

BEFORE THE INDEPENDENT COMMISSIONER

UNDER

the Resource Management Act 1991

IN THE MATTER

of proposed Plan Change 33 to the Waipā District
Plan

**STATEMENT OF EVIDENCE OF MARK BULPITT CHRISP ON BEHALF OF
THE HAUTAPU LANDOWNERS GROUP**

PLANNING

13 OCTOBER 2025

1. INTRODUCTION

- 1.1 My full name is Mark Bulpitt Chrisp.
- 1.2 I am a Partner and a Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Ltd, a company which commenced operations on 1 October 2016 following a merger of Mitchell Partnerships Ltd and Environmental Management Services Ltd (of which I was a founding Director when the company was established in 1994 and remained so until the merger in 2016).
- 1.3 In addition to my professional practice, I am an Honorary Lecturer in the Department of Geography, Tourism and Environmental Planning at the University of Waikato. I am also the Chairman of the Environmental Planning Advisory Board at the University of Waikato, which assists the Environmental Planning Programme in the Faculty of Arts and Social Sciences in understanding the educational, professional and research needs of planners.
- 1.4 I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 35 years' experience as a Resource Management Planning Consultant.
- 1.5 I am a member of the New Zealand Planning Institute, the New Zealand Geothermal Association, and the Resource Management Law Association.
- 1.6 I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.
- 1.7 I have appeared as an Expert Planning Witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry.
- 1.8 I have extensive experience working in the Waipā District over the last 30 plus years. This has included:
 - (a) A Private Plan Change to create the St Kilda Residential Area in the north-eastern part of Cambridge;

- (b) Resource consents for the ongoing operation and improvement of Fonterra's Te Awamutu and Hautapu Dairy Manufacturing Sites including associated spray irrigation of wastewater and other discharges;
- (c) Resource consents for a range of community and commercial activities in Cambridge including the Countdown Supermarket, Mobil Service Station, Cambridge Medical Centre, Professional Farm Services, and the redevelopment of the Karapiro Domain for the 2010 World Cup Rowing Championships including the construction of the Don Rowlands Centre;
- (d) Resource consents for most of the function venues (and a wide range of other non-agricultural activities) in the Rural Zone of the Waipa District;
- (e) A number of plan changes and resource consents for developments in the vicinity of Hamilton Airport including, most recently, consent for Tomra's new facility on the corner of Airport Road and Lochiel Road;
- (f) Plan changes and resource consent applications for the development of the C2/C3 Growth Cell; and
- (g) Plan Change 11 creating the Bardowie Industrial Precinct at Hautapu;
- (h) Plan Change 17 ("**PC17**") which, inter alia, rezoned Area 6 to Industrial Zone and Area 7 to Deferred Industrial Zone at Hautapu; and
- (i) Plan Change 14 creating the Mangaone [Industrial] Precinct at Hautapu.

1.9 I have been engaged by the Hautapu Landowners Group ("**HLG**") to present planning evidence in relation to Plan Change 33 ("**PC33**") to the Waipā District Plan ("**WDP**"). Specifically, my statement of evidence will:

- (a) Introduce the HLG and its land holdings;
- (b) Set out the background to the HLG's involvement in PC17 and the preparation and advancement of PC33; and
- (c) Responds to matters addressed in the section 42A Report.

Code of Conduct

- 1.10 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it.
- 1.11 My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I have relied on the evidence of other persons. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

2. THE HLG

- 2.1 The HLG comprises a group of people who own land within Area 7 forming part of the Hautapu Industrial Structure Plan Area ("HISPA") as shown on the following plan.



Figure 1: Plan from HISPA showing Area 6

- 2.2 The following plan shows the land holdings owned by the HLG within Area 7.



Figure 2: Plan showing the Location and Extent of the HLG Land Holdings

3. BACKGROUND TO THE HLG'S INVOLVEMENT IN PC17 AND ADVANCING PC33

- 3.1 To gain a full understanding of PC33, it is necessary to understand the circumstances that have led to the preparation and advancement of PC33. It started with the preparation and advancement of PC17 which was, in terms of the relevant part relating to what is now called Area 6, prepared by Kama Trust as a private plan change, which was subsequently adopted by the Waipa District Council as part of PC17.
- 3.2 No consultation was undertaken by Kama Trust with its neighbours to the north of their land as part of the development of the proposal to rezone their land from Rural Zone to Industrial Zone.
- 3.3 Without the members of the HLG being aware, Kama Trust undertook a significant amount of work and presented approximately 100 pages of documentation (dated 8 March 2022) to Future Proof seeking its endorsement of the proposed rezoning of its land. Waipa District Council was aware of this but did not provide this information to the

members of the HLG; nor did it engage with the members of the HLG. The HLG was later advised that Waipa District Council was subject to a confidentiality agreement with Kama Trust.

