BEFORE THE COMMISSIONER APPOINTED BY THE WAIPA DISTRICT COUNCIL TO HEAR PROPOSED PRIVATE PLAN CHANGE 33 TO THE WAIPA DISTRICT PLAN

IN THE MATTER	of the Resource management Act 1991 (the **Act**)
AND	
IN THE MATTER	of proposed Private Plan Change 33 to the Waipa District Plan (**PC33**)

SYNOPSIS OF OPENING LEGAL SUBMISSIONS ON BEHALF OF THE HAUTAPU LANDOWNERS' GROUP

Dated: 30 October 2025

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MAY IT PLEASE THE HEARING COMMISSIONER

INTRODUCTION

1. These submissions are presented on behalf of the Hautapu Landowners' Group (**HLG**), who are the proponents of this private plan change to the Waipa District Plan (**PC33**). The request seeks that the current Deferred Industrial Zoning of Area 7 within the Hautapu Industrial Zone is changed to live Industrial Zone. This process follows the earlier Plan Change 17 (**PC17**) process, the outcome of which re-zoned Area 7 as a deferred Industrial Zone.

2. There is essentially one outstanding issue between the Applicant, the Waipa District Council (**WDC or Council**) and the Kama Trust, the owner of Area 6 and submitter on PC33 (**Kama Trust**).[1] That is, the triggers in Rule 15.4.2.XX as to when "subdivision and development" may occur within Area 7. In effect, these triggers determine the activity status for an application for subdivision and development. If the trigger event has occurred, any such application will be classed as a restricted discretionary activity.

3. Based on the section 42A report and the evidence for the Kama Trust, there is no opposition to the proposal for a live Industrial Zoning for Area 7. Matters raised in submissions have been comprehensively addressed through the section 42A report. In that regard, I note that the question of highly productive land and the statutory tests for re-zoning of Area 7 were addressed through PC17 and there is no need to re-visit the NPS-HPL. Mr Chrisp essentially concurs with the section 42A author, except for the proposed amendment to Rule 15.4.2.XX.

4. Accordingly, these submissions focus on the issue of the triggers in Rule 15.4.2.XX, including the proposal for a third trigger in the same rule,

[1] The HLG concurs with the section 42A author recommendations and statutory assessment, except for some proposed amendments to rule 15.4.2.XX.

which is the express reference to the vesting of Road 4. I will briefly comment on the regulatory framework, given the section 42A Report provides a comprehensive assessment of PC33 against the statutory tests.

5. Accordingly, these submissions:

   (a) Briefly explain the background to PC33
   (b) Addresses the key planning considerations:
      (i) Transportation
      (ii) Three waters
      (iii) Economics
   (c) Address the trigger date in Rule 15.4.2.XX and the proposed additional trigger.
   (d) Confirm the HLG's position that Rule 15.4.2.WW must remain in PC33 and why.
   (e) Briefly address the regulatory framework under the RMA.
   (f) Provide a conclusion.

BACKGROUND

6. As explained in the evidence of Mr Hawthorne, Mr Gundesen, and Mr Chrisp, the HLG has been through a long and trying process to get to this point. I don't intend to dwell on that history except to say that it has been extremely stressful for the HLG members (particularly Mr Hawthorne and Mr Gundesen and their families). The processes that the HLG has participated in from the notification of PC17 to now, along with the changes to the environment enabled by the live zoning of Area 6, have had significant economic and social effects on those who own and reside on the land within Area 7.

7. In particular, the impacts of the industrial development (earthworks and site works) within Area 6 are having a significant impact on Mr Gundesen and Mr Hawthorne. Mr Hawthorne has effectively lost his horse

agistment business. Mr Gundesen's family no longer enjoy the lifestyle they came to the Waikato and Cambridge to enjoy. These effects were anticipated by both in their evidence on PC17 and are now being played out.

