

Plan Change 33: Hautapu Area 7



Part A –

**Decision of the Hearing
Commissioner**

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Report Information

Author:	 Dave Serjeant Independent Planning Commissioner 9 December 2025
Date publicly notified	15 May 2025

Executive Summary

Waipā District Council notified Proposed Plan Change 33 –Hautapu Area 7 (**PC33**) on 15 May 2025. PC33 seeks to activate Area 7 of the Hautapu Industrial Structure Plan for industrial development ahead of the timeframes set out in Appendix S1 of the District Plan by uplifting the zoning of the land from Deferred Industrial to Industrial.

A total of 4 submissions, and one further submission were received.

A hearing was held on 30 October 2025. After hearing from submitters, I have made decisions on each submission and further submission.

I have determined that PC33 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 appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (RMA).
- 1.1.2 I have been given delegated authority by the Council to make a decision on Plan Change 33 (**PC33**) 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 and advisors, including the applicant's reply at the conclusion of the hearing.
- 1.1.3 Public notification of PC33 was undertaken on 15 May 2025 with submissions closing on 13 June 2025. During the submission period 4 submissions were received and during the further submission period one further submission was received.

1.2 Council Reporting

- 1.2.1 The section 42A report was prepared by Mr Nathan McLeay, Policy Planner for Waipā District Council, with assistance from the following Council specialists:
- Mr Bryan Hudson, Manager – Transportation (Section 42A Report - Appendix 4); and
 - Eva Čučvarová, Senior Engineer – Growth (Section 42A Report - Appendix 5).
- 1.2.2 The section 42A report also relied on an independent review of economic matters undertaken by Mr Greg Akehurst of Market Economics Limited (Section 42A Report - Appendix 3).

1.3 Background to Plan Change

- 1.3.1 The section 42A report details the background to PC33, in particular PC17 which involved the rezoning of land known as 'Area 6' from Rural Zone to Industrial Zone and its inclusion within the C9 Industrial Growth Cell. The Hautapu Landowners Group (**HLG**), the owners of land known as 'Area 7', to the north of Area 6, submitted on PC17 seeking relief that:
- i. the proposed rezoning of Area 6 from Rural Zone to Industrial Zone only be confirmed on the basis that their landholdings (Area 7) would also be rezoned to Deferred Industrial Zone.
 - ii. a "timing" proviso that Area 7 would not be rezoned "live" Industrial Zone before the sooner of either Area 6 reaching 80% development (meaning 80% of the developable land area being subject to s.224 certificates) or 31 March 2030.

1.3.2 HLG are the proponents of PC33.

1.3.3 Kama Trust are the landowners of a significant portion of Area 6, which was zoned Industrial by PC17 which was a Council-led plan change. The Trust has submitted to both PC17 and PC33.

1.3.4 While the HLG relief raised matters of scope during PC17, these were resolved and the relief sought above was confirmed by the decision which also included both Areas 6 and 7 in the C9 Industrial Growth Cell and the Hautapu Industrial Structure Plan.

1.4 Hearing

1.4.1 The hearing was conducted on 30 October 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 Boyd (Representative)
	Lachlan Muldowney (Legal)
	Gareth Moran (Planning)
Hautapu Landowners Group	Dean Hawthorne (HLG)
	John Gundesen (HLG)
	Marianne Mackintosh (Legal)
	Mark Chrisp (Planning)
	Tim Heath (Economics)
	Cameron Inder (Transport)
	Mathew Dickey (Three Waters) Online
Ms J V West	Ms J V West

Table 2: Waipā District Council Team in attendance

Council Attendees	
Hearing Administration	Rebecca Gray
Reporting Planner	Nathan McLeay
Team Leader District Plan	Peter Skilton
Transport	Brian Hudson
Economics	Greg Akehurst (Market Economics Ltd) Online

1.5 Site Visit

- 1.5.1 Prior to the hearing I undertook a site visit of the PC33 area. I noted the location of submitters' properties and the earthworks currently under way within Area 6.

1.6 Format of Decision Report

- 1.6.1 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.

1.7 Decision

- 1.7.1 Pursuant to clause 10 of Schedule 1 of the RMA, I decided that:
- i. proposed Plan Change 33 be approved;
 - ii. the submissions are either accepted in whole or in part, or rejected, as set out in Part B of this decision report; and
 - iii. amendments to the Waipā District Plan are made in accordance with Part C of this decision report.

2 Overview of Plan Change 3

- 2.1.1 Section 2.2 of the section 42A report provided a summary description of PC33. I note that in respect of the decision on PC 17 referred to above, the 'fall back' timing trigger for the subdivision and development of Area is proposed to be brought forward from 2030 to 2026 (as set out in Rule 15.4.2.XX). Further, it is specified that the first subdivision of Area 6 would trigger the vesting of the road through Area 6 to Area 7 (Road 4) (as set out in Rule 15.4.2 WW). The summary description of PC33 is:¹

PC33 seeks to activate Area 7 of the Hautapu Industrial Structure Plan for industrial development ahead of the timeframes set out in Appendix S1 of the District Plan by uplifting the zoning of the land from deferred industrial to industrial.

Area 7 is approximately 16.6 hectares in size and forms part of both the C9 Industrial Growth Cell and the Hautapu Industrial Structure Plan Area (HISPA). Area 7 is bounded by Peake Road, the Mangaone Stream, and industrial zoned land being Area 6 of HISPA.

