.1.5m;
 - (ii) A more restrictive list of permitted activities applied to an area identified as the Specialised Dairy Industrial Area (Rule 7.4.1.1t), and any activity within either the Bardowie Industrial Precinct SPA or the Hautapu Industrial SPA that requires an air discharge permit from WRC is a restricted discretionary activity, with the Council exercising discretion in relation to adverse effects on the Hautapu Dairy Manufacturing Site due to the discharge of contaminants to air (Rule 7.4.1.3.f). Further, and notwithstanding Rule 7.4.1.3.f, bitumen plants, incineration activities and concrete batching plants are to be considered as non-complying activities within either the Bardowie Industrial Precinct SPA or the Hautapu Industrial SPA (7.4.1.5p). We note that relocated buildings were also non-complying activities within these areas.
- 3.5.3 PC14 amended Rules 7.4.1.1a, 7.4.1.1w, 7.4.1.3f and 7.4.1.5p so that these rules also applied to the proposed Mangaone Precinct Structure Plan.¹⁹ For the Mangaone Precinct SPA, the outdoor storage and handling of fertiliser or other dry bulk products was added to the list of non-complying activities.
- 3.5.4 The Henmar Trust submitted that the reference to 'dry industry' was so vague that it could include any industrial operation. The Trust considered that the vagueness or uncertainty arises due to the district plan definition of dry industry reference to 'industrial operations', which was then undefined. The Trust provided a definition of 'industrial operations' which it sought to be included in the district plan. It also sought that additional industrial activities be specifically listed in Rule 7.4.1.5p.

Findings

- 3.5.5 We agree with the Henmar Trust submission that the interpretation of activity status for industrial activities has an element of vagueness. The 'dry industry' definition introduces uncertainty as to how the reference to 'industrial operations' is to be interpreted against the specific reference to 'industrial activities' in Rule 7.4.1.1a.

¹⁷ We note that this sensitivity also applies to the Te Awamutu dairy industrial area

¹⁸ Means any industrial operation that does not use water for processing, manufacturing, or production purposes; and does not discharge nor generate any liquid effluent from its operation (aside from domestic wastewater).

Includes any industrial operation that uses and/or disposes of water from processing, manufacturing and production but is self-contained on site. The activity does not require the use of council water and wastewater infrastructure and is adequately able to treat primary discharge stormwater prior to soakage disposal on site.

¹⁹ Reference to the Mangaone Precinct Structure Plan was also added to other rules but these amendments were not the subject of submissions or relevant to the topic.

- 3.5.6 On this definitional matter of ‘industrial operations’ we consider that this reference is the same as ‘industrial activity’. Indeed, if the definition proffered by Henmar Trust for industrial operations is compared with the district plan definition of industrial activity, we consider that they both include the very wide range of activities involved in sourcing inputs, production or manufacturing, storage and distribution of finished products. While the use of the term industrial activity perhaps should have been used instead of the introduction of a new term, we do not consider that problematic.
- 3.5.7 As we have set out above, the interpretation of activity status within the Mangaone Precinct SPA (and the neighbouring areas referred to in the operative rules) is determined by the two rules, 7.4.1.1a and 7.4.1.5m, whereby industrial activities are not permitted, but non-complying unless otherwise provided for. Alternative provisions include dry industry (permitted), mineral extraction activities (Rule 7.4.1.3b) and activities for which a regional air discharge permit is required (both restricted discretionary activities) and the specifically listed industrial activities in Rule 7.4.1.5p we have referred to above.
- 3.5.8 We also note the controlling effect of Rules 7.4.1.3a and 7.4.1.4a, requiring that any activity not complying with the performance standards in Rule 7.4.2 are to be considered as either a restricted discretionary activity or discretionary activity.
- 3.5.9 The Henmar Trust relief of additional activities being added to Rule 7.4.1.5p needs to be considered in the context of the above plan provisions. Our review of the suggested additions, and potentially any other industrial activities, is that a key constraint on many of these activities would be the need for an air permit from WRC. The performance standards relating to noise, visual effects and traffic, in particular, also have the effect of creating the requirement for a resource consent to consider the adverse effects on surrounding environment if these standards are not met.
- 3.5.10 On the related relief of whether the discretion reserved for Council in Rule 7.4.1.3f should be broadened beyond consideration of the adverse effect on the Hautapu Dairy Manufacturing Site due to the discharge of contaminants to air, we have the benefit of Mr Chrisp’s explanation of the reason for this discretion, in addition to WRC’s processing of the air permit. We understand that the discretion represents an additional precaution relating to effects on the production of milk products from the air discharge. It does not extend to the consideration of other effects. As noted, compliance with the performance standards of Rule 7.4.2 is required by the activity in addition to air discharge effects.
- 3.5.11 In summary, we find in favour of the provisions for industrial activities in Rule 7.4 as shown in Appendix 2 of the Council’s right of reply.

3.6 Topic 5 – Infrastructure Capacity/Stormwater

- 3.6.1 This topic addresses submissions on infrastructure capacity of the PC14, in particular stormwater management and infrastructure connectivity.
- 3.6.2 Kama Trust and Henmar Trust submissions expressed concern at the potential downstream effects of additional stormwater from the PC14 area. Henmar Trust provided additional information on its concerns through Mr Lang and Mrs Bourke in the hearing, being:
- (i) The modelling results from the Harrison Grierson report supporting PC14 predicted that some additional flooding could be expected on the Henmar Trust land as a result of PC14 land development; and

- (ii) It was unclear whether the predicted overtopping of the Kiwifruit Block stormwater basin had been accounted for in the above modelling, and more generally what the drainage pathway for stormwater was from the Kiwifruit Block to the Mangaone Stream.

3.6.3 Mrs Bourke referred us to the Waikato Regional Council Guidelines for stormwater and submitted that it is imperative for any development upstream of the Henmar Trust property to control stormwater runoff within their boundaries so that it does not exceed pre-development levels.

3.6.4 The Council's reply on stormwater management relied on the provisions of Section 15 of the District Plan including:

(a) *Rule 15.4.2.20 - Within the urban limits, all lots in a subdivision and any sites in a development in the Residential, Medium Density Residential, Commercial and Industrial Zones shall:*

(i) *Dispose of stormwater generated from within roads, reserves, and any lot to be vested in Council, into Council's reticulation system at predevelopment levels; and*

(ii) *Dispose of all stormwater generated from lots not to be vested in Council within the boundaries of the lot itself.*

(b) *Rule 15.4.2.25 – All lots or sites shall be of sufficient size to enable on-site detention and disposal of stormwater resulting from any future development permitted in the zone.*

(c) *Rule 15.4.2.26 - Development shall not obstruct overland and secondary flow paths.*

3.6.5 The reply also noted that stormwater discharges associated with the development of PC14 land may require consent from WRC.

