

# **Proposed Plan Change 14:**

**Mangaone Precinct & C10 Industrial  
Growth Cell - Hautapu**

**Reporting Officer Right of Reply of  
Hayley Marie Thomas**

**On behalf of Waipā District Council**

31 March 2025

## 1 INTRODUCTION

1.1 My full name is Hayley Marie Thomas, and I am the Project Planner at Waipā District Council ('the Council'). I have provided the qualifications, experience and involvement of the authors of this statement in Section 2 below.

1.2 This document acts as:

- (a) The right of reply by Council staff to evidence presented and tabled by submitters at the PC14 hearing;
- (b) The information sought by the Hearing Panel as set out in Direction #2;
- (c) A response to the additional information provided by Fonterra as required by the Hearing Panel in Direction #4; and
- (d) A response to the additional information provided by Mary Bourke on behalf of Henmar Trust as required by the Hearing Panel in Direction #5.

1.3 Mr Greg Akehurst from Market Economics has also provided a response to the economic queries raised by the Hearing Panel in Directions #2 and #4 and this is included in **Appendix D**.

1.4 This right of reply does not respond to every matter raised in the evidence presented at or subsequent to the hearing. If an evidence point has not been directly discussed by this response, this should not be taken as acceptance of the matters raised. Council staff have focussed this right of reply on the key points of difference that it considers warrant a response.

1.5 This document should be read in conjunction with the following appendices:

- (a) Appendix A – Track Changes to District Plan;
- (b) Appendix B – Right of Reply Authors Qualifications and Experience;
- (c) Appendix C – Table of Mary Bourke Questions and Council Staff Responses; and

- (d) Appendix D – Market Economics - Economic Statement in response to Hearing Panel Direction #2 & Direction #4.

## **2 RIGHT OF REPLY AUTHORS**

- 2.1 The personnel representing Waipā District Council at the PC14 hearing are identified in **Appendix B**. These people have all read the submissions, listened to submitters, and read the evidence and summary statements presented and tabled at and subsequent to the hearing and where relevant have contributed to this right of reply.

## **3 EXECUTIVE SUMMARY**

- 3.1 Council staff have progressed the proposed plan change application from Fonterra Ltd seeking to bring forward the development of part of the post-2035 C10 Growth Cell. The Plan Change was adopted by Council, publicly notified and proceeded to be heard by the Hearing Panel on 6 March 2025. The Hearing was adjourned and will reconvene on 8 April 2025. At the reconvened Hearing, Council staff are to present its Right of Reply which is set out below.
- 3.2 The Section 42A Report has considered all the submissions and further submissions received during the notification process and reflects the Council’s staff position at the time of the hearing. This Right of Reply considers the evidence presented at the hearing, the information circulated following the hearing, and the information sought by the Hearing Panel as set out in Directions #2, #4 and #5.
- 3.3 **Appendix A** to this report sets out the changes to the proposed District Plan provisions that are recommended following the Hearing and receipt of additional material. By way of summary, the provisions which are recommended to be further amended from that set out in the Section 42A Report are:
  - (a) Paragraph 7.2.22 – National Grid Transmission Lines (delete surplus text);
  - (b) Rule 7.4.2.1(e) - minimum building setback from road boundaries (reduce road setback to 10m)
  - (c) Rule 7.4.2.7A – Daylight Control (change diagram to reflect 10m road setback);

- (d) Rule 7.4.2.17A – Building colour (delete text so rule applies to all building facades);
- (e) Rule 7.4.2.43 - Building and structures within the National Grid Yard (add new text to reflect Transpower vehicle access relief);
- (f) Rule 7.4.2.46 – Mangaone Precinct – Transport (add text to clarify intent of rule);
- (g) Rule 15.4.2.91A(j) – Mangaone Precinct Structure Plan Area (add new text to reflect Transpower vehicle access relief);
- (h) Rule 16.4.2.12A - Vehicle access to sites in the Mangaone Precinct Structure Plan Area (add text to clarify intent of rule to apply to vehicle access);
- (i) Information Requirement 21.2.7.1 – Mangaone Stream Reserve Development and Operational Maintenance Plan (add new text to clarify that a buffer with a minimum width of 20m is to be achieved to the high value bat habitat area from industrial land);
- (j) Information Requirement 21.2.7.2 – Landscape Buffer Strip Planting and Implementation Plan (add new text to clarify that landscape buffer strips are not to comprise mowable grass and that a 5-year maintenance plan may be required);
- (k) Appendix S27 – Paragraph S27.2.21 (correct formatting error of Heritage and Cultural Values heading);
- (l) Appendix S27 – Paragraph S27.2.26 (add new text to clarify that a buffer with a minimum width of 20m is to be achieved to the high value bat habitat area from industrial land); and
- (m) Appendix S27 – Mangaone Precinct Structure Plan (amend structure plan to change roundabout and road notations to Henmar Trust land to reflect amended Bardowie Industrial Precinct structure plan).

3.4 Overall, it remains my recommendation pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991, that:

- (a) The rezoning of land from rural zone to industrial zone as sought by Proposed Plan Change 14 be confirmed; and
- (b) The submissions and further submissions on Proposed Plan Change 14 – Mangaone Precinct & C10 Industrial Growth Cell – Hautapu, are accepted, accepted in part or rejected as outlined in Appendix 1 of the Section 42A Report; and
- (c) The amendments to the District Plan including Appendices and Planning Maps are made as outlined in the Section 42A Report and as updated in **Appendix A** of this report.

#### **4 MATTERS RAISED AT THE HEARING IN ORDER OF PRESENTATION**

##### **Fonterra**

4.1 Mr Daniel Minhinnick, Legal Counsel for Fonterra, outlined the key issues in Section 6 of his legal submission as being:

- (a) Economics;
- (b) Landscape;
- (c) Transport;
- (d) Ecology; and
- (e) Infrastructure.

##### *Economics*

4.2 With regard to the matter of Economics, Mr Timothy Heath from Property Economics Limited presented a Summary Statement of his evidence.

4.3 In response to Mr Heath’s presentation, Mr Akehurst would like to highlight that the

2023 BDCA did not account for any industrial capacity in Lake Karāpiro and Mystery Creek falls within the Rukuhia-Ngahinapouri-Ohaupo-Pirongia catchment rather than the Cambridge-Karapiro catchment. With regard to Mystery Creek, it contributes 0 ha to Cambridge-Karapiro's Industrial Capacity; and under its current zoning provisions, it provides no additional industrial capacity to Waipā's total allocation. This is expanded further in Mr Akehurst's Memo attached in **Appendix D**.

#### *Landscape*

4.4 Ms Lisa Jack presented evidence in response to the landscape issues. Ms Jack highlighted the additions to Rule 21.2.7.2 to ensure that mowable lawns are not proposed in the Landscaping Plans and to include a Maintenance Plan for 5 years. Council's staff key area of concern is the commitment to maintenance of the buffer strip to mitigate the rural amenity effects. The additions proposed by Fonterra in terms of a maintenance plan and exclusion of mowable lawns is noted as seeking to address these concerns.

4.5 Mr Frost, Council's Consultant on this matter, was listening online to Ms Jacks presentation and in response notes:

(a) *"The recommendation to plant the full width of the landscape strip does solve the spatial organisation and maintenance issues I raised in my original advice. Ideally, I would like to see the trees located on the boundary to maximize the screening potential against the height to boundary requirement - this would require the removal of the post and rail fence. While the post and rail fence is consistent with the 'aesthetic' of the area it physically narrows the space available within the landscape buffer and will make maintenance access more challenging. If the post and rail fence is to remain, I would recommend a max height of 1m rather than 1.5m. Overall, what has been put forward is an acceptable solution for managing landscape and visual effects for this type of interface.*

(b) *It is my opinion that increasing the building setback to 15m will not meaningfully reduce the duration of effects from the 10m currently proposed - the building*

*height/scale and visibility is relative to the height to boundary rule which remains constant in either scenario. In addition, the proposed trees and planting of the full landscape strip will be more effective in filtering views to buildings and screening 'on ground' industrial type activities from the adjacent road reserve and residents."*

- 4.6 Based on the additions highlighted in Ms Jacks evidence, and the advice from Mr Frost, Council staff are supportive of amending Rule 21.2.7.2 as presented by Ms Jack and reducing the building setback to 10m subject to the landscaping requirements outlined above being incorporated into the District Plan. The changes required to the District Plan are shown in **Appendix A** to this right of reply.