- 3.4 The HLG first heard about PC17 by way of a letter from Waipa District Council dated 26 May 2022. That letter set out what was proposed and concluded with the following:

“When Draft Plan change 17 is notified, members of the public will have an opportunity to formally submit on the Plan Change. In the meantime, if you have any thoughts to share or would like to learn more about what is proposed, please contact Council’s consultant Neda Bolouri [followed by her contact details and a link to Council’s website]”

- 3.5 Having received the letter, Mr Dean Hawthorne approached me with serious concerns about what was proposed (concerns that were shared by a number of his neighbours) and sought my assistance. At that time, Mr Hawthorne was about \$160,000 into the build of a new house very close to the northern boundary of Area 6 for which Waipa District Council has issued a Building Permit in February 2022 (when it knew about but had not revealed the proposed rezoning of Area 6). Work was immediately stopped on the house and the money spent to date has been lost.
- 3.6 Mr Hawthorne also had significant concerns about the ongoing viability of his equestrian business being located adjacent to an industrial area. Concerned about the risks to, and safety of, their (very expensive) bloodstock, clients of Mr Hawthorne advised him that they will not send their horses to him if there is an Industrial Zone next door. As discussed in the evidence of Mr Hawthorne, those consequences have now played out.
- 3.7 For the purposes of PC17 (and now PC33), Mr Hawthorne and his neighbours subsequently became collectively known as the Hautapu Landowners Group / HLG. Mr Hawthorne alongside Mr John Gundesen are the primary representatives for the HLG.
- 3.8 I organised a meeting with Waipa District Council on 23 June 2022. At that meeting, the members of the HLG shared their concerns with

Council officers, in no uncertain terms, about what was proposed, both in terms of process and substance.

- 3.9 Suffice to say, for the purposes of my evidence, the rezoning of Area 6 as proposed in PC17 was predicted to result in a range of significant adverse effects on the owners of the land to the north of Area 6 which would be difficult, if not impossible, to mitigate. On that point very little, if not zero, mitigation was proposed by Kama Trust and/or the Waipa District Council. The evidence of Mr Hawthorne and Mr Gundesen describe and nature and severity of these effects that have now occurred as predicted.
- 3.10 Despite the opportunity to 'share any thoughts', it became very clear that PC17 was going ahead regardless. That position was reinforced in the HLG's discussions and correspondence with Council officers whereby they were not prepared to entertain any modification to PC17 on the basis that it might cause a delay to their timeframes.

4. APPROACH TAKEN BY THE HLG

- 4.1 Given the situation outlined above, it was open to the members of the HLG to simply oppose what was proposed by lodging submissions in opposition and subsequent appeals to the Environment Court if an acceptable outcome does not occur as a result of the hearing of first instance.
- 4.2 Rather than going down that path, the HLG resolved to take a more constructive approach to addressing their concerns because such an approach would likely be more conducive to an acceptable outcome, given that it seemed inevitable the plan change would be confirmed by the Council.
- 4.3 To cut a long story short, the HLG lodged a submission on PC17 when it was notified seeking that their land be rezoned to Deferred Industrial Zone. Following the resolution of a scope issue in relation to the relief sought in the HLG's submission, the Hearing Committee ultimately approved the Deferred Industrial Zone applying to Area 7 as part of PC17. That outcome came with planning provisions relating to the

timing of a subsequent plan change to live zone Area 7 to Industrial Zone (i.e. 80% of Area 6 being subject to s.224 certificates or 31 March 2030, whichever was the sooner, as I had originally proposed). That outcome was accepted by the HLG on the understanding that Kama Trust would reach the 80% trigger within 18 months of the PC17 hearing, which occurred in June 2023. While Kama Trust is currently giving effect to a subdivision consent and therefore making progress, it is not expected that s.224 certificates will be released until well into 2026 at the earliest.