3.6.6 The preliminary stormwater strategy for the C10 Growth Cell was also brought to our attention as part of the reply.²⁰ The stormwater plan envisages several constructed stormwater detention devices in the form of offline basins within the Mangaone Stream Reserve land and public soakage basins elsewhere providing comprehensive stormwater management for the precinct as opposed to a lot-by-lot approach.

3.6.7 We also note the requirements of Rule 15.4.2.69 in relation to development of the SPA and the more specific Structure Plan requirements including S27.2.9 which refers to constructed wetlands that “*shall attenuate 100 yr post-development flows to appropriate pre-development levels to eliminate additional flood risk to downstream properties*”.

3.6.8 At Day 2 of the hearing we questioned Mr Coutts on the above matters and also the drainage pathway for stormwater from the Kiwifruit Block. With reference to the Harrison Grierson flood mapping presented with the application, Mr Coutts considered that the additional post development flood mapping during the 1% AEP storm scenario would be indiscernible in its increase and that the total flood area shown within the Henmar Trust land would not increase (due to the topography). In relation to the drainage pathway, he

²⁰ Council's Right of Reply Figure 6

noted the Harrison Grierson advice that there was a sub-catchment in the southwest corner of the PC14 area that drained to the northwest, entering the Mangaone Stream approximately 500m downstream from Victoria Road. He further noted that the stormwater design for the Kiwifruit Block has been approved by both WRC and Council at the time of consent for the APL development. This design catered for the 1% AEP within the constructed basin and swale systems, controlling flows that may sheet flow across the balance of their land to predevelopment levels. Overall, Mr Coutts supported the District Plan provisions and the intent for stormwater devices, as referred to above, to manage flows to the pre-development level.

Findings

- 3.6.9 We have considered all of the stormwater information placed before us and the concerns expressed in the Henmar Trust submissions. The C10 Growth Cell is currently under development with some of the stormwater management provisions already implemented, such as the Kiwifruit Block stormwater ponds and the north-south swale structure along the boundary of the Bardowie Industrial Precinct SPA and the proposed Mangaone Precinct SPA. The management of the latter area and the balance of the Kiwifruit Block is provided for by the C10 Growth Cell preliminary stormwater strategy indicating likely flowpaths and locations for attenuation within the Mangaone Precinct SPA. Irrespective of these preliminary plans it is the District Plan provisions we have referred to above that set the standard for stormwater management. The C10 Growth Cell preliminary stormwater strategy appears to share the burden for stormwater management fairly between the respective landowners focusing offline basins and attenuation areas along the Mangaone Stream corridor. We agree with the Council right of reply that no further amendments or additional measures are needed to address stormwater management.

3.7 Topic 6 – Kiwifruit Block

- 3.7.1 For the reasons referred to above in the description of PC14, the Kiwifruit Block was included in the plan change. The 7.8ha block has been subject to a number of resource consents relating to industrial development within the Bardowie Industrial Precinct to the west. The section 42A report listed resource consents that had been granted in recent years for the land and despite maintaining a Rural zoning, the consented activities, comprising stormwater infrastructure and industrial activities were of an urban nature. Mr Chrisp, in his planning evidence for Fonterra, considered that the rezoning of the Kiwifruit Block to Industrial Zone reflected the reality of the current situation.
- 3.7.2 K and L Dredge's submissions noted the exclusion of the Kiwifruit Block from the Mangaone Precinct SPA, despite its inclusion in PC14. Henmar Trust's submission expressed concerns about the Kiwifruit Block not being assessed as part of the plan change, in particular the implications of the PC14 area for stormwater management. The submission accordingly sought its exclusion.
- 3.7.3 The section 42A report noted that in the consideration of the resource consents that had been granted "various technical reports covering construction, stormwater management, contaminated soil management and remediation, traffic, cultural and archaeological effects, noise effects, and effects on amenity were prepared. Taking into account the volume of assessment undertaken for the site through the consent processes which have enabled it to be developed and used for industrial purposes, Council staff consider there is sufficient justification for inclusion of the site within the plan change."

Finding

- 3.7.4 The Panel viewed the Kiwifruit Block from Swayne Road on our site tour. We agree with the Council advice and Mr Crisp's view that the land is largely developed for industrial and infrastructure purposes and it makes practical sense to include the land as part of PC14. We also accept the advice from Council that the land has been subject to various assessments as part of the resource consent processes, and the recommendation that the block should be part of the Bardowie Industrial Precinct, given its functional connection to that land.

3.8 Topic 7 – Mangaone Stream

- 3.8.1 The section 42A report introduces this topic with the following description of the Mangaone Stream, which we adopt:

The Mangaone Stream bisects the northern part of the PC14 land, flowing from Swayne Road to the western property boundary and into the adjoining Henmar Trust land. The Mangaone Stream is described in the application as being 'incised and highly modified'. As part of PC14 a significant area on both sides of the Mangaone Stream are proposed to be set aside as reserve and vested to the Council. The reserve will incorporate cultural, ecological and stormwater management functions.

- 3.8.2 The section 42A report went on to note several minor amendments to the plan provisions for the stream and associated reserve in relation to the recession plane, lighting, the appropriate naming of the Mangaone Stream Development and Operational Maintenance Plan and the implementation of the plan. Henmar Trust, WRC, the Director-General of Conservation and Forest & Bird all made submissions on various matters supporting provisions relating to the stream. These were accepted fully or in part by the section 42A report, and not pursued in the hearing by the parties, noting however the matters addressed in Topic 2 - Bats.

Finding

- 3.8.3 We accept the recommendations of the section 42A report as set out in Appendix 2 of the Council's right of reply.

3.9 Topic 8 – National Grid Yard

- 3.9.1 The section 42A report introduces this topic with the following description of the interface between the plan change area and the National Grid Yard, which we adopt:

The National Grid Yard is the high voltage electricity transmission network which traverses the country and comprises of the towers, poles, lines, cable substations, a telecommunications network and other ancillary equipment associated with the network. The HAM-KPO A 110kV line, that is a 110 kV double circuit transmission line, traverses the subject site with two towers located in the northeastern part of the plan change area.