#### *Transport*

- 4.7 With regard to the matter of transport, Mr Apeldoorn presented a Summary Statement in response to submissions and evidence of others received following preparation of his evidence in chief. In Paragraph 4.2 of Mr Apeldoorn's summary statement he has confirmed that there are no matters of disagreement with Mr Hudson's evidence, and he concurs with the recommended provisions included in Mr Hudson's evidence.
- 4.8 Mr Apeldoorn has considered the evidence from Ms Katrina Andrews for Waikato Regional Council with regard to electric vehicle charging equipment and this is commented on in paragraph 4.25 below.

#### *Ecology*

- 4.9 Dr Graham Usser presented with regard to the matter of ecology. In his presentation Dr Usser noted his support for the provisions in the Section 42A Report regarding bats and the 'High Value Bat Habitat Area', and the remediation of current barriers to fish passage on the site.
- 4.10 Dr Usser has considered the evidence from Ms Katrina Andrews for Waikato Regional Council with regard to a new provision in Appendix S27.2.26 and new assessment

criterion under Rule 21.2.7.1. Dr Usser notes his support for these amendments which are commended on in paragraph 4.10 below.

### *Infrastructure*

- 4.11 In his planning evidence, Mr Mark Chrisp presented on the following matters:
- (a) Setback distance from Swayne Road and Zig Zag Road;
  - (b) Vehicle access to National Grid Support Structures;
  - (c) Provision for vehicle access;
  - (d) Timing and expectations of transport upgrades;
  - (e) Consistency of the structure plan; and
  - (f) Matters raised in the evidence from the Henmar Trust.
- 4.12 Of the abovementioned matters, (a) has been addressed above in paragraphs 4.4 to 4.6 through the evidence by Ms Jack and Mr Frost's response, (b) is discussed below in paragraph 4.89, and both (c) and (d) are addressed through the evidence of Mr Apeldoorn and Mr Hudson as outlined in paragraphs 4.7 and 4.8 above.
- 4.13 With regard to (e) and the consistency of the structure plan, as outlined in Section 15 of Mr Chrisp evidence, Council staff agree that the plan change is not seeking to make substantive changes to the existing Bardowie Industrial Precinct Structure Plan as contained in Appendix S20 of the District Plan. The changes proposed to the Bardowie Industrial Precinct Structure Plan are consequential in nature and are intended to provide for clear and consistent interpretation of the structure plan and its relationship with the new Mangaone Precinct Structure Plan. The proposed amendments in Mr Chrisp evidence to align the line weighting and key are therefore supported. The amended Structure Plan is shown in **Appendix A**.
- 4.14 With regard to (f) being the matters raised by Henmar Trust; Mr Chrisp highlighted the following:



- (a) Fonterra had sought the involvement of Henmar Trust in the plan change;
- (b) Ms Jack has considered the relationship between the proposed industrial and existing rural land interface;
- (c) the definition of 'industrial operation' has not been raised as an issue to date;
- (d) the existing stormwater ponding and culvert relationship, and regional council consent requirements; and
- (e) the background to the addition of the 'kiwifruit block' land to the plan change.

### *Summary*

4.15 In summary, Fonterra seek the following:

- (a) Amendments to Rule 21.2.7.2 to ensure that mowable lawns are not proposed in the Landscaping Plans and to include a Maintenance Plan for 5 years which Council staff are in agreement with;
- (b) Agreement with the track changes shown in Appendix A to Mr Hudson's evidence in terms of transport matters;
- (c) Agreement with Waikato Regional Council in terms of the additions to the District Plan regarding electric vehicle charging equipment and bats;
- (d) Agreement with Transpower regarding vehicle access to the National Grid Support Structures; and
- (e) Amendments to the Mangaone Precinct Structure Plan line weights and key to ensure consistency with the Bardowie Industrial Precinct Structure Plan.

### **Kama Trust**

4.16 Mr Malcolm Boyd presented a summary of his evidence noting the key area of concern remaining relates to transportation, and in particular the Victoria Road roading network and particularly the congestion that is increasing already. Mr Boyd considers that the roading infrastructure is required earlier, and there should be triggers set in

the rule set now to provide for four lanes on Victoria Road and an upgrade of both the Hautapu and Bardowie Industrial Precinct roundabouts.

- 4.17 Mr Michael Hall, Transportation Engineering Manager from CKL, presented evidence in support of Mr Boyd noting his agreement with Mr Apeldoorn and Mr Hudson that the roading network has sufficient capacity now, and the requirement for four laning will come later. Mr Hudson has addressed this in Section 5 of his Rebuttal Evidence concluding that PC14 on its own will not result in the traffic demand that necessitates these works before development commences.
- 4.18 Questions posed to Mr Hall from the Panel included discussion regarding Council's current processes for assessing traffic demand and upgrade requirements. In response Mr Tony Coutts noted:
- (a) Structure Plans provide the framework to support Long Term Plan projects;
  - (b) Monitoring of traffic flow and developments both contribute to informing Council staff when infrastructure projects may need to come online; and
  - (c) Development Agreements are used as required to assist with infrastructure delivery when appropriate.
- 4.19 In response to Kama Trusts requested amendment, Council staff remain of the opinion that the addition to Rule 7.4.2.46 to require four-laning of Victoria Road before any development commences within the PC14 land as suggested by Mr Hall is not necessary.

### **Lesley Dredge**

- 4.20 Ms Lesley Dredge presented her evidence which focused on the Economic Assessment prepared by Property Economics (included in Appendix I of the Plan Change Application). In summary Ms Dredge highlighted:
- (a) The Property Economics Assessment has not provided adequate justification for PC14, and lacks robustness and statistical accuracy;

- (b) The BDCA 2023 multi-criteria analysis would have captured the significance of the strategic position of the plan change area in relation to the Waikato Expressway;
- (c) Property Economics and Market Economics provide no quantification of any shortfall in capacity as a result of improved connectivity;
- (d) The connection between new residential development and demand for industrial land requires further explanation;
- (e) Property Economics and Market Economics provide no evaluation or quantification of the minimal risks of oversupply of industrial land;
- (f) The Waikato Regional Council submission requesting demonstration that PC14 gives effect to Clause 3.6 of the National Policy Statement for Highly Productive Land, and her agreement that the lack of specific mapping of the land and the identification as a post-2035 growth cell are both reasons the plan change should be assessed under Clause 3.6; and
- (g) The lack of efficiencies and effectiveness in terms of infrastructure servicing for an area ahead of when demand is likely to occur, and the risk of oversupply of industrial land.

4.21 In response to Ms Dredge’s presentation, Mr Akehurst has turned his mind to the matters and his response is attached in **Appendix D**. Refer paragraph 4.23 below for discussion in relation to the revised position of Waikato Regional Council on the National Policy Statement for Highly Productive Land.

#### **Waikato Regional Council**

4.22 Ms Katrina Andrews presented a summary statement of her evidence on behalf of the Waikato Regional Council (‘WRC’) which outlined the following matters:

- (a) National Policy Statement for Highly Productive Land (‘NPS-HPL’);
- (b) Waikato Regional Policy Statement (‘WRPS’) and Proposed WRPS Change 1 –

Decisions Version;

(c) Long-tailed bats and their habitat; and

(d) Transport and climate change.

4.23 In terms of the NPS-HPL and the WRPS ((a) and (b) above), Ms Andrews noted her agreement to the Section 42A Report assessment that the PC14 land is exempt from the transitional definition of highly productive land under Clause 3.5(7)(b). Ms Andrews also confirmed her agreement to the Council's staff assessment of the UFD chapter of the WRPS and Proposed WRPS Change 1 – Decisions version presented in the Section 42A Report.

4.24 With regard to the request from the WRC to amend Rule 21.2.7.1 and Appendix S27 regarding bats, Council staff are accepting of the proposed amendments, subject to adding the word 'minimum' in front of the 20m reference. This change to what WRC has recommended is considered necessary to ensure that the buffer is not used to dictate the final size of the reserve itself. These amendments are shown in **Appendix A**.

4.25 Additional provisions have been requested by WRC, and agreed to by Mr Apeldoorn for Fonterra, regarding electric vehicle supply equipment. Council staff have reviewed this request and do not consider that there is a need to list electric vehicle supply equipment as an activity in its own right. This type of equipment is considered to be within the meaning of an 'ancillary activity'. As an 'ancillary activity' electric vehicle supply equipment is therefore already permitted under Rule 7.4.1.1(l). While it is noted that through PC20 an addition was made to the Airport Business Zone provisions for the same activity, the Airport Business Zone does not provide for 'ancillary activities' in the same way as the Industrial Zone.

### *Summary*

4.26 In summary, within the evidence presented by Ms Andrews for WRC the following amendments to the District Plan were sought:

- (a) Amendments to Rule 21.2.7.1 and Appendix S27 to describe the buffer area for the High Value Bat Habitat Area. Council staff support these amendments with the addition to both sentences of the word 'minimum'.
- (b) Amendments to the District Plan to include provisions for electric vehicle supply equipment. These are not supported by Council staff.