The changes proposed by PC33 are:

- *Rezone Area 7 from Deferred Industrial Zone to Industrial Zone.*
- *Provisions of Section 7 – Industrial Zone changed as follows:*
 - *Amend Policy 7.3.4.9 (Industrial Zone: Area 6 and 7 (Hautapu)) to include reference to Area 7;*

¹ Words in italics in this decision are quotations from the references indicated

- Amend Rule 7.4.2.1(b) (Road boundary setbacks) to include reference to Area 7;
 - Delete Rule 7.4.2.2(b) (Internal site boundary setbacks – Hautapu Area 6);
 - Amend Rule 7.4.2.20 (Noise) amended to include reference to Area 7; and
 - Amend Rule 7.4.2.41 (Light spill in Area 6 Hautapu Industrial Structure Plan Area) amended to include reference to Area 7.
- New rules added into the provisions Section 15 – Infrastructure, Hazards, Development and Subdivision as follows:
 - Timing of vesting of road through Area 6, being at time of first subdivision involving Area 6;
 - Timing of when subdivision and development of Area 7 can occur, being the sooner of either, Hautapu Area 6 being 80% developed (meaning 80% of the developable land being the subject of s.224 certificates); or 31 March 2026.
 - Provision and implementation of a riparian management plan for the Mangaone Stream at the time of first subdivision
 - Setback of buildings from the Mangaone Stream
 - Provisions of Appendix S1 – Future Growth Cells relating to the C9 Growth Cell are amended to mimic some of the new rules proposed to be added to Section 15;
 - Provisions of Appendix S5 (Hautapu Industrial Structure Plan, Urban Design and Landscape Guidelines) are altered to:
 - Amend Introduction paragraph S5.1.3 to increase the size of the structure plan area and to replace reference to deferred industrial zone with Bardowie Industrial Precinct.
 - Insert new structure plan specific to Areas 6 and 7 within the Hautapu Industrial Structure Plan Area as shown in Figure 3 below:

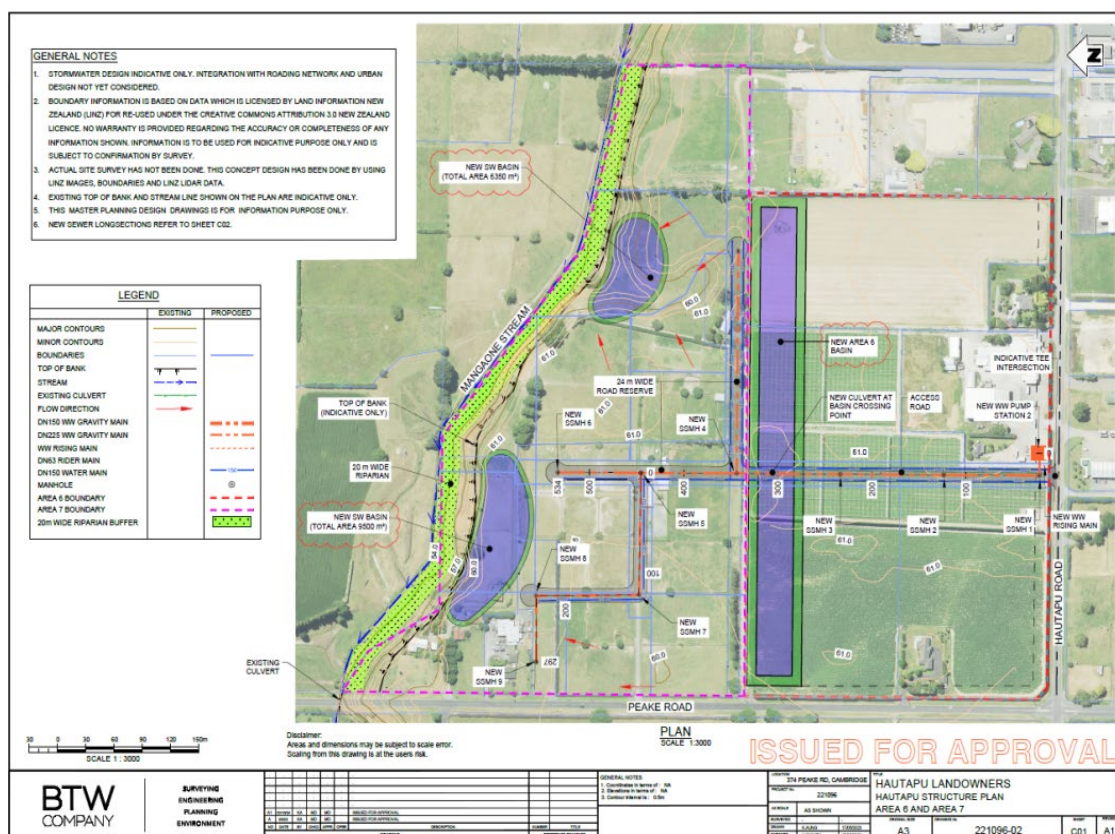


Figure 3: Proposed structure plan proposed to be inserted for Area 7 through PC33.

3 Submissions and Further Submissions

3.1 Topic Areas and Related Submissions

3.1.1 The section 42A report grouped the submissions and further submissions into the topic areas listed below.

- Topic 1 – Structure Plan Matters
- Topic 2 – Timing of Development
- Topic 3 – Transportation
- Topic 4 – Three Waters
- Topic 5 – General
- Topic 6 – Activity Status
- Topic 7 – Riparian Management
- Topic 8 – Consequential Changes

3.1.2 For each topic the section 42A report identified the related submissions and further submissions, the key concerns raised in the submissions, any response from further submitters and the Council commentary, followed by a recommendation on whether to accept or reject the submission/further submission. By the time the matter came to hearing the recommended responses on most of the topics had been largely agreed by the parties. The exceptions to this were the wording of two proposed rules relating to the vesting of Road 4 (Rule 15.4.2 WW) and triggers for the subdivision and development of Area 7 (Rule 15.4.2 XX). Accordingly, this decision records below the subject matter of the other topics

relatively briefly. My findings are based on the section 42A report.