- 3.9.2 The PC14 provisions relating to the National Grid Yard were the subject of detailed submissions by Transpower and further submissions by Fonterra. The two parties and Council have worked together to produce an agreed set of amendments to various provisions in sections 7 and 15 of the District Plan. By the time the matter came to hearing all matters were agreed with the exception of minor amendments to vehicle access provisions to Transpower infrastructure. As recorded in the Council's right of reply this

matter was subsequently agreed between the parties.

Finding

- 3.9.3 Accordingly, we accept the recommendations of the section 42A report as set out in Appendix 2 of the Council's right of reply.

3.10 Topic 9 – Rural/Rural Interface

- 3.10.1 The submissions captured within this topic relate to the rural interface of the plan change area and the provisions which seek to address potential adverse effects on the adjacent rural properties. The PC14 land adjoins the Rural Zone along its western boundary and is separated from other Rural zoned land to the north and east by formed legal roads (Swayne Road and Zig Zag Road). We address each of the matters raised in submissions in turn.

Noise

- 3.10.2 H Wood & O'Sheas Trustees No 8 Ltd and Henmar Trust lodged submissions expressing concern regarding noise and associated provisions to manage noise from activities within the Industrial Zone. Ken Dredge and Reon Taylor have requested an acoustic report in their submissions to determine noise effects and include any recommendations.
- 3.10.3 The section 42A report noted that the same rules applying to other Industrial zoned land was recommended for application to the Mangaone Precinct SPA and considered that any acoustic assessment was unnecessary.

Finding

- 3.10.4 We find that the existing noise rules for the Industrial Zone in the District Plan are appropriate also for the Mangaone Precinct SPA. Further, that acoustic assessment is more usefully applied in a resource consent situation where the Council is able to seek confirmation that a proposed noise emission could comply with the standards.

Road Boundaries: Building Setback and Landscaping Provisions

- 3.10.5 PC14 proposed a building setback provision of 10m from Swayne and Zig Zag Roads and detailed landscaping requirements. H Wood & O'Sheas Trustees No 8 Ltd, Henmar Trust, Ken Dredge and Reon Taylor all requested an amendment to the proposed building setback provisions in their submissions, seeking an increase to a range of setback distances from 15m to 30m. The submitters also supported some landscaping provisions and sought others to be increased, including the addition of an earth bund. The matter of building setback from road boundaries and landscaping provisions was discussed at the hearing, with Henmar Trust and Mr Taylor appearing in support of their submissions.
- 3.10.6 The setback was a matter addressed by Mr Frost in his review of the industrial/rural interface controls for Council. Mr Frost advised:

Provided the landscape buffer recommendations can be satisfied, it is considered a 10m minimum setback for building is a suitable outcome for this context. While a 15m setback appears to be consistent with other industrial / rural residential interfaces in the Waipā District, this often occurs adjacent to State highways or building frontage or where the scale of landscape planting is substantially smaller than that proposed as part of PC14. Ultimately the scale of building at a 10m or 15m setback is proportional to the recession

plane rules. A 15m setback or more maybe more appropriate where planting cannot be adequately accommodated to mitigate effects.”

3.10.7 Mr Frost also provided input on the landscaping provisions as follows:

- (i) Overall he considered that the elements of the landscape buffer were appropriate and that bunding was not required;
- (ii) He queried whether the 5m minimum depth was sufficient to accommodate all the buffer elements (2m high hedge, 12m high trees at 10m spacing , security fencing and post and rail character fencing) with respect to maintenance practicability; and
- (iii) He recommended that planting be undertaking as soon as practicable for planting to be effective and reach maturity.

3.10.8 Ms Jack, in her landscape evidence for Fonterra agreed with Mr Frost’s findings (as underlined above). She also agreed that the setback should be considered in the context of the landscape buffer required by the standards and provided examples of how the recession plane controlled the height of a building, and its related visual effects, from adjacent road and rural land. She advised that a 20m high building, being the maximum height for the zone, would need to be 29.4m back from the front boundary to comply with the recession plane. On the matter of landscape buffer, she recommended the addition of a maintenance plan over the first five years to ensure the continued success of plants to their maturity.

3.10.9 Importantly, we note that these road boundary setbacks are not building frontage setbacks as vehicle access to all sites must be from within the Industrial Zone. Consequently, the setbacks and landscaping pertain to vehicle circulation and storage areas generally to the rear of a site. In this regard, we note Mr Chrisp’s comments at the hearing that while the height of a building, and thus its visibility, is governed by the recession plane through the 10m – 15m setback distances, the additional 5m setback (from 10m up to 15m) would result in more site activities, such as outdoor storage, being located between the rear of the building and the road frontage boundary.

3.10.10 The section 42A report provided details of other road boundary setbacks in the Hautapu Industrial SPA, noting a 15m setback and landscaping requirements being stipulated. Seeking to achieve a consistent approach, the report recommended a 15m setback. However, taking into account the evidence at the hearing, particularly Ms Jack’s recommendations on the maintenance plan, and additional input from Mr Frost between the two hearing days, the Council’s right of reply reverted to supporting the 10m setback as notified.

Findings

3.10.11 The Panel notes the importance of maintaining amenity values along the Industrial Zone road boundaries as expressed in Objectives 7.3.2 and 7.3.3 and Policies 7.3.2.1 and 7.3.3.2. We agree with the advice of both landscape experts that the road boundary provisions external to the zone need to be considered together to achieve visual screening, the perception of separation from the road and adjacent rural activities, and the setting back of buildings. Having considered the evidence we support the 10m setback as proposed in the notified PC14. We consider that there is little to be gained in the additional 5m, taking the other road boundary provisions into account, particularly the recession plane.

3.10.12 We also accept the views of the Council in relation to the practicability of maintaining the 5m landscape area and the appropriateness of earth bunds, and the amendments to all of

these provisions, as set out in Appendix 2.