**Reon Taylor**

4.27 Mr Taylor presented his evidence outlining his background and highlighting his experiences to date of nearby industrial activities including the effects these have had. Because of his experiences the areas of concern regarding the plan change remain in terms of noise and traffic. Mr Taylor also highlighted the following:

- (a) Demand for industrial land;
- (b) District Plan Zoning;
- (c) Kiwifruit Block activities and enforcement;
- (d) Traffic;
- (e) Access to Swayne and Zig Zag Road;
- (f) Property Values; and
- (g) Vehicle Beepers.

4.28 In conclusion, Mr Taylor outlined his submission original sought for mitigation measures; however, he has now changed his position and is seeking the plan change is rejected.

**Henmar Trust**

4.29 Mr Phil Lang, Legal Counsel for Henmar Trust, outlined the key issues in his legal submission as:

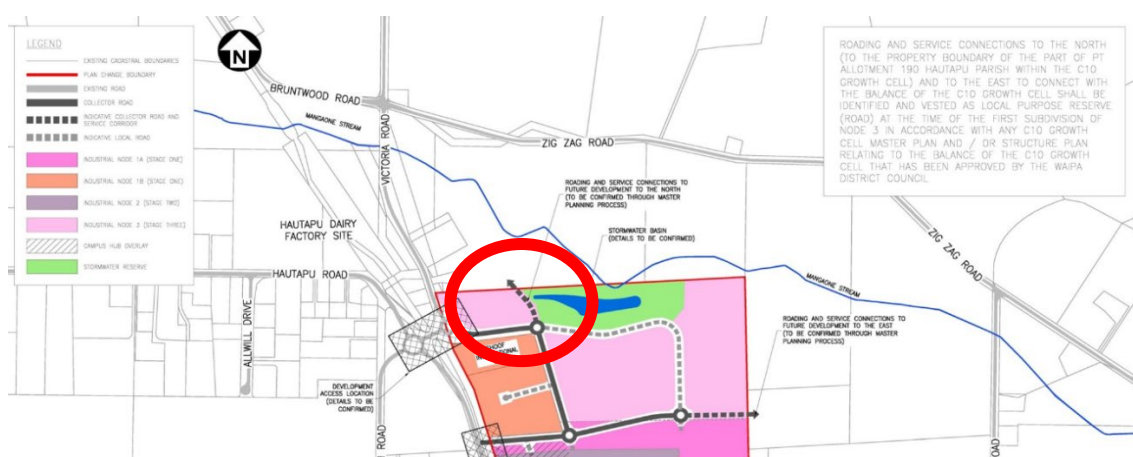
- (a) Connectivity to Bardowie Industrial Precinct;

- (b) Connection to the Mangaone Precinct;
- (c) Henmar Trust land to the north of Zig Zag Road;
- (d) Henmar Trust land in the C10 Growth Cell;
- (e) Flooding effects of development of the PC14 land; and
- (f) The Kiwifruit Block.

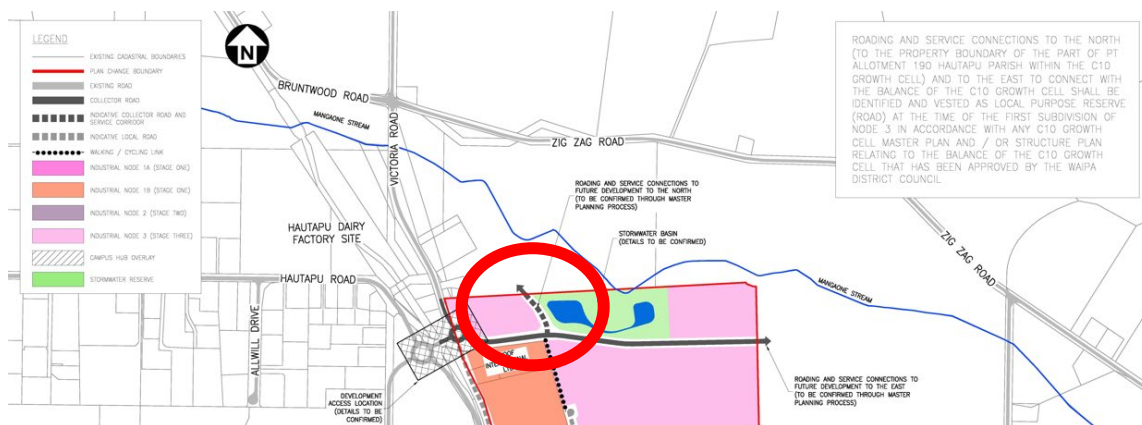
4.30 The following paragraphs provide Council’s staff response to each of these matters.

*Connectivity to Bardowie Industrial Precinct*

4.31 In his legal submission, Mr Phil Lang, outlined his opinion that the proposed roading arrangements in PC14 are contrary to agreements made with Council under Plan Change 11. Council staff have considered this matter and note the existing Bardowie Industrial Precinct has an ‘Indicative Collector Road’ line and link from Bardowie Industrial Precinct to the Henmar Trust land directly to the north. Refer Figure 1 below. Figure 2 below (as shown in Appendix 2 of the Section 42A Report) shows the proposed amended Bardowie Industrial Precinct Structure Plan lodged with PC14. Of note is that the connection to the Henmar Trust land has been retained and is unaltered contrary to Mr Lang’s evidence.



**Figure 1:** Existing Bardowie Industrial Precinct Structure Plan with connection to the Henmar Trust land circled in red



**Figure 2:** Proposed Amendment to the Bardowie Industrial Precinct Structure Plan as part of PC14 with connection to the Henmar Trust land circled in red

4.32 In terms of the form of this connection at the time it is required, this is noted on the Structure Plan as ‘to be confirmed through Master Plan Process’. This text is not being changed as part of PC14. Council staff remain of the opinion that this will be worked through with the relevant landowners at the time it is proposed to be constructed. The commitments made under Plan Change 11 have not changed in this regard.

4.33 In regard to the statements made about the advice from Mr Skilton, it is noted that the meeting with Mr Lang and his clients was requested on 26 February 2025 and held on 27 February 2025. It was at this meeting that Mr Skilton was first advised of the commitments made under Plan Change 11. It is further noted that the Henmar Trust submission did not comment on this commitment and the importance of the matter outlined by Henmar Trust was therefore not highlighted to the authors of the Section 42A Report. Discussion on removal of the ‘roundabout’ from the Bardowie Structure Plan is set out in paragraphs 5.4 to 5.7 below.

#### *Connectivity to the Mangaone Precinct*

4.34 Mr Lang has outlined his opinion that a roading connection between the Mangaone Precinct and the northern portion of the Henmar Trust land is required to minimise segregation of precincts and reliance on external roading and services. It is noted Henmar Trust did not present any expert transport or planning evidence on this matter.

4.35 In response Council staff agree with respect to the importance of ensuring growth cells

are appropriately connected for both roading and servicing. Council staff disagree with the implication that this means every parcel of land within a growth cell requires direct connection via a road to each other. Through the C10 Growth Cell Master Plan process the necessary connections to provide a well-functioning industrial zone has been considered and the result is shown in Attachment B to Ms Bourke’s evidence.

4.36 The Preliminary Master Plan Layout Plan for the C10 Growth Cell does not show a roading connection between the Henmar Trust land and the Fonterra land (refer Figure 3 below). The proposed Mangaone Precinct Structure Plan included with PC14 is consistent with the roading arrangement as shown on the Master Plan, with the exception that a new link across the Mangaone Stream is proposed.

4.37 I am of the opinion that connectivity between the Henmar Trust land and the PC14 land is appropriately provided by Zig Zag Road. Because of the small distances involved the provision of an internal roading connection is not necessary from a transport planning or network efficiency viewpoint. Council staff are also mindful that connectivity will be provided via the Mangaone Reserve (i.e. pedestrian/cycleway). As such there is no need for an additional roading connection as requested by Henmar Trust.