8. They, together with the other members of the HLG took a pragmatic approach and achieved the deferred Industrial Zoning of Area 7 through PC17. Since that time, the HLG resolved to prepare a request for a private plan change to live zone Area 7 as Industrial Zone. This PC33 will enable Mr Hawthorne, Mr Gundesen, and the other members of the HLG to move on from the predicament they found themselves in.

9. The HLG understands the need for an integrated approach to the development of the Hautapu Industrial Zone. That is, the roll out of development of Area 6 to be followed by Area 7. However, the HLG is concerned to ensure that there is sufficient certainty for the timing of the development of Area 7. In practical terms that means that the market needs to have a clear signal that Area 7 can be developed for industrial use within a known time frame. In turn, this provides economic efficiencies and supports the integrated development of the two areas. The question of timing depends on the provision of one piece of critical infrastructure – the vesting of Road 4 through Area 6, to the boundary of Area 7.

10. There is no dispute as between the Council and the HLG that matters relating to transportation, three waters, and economics are appropriately addressed. While there is some tension between Council's economic expert and Mr Heath regarding the proposed earlier trigger date[2], both are essentially aligned in their opinion that there is no economic reason why Area 7 cannot be live zoned Industrial Zone.

[2] Section 42A Report, October 2025 considers it appropriate for the trigger date to be 31 March 2030.

TRANSPORTATION

11. Mr Inder prepared the transportation memorandum in support of PC33 when it was lodged with the Council.[3] This referred to his evidence for PC17 in which he recommended that Road 4 be extended to the Area 6/Area 7 boundary to future proof the ability for Area 7 to develop and to avoid the need for access onto Peake Road from Area 7.[4] That recommendation was accepted by the Hearing Panel in its decision on PC17 and is shown on the Hautapu Structure Plan. Council's transportation engineer, Mr Hudson, agrees that there are no significant transport effects arising from the vesting of Road 4 and the use of it by Area 7 as a (live) industrial zone.[5]

12. As explained in the section 42A report[6] and noted in the evidence for the HLG[7], Road 4 as shown in the Hautapu Industrial Structure Plan, is a critical piece of infrastructure necessary to enable industrial activities within Area 7 (and indeed, Area 6). That is because it will provide direct access from both Area 7 and Area 6 to Hautapu Road. It also provides the area through which servicing infrastructure for Area 7 will be located.[8]

13. Mr Inder notes that the design for the Hautapu Road/Victoria Road roundabout has been revised by the Council to provide a dual lane roundabout.[9] Mr Inder supports this design change.

14. Mr Inder concurs with the conclusions reached by Mr McLay in his s42A report and with the comments from Mr Hudson for the Council. In short, there are no transportation reasons why the live Industrial Zoning for

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[3] HLG Hautapu Industrial Zone – Area 7, Appendix 2, request for private Plan Change, 17 June 2024.
[4] Statement of evidence of Cameron Inder, 13 October 2025, paragraph 3.1.
[5] Section 42A report, October 2025, Appendix 4.
[6] Section 42A Report, October 2025, Section 4, Topic #3 – Transportation.
[7] Statement of evidence of Cameron Inder, 13 October 2025.
[8] Statement of evidence of Matthew Dickey, 13 October 2025, paragraph 3.7.
[9] Statement of evidence of Cameron Inder, 13 October 2025, paragraph 3.5.

Area 7 should not occur, provided Road 4 is vested to provide a road corridor from Hautapu Road, through Area 6 to the boundary of Area 7.[10]

15. The HLG was therefore concerned to learn that the original application for subdivision and land use consent lodged on behalf of Kama Trust did not propose or show Road 4 connecting to the boundary of Area 7.[11] This has since been amended and the current subdivision and land use consent, granted on 3 April 2025, includes a condition requiring the vesting of Road 4 in its entirety (i.e., to the boundary of Area 7).[12]

16. Given the importance of Road 4 in the regard to transportation effects and the integration of development between Area 6 and Area 7, Mr Chrisp has proposed an amendment to Rule 15.4.2.XX to include an additional trigger for subdivision and development of Area 7. That additional trigger is the vesting of Road 4 in its entirety.