Rural Zone Boundary Setback, Buffer Strip, Height and Recession Plane

3.10.13 Henmar Trust share an internal (non-road) zone boundary with the proposed Industrial Zone. Mrs Bourke, in her statement for the Trust, explained that there were five houses on the land, the nearest being 300m from the zone boundary. The Trust seeks that several provisions applying at this boundary be amended to better maintain the rural amenity of its land which could continue for an unknown period. These amendments are:

- (i) the setback of buildings from their property boundary be increased from 5m to 25m;
- (ii) industrial building height be restricted to 12m, instead of 20m;
- (iii) a recession plane is included; and
- (iv) the width of the planted buffer strip is increased from 3m to 5m

3.10.14 The section 42A report did not accept any of these amendments noting the use of the adjacent Henmar Trust land for grazing purposes, the substantial setback to existing dwellings, and a comparison with the setback applied to the rural/industrial interface along with the Bardowie Industrial Precinct SPA. The Council reply set out these comparisons noting that the following rules would be common to both SPAs:²¹

- Rule 7.4.2.2 - Minimum building setback from internal boundaries – 5m;
- Rule 7.4.2.6 – Height – 20m;
- Rule 7.4.2.7 – Daylight Control – Recession plane at 2.7m and 45 degree angle;
- Rule 7.4.2.15(e) – Landscape and Screening – this requires a 5m wide minimum screening and amenity planting strip to be provided along the north-west interface of Node 3, when Node 3 is developed, while the land immediately to the north is zoned Rural Zone (i.e. the common boundary with the Henmar Trust property). It is noted that S20.3.13.1(e) states that ‘The amenity planting strip will consist of a combination of groundcovers (i.e. shrubs and/or grass) and trees,

3.10.15 Consequently, the only difference was the landscaping provisions, for which Rule 7.4.2.15(e) cross references to the Urban Design and Landscape Guidelines for the Bardowie Industrial Precinct SPA (located in Appendix S20 – S20.3.13.1(c)) requiring a 5m wide minimum screening and amenity planting strip. This is to be compared with the 3m wide landscaped buffer strip including a hedge to a minimum height of 2m for the proposed Mangaone Precinct SPA, to be implemented at the time of first subdivision (proposed Rule 7.4.2.15A).

3.10.16 Neither Mr Frost nor Ms Jack provided detailed analysis of the PC14 provisions along this interface, however they generally considered them to be adequate for what they viewed as a transitional interface.

Finding

3.10.17 The Panel has considered the district plan provisions addressing rural amenity along the rural/industrial interface. It considers that in similar situations a reasonable level of consistency should be achieved (e.g. Bardowie Industrial Precinct SPA and the proposed

²¹ Council Written Right of Reply at [4.44]

Mangaone Precinct SPA). The Panel is also concerned about the efficiency of committing what could be a large area of land along that interface for a transitional purpose, albeit one that currently has no timeframe. As set out above, the proposed rules for the Mangaone Precinct SPA are different only in the buffer strip standard, being 3m instead of 5m for the Bardowie Industrial Precinct SPA. However, the 3m must contain a 2m high hedge, which is a more stringent specification than for the Bardowie Industrial Precinct SPA. The landscape experts supported the standard and we therefore confirm our acceptance of it.

- 3.10.18 We find that the height limit and recession plan rules, being the same as they are for the Bardowie Industrial Precinct SPA, are appropriate.

Other Sub-Topics on Rural Matters

- 3.10.19 The section 42A report addresses several other matters in this topic for which we received no further submissions or evidence from the submitters. These matters are:

- The building setback from the Mangaone Stream;
- The reference to Zig Zag and Swayne Roads in Policy 7.3.4.5(c);
- Amendments to provisions in the Bardowie Industrial Precinct SPA;
- Lighting effects in the rural zone;
- Kiwifruit Block access;
- Low flammable planting; and
- Policy for landscaping and fencing on Swayne Road;

Finding

- 3.10.20 The Panel accepts the recommendations of the section 42A report, subject to any modifications of the Council's right of reply in Appendix 2.

3.11 Topic 10 – Structure Plan

- 3.11.1 This topic relates to submissions made by Henmar Trust on how development of the Bardowie Industrial Precinct SPA and the Mangaone Precinct SPA is depicted on the respective Structure Plans. Henmar Trust provided written statements and legal submissions in support of its position on this matter which included both the roading and service connections to the Trust land from the Bardowie Industrial Precinct SPA.
- 3.11.2 PC14 amended the location of the proposed east-west collector road connecting Victoria Road with the Mangaone Precinct SPA through the Bardowie Industrial Precinct SPA. The east-west collector road had previously been aligned to the south of Industrial Node 1B of the Bardowie Industrial Precinct. This is proposed to be removed and the collector road to the north of Industrial Node 1B is proposed to take over this function. This northern collector road is to connect at its western end to the proposed Victoria Road/Hautapu Road double roundabout system, traverse east across the Bardowie Industrial Precinct SPA, and then provide access to the Mangaone Precinct SPA local road network.
- 3.11.3 On the operative Bardowie Industrial Precinct SPA the collector road to the north of Industrial Node 1B was depicted as a collector road as far as a four-way roundabout situated at the northeast corner of Industrial Node 1B, thereafter the eastern extension of the road was shown as a local road. A connecting road north from this roundabout to the Henmar Trust land was depicted as an indicative collector road. The indicative collector road links to land outside the Bardowie Industrial Precinct SPA were notated on the Structure Plan with *“Roading and service connections to future development to the north*

[for east] (to be confirmed through master planning process)."

- 3.11.4 PC14 included the proposed new roading arrangements for the Bardowie Industrial Precinct SPA. The road status for the entire east-west link described above was collector road, the four-way intersection was no longer shown as a roundabout (noting that the southern leg had been removed so that this was now a three-way intersection), and the northern link to the Henmar Trust land was shown as an indicative collector road. We note that despite what was shown on the Bardowie Industrial Precinct Structure Plan, there is some suggestion in the section 42A report that the link to the Henmar Trust land is to be a local road.²² The notations referred to remained unchanged. On the deletion of the roundabout notation, the Council's written reply was that *"While the Structure Plan shows a circle, there is nowhere in the District Plan that states or confirms that a 'roundabout' will or must be established in this location."*
- 3.11.5 The Council's recommended Mangaone Precinct Structure Plan depicts the collector roads and roundabout within the Bardowie Industrial Precinct SPA in an identical manner to the Bardowie Industrial Precinct Structure Plan for information purposes.
- 3.11.6 Mr Lang's submissions for the Henmar Trust referred us to several District Plan objective and policies that supported connectivity of urban infrastructure within the C10 Growth Cell. Mr Lang considered that the following policies were all particularly directive on the provision of connectivity to adjacent land:

Objective - Integrated development: efficient servicing

15.3.3 Achieving the efficient and cost effective servicing of land by ensuring that servicing is provided to areas proposed to be developed.