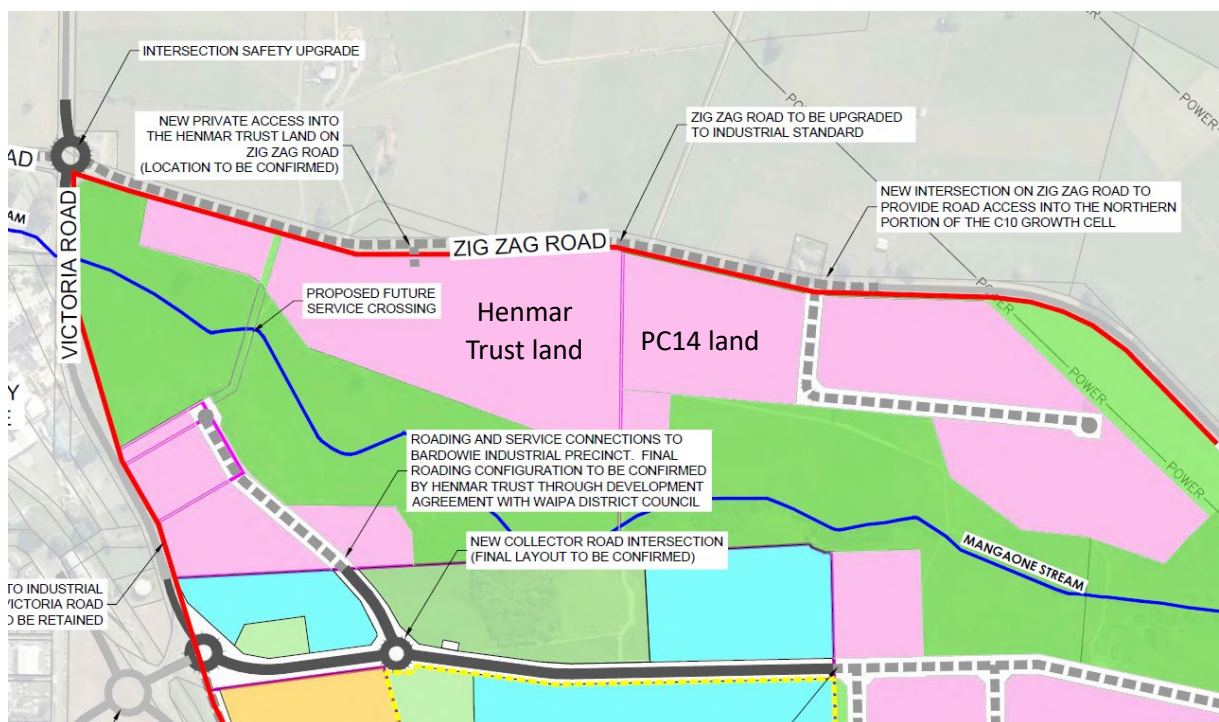


Figure 3: Preliminary Master Plan Layout – C10 Growth Cell



*Henmar Trust land to the north of Zig Zag Road*

4.38 Mr Lang has expressed the following concern about amenity protections at the industrial/rural interface for the Henmar Trust land to the north of Zig Zag Road:

*“Although the northern part of the Henmar Trust land is not immediately adjoining as the C10 Growth Cell land is, it is still a valid request to ensure that the amenity protections are comprehensive and practical, with setback and landscaping requirements that respond to the maximum height of buildings that are permitted within the proposed industrial zone and that respond to the industrial nature and overall scale of buildings and industrial activity.*

*The amenity protection rules in other parts of Hautapu at the industrial / rural interface are more comprehensive than those that are currently proposed by Fonterra and are supported by the Section 42A report.”<sup>1</sup>*

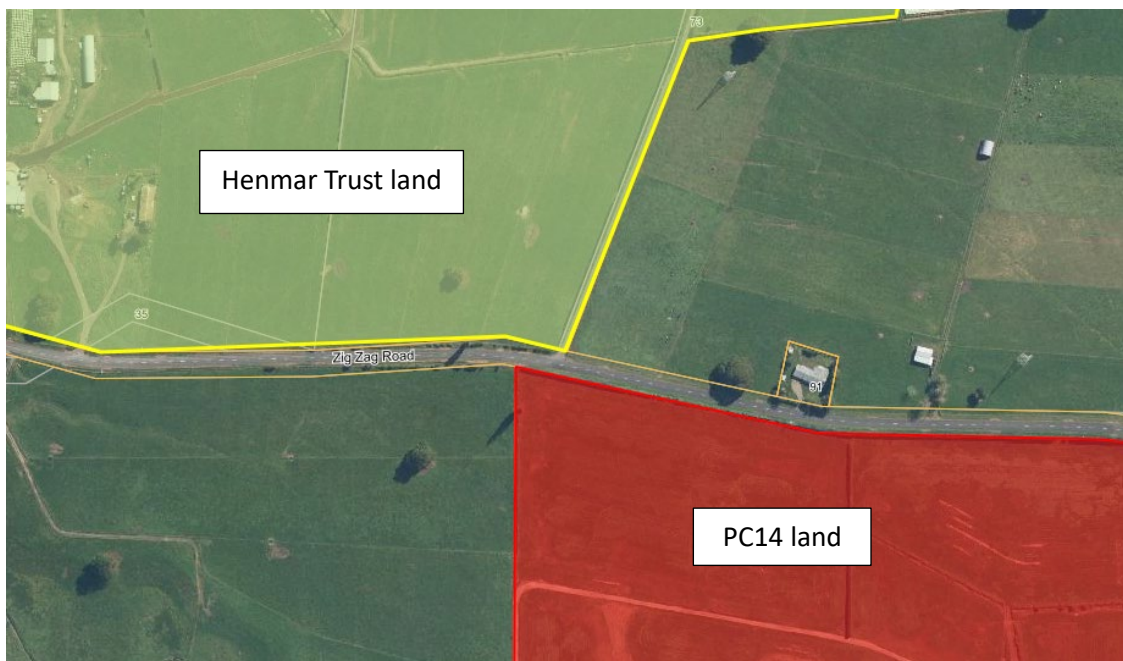
4.39 No expert landscape evidence has been provided to support these concerns. Figure 4 below highlights the land referred to by Mr Lang in yellow which is within the Rural Zone. The PC14 land closest to this boundary will be subject to the performance standards within the Industrial Zone including the following proposed provisions:

- (a) Rule 7.4.2.1(e) – Minimum building setback from road boundaries – 15m;
- (b) Rule 7.4.2.7A – Daylight Control – recession plane of 30 degrees from 3m above ground level at the road boundary;
- (c) Rule 7.4.2.15A – Landscaping and screening – 5m landscape buffer strip including post and rail fencing, 2m hedge, and trees spaced 10m apart;
- (d) Rule 7.4.2.17A – Building Colour – From groups of the British Standard 5252 colour chart listed in the provision; and
- (e) Rule 7.4.2.41 – Light Spill – all external lighting shall be shaded or directed away from residential dwellings and roads.

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<sup>1</sup> Refer paragraphs 21 and 22 of legal submissions of Counsel for the Henmar Trust.

- 4.40 The above mentioned provisions have been recommended by experts engaged by Fonterra to mitigate effects on the rural interface. These have been reviewed by Mr Frost who has provided advice to Council staff on interface matters. Mr Frost has advised that he remains of the opinion that the proposed provisions provide adequate mitigation for the rural interface.
- 4.41 Further discussion on the rules applying to the industrial/rural interface in other parts of Hautapu are discussed in paragraphs 4.67 to 4.73 below.

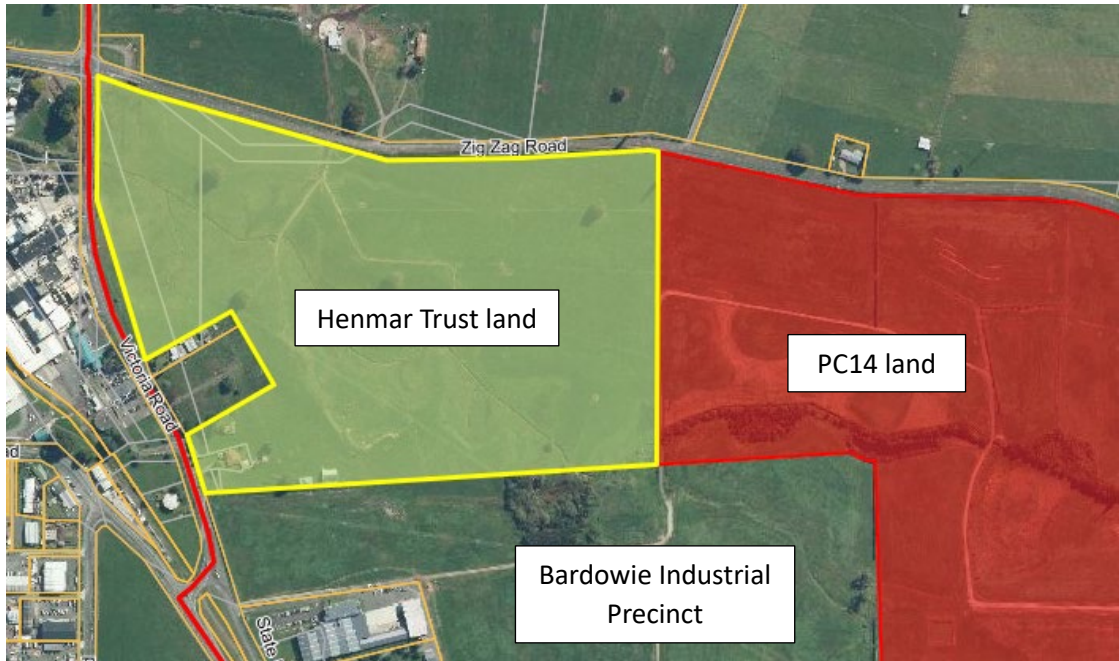


**Figure 4:** Henmar Trust land north of Zig Zag Road shown in yellow with PC14 land shown in red

*Henmar Trust land in the C10 Growth Cell*

- 4.42 Mr Lang has outlined the Henmar Trust land within the C10 Growth Cell, and south of Zig Zag Road, will continue to be used for farming activities for an unknown period. This land is shown in Figure 5 below.
- 4.43 Noting the absence of any road or physical separation between the Industrial and Rural Zones, Mr Lang has suggested a '*substantial landscaping strip capable of screening a 20 metre buildings should be combined with a setback that will make the screening effective*'.<sup>2</sup>

<sup>2</sup> Refer paragraph 24 of legal submissions of Counsel for the Henmar Trust.