5. PC33

- 5.1 The HLG has prepared and advanced PC33 to minimise any further delays that would otherwise occur if they waited for the 80% trigger to occur and then advance a plan change. In other words, based on the timeframes associated with PC33, if they waited for the 80% trigger to occur and then lodged a plan change, there would be about another year delay before a plan change would be lodged and a further year before the live zoning of Area 7 could occur. This would also create a discontinuity of industrial land supply for no good reason.
- 5.2 The need to progress with PC33 has been reinforced by the significant adverse effects being suffered by Mr Gundesen and Mr Hawthorne as a consequence of the works occurring within Area 6. The live industrial zoning of Area 7 will better enable both to move on and re-establish their businesses and lives elsewhere in the district.
- 5.3 The practical reality is that, in order to provide access and service the land, Area 7 cannot be developed until Road 4 (extending through Area 6 from Hautapu Road to the southern boundary of Area 7) has been vested in Waipa District Council. This vesting of the entire length of Road 4 to the boundary of Area 7 is a condition of the Kama Trust's subdivision consent¹. However, there is no reason why the live zoning of Area 7 cannot occur now so that it is able to be developed as soon as Road 4 has been vested.

¹ I note that I am very surprised that this consent application was processed non-notified given the direct adverse effects on Mr Gundesen and Mr Hawthorne.

- 5.4 Based on the subdivision consent issued to Kama Trust, at that point the 80% trigger will have occurred. However, to avoid any unforeseen circumstances which might undermine that assumption, in my opinion there is significant merit in amending the “80% / s224” trigger to expressly refer to the vesting of Road 4 to the boundary of Area 7 as an additional trigger or, alternatively, in substitution for the “80% s.224” trigger.
- 5.5 Furthermore, in light of the time which has passed since the request for PC33 was lodged and considering the current development works underway on Area 6, the 2026 alternative trigger date should be amended to 31 March 2027. In my opinion, if Road 4 has not been vested by this date, something fundamental would have occurred to delay implementation of the current subdivision consent for Area 6 which would warrant consideration of an alternative process by which Road 4 would be at least vested in Waipa District Council. As such, it is important that a realistic “fall back” date trigger is included as one of the triggers. As Mr Heath points out, there is no economic rationale for the date being set at 2030.

6. SECTION 42A REPORT

- 6.1 I have reviewed the s.42A Report prepared by Mr Nathan McLeay. In my opinion, it is a very well written report, and I agree with the recommendations in the report except to the extent that I noted above regarding amendments to the Area 7 development trigger. I do not propose to repeat the matters covered in the s.42A Report other than to emphasise a number of key points.
- 6.2 I agree with the overall recommendations in the s.42A Report that:
- a) The rezoning of land from Deferred Industrial Zone to Industrial Zone be confirmed;
 - b) The submissions and further submissions on PC33 are accepted, accepted in part, or rejected as outlined in the report and Appendix 1; and

- c) The amendments to the District Plan, including Appendices and Planning Maps, are made as outlined in the report and in Appendix 2, except for the proposed amendments which I address below.

6.3 In my opinion, the ability to approval of PC33 has been greatly assisted by the work and analysis that was undertaken as part of the PC17. This included evidence and expert caucusing in relation to the access and servicing arrangements for Area 7 (all of which were resolved) and evidence in relation to economics. Much of that evidence (or at least a summary of it) has been presented as part of the documentation supporting PC33. In summary:

- a) Access to Area 7 is to be via Road 4 which connects Area 7 to Hautapu Road. This outcome is supported in the evidence of Mr Inder on behalf of the HLG and in the report prepared by Mr Hudson on behalf of Waipa District Council (presented in Appendix 4 of the s.42A report). Both traffic engineering experts conclude that there are no significant transport effects arising from the vesting of Road 4 and the use of it by Area 7.
- b) In his evidence, Mr Dickey concludes that Area 7 can be serviced in terms of water supply, wastewater reticulation, and the management and discharge of stormwater. The report prepared by Ms Eva Čučvarová for Waipa District Council (presented in Appendix 5 of the s.42A Report) concurs with this conclusion.
- c) The evidence of Mr Heath, on behalf of the HLG, concludes that there will be positive economic outcomes as a result of live zoning Area 7 to Industrial Zone. The report prepared by Mr Greg Akehurst and Ms Maggie Hong on behalf of Waipa District Council, presented as Appendix 3 to the s.42A Report, appears to reach the same conclusion based on Area 7 being developed after Area 6 (which is what is proposed as part of PC33).