Policy - Servicing requirements

15.3.3.1 All proposed urban development and subdivision shall be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone. Servicing requirements shall include:....

i. Anticipating and providing for connections to identified adjacent future growth areas.

Policies - Roading infrastructure

15.3.3.4 The roading pattern shall ensure connectivity to adjacent land identified as Deferred Zones or future growth areas, and the provision of public transport infrastructure, such as bus stops.

Policy - Standard of infrastructure

15.3.3.5 Infrastructure services shall be provided to a standard that will allow the service to be extended to Deferred Zones or future growth areas.

- 3.11.7 Mr Lang also referred to the significant efforts that Henmar Trust had made during the PC11 process to ensure that the provisions for the Bardowie Industrial Precinct SPA accommodated the Henmar Trust land as anticipated by these provisions. Mrs Bourke provided details of an agreement that Henmar Trust had reached with Council to resolve outstanding issues in the PC11 process. The agreement included the commitment by Bardowie Investments Limited (the PC11 proponent) and Council to a collector road with

²² Section 42A report at [4.13.9]

associated infrastructure services through the Bardowie land to meet the southern boundary of the Henmar Trust land, and a roundabout at the junction of the two collector roads. This arrangement is what was then depicted on the Bardowie Industrial Precinct Structure Plan and the C10 Growth Cell Preliminary Master Plan dated 2 March 2023.²³ Mrs Bourke provided a copy of that agreement signed by representatives of Bardowie Investments Limited and Council.

Finding

- 3.11.8 We have set out our understanding of the differences between the Council and Henmar Trust above. At the end of the hearing, these differences were relatively minor, relating to the depiction of the intersection of the east-west collector road and the indicative collector road north to the Henmar Trust land as a roundabout, or not. We also note that Henmar Trust sought that the word 'indicative' be clarified so that it meant 'indicative as to location' but not 'indicative as to road status'.²⁴
- 3.11.9 The Panel finds that the depiction of a circle on the set of strategic documents including the C10 Growth Cell Preliminary Master Plan and the Structure Plans clearly signals that at the time of preparation the proposed intersection warranted consideration as a roundabout formation. We consider that these depictions, and any other feature common to the respective plans, and the accompanying notation in the key should be consistent between documentation to avoid confusion.
- 3.11.10 The Panel has also taken into account the commitments given by Council in the PC11 process in relation to road status and the roundabout. That is not to say that a comprehensive review as part of the current process could not have made a case for determination at this time that a roundabout was not necessary. However, that case was not made by the Integrated Transport Assessment, nor at a later date by Council staff.
- 3.11.11 In summary, we find that both Structure Plans should depict the intersection as a roundabout and the link north to the Henmar Trust land as an indicative collector road, as currently depicted in the operative Bardowie Industrial Precinct Structure Plan. On the matter of what 'indicative' is to mean in the future, we find that the notation recorded on the Bardowie Industrial Precinct Structure Plan and quoted above stands.
- 3.11.12 Having made each of these findings, we also acknowledge that the notation on the Bardowie Industrial Precinct Structure Plan "Roading and service connections to future development to the north [or east] (to be confirmed through master planning process)." indicates that the usual transportation design process should be followed at the time of development taking into account the anticipated land use, predicted traffic flows, intersection efficiencies, active mode travel considerations, etc.
- 3.11.13 Finally, on the matter of services linkages, in addition to the objectives and policies referred to by Mr Lang, the provisions of the Structure Plans and the C10 Growth Cell Preliminary Master Plan make it clear that connectivity of both roads and services are expected as part of infrastructure planning and development agreements.

²³ As provided in Appendix B of M Bourke statement

²⁴ Lang, Henmar Trust comments on further changes to PC 14 proposed by council officers' Right of Reply
3 April 2025 page 3rd para.

3.12 Topic 11 – Transport

- 3.12.1 The section 42A report provides the following overview statement in terms of the submissions received on transport matters:

Traffic and the effects on the roading network are an instrumental part of the District Plan direction to ensure an integrated approach to land use and transport. At a local scale the integration of new activities needs to ensure that the roading network can continue to function in a safe and efficient manner.

- 3.12.2 The submissions received mainly addressed the connections between the Mangaone Precinct SPA and local roads, including the form of the roads and their use during construction. Broader strategic transport matters were also raised by the Waikato Regional Council, as was the need for more information on traffic effects by G & B Laurent.

- 3.12.3 H Wood & O'Sheas Trustees No 8 Ltd have requested:

- (i) A speed change to Swayne Road from that recommended in the Integrated Transport Assessment of 60km/hr to 50km/hr, and
- (ii) Relocation of the intersection further north along Swayne Road.

- 3.12.4 The section 42A report addressed both of these matters in detail. In relation to road speed it advised the speed changes were subject to a separate process setting Land Transport rules and that the Council would be undertaking a review in the next 12 months. On the matter of the position of the road connection between the Mangaone Precinct SPA and Swayne Road, the report advised that the position shown on the Structure Plan was indicative, although the location shown was favourable in terms of use by Cambridge residents travelling to work within the Mangaone Precinct SPA and also avoided conflict with the higher number of existing entrances on the eastern side of the northern part of Swayne Road.

- 3.12.5 Fire and Emergency NZ and Henmar Trust submitted on the indicative road cross sections, particularly that for the minor accessway connecting to Swayne Road. The requirements of Appendix T4 of the District Plan for this road depict an 8m wide carriageway (2 x 4m lanes) whereas the carriageway for the above accessway in the Structure Plan was 5.4m (2 x 2.7m). The Council advised that an emergency vehicle, such as a fire truck, could traverse a 3.5m wide carriageway (i.e. using both lanes). This matter was the subject of questions by the Panel in the hearing, where the proposed cross-section in Appendix S27 for this accessway showed landscaping and vertical kerbs, potentially blocking an emergency vehicle. Mr Hudson explained that the depiction was a standard cross-section and that detailed design to ensure emergency vehicle access was enabled would be undertaken as the SPA was developed.

- 3.12.6 Henmar Trust's concerns, as expressed by Mrs Bourke in her statement, were the potential for relatively large vehicles, up to 12 tonnes, using the proposed minor accessway access. As we have discussed above, prior to any vehicle trips being generated south of the Mangaone Stream, the east-west collector road must be completed (Rule 7.4.2.46 (a),(b) and (c)). Consequently, the potential for the use of the accessway by most traffic, including larger vehicles is much diminished due to the east-west collector road being much more direct.