3.2 Topic 1 Structure Plan Matters

3.2.1 Topic 1 addressed three matters in submissions relating to the detailed wording of the provisions. The first of these, relating to how notations on the Structure Plan for Area 7 had been shown over adjacent land, was the subject of a submission by Mr A B Maxwell. Mr Maxwell did not attend the hearing however the section 42A report recommended that the relief he sought be accepted. The other two matters related to consistency in the relationship between the Structure Plan and related advice notes. These matters were not pursued in the hearing.

3.3 Topic 2 Timing of Development

3.3.1 Timing of development was the key matter addressed by Ms West who presented her submission in the hearing. Ms West resides on Bruntwood Road and her submission expressed concern that the live zoning of Area 7 would bring forward the adverse effects of light, noise, visual and traffic pollution relating to industrial activities and that as the land is prime agricultural land it should be protected as long as possible from urban development as directed by national government policy.

3.3.2 The section 42A report addressed the submission noting:

- that Ms West's property is located over 350 metres from the Area 7 boundary and is unlikely to experience adverse effects in excess of those associated with the extent of existing live zoned industrial land (which is nearer to the property);
- in relation to visual effects, the proposed PC33 provisions include a requirement that the first subdivision or development involving land adjoining the Mangaone Stream provides a Riparian Management Plan, the purpose of which is expressly stated to include *"assisting, over time, with screening industrial activities to the south from properties to the north"*; and
- the National Policy Statement for Highly Productive Land does not apply to PC33 because the subject land is within a deferred industrial zone.

3.3.3 The HLG further submission, opposing this submission, also commented that the land is already zoned for industrial purposes and forms part of the C9 Industrial Growth Cell. PC33 only seeks to bring forward the timing of the land being able to be developed for industrial purposes.

3.3.4 Other matters addressed in Topic 2 remained as part of the principal issues in contention, and I return to consider them in more detail below.

3.4 Topic 3 Transportation

3.4.1 Topic 3 was the subject of expert evidence from HLG and the Council. The two transport matters addressed in section 42A report and evidence were (i) adverse effects on the wider transport network due to additional traffic and (ii) the vesting of Road 4. The first of these matters was the subject of a submission by the Kama Trust expressing concerns that PC33

would generate adverse effects on the wider transport network due to additional traffic. This submission was not pursued in the hearing. The section 42A report, based on the advice of Mr Hudson, advised that there would be no significant transport effects arising from the additional traffic generated by PC33. Mr Inder supported this conclusion in his transportation evidence for HLG.

- 3.4.2 The second matter in Topic 3, the vesting of Road 4 remained as part of the principal issues in contention, and I return to consider this in more detail below.

3.5 Topic 4 Three Waters

- 3.5.1 Topic 4 addressed submissions by the Kama Trust on wastewater, water supply and stormwater. No specific details were provided by the Trust on the first and second of these, however on stormwater the submission identified concerns about the integration of stormwater management between Areas 6 and 7. Kama Trust did not pursue this matter in the hearing. The section 42A report referred to advice from Ms Čučvarová, the Council's Senior Engineer – Growth that the capacity of the existing networks for wastewater and water supply had sufficient capacity for Area 7. On the matter of connecting Area 7 wastewater to the network Ms Čučvarová identified that whether Area 7 is serviced via a gravity system, or its own dedicated pump station is able to be confirmed at the time of subdivision and does not need to be considered through PC33. In relation to stormwater, Ms Čučvarová's advice was that the stormwater management of Area 6 had already been approved as part of the current subdivision consent and that stormwater would be able to be managed within Area 7 with no adverse effect on Area 6.
- 3.5.2 HLG lodged further submissions in opposition to Kama Trust's submissions on these matters. In support of the HLG submissions, Mr Dickey confirmed his agreement with Ms Čučvarová's conclusions above and the recommendations in the section 42A report.

3.6 Topics 5 to 8

- 3.6.1 The balance of the topics addressed a range of general matters respectively: the specification of activity status for Rules 15.4.2 WW to ZZ, the provision and content of the required Riparian Management Plan, and consequential changes to Appendix S1 for the C9 Growth Cell. Topic 5 matters are based on a submission from Kama Trust that was not pursued in the hearing and which did not identify any specific relief. Topics 6 to 8 are based on Council submissions identifying minor amendments to the provisions, all supported by HLG.

Findings

As I note above, by the time of the hearing the recommended responses on most of the topics had been largely agreed by the parties or they were not pursued in the hearing. The analysis in the section 42A report, supported as it was by the Council specialists, was not contested by any other expert evidence. Mr Inder and Mr Dickey providing evidence for HLG on transportation and three waters matters respectively, agreed with the conclusions and recommendations in and supporting the section 42A report. Economic matters and evidence are given specific consideration in the next section.

Accordingly, I agree with the conclusions and recommendations of the section 42A report on the above matters and where the recommendation is to amend the PC33 plan provisions, I accept those amendments.