17. In my submission, given the progress of development within Area 6 since PC17 was made operative, the better understanding of how infrastructure will be provided across Area 6 and Area 7 (ostensibly due to the granted resource consent for Area 6), and the requirement for Road 4 to vest as prescribed in proposed Rule 15.4.2.WW, it is appropriate that this additional trigger be included in Hautapu Structure Plan Rule 15.4.2.XX.

18. The transportation evidence emphasises the need to retain Rule 15.4.2.WW which states:

> **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".

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[10] Statement of evidence of Cameron Inder, 13 October 2025, paragraph 4.1.
[11] SP/0091/24 & LU/0157/24, 22 August 2024 lodged by Barker & Associates on behalf of Kama Trust. Refer also to the Council's letter of 10 September 2024 raising the issue.
[12] Section 42A report, October 2025, Appendix 6.

19. As acknowledged in the s42A report, the HLG opposed Kama Trust's submission that the rule be deleted on the basis that is necessary to avoid a potential "lockout" of Area 7.[13] However, since evidence exchange, in Mr Moran's evidence for the Kama Trust he suggests that if the rule is to remain, it ought to be amended to reflect the current subdivision consent.[14] Kama Trust has completed Stage 1 and is now implementing/giving effect to Stage 2. Both stages were authorised under the single application and single subdivision consent. However, this is not yet completed.

20. The Section 42A Report states:

> 4.3.8 The vesting in Council of the entire length of Road 4 is an outcome that is expected to occur and which has been secured through Kama Trust's approved subdivision consent within Area 6. In the event that the Kama Trust subdivision does not proceed, retention of Proposed Rule 15.4.2.WW ensures that Area 7 will not be landlocked and that no vehicle access to Area 7 occurs from Peake Road.[15]

21. Considering the above, in my submission, Rule 15.4.2.WW must remain. The current subdivision by the Kama Trust has not been completed. Circumstances may change and such contingency should be considered in determining the rules in PC33. If the Commissioner is minded to amend the Rule to clarify that the "first subdivision" referred to in Rule 15.4.2.WW includes one which is staged, the HLG would not oppose this.

22. There is no transportation reason why the deferred zoning of Area 7 should not be uplifted to live Industrial Zone.

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[13] Section 42A Report, Paragraph 4.3.3.
[14] Statement of evidence of Gareth Moran, 23 October 2025, paragraph 29.
[15] Section 42A Report, paragraph 4.3.8.

THREE WATERS

23. Mr Dickey for the HLG provides evidence that three waters considerations are addressed and there is no reason why Area 7 should not be live zoned Industrial Zone.[16]

24. As explained in section 3 of Mr Dickey's evidence, the change to the location of the wastewater pump station as shown on the Hautapu Structure Plan by Kama Trust in its resource consent means that the approach to wastewater management within Area 7 requires amendment from that which was anticipated in PC17.[17] A separate wastewater pump station for Area 7 may be necessary.

25. In that regard, Mr Dickey agrees with the Council's engineer that whether this is necessary or not can be addressed at the time of resource consent, as below:

> **3.5** In light of the changes which have been pursued through the Kama Trust subdivision process, I support Waipā District Council's Senior Engineer – Growth's comments in the Section 42A report that whether Area 7 wastewater is serviced via gravity or requires its own dedicated pump station is able to be confirmed at time of subdivision.[18]

26. Mr Dickey agrees with the conclusions of the section 42A Report regarding three waters and confirms that there is no three waters reason why Area 7 should not be uplifted to a live Industrial Zone.[19]

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[16] Statement of evidence of Mathew Dickey, 13 October 2025.
[17] Statement of evidence of Matthew Dickey, 13 October 2025, paragraphs 3.1 to 3.6.
[18] *Ibid,* paragraph 3.5.
[19] Statement of evidence of Matthew Dickey, 13 October 2025, paragraph 5.1.