**Figure 5:** Henmar Trust land within C10 Growth Cell shown in yellow with PC14 land shown in red

4.44 In comparison to this I note that the southern boundary of the Henmar Trust land bordering the Bardowie Industrial Precinct is currently subject to the following development controls:

- (a) Rule 7.4.2.2 - Minimum building setback from internal boundaries – 5m;
- (b) Rule 7.4.2.6 – Height – 20m;
- (c) Rule 7.4.2.7 – Daylight Control – Recession plane at 2.7m and 45 degree angle;
- (d) Rule 7.4.2.15(e) – Landscape and Screening – In accordance with the Urban Design and Landscape Guidelines for the Bardowie Industrial Precinct Structure Plan Area located in Appendix S20 – S20.3.13.1(c) requires a ‘5m wide minimum screening and amenity planting strip will be provided along the north-west interface of the Node 3, when Node 3 is developed, while the land immediately to the north is zoned Rural Zone (i.e. the common boundary with the Henmar Trust property).’ It is noted that S20.3.13.1(e) states that ‘The amenity planting strip will consist of a combination of groundcovers (i.e. shrubs and/or grass) and trees, with at least one tree planted for every 10m of road frontage.’; and

- (e) Rule 7.4.2.17 – Building Colour - In accordance with the Urban Design and Landscape Guidelines for the Bardowie Industrial Precinct Structure Plan Area located in Appendix S20.

4.45 I note that the treatment proposed for the boundary with PC14 is therefore not substantially different from the requirements along the boundary with the Bardowie Industrial Precinct.

4.46 PC14 while slightly reducing the width of the landscaping strip, has introduced an additional requirement of a 2m high hedge to assist with screening of future activities. Both Ms Jacks evidence on behalf of Fonterra, and the advice from Mr Frost, Council's Consultant on Landscaping, support the proposed PC14 landscape provisions for this rural interface. Henmar Trust has not provided any expert landscape evidence disputing Ms Jack's evidence and Mr Frosts subsequent advice. I do not consider it necessary to make any further amendments to the proposed PC14 provisions relating to this matter.

*Flooding effects of development of the PC14 land*

4.47 Mr Lang has raised concerns regarding the information within the Stormwater Management Plan prepared by Harrison Grierson, included in Appendix G of the Plan Change documentation. In response to these concerns, Mr Lang has requested that the following requirement be added to the District Plan as part of PC14 to read '*that development of the land must include stormwater management that does not increase the extent or depth of any downstream flooding*'.

4.48 In response, Council staff note that Section 15 of the District Plan focuses on the infrastructure requirements for both development and subdivision, including stormwater management requirements. In particular and relevant to Mr Lang's concerns are the following provisions which will apply to development and subdivision within the PC14 land:

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

- (i) Dispose of stormwater generated from within roads, reserves, and any lot to be vested in Council, into Council's reticulation system at predevelopment levels; and
  - (ii) Dispose of all stormwater generated from lots not to be vested in Council within the boundaries of the lot itself.
- (b) Rule 15.4.2.25 – All lots or sites shall be of sufficient size to enable on-site detention and disposal of stormwater resulting from any future development permitted in the zone.
- (c) Rule 15.4.2.26 - Development shall not obstruct overland and secondary flow paths.

4.49 In addition to these requirements, I also note that stormwater discharges associated with the development of the PC14 land may require consent from the Waikato Regional Council.

4.50 In response to the Harrison Grierson Report, and questions at the hearing, Mr Tony Coutts, advised that Figure 13 of the Harrison Grierson Report referred to by Mr Lang, shows the discharge to a swale which runs north/south along the Fonterra property boundary and within Fonterra property boundaries. Mr Coutts has advised that he is confident that any discharge from the existing stormwater pond on the Kiwifruit Block will be appropriately managed through the swale networks and not result in downstream effects on the Henmar Trust land.

*The Kiwifruit Block*

4.51 With regard to the 'Kiwifruit Block' located at the southeastern portion of the site, Mr Lang has outlined his concerns regarding the stormwater disposal and discharge from the block and potential downstream effects.

4.52 This matter is addressed in Section 4.7 of the Section 42A Report and the reasons for the inclusion of the Kiwifruit Block in the plan change have not changed. In summary, the suite of resource consents for the site have provided various technical reports that

Council staff consider are sufficient to support the inclusion of the site in the plan change.

**Mary Bourke**

4.53 Ms Bourke has provided written evidence outlining the background and history of the industrial zoning within the C10 Growth Cell. Issues raised in her submission as follows:

- (a) Plan Change 14 – Henmar Trust Inclusion;
- (b) Henmar Trust Submissions;
- (c) PC14 – Bardowie Industrial Precinct Structure Plan;
- (d) PC14 – Mangaone Industrial Precinct Structure Plan;
- (e) Rural Amenity – Performance Standards;
- (f) Rural Amenity – Character and Visual Amenity;
- (g) Rural Amenity – Activity Status;
- (h) Stormwater & Flooding – Henmar Trust Property; and
- (i) Traffic Effects & Zig Zag Road Upgrades.

4.54 The following paragraphs provide Council’s staff response to each of these matters. Ms Bourke also had a number of specific questions to which Council staff have provided comment. This is attached in **Appendix B**.

*Plan Change 14 – Henmar Trust Inclusion*

4.55 In paragraph 18 of Ms Bourke’s evidence she states:

*“During a recent discussion with Mr Skilton of Waipa District Council regarding the issues raised in the Henmar Trust submission, Mr Skilton explained to me that Henmar Trust had the opportunity to be part of PC14 and chose not to. This appears to be one justification for not requiring connectivity between the Henmar trust property and the Mangaone Precinct, for taking away the connectivity with the Bardowie Precinct to the*

*south, and for not protecting the rural / industrial interface along the boundary with the Mangaone Precinct”.*

- 4.56 PC14 does not remove the existing connection provided by the Bardowie Industrial Precinct Structure Plan to the Henmar Trust land. The Mangaone Precinct Structure Plan is consistent with the C10 Growth Cell Master Plan, which does not identify any connection between the Fonterra and Henmar Trust land. Experts have confirmed that adequate protection for the rural/industrial interface is proposed by PC14. None of these outcomes are the result of Henmar Trust choosing not to be part of PC14.

#### *Henmar Trust Submissions*

- 4.57 In paragraph 25 Ms Bourke has summarised her relief sought to three matters as follows:

- (a) *“Connectivity of roads and services to the Henmar Trust Property to allow for the future development of Growth Cell C10;*
- (b) *Protection of the Rural environment while the property is zoned Rural and until such time as it is re-zoned to Industrial; and*
- (c) *That Section 4, 7 Survey Office Plan 499872 comprised in Record of Title 811702 and Section 1 Survey Office Plan 499872 comprised in Record of Title 805561 (the Kiwifruit Block) be excluded from the Plan Change, or the Technical Reports be updated to include the future Industrial Development of the “Kiwifruit Block”, with submitters having a further opportunity to submit on this aspect of the proposed plan change.”*

- 4.58 In considering the relief sought, I would like to highlight that relief sought by (a) and (b) above lend themselves to two differing outcomes in that the provisions sought to protect the Rural Zone and the sites use, do not easily lend themselves to supporting provision of additional connections for future industrial development. Council staff do not support the requirement of infrastructure to be established ahead of unknown development aspirations of landowners. Instead, staff prefer to work with landowners

at the time of development, using tools such as Development Agreements, to ensure the appropriate and necessary infrastructure is available.

- 4.59 In paragraph 26 Ms Bourke has noted that Council staff did not approach Henmar Trust regarding their submissions. In response, I note that no submitter was approached to further discuss their submission points as it was considered that the submissions and the matters raised within them spoke for themselves and further clarification was not required.