4 Economic Matters

- 4.1.1 The PC33 application material prepared by HLG included an economic review prepared by Mr Heath of Property Economics.² Mr Heath also prepared a brief of evidence based on his review. The review noted that as:

the demand for industrial land has been previously demonstrated and accepted through the PC17 process to rezone it to DIZ, the focus of this economic overview is not to evaluate the development potential and viability of Area 7 for industrial use. Instead, it serves as an overview of the economic efficiency of advancing the development of Area 7 for industrial use in light of the latest BDCA and the recent growth trends in the local Cambridge market and the broader Future Proof market.³

- 4.1.2 Mr Heath was critical of the Future Proof Business Development Capacity Assessment 2023⁴ (**BDCA 2023**) which predicted sufficient industrial land capacity within the Cambridge – Karāpiro local market, the Waipā District, and the broader Future Proof sub-region over the next 30 years. 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. His evidence also noted that the Cambridge-Karāpiro market had produced 14% of the total consented industrial floorspace in the Future Proof sub-region whereas the BDCA had projected only 3%. From an economic standpoint, he considered that PC33 would bring forward the economic benefits associated with the development of Area 7. In weighing up the benefits and costs of making more industrial land available through PC33 he considered:

These benefits, outlined comprehensively in my statement of evidence on PC17, encompass various aspects such as the facilitation of economies of scale and industrial agglomeration effects, enhanced land use efficiency, heightened industrial employment opportunities and economic profile, reduced marginal costs of infrastructure provision, among others.⁵

- 4.1.3 In the hearing he noted that Area 7 with a total area of 16.6ha represented approximately 5% additional available Industrial Zone land in Hautapu. He considered that the development of Area 7 would not negatively affect the current or future industrial areas.
- 4.1.4 The Council commissioned a peer review of Mr Heath’s economic assessment by Mr Akehurst of ME.⁶ 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 but observed that the current industrial land sufficiency situation in Cambridge had

² *Hautapu Area 7 BDCA 2023 Economic Review Memorandum* for Hautapu Landowners Group prepared by Property Economics Project No: 52255 May 2024 [Memorandum]

³ *Memorandum* at [3]

⁴ *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

⁵ *Memorandum* at [16]

⁶ Section 42A Report Appendix 3 – *Market Economics Plan Change 33 Submission Review and Economic Advice*

improved significantly with the additional land that has been enabled through recent plan changes. On this basis he considered that there was no requirement to rezone Area 7 at this time. However, noting that the addition of Area 7 would have little effect on the sufficiency position and the advanced status of subdivision within Area 6, he suggested that approving PC33 with trigger conditions relating to 80% of the development of Area 6 or by 31 March 2030 at the latest would preserve the “sequencing integrity” of operative zoning and was a pragmatic outcome.⁷

Discussion and Findings

- 4.1.5 Whilst Messrs Heath and Akehurst criticised each other’s findings on the need for the live zoning of Area 7, they both supported PC33. Mr Heath supported it on the basis that it had demonstrated positive economic effects, without any adverse economic effects. Mr Akehurst’s support was more pragmatic, and process related, reflecting the advanced stage of development of Area 6. His support was also conditional on maintaining the trigger conditions from the PC17 decision.
- 4.1.6 Noting the agreement between them that 16.6ha was a small additional amount to the total Hautapu industrial zoning, I find that while economic effects are positive, they are not material. I agree with Mr Heath that existing land sufficiency is not a reason to support a later date in proposed Rule 15.4.2.XX. However, Mr Heath then offered his own element of pragmatism when he observed that even if Area 7 were to be lived-zoned now *it was unlikely to be development-ready until around late 2027/2028 due to the time required for detailed subdivision design, consenting, infrastructure servicing, and securing development or tenant commitments.*
- 4.1.7 In summary, I find that there are no strong economic arguments which are determinative of the principal matters in contention.

5 Principal Matters in Contention

- 5.1.1 As identified above, the principal matters in contention remaining at the hearing were the wording of Rule 15.4.2 WW on the vesting of Road 4 and Rule 15.4.2 XX on the triggers for development of Area 7.
- 5.1.2 The public notice included the following wording of these two rules:

Rule 15.4.2.WW 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”.

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

a) In conjunction with Area 6 in accordance with a co-ordinated subdivision consent application process incorporating both Areas 6 and 7; or

⁷ Section 42A Report Appendix 3 at [14]

b) When Area 6 of the Hautapu Industrial Structure Plan Area has reached 80% development (i.e., 80% of the developable land area is the subject of s.224 certificates); or by 31 March 2026, whichever occurs sooner.

5.1.3 Kama Trust submitted in general support of PC33 however the Trust opposed Rule 15.4.2 XX because:⁸

- *The proposed rule does not enable a more cost-effective or efficient outcome in the provision of infrastructure, and may place undue obligation on Kama Trust to redesign aspects of its own Area 6 subdivision (3/2); and*
- *A District Plan provision requiring coordination between developers is not practical or appropriate (3/2); and*
- *The sequencing approved through PC17 is disrupted (3/3).*

5.1.4 The section 42A report accepted that the requirement for coordination in Rule 15.4.2 XX(a) was likely to create practical difficulties and accordingly recommended amendments to address this.

5.1.5 Further, the report identified that the proposed 'fall back' date of 31 March 2026 had the potential to be reached before the subdivision of Area 6 is completed. Consequently, an expectation could arise from landowners within Area 7 that subdivision and development of their land could occur ahead of Road 4 being constructed and vested in Council. In the absence of a Road 4 connection, vehicle access to Area 7 would need to be from Peake Road. The report advised that avoiding vehicle access from Peake Road is a key requirement and outcome of the Hautapu Industrial Structure Plan and Landscape Guidelines (**Structure Plan**)⁹. Because of this, the report recommended that part (b) should be amended to refer to 31 March 2030 being the date that was settled and agreed to as part of PC17 and referred to in Appendix S1 of the District Plan.