ECONOMICS

27. Mr Heath for the HLG states that

> [11] Given the "deferred" status of Area 7, the key economic consideration is not whether the site is suitable for industrial use, but rather the economic efficiency and appropriateness of advancing its development in light of recent industrial market trends and any relevant economic costs.

28. His industrial market update analysis indicates the industrial growth in the Cambridge - Karāpiro market is exceeding the forecasts outlined in the Future Proof Business Development Capacity Assessment 2023 ("BDCA").[20] He further notes that the Cambridge-Karāpiro area, and in particular Hautapu, has strategic locational advantages such as proximity to the Waikato Expressway, and will therefore continue to elevate its position as a key industrial hub within the sub-region.[21] The analysis highlights the "significant gap between project and actual industrial land demand (i.e., 3% predicted compared to 14% actual) and reinforces the economic and market requirement, and justification, for PC33".[22] That is, the change from deferred to live Industrial Zone for Area 7. This is reiterated in

29. The benefit of this live Industrial Zone is outlined in paragraph 35 where Mr Heath explains why, from an economic perspective, the benefits of live-zoning Area 7 would likely significantly outweigh the associated economic costs.[23] Mr Heath concludes that:

> [36] Overall, taking into account the economic analysis presented in this statement alongside my previous assessments of Area 7, I conclude that live zoning Area 7 is both appropriate and economically efficient. It will enhance market certainty, competition and support ongoing growth in the local and district industrial markets.[24]

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[20] Statement of evidence of Timothy Heath, 13 October 2025, paragraph 12.
[21] Statement of evidence of Timothy Heath, 13 October 2025, paragraph 19.
[22] Statement of evidence of Timothy Heath, 13 October 2025, paragraph 23.
[23] Statement of evidence of Timothy Heath, 13 October 2025, paragraph 35.
[24] Statement of evidence of Timothy Heath, 13 October 2025, paragraph 36.

30. The Market Economics report appended to section 42A Report essentially concurs with this:

> While the rezoning of PC33 is not necessary at this time given the substantial pipeline of industrial capacity already available in Cambridge and across the district, enabling live zoning of Area 7 would not in itself generate significant adverse economic impacts. From a practical perspective, allowing the zoning to transition without the need for multiple future plan change processes and associated appeals could reduce costs and administrative burdens for both Council and ratepayers.[25]

31. The Market Economics assessment supports the retention of 2030 as the alternative trigger to that of 80% of Area 6 being the subject of s224(c). Mr Heath does not agree that there is an economic reason why development of Area 7 should be constrained to 2030[26]. However, this should be considered in the context of the need for Road 4 and the function and purpose of Rule 15.4.2.XX.

32. As noted above, the date trigger for Restricted Discretionary Activity status for an application to subdivide and develop Area 4 is a matter for determination by the Commissioner. In any event, both the Council's section 42A Report and the economic evidence for HLG supports the live Industrial Zoning for Area 7.

DEVELOPMENT TRIGGERS – RULE 15.4.2.XX

33. Rule 15.4.2.XX determines the activity status for subdivision and development of Area 7, based on a list of development triggers. There is no dispute about the "80% subject to s224(c) in Area 6". PC33 as lodged seeks a "fall back" trigger date of 31 March 2027. The Council and Kama Trust do not agree and maintain that the date of 31 March 2030 is an appropriate date. Mr Chrisp proposes an additional trigger that expressly references Road 4 vesting.

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[25] Section 42A report, Appendix 3, page 14.
[26] Statement of evidence of Timothy Heath, 13 October 2025, paragraph 43.

34. The consistent feature in all the evidence and technical analysis is that the critical development trigger for Area 7 is the vesting of Road 4 to the boundary of Area 7. Road 4 is also an integral part of development within Area 6 and that is reflected in the resource consent that Kama Trust is currently implementing.