6.4 An important aspect of PC33 that must, in my opinion, be retained (as recommended in the s.42A Report), is Rule 15.4.2.WW which states:

“The first subdivision of Area 6 for industrial purposes must vest in Council the entire length of the proposed

road between Hautapu Road and Area 7 shown on the Hautapu Structure Plan as “Road 4”.

- 6.5 This rule needs to be retained and enforced to ensure that there is no potential for a ‘lockout’ type of situation whereby the development of Area 7 is prevented or delayed indefinitely due to Road 4 not extending to the southern boundary of Area 7 and being within the control of Waipa District Council.
- 6.6 Given the assertion that the 80% development area trigger will be reached through the implementation of the subdivision consent which requires the vesting of Road 4, in my opinion Rule 15.4.2XX should be amended as follows (amendment shown in underlined text):

“15.4.2.XX The subdivision and development of Area 7 for industrial purposes can occur either:

- a) when Area 6 of the Hautapu Industrial Structure Plan Area has reached 80% development (i.e. 80% of the developable area of Area 6 is the subject of s.224 certificates); or
 - b) when Road 4 has been vested in Council as required by Rule 15.4.2WW; or
 - c) by 31 March 2027~~2030~~,
- whichever occurs sooner.”

- 6.7 The key aspect of the rule above is the vesting of Road 4 so that Area 7 can have the intended form of access onto Hautapu Road (rather than the alternative of gaining access onto Peake Road). Even if one of the other two triggers occur before Road 4 is vested, although it is expected that triggers a and b will occur simultaneously, Council will have the ability to control the access arrangements for Area 7 via the subdivision and development consents that will be required. The benefit of having all three triggers in the rule above is that (in relation to clauses a and c) Area 7 can advance the subdivision consenting and implementation stage of the development while it waits for Road 4 to be vested, after which s.224 certificates could be issue, thereby avoiding further unnecessary delays.

- 6.8 In my opinion, considering s.32AA of the RMA, the outcome proposed above is consistent with the policies of, and gives effect to the objectives of, the Hautapu Industrial Zone (including the Hautapu Structure Plan) for the following reasons:
- a) The proposed sequencing and expected timing of industrial land supply at Hautapu remains the same (as was canvassed in PC17 and more recently as part of PC14 relating to the live zoning of land within the C10 Industrial Growth Cell) which is:
 - i. The Kama Trust land (being the vast majority of Area 6) is developed first;
 - ii. Area 7 is developed next (preferably in a seamless manner without any unnecessary delay – that being the primary motivation for the advancement of PC33); and
 - iii. Towards the end of this decade (2028 onwards) Fonterra's land (being the Mangaone Precinct) is developed third.
 - b) On the basis of the above, the current proposal *"Is aligned with the land allocation table for industrial land within Hautapu and/or the criteria for alternative land release both as outlined within the Regional Policy Statement"* in accordance with Policy 7.3.4f in the Waipa District Plan. I also note that the s.42A report agrees that the proposal is consistent with the relevant objectives and policies in the RPS and Future Proof. While that conclusion is based on the trigger rule including the 2030 date, it is my opinion that that none of those conclusions reached should alter if the backstop date is 2027 (particularly in light of the evidence of Mr Heath).
 - c) In accordance with the Hautapu Structure Plan, the current proposal also results in the co-ordinated and appropriate development of infrastructure to service Area 7 (as summarised in paragraph 6.3 of my evidence).

7. CONCLUSION

- 7.1 There has been a long and unhappy background to the plan change process for PC17 and PC33 for the HLG, which has led to this point. The HLG needs planning certainty to enable them to sell their land so that it can be used for its intended purpose as already set out in the Waipa District Plan (i.e. industrial land uses) and the various members of the HLG can seek to rebuild their lives and livelihoods elsewhere, away from adjacent industrial land uses.
- 7.2 I support the recommendations in the s.42A Report, subject to the minor amendments outlined above.
- 7.3 The approval of PC33 will result in the ability for Area 7 to be developed for industrial purposes in a seamless, timely and appropriate manner following Area 6 reaching the 80% trigger and/or Road 4 being vested in Council (expected to be sometime late next year). It will also result in more compatible land uses in proximity to one another.



Mark Chrisp

13 October 2025