- 3.12.7 Kama Trust submitted on the provision of transport infrastructure to address the wider network effects of increased traffic. We note that we have addressed this matter above

under Topic 1 – All of the Plan Change.

- 3.12.8 Henmar Trust submitted on the absence of a direct roading link from the Mangaone Precinct SPA to its land. The Council response notes that roading linkages are provided from Bardowie Industrial Precinct SPA and potentially from Zig Zag Road in the future, and further that the Council Roding Team had concerns about additional roading connectivity within the Mangaone Precinct SPA and the potential effects on Zig Zag Road.
- 3.12.9 WRC submitted on a range of strategic transport matters including emissions reduction, climate change, transport modes and regional transport plans. The section 42A report response was that the first three of these submissions were related to the District Plan more broadly, were outside the scope of PC14 and should be addressed in an overall District Plan review. On the matter of consistency with regional transport plans the section 42A report agreed that this was an important matter and addressed on a continuing basis by the Council Roding Team.
- 3.12.10 G & B Laurent submitted that further information on anticipated traffic as result of PC14 was needed. The section 42A response was that the Integrated Transport Assessment had been reviewed by Council's Roding and Engineering Teams who had raised no concerns with the modelling and process used by Stantec, (the authors of the Integrated Transport Assessment).

Findings

- 3.12.11 We have considered each of these transport submission points and the related Council response. We find that the Council response in each case appropriately addresses the matters raised and will result in the safe and efficient functioning of the local road network.

4 Statutory Context: Resource Management Act 1991

4.1 General Considerations

- 4.1.1 PC14 is required to be “*in accordance with Part 2*” of the RMA. The section 42A report set out the key matters in Part 2 including the promotion of sustainable management of natural and physical resources in section 5, recognising and providing for matters of national importance in section 6, having particular regard to managing the use, development and protection of natural and physical resources as identified in section 7 and taking into account the principles of the Treaty of Waitangi.
- 4.1.2 For sections 6 and 7 the section 42A report identified the importance of the natural values of the Mangaone Stream, including the long-tailed bat, and public access to and along the stream. In relation to section 8 the report noted that local iwi had been engaged in the PC14 process and had prepared a Cultural Impact Assessment for the application. No concerns in relation to the relationship of Māori with ancestral lands, water and sites had been raised and we note that there were no submissions from iwi. The process had also addressed the Council's obligations pursuant to Joint Management Agreements with several iwi.
- 4.1.3 Section 75(3) of the RMA requires that a District Plan must give effect to any national policy statement, national planning standard and regional policy statement. The section 42A report identified key policies and provisions in this regard as follows:

- (i) National Policy Statement on Urban Development 2020

- (ii) National Policy Statement for Highly Productive Land
- (iii) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**)
- (iv) Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato
- (v) Te Ture Whaimana O Te Awa O Waikato – Waikato River Vision and Strategy

- 4.1.4 We have addressed the key elements of the NPS-UD for PC14 above, being the provision of not just sufficient land but a response to the exposure of the Hautapu land to a multi-region industrial land market that is likely to support ongoing growth and land utilisation, with the large flat sites offered being particularly attractive.
- 4.1.5 PC14 consequently responds to the key objective of the NPS-UD being the provision of a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- 4.1.6 We have also found that the land is not highly productive land as defined in the NPS-HPL.
- 4.1.7 The Waikato Regional Policy Statement and Te Ture Whaimana O Te Awa O Waikato have also been addressed in detail in the section 42A report, particularly the ‘out-of-sequence’ and urban form and development provisions. These provisions were the subject of a submission by WRC. At the hearing, Ms Andrews, for WRC, confirmed her general agreement with the Council’s response to the submission, maintaining however her understanding that the BDCA 2023 identified sufficient industrial land for the Future Proof sub-region overall.
- 4.1.8 Te Ture Whaimana O Te Awa O Waikato is the vision and strategy for the Waikato River, and an important guiding document for the Waikato region. It forms part of the WRPS and prevails over any inconsistent provision within the WRPS, any national policy statement, the New Zealand Coastal Policy Statement and any national planning standards. The section 42A report advised that PC14 involves enhancement of the margins of the Mangaone Stream which ultimately drains to the Waikato River. The report noted that the nature and scale of stormwater management and stream enhancement associated with PC14 provides the means by which the effects of urbanisation and future industrial land use are managed and assist in the restoration of the health and well-being of the Waikato River.
- 4.1.9 Our consideration of the growth implications of PC14 also encompasses the Future Proof criteria for out-of-sequence development and the aspirations of the Waipā 2050 District Growth Strategy as addressed in the section 42A report.
- 4.1.10 The provisions of the NES-CS in relation to one area of land within the Kiwifruit Block had also been addressed by a Preliminary Site Inspection Report in 2018 and a subsequent Detailed Site Investigation as part of a resource consent process.

Finding

- 4.1.11 Section 3 of the section 42A report contains a thorough assessment against the relevant sections of the RMA and as there was no specific contention (beyond the matters discussed above) raised through submissions or the hearing process, we have no further comment to make and agree with the findings within the Section 42A analysis.

4.2 Section 32AA Further Evaluation

- 4.2.1 A further evaluation under Section 32AA of the RMA is required to be undertaken by the Panel for any changes to the notified provisions of PC14 that are proposed by this decision.
- 4.2.2 Because the scale and significance of the changes are small the Panel has determined that the level of detail of the required further evaluation is appropriately contained within this decision, and that a separate evaluation report is not necessary in this instance.
- 4.2.3 A number of changes to the notified PC14 provisions have been recommended to us by the section 42A report and the reporting officers right of reply as part of the hearing. These changes are summarised in tables 4 and 5 below:

Table 4: Section 42A Report – Recommended Changes to Provisions

Provision / Proposed Change	Reason
Section 7 – Industrial Zone	
Introduction Include new paragraphs specific to National Grid Transmission Network and National Grid Corridor.	Incorporation of relief sought by submission and further submission. Not opposed by any party.
Resource Management Issue Include new resource management issues for bat habitat values and National Grid Transmission Lines.	Incorporation of relief sought by submission and further submission. Not opposed by any party.
Objective 7.3.4(h) Include reference to Bardowie Industrial Precinct Structure Plan Area in objective.	Incorporation of relief sought by submission. Not opposed by any party.
Policy 7.3.4.5(c) Delete reference to Zig Zag Road and Swayne Road in policy.	Incorporation of relief sought by submission.
New Objective 7.3.9 and Policies 7.3.9.1 & 7.3.9.2 Include new objectives and policies specific to long-tailed bat habitat values and long-tailed bats.	Incorporation of relief sought by submission. Not opposed by any party.
New Objective 7.3.10 and Policies 7.3.10.1 – 7.3.10.5 Include new objectives and policies specific to National Grid Transmission Networks and National Grid Corridors.	Incorporation of relief sought by submission and further submission. Not opposed by any party.
Rule 7.4.1.1(u)(iv) – Permitted Activity Deletion of reference to Innovation and Advanced technology Activities in rule and associated renumbering.	Incorporation of relief sought by submission. Not opposed by any party.
Rule 7.4.2.1(e) – Minimum Building Setback from Road Boundaries Increase minimum setback for buildings from Zig Zag and Swayne Roads from 10m to 15m.	Increase front yard setback to address concerns raised by submitters and ensure consistency with other industrial areas. Note opposed by Fonterra.
Rule 7.4.2.7A – Daylight control Increase minimum setback for buildings from 10m to 15m in diagram.	Increase front yard setback to address concerns raised by submitters and ensure consistency with other industrial areas. Note opposed by Fonterra.

Provision / Proposed Change	Reason
Rule 7.4.2.15A – Advice Note Add new advice note relating to the use of low flammable native plant species in landscaping.	Incorporation of relief sought by submission and further submission. Not opposed by any party.
Rule 7.4.2.41 – Light Spill in Structure Plan Areas Include reference to and specify lighting requirements for reserves as a receiving environment.	Incorporation of relief sought by submission. Not opposed by any party
Rule 7.4.2.42 – Light Spill in Structure Plan Areas Amend format of rule to ensure that (a) and (b) are both applied to lighting within the Mangaone Stream Reserve.	Correction of formatting error.
Rule 7.4.2.43 (d) and (e) - Buildings and structures within the National Grid Yard Delete subrules (d) and (e) which reference activities not undertaken in the Industrial Zone and subsequent renumbering.	Incorporation of relief sought by submission and further submission. Not opposed by any party.
Rule 7.4.2.44(c) - Buildings and structures within the National Grid Yard Delete subrule (c) which references activities not undertaken in the industrial zone.	Incorporation of relief sought by submission and further submission. Not opposed by any party.
New Rule 7.4.2.45 – Earthworks Add new performance standard specific to earthworks activities within the national grid yard.	Incorporation of relief sought by submission and further submission. Not opposed by any party.
New Rule 7.4.2.46 – Mangaone Precinct – Transport Add new rule which provides triggers for the undertaking of road upgrade works when development / subdivision within the Mangaone Precinct Structure Plan Area is proposed. Resource consent for a restricted discretionary activity required where non-compliance occurs.	New rule added to address concerns expressed by submitters. Proposed rule subject to discussion in evidence and rebuttal evidence tabled as part of the hearing.
Section 15 – Infrastructure, Hazards, Development and Subdivision	
Rule 15.4.2.91A(d), (f) and (g) - Mangaone Precinct Structure Plan Area Subrules amended to include reference to Mangaone Stream Reserve Development and Operational Management Plan	Incorporation of relief sought by submission and further submission. Not opposed by any party.
Rule 15.4.2.91A(i) and (j) - Mangaone Precinct Structure Plan Area New subrules added to include new provisions specific to building platforms outside of national grid yard and provision of vehicle access to national grid support structures.	Incorporation of relief sought by submission and further submission. Not opposed by any party.
Section 21 – Assessment Criteria and Information Requirements	
New Assessment Criteria 21.1.7.17B - Transport Include new criteria providing assessment criteria to be considered when new subdivision / development is proposed in the Mangaone Precinct and also where resource consent requirement is triggered by non-compliance with new transport Rule 7.4.2.46.	Incorporation of relief sought by submission and further submission. Not opposed by any party.

Provision / Proposed Change	Reason
Information Requirement 21.2.7.1 - Mangaone Stream Reserve Development and Operational Management Plan Amendment to include reference to Mangaone Stream Reserve Development and Operational Management Plan within rule.	Incorporation of relief sought by submission. Not opposed by any party.
New Information Requirement 21.2.7.1(j) - Mangaone Stream Reserve Development and Operational Management Plan New information requirement included with respect to matters of ecology.	Incorporation of relief sought by submission. Not opposed by any party.
Information Requirement 21.2.7.2(a) - Landscape Buffer Strip Planting and Implementation Plan Include new matters clarifying that information on plant size, height and growth rate is required as part of any landscaping plan submitted.	Incorporation of relief sought by submission and further submission. Not opposed by any party.
Appendix S27 – Mangaone Precinct Structure Plan	
Add New Text S27.2.26 & S27.2.27 – Bat Habitat Values New text added to structure plan on bat habitat values.	New text proposed to address matters raised by submission and further submissions. Subject to evidence submitted at hearing.
S27.3.3 – Issue 1 – Mangaone Stream Reserve Amendment to include reference to Mangaone Stream Reserve Development and Operational Management Plan within text.	Incorporation of relief sought by submission. Not opposed by any party.
S27.3.4 – Issue 2 – The Rural Interface Change reference to 10m front yard setback, to refer to 15m as to ensure consistency with recommended change to Rule 7.4.2.1(e).	Increase front yard setback to address concerns raised by submitters and ensure consistency with other industrial areas. Note opposed by Fonterra.

Table 5: Waipā District Council Right of Reply – Recommended Changes to Provisions

Provision / Proposed Change	Reason
Section 7 – Industrial Zone	
Resource Management Issue – 7.2.22 Deletion of duplicate text.	Incorporation of relief requested by evidence.
Rule 7.4.2.1(e) – Minimum Building Setback from Road Boundaries Revert minimum setback for buildings from Zig Zag and Swayne Roads back to 10m.	Expert opinion that reduction of yard setback is justified by landscaping provisions.
Rule 7.4.2.7A – Daylight control Revert minimum setback for buildings back to 10m in diagram.	Expert opinion that reduction of yard setback is justified by landscaping provisions.
Rule 7.4.2.17A – Building Colour Delete text that refers to facades facing a road or reserve, so that building colour requirements of rule apply to the elevations of all proposed buildings.	Recognition that the outcomes specified by the rule should be applied to all building elevations.