*PC14 – Bardowie Industrial Precinct Structure Plan*

- 4.60 Ms Bourke has highlighted her concern that the formed road and inground services will not be extended between the Bardowie Industrial Precinct and the Henmar Trust land. As outlined in paragraphs 4.31 to 4.32 above, the connection shown on the Bardowie Industrial Precinct Structure Plan between the Bardowie Industrial Precinct and the Henmar Trust land has not been changed.

*PC14 – Mangaone Industrial Precinct Structure Plan*

- 4.61 Ms Bourke has expressed her opinion that the provision for roading and service connectivity to the remainder of the growth cell is inadequate. She notes that the servicing of the whole cell needs to be taken into account through the development agreement process to ensure that developers fund the necessary upgrades as required. In regard to the Henmar Trust land, Ms Bourke considers that PC14 has turned its back on the Henmar Trust land and ignored the C10 Master Plan.
- 4.62 As already noted the C10 Master Plan does not include a direct roading connection between the Henmar Trust land and the PC14 land, however the existing roading network (i.e. Zig Zag Road) and future pedestrian/cycling connections provide adequate connections between the Henmar Trust land and the wider C10 Growth Cell. The C10 Master Plan was included in Ms Bourke’s evidence and is shown in Figure 4 above.
- 4.63 In terms of servicing, the current C10 Growth Cell Master Plan includes a wastewater, stormwater, water supply and utility services plan. These plans were included in the electronic version of Appendix B to Ms Bourke’s evidence and are shown below in



Figures 6 to 9. All of the plans have connections from the wider C10 Growth Cell to the Henmar Trust land to ensure all these services are provided for any future development.

4.64 In response to Ms Bourke’s request in paragraph 46 for a delivery table for services to be included in the District Plan, Council staff note that Rule 7.4.2.36 – Development Agreements provides the appropriate tool to ensure adequate services are provided at the time of development as it can be applied to the proposed demand that comes with the associated consent.