35. In my submission the addition to Rule 15.4.2.XX of a trigger that Road 4 has vested in Council is appropriate and reflects the importance of this roading infrastructure for access to Area 7 and Area 6. It also addresses the possibility that the current subdivision and development of Area 6 is not completed or is subject to an unforeseen change of circumstances which raises questions as to whether the 80% has been achieved. Moreover, it links Rule 15.4.2.WW to the rule that sets the criteria for when Area 7 can be subdivided and developed. It is a clear and certain criterion for an applicant and the Council to determine activity status for subdivision and development in Area 7.

36. The date trigger of 2030 is somewhat arbitrary and potentially redundant. It is a point in time by which Road 4 should certainly have be vested in the Council. As Mr Chrisp points out in his evidence[27], based on the current stage of the Area 6 consent implementation, it is reasonable to expect that Road 4 will be vested by 2027.[28]

37. A key factor for the HLG, particularly Mr Gundesen and Mr Hawthorne is market perception, and the date trigger has some relevance in that respect. The minutiae of activity status for a resource consent application for Area 7 may not be easily communicated, whereas a date is.

38. Considering those factors, since evidence exchange, the Applicant and its planning witness have reflected on the relevance and implications of the

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[27] Statement of evidence of Mark Chrisp, 13 October 2025, paragraph 5.4.
[28] Refer to the Section 42A Report, October 2025, paragraph 2.5.8: "It is anticipated that s.224 certification for Stage 2 of the subdivision will occur **well before** 31 March 2030, being the alternative trigger to enable uplifting of the deferred status of Area 7.

date. In short, the HLG and Mr Chrisp accept that regardless of the date trigger, Road 4 remains a key piece of infrastructure within the Hautapu Industrial Zone to enable industrial activities to be established and to operate within Area 7. On that basis, with the additional trigger of the vesting of Road 4, the HLG does not oppose the date of 31 March 2030.

39. In summary, there is no dispute that Rule 15.4.2.XX must include the trigger of 80% development (lodgement of s224(c)) of Area 6. However, for certainty and to be consistent with Rule 15.4.2.WW, Rule 15.4.2.XX should include an additional trigger which references the vesting of Road 4. This is consistent with the evidence of Mr Inder, the position expressed in the section 42A Report[29], and the conditions of the Kama Trust resource consent requiring that Road 4 be vested.[30] It links Rule 15.4.2.WW to the rule that determines when Area 7 may be subdivided and developed. With this clear trigger in place, the "fall back" date of 31 March 2030 is not opposed by the HLG and Mr Chrisp will address this when he gives his evidence.

40. For completeness, the "trigger" rule as described above would read as follows (amendments to the notified version shown in underline and strikethrough):

> "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) <u>when Road 4 has been vested in Council as required by Rule 15.4.2WW</u>; or
> c) by 31 March ~~2026~~ 2030,
> whichever occurs sooner."

41. A consequential amendment to "Appendix S1 - Future Growth Cells Cambridge / Hautapu Industrial Growth Cells – anticipated now to 2035" is necessary to be made to ensure consistency.

[29] Section 42A Report, October 2025, paragraph 4.3.8.
[30] Section 42A Report, October 2025, Appendix 6, LU/0157/24.

42. As Mr Chrisp states in his evidence, the proposed amendment is consistent with the policies of, and gives effect to the objectives of, the Hautapu Industrial Zone (including the Hautapu Structure Plan); and consistent with the relevant provisions of the WRPS and Future Proof.[31]

REGULATORY FRAMEWORK

43. The Section 42A Report comprehensively identifies the relevant statutory considerations and assesses PC33 against the relevant provisions of the RMA and statutory documents[32], as does the section 32 evaluation lodged with PC33.[33] Mr Chrisp concurs with that assessment, and notes that the additional trigger in Rule 15.4.2.XX essentially does not change that assessment where he provides a summary of the assessment against the relevant statutory documents.[34]