Provision / Proposed Change	Reason
Rule 7.4.2.43 – Buildings and Structures within National Grid Yard Include new criteria specific to availability of vehicle access to national grid support structures.	Strengthen provisions relating to the ability to access support structures for maintenance purposes.
Rule 7.4.2.46 – Mangaone Precinct – Transport Amendment to proposed new rule to reflect issues raised in evidence regarding road upgrades, including consideration of the Zig Zag Road / Victoria Road intersection.	Clarify when upgrade requirements are triggered and what upgrades need to be completed prior to development occurring.
Section 15 – Infrastructure, Hazards, Development and Subdivision	
Rule 15.4.2.91A(j) - Mangaone Precinct Structure Plan Area Amendment to ensure that vehicle access to national grid support structures is considered and provided for at the time of subdivision.	Strengthens rule and incorporates relief requested by evidence.
Rule 16.4.2.12A – Vehicle Access to Sites in Mangaone Precinct Structure Plan Area Amendment to ensure that access restrictions relate to vehicle access only.	Clarifies intent of rule and avoided unintended consequences.
Section 21 – Assessment Criteria and Information Requirements	
New Information Requirement 21.2.7.1(f) - Mangaone Stream Reserve Development and Operational Management Plan New requirement requiring a minimum 20m buffer between the High Value Bat Habitat Area and Industrial Zone.	Strengthens rule and incorporates relief requested by evidence.
Amend Information Requirement 21.2.7.2(a)(ii) - Landscape Buffer Strip Planting and Implementation Plan Change word “establish” to “establishing”.	Correct grammatical error.
New Information Requirement 21.2.7.2(a)(iii) - Landscape Buffer Strip Planting and Implementation Plan New requirement about outcomes for landscape buffer strips to comprise shrubs and groundcovers and not mowable lawn.	Strengthens landscaping outcomes and incorporates relief requested by evidence.
New Information Requirement 21.2.7.2(d) - Landscape Buffer Strip Planting and Implementation Plan New requirement for provision of maintenance plan as part of landscaping requirements.	Strengthens landscaping outcomes and incorporates relief requested by evidence.
Appendix S27 – Mangaone Precinct Structure Plan	
Change Figure S27A Replace and amend structure plan diagram to remove roundabout.	Incorporates relief requested by evidence.

4.2.4 The Panel agrees with all but two of the changes that have been recommended by the reporting planner in the section 42A report (including the updated recommendations in the Waipā District Council right of reply). Table 6 below identifies where our decision has departed from the section 42A report recommendation.

Table 6: Hearing Panel – Departure from Reporting Planner Recommended Provisions

Provision / Proposed Change	Reason
Section 7 – Industrial Zone	
Rule 7.4.2.46 – Mangaone Precinct – Transport Wording of rule preceding the table in this rule reverts to the text originally recommended by the Section 42A report.	Refer paragraph [3.2.7] of this decision.
Appendix S20 – Bardowie Industrial Precinct Structure Plan and Urban Design and Landscape Guidelines	
Amend Figure S27 Bardowie Industrial Precinct Structure Plan shall depict a circle at the intersection of the east-west collector road connecting Victoria Road with the Mangaone Precinct Structure Plan Area and the indicative collector road north to the Henmar Trust land.	Refer paragraphs [3.11.8] to [3.11.11] of this decision.
Appendix S27 – Mangaone Precinct Structure Plan	
Mangaone Precinct Structure Plan shall depict a circle at the intersection of the east-west collector road connecting Victoria Road with the Mangaone Precinct Structure Plan Area and the indicative collector road north to the Henmar Trust land.	Refer paragraphs [3.11.8] to [3.11.11] of this decision.

- 4.2.5 To a large extent the changes to the PC14 provisions reflect the relief sought by submitters and further submitters. In many instances there is agreement that the amendments are appropriate and accepted by the relevant parties. Where this has occurred, the Panel agrees that these changes to the notified provisions represent the most appropriate way to achieve the objectives of PC14.
- 4.2.6 The Panel is also satisfied that the other changes recommended by the reporting planner to the notified PC14 provisions which remain in dispute between submitters also represent the most appropriate way to achieve the objectives of PC14 and those objectives of the Operative Waipā District Plan that are not being altered. The Panel in making its decisions on these matters has considered the effects anticipated from the implementation of the PC14 provisions and for the reasons provided throughout this report has arrived at the conclusion that they represent the most efficient and effective options to achieve the objectives.
- 4.2.7 In relation to the matters where this decision has departed from the recommendations of the reporting planner, as outlined in Table 6 above, the Panel is satisfied that the changes to these provisions (in particular the amendments to the respective structure plans) are the most appropriate way to ensure that the Waipā District Plan continues to give effect to previous decisions and agreements made by Council.
- 4.2.8 In this respect the Panel considers that the cancellation of intersection notations shown on the Bardowie Industrial Precinct Structure Plan is not the most appropriate way to achieve the objectives of PC14. The roundabout notations should be retained on the structure plans to reflect decisions that have been previously made by Council.
- 4.2.9 For these reasons, this decision and the changes to the provisions of the Waipā District Plan

contained in Part C of this report represents what the Panel considers to be the most appropriate way to achieve the objectives of PC14 and the Operative Waipā District Plan as directed by sections 32 and 32AA of the Resource Management Act 1991.

5 Conclusion

5.1 Summary of Amendments to Provisions

5.1.1 With reference to our findings recorded for the various topics, the following amendments to the Council's right of reply version of the PC14 provisions are required:

- (i) Amendment to Rule 7.4.2.46 to delete the words "*being reliant on the existing transport network*" from the header clause; and
- (ii) The Bardowie Industrial Precinct Structure Plan and the Mangaone Precinct Structure Plan shall depict a circle at the intersection of the east-west collector road connecting Victoria Road with the Mangaone Precinct SPA and the indicative collector road north to the Henmar Trust land.

5.2 Overall Conclusion

5.2.1 The Panel considers for the reasons as outlined above, that the provisions proposed by Council, and the changes subsequently made because of submissions, is suitable for adoption into the Waipā District Plan, as detailed in Part C of this report. The detailed responses to individual submissions in Part B are based on this conclusion and considering all the submissions and evidence.



Dave Serjeant

Signed 4 June 2025