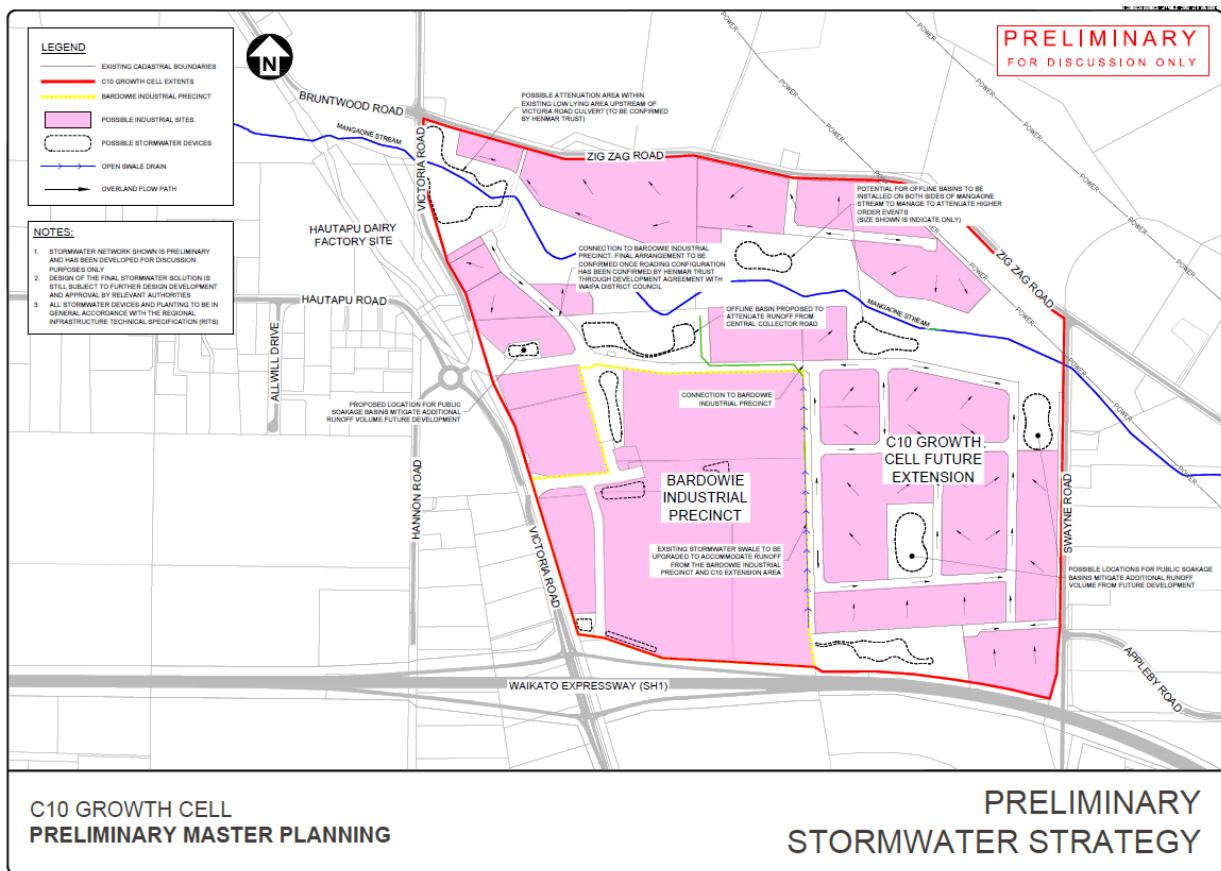


Figure 6: Preliminary Stormwater Strategy – C10 Growth Cell

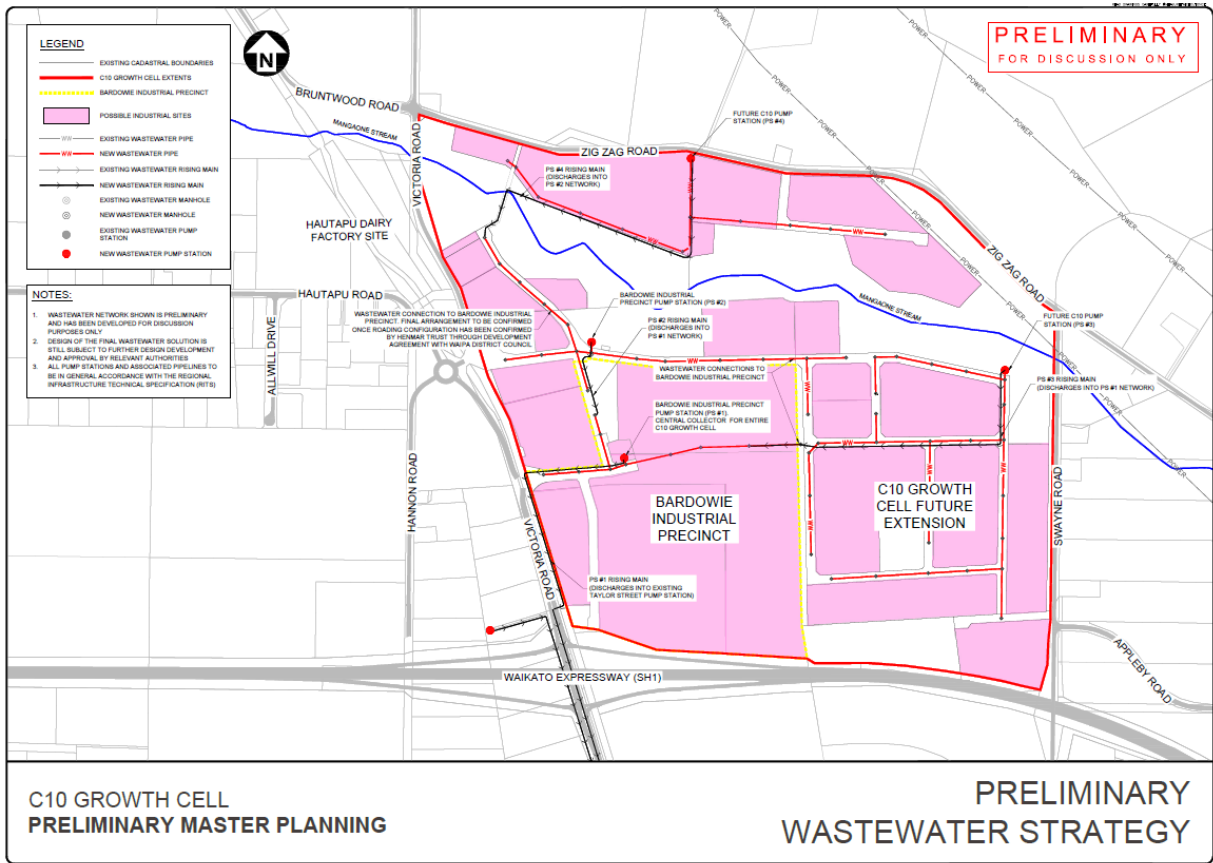


Figure 7: Preliminary Wastewater Strategy – C10 Growth Cell

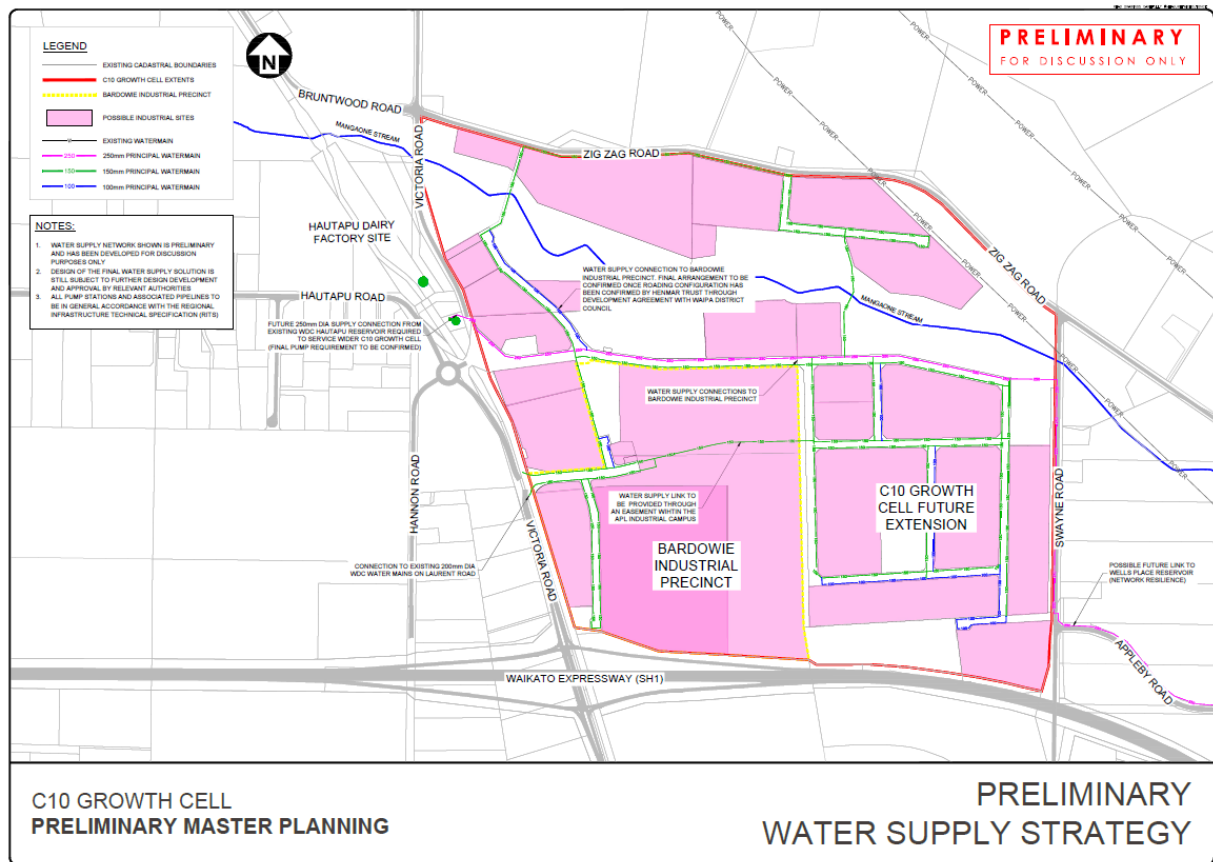


Figure 8: Preliminary Water Supply Strategy – C10 Growth Cell

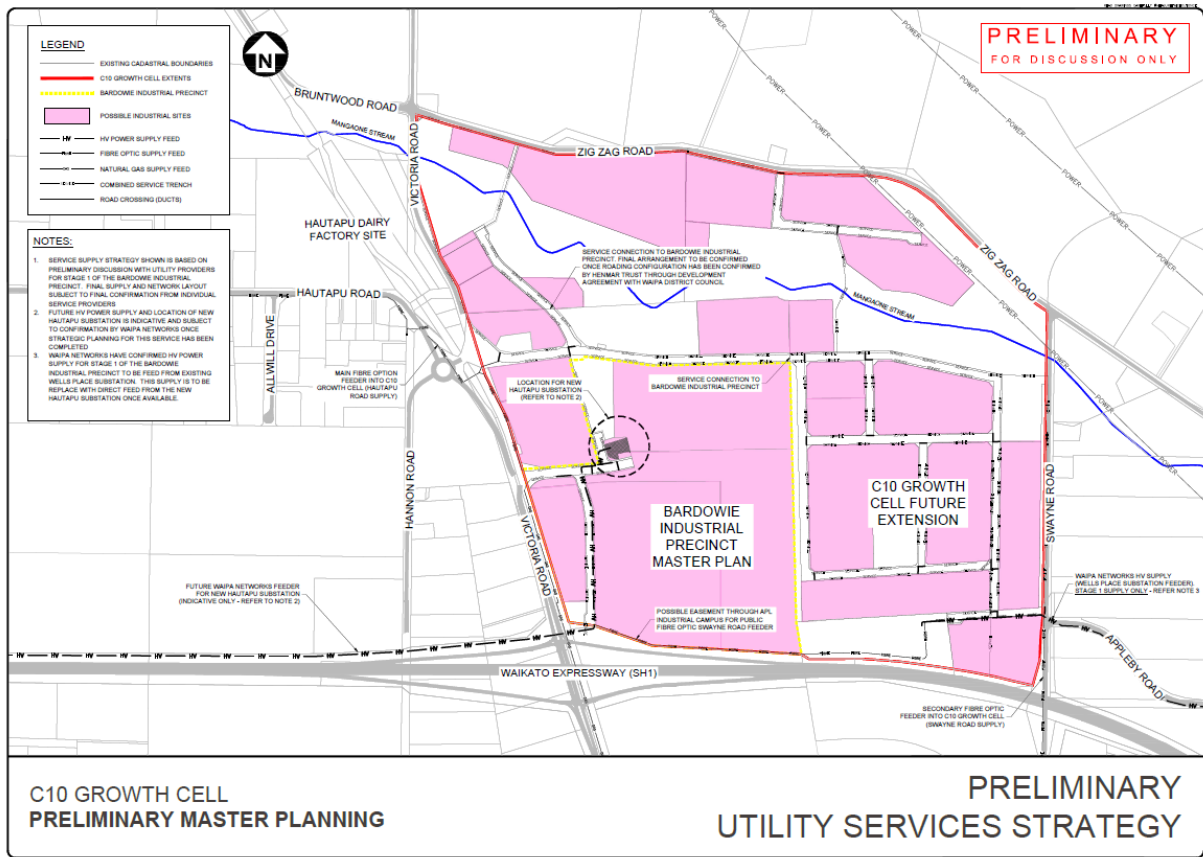


Figure 9: Preliminary Utility Services Strategy – C10 Growth Cell

*Rural Amenity – Performance Standards*

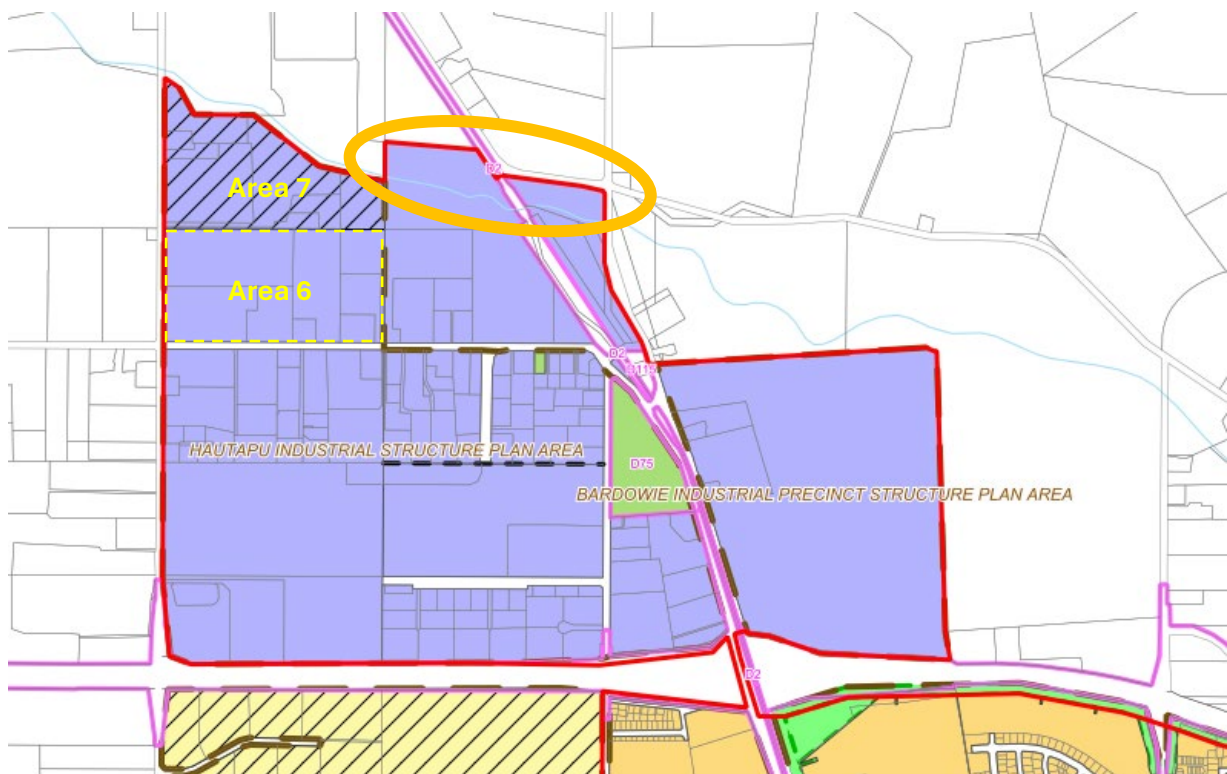
4.65 In paragraph 58 Ms Bourke states that “Council’s intention for this land to remain rural is evident by the S42A supporting NO connectivity between the Henmar Trust land and the adjoining Mangaone Precinct, and taking away any guarantee of connectivity with the adjoining Bardowie Industrial Precinct.”

4.66 There is no ‘intention’ on behalf of Council staff for the Henmar Trust land to remain rural. The future status and use of the Henmar Trust land is determined by the landowner. The consequence of Henmar Trust deciding not to be a party to PC14 is that their land remains rural. A further plan change will be necessary to rezone the Henmar Trust land to industrial. PC14 does not constrain this from being able to occur and the Bardowie Industrial Precinct Structure Plan in line with the C10 Growth Cell Master Plan ensure that future connections and access to infrastructure is available.

4.67 In paragraphs 64 to 75 of Ms Bourke’s evidence she outlines the provisions that apply to the rural/industrial interface stating these are inconsistent with other industrial

precincts in the District, particularly the Hautapu Industrial Precinct. Figure 10 below shows the entirety of the Hautapu Industrial Zone. Perimeter sites within Hautapu Industrial Zone are subject to perimeter landscaping as per Attachment A in Appendix S5 of the District Plan. The Hautapu Industrial Zone is bounded by the Waikato Expressway to the south and Peake Road on the western boundary. Both of these boundaries are therefore subject to provisions regarding road boundaries.

4.68 The northern boundary of the Hautapu Industrial Zone has split zoning in that a portion is 'live', and the western portion is deferred. The deferred zoning is known as 'Area 7' with 'Area 6' located directly south which was part of Plan Change 17. Refer Figure 10 below.



**Figure 10:** Hautapu Industrial Zone including Area 6 and 7, and the Bardowie Industrial Precinct Area

4.69 Noting the southern and western boundaries of the Hautapu Industrial Zone are with roads, this only leaves a portion of the northern boundary (circled in orange in Figure 10 above) that has a rural/industrial interface. At this boundary the following provisions apply:

- (a) Rule 7.4.2.3 – Building Setback – 5m;

- (b) Rule 7.4.2.6 – Height – 20m, and 10m within 100m of Victoria Road;
- (c) Rule 7.4.2.7 – Daylight Control – recession plane of 45 degrees from 2.7m above ground level at the road boundary;
- (d) Rule 7.4.2.15 – Landscaping and screening – 5m landscaping along perimeter sites in accordance with the Design and Landscaping Guidelines for the Hautapu Industrial Structure Plan Area; and
- (e) Rule 7.4.2.16 – Building Colour – British Standard 5252 neutral colour palette groups A and B.

4.70 With regard to the interface between Area 6 and Area 7 located on the northwestern side of the Hautapu Industrial Area, Ms Bourke is correct in that Rule 7.4.2.2 requires this boundary to have a 15m setback. This boundary was considered extensively through Plan Change 17 due to the proximity of four residential dwellings, a horse boarding stables business, and submissions from neighbours.

4.71 Council staff have reviewed the rural/industrial interface provisions for Area 6/Area 7 and consider this to be a different situation from that of Henmar Trust/PC14 due to the number and proximity of dwellings within Area 7, and the location of stormwater infrastructure along this boundary. Additionally, as Mr Chrisp noted at the Hearing, the landowners of Area 7 have since lodged a private plan change to rezone Area 7 to Industrial land (Lodged with Council on 17 June 2025).