5.1.6 Taking the above into account, and the proposed additional words indicating activity status in the event of non-compliance with either rule (as per Topic 6 recommendations), Appendix 2 to the section 42A report contained the following amended rules for consideration at the hearing:¹⁰

Rule 15.4.2.WW 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".

Activities that fail to comply with this rule will require resource consent for a non-complying activity.

Rule 15.4.2.XX The subdivision and development of Area 7 for industrial purposes can occur either when Area 6 of the Hautapu Industrial Structure Plan Area has reached 80% development (i.e., 80% of the developable land area is the subject of s.224 certificates) or by 31 March 2030, whichever occurs sooner.

⁸ Section 42A Report at [4.2.13]

⁹ Hautapu Industrial Structure Plan and Landscape Guidelines at [S5.9]

¹⁰ Section 42A report Appendix 2 at [3]

Activities that fail to comply with this rule will require resource consent for a non-complying activity.

5.1.7 HLG presented submissions and planning evidence in support of its position on the two rules in contention (I note that transportation and three waters matters have been addressed above). Messrs Hawthorne and Gundesen presented evidence as representatives of HLG.

5.1.8 Ms Mackintosh addressed the two development triggers in her submissions as follows:

- 80% of developable land in Area 6 being subject to section 224 certificates; and
- The 'fall back' trigger date as lodged and notified of 31 March 2027.

5.1.9 Ms Mackintosh noted that there was no dispute over the first of these triggers. However, she noted that the Council and Kama Trust maintained support for the 31 March 2030 as the 'fall back' trigger date.

5.1.10 Mr Chrisp introduced a third trigger in his evidence. He addressed the importance of the connection between Area 7 and Hautapu Road via Road 4 as set out in Rule 15.4.2 WW and proposed that this rule be directly expressed as an additional trigger in Rule 15.4.2 XX. Ms Mackintosh submitted that the inclusion of this trigger was *"a clear and certain criterion for an applicant and the Council to determine activity status for subdivision and development in Area 7."* The wording proposed by Mr Chrisp as an additional trigger, in an expanded form of Rule 15.4.2 XX, was:

Rule 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

5.1.11 In relation to the uncertainty on the timing of development both Mr Hawthorne and Mr Gundesen presented evidence about the background to the rezoning of Areas 6 and 7, commencing with the promulgation of PC17, and the adverse effects on the enjoyment of their properties relating to this uncertainty and the current land development activities in Area 6.

5.1.12 Mr Muldowney presented legal submissions for Kama Trust advising that the Trust's principal concern was with the trigger rule (Rule 15.4.2 XX). The Trust supported the section 42A recommendation in relation to the 'fall back' trigger date of 31 March 2030. Mr Muldowney explained that Kama Trust had concerns about the potential under Rule 15.4.2 XX for development to proceed in Area 7 ahead of the roading infrastructure in Area 6 being completed, resulting in adverse transport effects if access is instead gained via Peake Road.

5.1.13 Mr Muldowney detailed the current subdivision process within Area 6, explaining that title has been issued for Stage 1 (comprising less than 10% of Area 6) and that development of

Stage 2 had commenced. Stage 2 includes Lot 101 (being Road 4) which must vest in Council as part of the issue of titles in Stage 2. Stage 2 would also surpass the 80% titling threshold of Rule 15.4.2 XX, meaning that the reaching of this threshold would be contemporaneous with the vesting of Road 4.

5.1.14 Mr Moran supported the section 42A recommendations version of PC33. His opinion was that Mr Chrisp's additional trigger in relation to Road 4 was redundant as, from a practical point of view, the vesting of Road 4 will occur with the issue of titles for Stage 2. In relation to the timing of the 80% development threshold being reached, Mr Moran's view was that this would be achieved before 2030. Consistent with his view on Rule 15.4.2 XX, Mr Moran also considered that Rule 15.4.2 WW was redundant as the 'first subdivision of Area 6' had been approved.

5.1.15 Following the hearing, and prior to the finalisation of closing submissions from Ms Mackintosh for HLG, the parties had further discussions on Rule 15.4.2 WW. I was appraised of the content of these discussions by way of email from Mr Skilton and responding emails from Mr Chrisp and Mr Moran in the days following.¹¹ I understand the purpose of the discussions was to manage any changes to the conditions for the existing 2-stage subdivision consent of Area 6 (SP/0091/24.03), particularly the vesting of Road 4. The proposed rule shared by Mr Skilton was:

The entire length of "Road 4" as shown on the Hautapu Industrial Structure Plan shall vest in Council as part of any subdivision involving land shaded red in the image below.



Activities failing to comply with this rule will require resource consent for a non-complying activity.

Advice Note:

- this rule shall cease to have effect once "Road 4" has been vested in Council
- this rule shall only apply in the event that Stage 2 of subdivision consent SP/0091/24.03 is not completed to the point where "Road 4" is vested in Waipā District Council.
- **In the event that an application to change the conditions of SP/0091/24.03 is made, the effects of any change on the ability for legal vehicle access and service extension to Area 7 to be provided via "Road 4" will be assessed and taken into account in making a decision.**

5.1.16 Mr Chrisp's response was that he accepted the amended rule (to be compared with the rule recorded at para. 5.1.6 above for those amendments) but that he did not accept the added advice note in red lettering. Mr Chrisp was concerned that the rule's reference to *any*

¹¹ From: Peter Skilton Peter.Skilton@waipadc.govt.nz Sent: Thursday, 20 November 2025 7:36 am. To: Dave Serjeant. Cc: Mark Chrisp; Marianne Mackintosh; Lachlan Muldowney; Gareth Moran; Nathan McLeay. Subject: PC33 - Proposed Rule 15.4.2.WW - Road 4 Vesting.

subdivision left it open for the vesting of Road 4 to be pushed out to a later stage of subdivision.