44. On that basis, the zoning of Area 7 as live Industrial Zone under PC33, including the proposed amendment to Rule 15.4.2.XX:

    (a) Gives effect to the relevant provisions of the National Policy Statement for Urban Development 2020 (**NPS-UD**):
        (i) Objectives 1, 3, 4, and 6;
        (ii) Policies 1, 2, 6, and 8;[35]

    (b) Is consistent with the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**);[36]

    (c) Gives effect to the Waikato Regional Policy Statement (**WRPS**), including Change 1[37] in particular, M49 – Urban Form and

[31] Statement of evidence of Mark Chrisp, 13 October 2025, paragraph 6.8.
[32] Section 42A Report, October 2025, section 3: statutory and policy context.
[33] Hautapu Industrial Zone – Area 7, Private Plan Change and section 32 evaluation, 17 June 20024, Part B – section 32 evaluation.
[34] Statement of evidence of Mark Chrisp, 13 October 2025, paragraph 6.8.
[35] Section 42A Report, October 2025, section 3.3.
[36] Section 42A Report, October 2025, section 3.4.
[37] Section 42A Report, October 2025, section 3.5.

Development, Policy 11 – Urban Form and Development, and Appendix 13, Criteria A of the WRPS;

(d) Aligns with the Future Proof Development Strategy and the Waipa 2050 Growth Strategy;[38]

(e) Is consistent with Te Ture Whaimana o te Awa o Waikato (which is given effect to through the WRPS);[39]

(f) Does not raise any issues in respect of the Joint Management Agreement between the Waipa District Council and the relevant iwi and mana whenua.[40]

(g) Is consistent with the purpose of the Waipa District Plan[41];

(h) Gives effect to the relevant objectives and implements the relevant policies of the Waipa District Plan (Sections 7 and 14 in particular);[42]

(i) Is consistent with Part 2 of the RMA;[43] and

(j) Achieves the purpose of the RMA.

CONCLUSION

45. The evidence for the HLG demonstrates that Area 7 should be re-zoned from Deferred Industrial Zone to live Industrial Zone. PC33 will be implement the relevant policies of the Waipa District Plan and will achieve its objectives. It gives effect to the NPS-UD, the WRPS, is consistent with Part 2 of the RMA and achieves its purpose.

46. The section 42A Report supports the live Industrial Zoning of Area 7, subject to the development triggers in Rule 15.4.2.XX, including the date of 31 March 2030. The key submitter in opposition, Kama Trust, conditionally support the live Industrial Zoning of Area 7, provided the development date trigger in Rule 15.4.2.XX is 31 March 2030.

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[38] Section 42A Report, October 2025, section 3.6
[39] Section 42A Report, October 2025, section 3.8.
[40] Section 42A Report, October 2025, section 3.9.
[41] Section 42A Report, October 2025, section 3.2.10.
[42] Hautapu Industrial Zone – Area 7, Private Plan Change and section 32 evaluation, 17 June 20024, Part B – section 32 evaluation.
[43] Section 42A Report, October 2025, section 3.2.5 -3.2.8.

47. The Applicant does not oppose the date of 31 March 2030 on the basis that an additional trigger which expressly references Road 4 vesting is included in Rule 15.4.2.XX. This amendment does not affect the assessment of PC33 pursuant to the RMA regulatory framework, nor does it undermine the Area 6 development that is currently underway or the integration of Area 7 with Area 6. Accordingly, the rezoning of Area 7 from Deferred Industrial Zone to Industrial Zone should be confirmed, and the amendments to the Waipa District Plan set out in Appendix 1 and Appendix 2 of the Section 42A Report be made, subject to the additional clause proposed for Rule 15.4.2.XX and consequential change to "Appendix S1 - Future Growth Cells Cambridge / Hautapu Industrial Growth Cells – anticipated now to 2035" as detailed above.

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