5.1.17 Mr Moran advised acceptance of the rule as presented.

5.1.18 I consider that this sharing of ideas by email following the hearing falls a little short of the usual standards of presenting evidence, especially from Mr Moran whose advice was presented using the first-person plural (i.e. not necessarily his independent view). Nevertheless, I thank the efforts made by all parties to present an agreed outcome. Unfortunately, in that regard agreement was not quite reached.

5.1.19 Ms Mackintosh's closing had a strong focus on the certainty of the two rules. She submitted that both rules (Rule 15.4.2 WW and XX) are necessary and appropriate to achieve the relevant objectives and implement the relevant policies of the Waipā District Plan and PC33. In particular she submitted that the vesting of Road 4 is necessary to secure the desired transportation outcomes for Areas 6 and 7 and to achieve economic efficiencies for the zoned land.

5.1.20 Ms Mackintosh also expressed concern that a lack of clarity in the rules' outcome could be interpreted by an applicant for its own advantage or by Council in the exercise of discretion in considering an application for resource consent. Consequently, Ms Mackintosh accepted Mr Skilton's proposed wording above but added an additional sentence to the main section of the rule as follows:¹²

For the avoidance of doubt, the entire length of "Road 4" is to vest upon the lodgement of the first section 224(c) certificate relating to any subdivision of the land shaded in red as shown below.

5.1.21 I understand that this addition means that, irrespective of the location or adjacency of the part of land shaded red for which title is sought, Road 4 is to vest.

Discussion and Findings

5.1.22 Before addressing the wording of the two rules in question I consider that it is beneficial to consider the specific context for this rule-setting process and the outcomes sought by the rules.

Specific context for rule-setting

5.1.23 The principals of both HLG and Kama Trust presented evidence in the hearing. For HLG's part Mr Hawthorne's and Mr Gundesen's experience was that they had been very surprised to belatedly learn about the promulgation of PC17 and then had been required to participate in an extensive process to achieve the deferred zoning and a pathway forward for their own land development. The environmental effects of the development of Area 6 had then forced them to reconsider the timeframes for continuing the rural-residential and equestrian use of their land in favour of expedited live-industrial zoning and development. Recent experience with the Area 6 consenting processes had not served to make their views towards their neighbours any more favourable.

¹² Closing submissions Annexure 1

- 5.1.24 For Kama Trust, Mr Boyd explained the PC17 background as he had experienced it including the resulting agreement between Kama Trust and HLG on deferred industrial zoning and the timeframe for development. Mr Boyd was concerned about the revised timeframes and the lack of detailed engineering assessments supporting the rezoning. He considered that they had always sought to be good neighbours and had instituted mitigation measures for the potential adverse effects of land development on Area 7.
- 5.1.25 Neighbour disputes are not uncommon in resource management. They are avoidable through good consultation processes and efforts made by all parties to 'see it from the other's point of view'. However, this does not always happen, and it is often difficult to reverse a state of disagreement and distrust. In terms of the decision to be made on PC33, the outcome sought is not to achieve a result for one party or the other but to settle on wording that is objectively certain and able to be interpreted with the same meaning by any person, now or in the future, irrespective of their position – land owner or Council – or their knowledge of the specific context and background of the rule-setting. The wording of the rules should be as plain in their meaning as possible, and certain.

Outcomes sought by the rules

- 5.1.26 In terms of the outcomes sought by the rules, the wording must reflect the findings of the relevant evidence and meet the requirements of the RMA in relation to the District Plan and higher order documents. The relevant evidence relates to economic, transport (access) and structure plan matters.
- 5.1.27 I have recorded my findings on the economic evidence above. Messrs Heath and Akehurst both supported PC33. In terms of the 'fall back' trigger date, Mr Heath supported 31 March 2026, as publicly notified, whereas Mr Akehurst favoured the later date of 31 March 2030, as inherited from the PC17 decision. As noted by a number of witnesses, the passage of time has the potential to make such dates in District Plans historic. The key finding I took from the economic evidence was that Area 7 was a relatively small amount of land within the Hautapu industrial zone extent. As a consequence, I find that the four-year difference is of little consequence in resource management terms and that there is no economic reason for the live-zoning and development of Area 7 to be delayed.
- 5.1.28 The provision of road access to Area 7 has a direct bearing on Rules 15.4.2 WW and XX. The section 42A report advises that *Avoiding vehicle access from Peake Road is a key requirement and outcome of the Hautapu Industrial Structure Plan.*¹³ Accordingly, the vesting of Road 4 is the focus of Rule 15.4.2 WW. Mr Chrisp's addition to Rule 15.4.2 XX reinforces the Structure Plan requirement by introducing an explicit connection between the vesting of Road 4 and the ability to subdivide and develop Area 7 as a restricted discretionary activity.
- 5.1.29 In relation to the Structure Plan, the PC33 provisions adopt the existing provisions of the Structure Plan for Area 7, with new rules in relation to new rules in relation to the Mangaone Stream, as well as the addition of Rules 15.4.2 WW and XX. There are no new rules for infrastructure or other public provision that influence the live-zoning of Area 7.
- 5.1.30 Mr Moran's view was that both Rule 15.4.2 WW and Mr Chrisp's addition to Rule 15.4.2 XX

¹³ Section 42A report at [4.2.20]

were redundant, taking into account the advanced state of Stage 2 of the subdivision. However, while it looks likely, the vesting of Road 4 has yet to occur. This point was made by Mr McLeay in his closing comments at the hearing. I agree that the redundancy of the provisions would only be confirmed once vesting was completed.

- 5.1.31 The post-hearing discussions on Rule 15.4.2 WW sought to address the potential for the existing resource consent, which would make more than 80% of Area 6 subject to s224 certificates and require the vesting of Road 4, to be amended so that the vesting of Road 4 was to be deferred or undone in some way.
- 5.1.32 Mr Skilton reworded the original Rule 15.4.2 WW and the added advice notes. The parties added to the advice note and, in Annexure 1 to her closing submissions, Ms Mackintosh proposed an addition to the rule addressing the timing and extent of vesting of Road 4. She was of the view that this addition was necessary to achieve the objective of PC33 and the other statutory criteria.
- 5.1.33 Having considered all of the above, I find in favour of the applicant's rule drafting. In terms of Rule 15.4.2 WW, without Ms Mackintosh's final addition, the rule allows Road 4 to be vested "as part of any subdivision" now or at some future time. While I understand Mr Skilton's rule reference to "any subdivision" to mean the first subdivision, that interpretation is not certain. Ms Mackintosh's addition puts beyond doubt that the vesting is to relate to the first section 224 certificate to be sought for land within Stage 2.
- 5.1.34 Taking into account the finding on Rule 15.4.2 WW, the insertion of Mr Chrisp's additional criteria into Rule 15.4.2 XX is less critical, but consistent with my finding for Rule 15.4.2 WW. Rule 15.4.2 WW makes the vesting of Road 4 certain and HLG can proceed with the planning of its subdivision of Area 7. In the absence of Mr Chrisp's additional criteria, the lodging of an application for subdivision and development would be contingent in the first instance on 80% of Area 6 being titled, even with the vesting of Road 4. While reaching the 80% trigger looks very likely to happen in the next year or so, it is not certain and HLG could be required to wait until 31 March 2030, the 'fall back' trigger date. Mr Chrisp's addition provides more certainty as to the timing of development for Area 7 and, as I have noted, that certainty is supported by the economic advice and delivers the road access as required by the Structure Plan.
- 5.1.35 Kama Trust sought to maintain the sequential order of development as envisaged by PC17 until the 'fall back' trigger date is reached. That position was supported in evidence by Mr Moran and submissions by Mr Muldowney. Mr McLeay also supported the 31 March 2030 date in his section 42A report and confirmed that support in his closing comments. He also considered that Mr Chrisp's additional trigger was unnecessary.
- 5.1.36 The problem with the reliance on the 80% trigger is that, despite it being in the operative District Plan, it is not supported in evidence by the economists in relation to land supply and there appears to be no infrastructure impediment to the immediate development of Area 7. That leaves its rationale as having some kind of market rationing mechanism. Ms Mackintosh submitted that this was effectively having regard to trade competition which is explicitly forbidden by section 74(3) of the RMA. Mr Chrisp's proposed addition removes reliance on the 80% trigger by reference to the vesting of Road 4, a requirement of subdivision that must occur as part of Stage 2 of Area 6 subdivision.

5.1.37 In reaching this finding I make the observation that constant changes and additions to rules during a plan change process can lead to inelegant drafting. The content of Rules 15.4.2 WW and XX address the same subject matter and could have been expressed more succinctly in a single rule. However, I am not about engage in further process time starting afresh drafting completely new provisions. I also note that in the relatively short term both rules will become redundant, at the latest by March 31 2030.

5.1.38 In summary, I find that:

- i. Rule 15.4.2 WW is to be worded as shown in Ms Mackintosh's Annexure 1;
- ii. Rule 15.4.2 XX is to include the additional trigger proposed by Mr Chrisp; and
- iii. The 'fall back' date is to be 31 March 2030; and
- iv. Consequential changes using the wording in Rule 15.4.2 XX are required for Appendix S1.

5.1.39 One final observation I make is that the two rules in question assume that Area 6 is subject to subdivision and development, as does the reference to the C9 Growth Cell in Appendix S1 of the District Plan. This is because the Structure Plan requires access to be provided through Area 6 to Area 7 as part of that subdivision and development. The assumption in the rules and Appendix S1 appears to being borne out. However, if that had not been the case then the subdivision and development of Area 7, with alternative access, would need to have been considered pursuant to a non-complying activity.

6 Statutory Context: Resource Management Act 1991

6.1 Part 2 of the RMA

6.1.1 PC33 is required to be *in accordance with... the provisions of Part 2* of the RMA.¹⁴ The section 42A report sets 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 (Section 8).

6.1.2 On section 6 of the RMA, the section 42A report identified the importance of the natural values of the Mangaone Stream and that public access to and along the stream was to be considered at the time of subdivision. Further, any flood hazards arising from the Mangaone Stream in this location will be managed through ensuring that floor heights are above design flood levels and through the design of stormwater devices.

6.1.3 The section 42A report identified other matters that particular regard is to be given to in making this decision in terms of section 7 of the RMA. The matters of key relevance to the plan change included (7a) kaitiakitanga, (7b) the efficient use and development of natural and physical resources, (7c) the maintenance and enhancement of amenity values and (7i)

¹⁴ RMA s.74(1)(b)

the effects of climate change. The report considered that these matters had been addressed by PC33 being consistent with the various strategic planning documents referred to below, and the management of specific environmental effects of development through existing district-wide provisions of the District Plan.

- 6.1.4 In relation to section 8 the report noted that local iwi (the Joint Management Agreement Partners) had been engaged in the PC33 process as part of regular planning hui and that the partners and other mana whenua groups had been notified. No concerns in relation to the relationship of Māori with ancestral lands, water and sites had been raised and I note that there were no submissions from iwi.

6.2 National and Regional Planning Documents

- 6.2.1 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 (**NPS-UD**)
- ii. National Policy Statement for Highly Productive Land (**NPS-HPL**)
- iii. Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato (**WRPS**)
- iv. Te Ture Whaimana O Te Awa O Waikato – Waikato River Vision and Strategy

NPS-UD

- 6.2.2 The section 42A report addressed the NPSUD in detail and I summarise the key elements of this response as follows in support this decision, with reference to the NPSUD objectives and policies identified in Table 1 of the report.
- 6.2.3 The change in zoning and intention for future industrial development of Area 7 within the C9 Growth Cell is anticipated and provided for by the District Plan as established through PC17. The ‘fall back’ date for development of Area 7 is 31 March 2030 but development could occur before that time. Irrespective of timing, no development within Area 7 can occur before Road 4 through Area 6 is formed and vested in Council. The development of Area 7 is also integrated with infrastructure planning and funding that is already in place for the Hautapu area and the developer is required to contribute through physical works and/or payment of development contributions to infrastructure necessary to serve the Hautapu area as a whole.
- 6.2.4 PC33 will enable subdivision and development to occur in a manner responsive to market demand in a location that is easily accessible from Cambridge, and which is recognised as a strategic industrial node for the Waikato subregion.
- 6.2.5 While the development of Area 7 will result in significant changes to the nature and character of the immediate area, the existing provisions of the District Plan and the proposed provisions of PC33 will ensure that interface effects between industrial, rural and other sensitive land use activities are appropriately managed.

- 6.2.6 PC33 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.

NPS-HPL

- 6.2.7 In relation to the NPS-HPL, I accept the report's advice that while the land in Area 7 is comprised of Class 1 soils, because Area 7 was rezoned to Deferred Industrial Zone as part of PC17, the subject land is deemed to have ceased being highly productive land in accordance with Clause 3.5(6) of the NPSHPL.

Waikato Regional Policy Statement and Te Ture Whaimana O Te Awa O Waikato

- 6.2.8 These documents have also been addressed in detail in the section 42A report, particularly the 'out-of-sequence' and urban form and development provisions as set out in UFD-M49 and UFD-P11 respectively. The planning assessment required for these specific policies is contained in Appendix 7 to the section 42A report and I note overlaps with many of the matters addressed by the NPS-UD. Based on the assessment provided I am able to conclude that PC33 gives effect to these specific provisions and the WRPS more broadly.
- 6.2.9 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 advises that PC33 involves enhancement of the margins of the Mangaone Stream which ultimately drains to the Waikato River. This is achieved through the provision of a riparian management plan which will involve planting of the Area 7 side of the Mangaone Stream. The nature and scale of stormwater and riparian management associated with PC33 provides the means by which the effects of urbanisation and future industrial land use are managed, and this will assist in the restoration of the health and wellbeing of the Waikato River.

Future Proof and the Waipā 2050 District Growth Strategy

- 6.2.10 My consideration of the growth implications of PC33 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.

Finding

- 6.2.11 Section 3 of the section 42A report contains a thorough assessment against the relevant sections of the RMA. There was no planning evidence presented that took an alternative view to the statutory analysis in the section 42A report, beyond the principal matters in contention discussed above. Consequently, I have no further comment to make and agree with the findings of the Section 42A report on these matters.

6.3 Section 32 and Section 32AA Further Evaluation

- 6.3.1 Section 32AA of the RMA requires that I undertake a further evaluation in relation to any

changes to the notified provisions of PC33 that result from this decision.

- 6.3.2 Because the scale and significance of the changes are relatively minor, I have 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.
- 6.3.3 As recorded above, I agree with all of the changes that have been recommended by the reporting planner in the section 42A report with the exception of those changes identified in para. 5.1.38.
- 6.3.4 I am satisfied that these changes to the notified PC33 provisions represent the most appropriate way to achieve the objectives of PC33 and other relevant objectives of the Operative Waipā District Plan, as directed by sections 32 and 32AA of the Resource Management Act 1991.

7 Conclusion

- 7.1.1 In conclusion, I consider that PC33, including the changes made in response to submissions and this hearing process, is suitable for adoption into the Waipā District Plan, as detailed in Part C of this report.¹⁵ The detailed responses to individual submissions in Part B are based on this conclusion and considering all the submissions and evidence.



Dave Serjeant

Signed 9 December 2025

¹⁵ Part C amendments adopt rule numbers in their final form. For reference, the following numbers relate to the numbers referred to in the Decision and in Part B, the response to submissions:

Current Rule Reference (Letter)	Rule Reference – Number
Rule 15.4.2.WW	Rule 15.4.2.96
Rule 15.4.2.XX	Rule 15.4.2.97
Rule 15.4.2.YY	Rule 15.4.2.98
Rule 15.4.2.ZZ	Rule 15.4.2.99
S5.9.X (Hautapu Structure Plan: Area 7)	S5.9.1