4.72 In terms of the rural/industrial interface with the Bardowie Industrial Precinct these are outlined above in paragraphs 4.44 to 4.46 in response to matters raised by Mr Lang. In summary a 5m building setback and 5m landscaping along the Henmar Trust boundary is required. The nature of landscaping required within the landscaping strip is groundcovers and shrubs interspersed with larger trees at 10m spacings.

4.73 In summary, across the Hautapu Industrial Zone, where the industrial zone borders the rural zone there is typically a 5m building setback and 5m landscaping requirement, with only the Area 6/Area 7 boundary having a different setback requirement due to the number of dwellings and type of activities within Area 7.

*Rural Amenity – Character and Visual Amenity*

- 4.74 In paragraphs 79 and 80, Ms Bourke has expressed her concern that “*none of the proposed rules protecting the character and visual amenity of the local environment, such as building colours, glare, lighting etc.. have been extended to include the industrial / rural interface*”.
- 4.75 I disagree with this statement noting that Rule 7.4.2.41 - Light Spill has been amended to apply to the Mangaone Precinct Structure Plan Area, with the addition of ‘reserves’ in the wording of the text to reflect the sensitivity of the bat habitat within the Mangaone Stream reserve.
- 4.76 In terms of the reference to building colour, Ms Jack and Mr Chrisp for Fonterra, both outlined the intention for the new provision to apply to all facades of the buildings. In reviewing new Rule 7.4.2.17A, I note that this rule is not as clear as it could be in this respect, and therefore recommend that it is changed to read as shown below:

7.4.2.17A In the Mangaone Precinct Structure Plan Area [buildings facades facing towards a road or the Mangaone Stream Reserve](#) shall be clad or painted using materials and colour finishes that are in accordance with the following groups of the British Standard 5252 colour chart: A11, A13, A14, B25, B27, B29 and must also have low reflectivity, with maximum reflectance level of 70 percent.

- 4.77 In response to Ms Bourke’s statement that Council staff have failed to protect or enhance the rural amenity of the interface, I note that both Ms Jack and Mr Frost, as experts in this matter, have agreed the provisions of PC14 are adequate to mitigate the effects of the rural/industrial zone interface.

*Rural Amenity – Activity Status*

- 4.78 In paragraphs 81 to 87 Ms Bourke has raised concerns about the list of activities and associated definitions provided for within the Industrial Zone. As outlined in the Section 42A Report, I do not consider it necessary to list a wide variety of new activities in the Mangaone Precinct due to those existing activities already provided for and defined by the District Plan, including any unlisted activities defaulting to consideration as non-complying activities.

4.79 In response to the concern regarding ‘Mineral Extraction Activities’ being captured as ‘Dry Industry’, I note that ‘Mineral Extraction Activities’ are already restricted discretionary activities under Rule 7.4.1.3(b). This rule would apply to any proposal seeking to undertake this type of activity.

*Stormwater & Flooding – Henmar Trust Property*

4.80 Ms Bourke has raised stormwater and flood management as a matter that should be addressed through the plan change. I agree that the management of development and subdivision is required to address downstream effects.

4.81 As outlined above in paragraphs 4.47 to 4.50 in response to Mr Lang regarding this matter, I am of the opinion that the existing provisions in Section 15 of the District Plan, and the requirements for discharge consents under the Waikato Regional Plan, appropriately address this matter.

4.82 These matters are further discussed below in paragraphs 6.7 to 6.9 onwards in response to Direction #4 and the Harrison Grierson Technical Memo included with Fonterra’s supplementary information received by Council on 21 March 2025.

*Traffic Effects & Zig Zag Road Upgrades.*

4.83 Within paragraphs 108 to 111, Ms Bourke has requested the inclusion of upgrades to Zig Zag Road in association with the Mangaone Precinct. I note that this is provided for under the proposed Rule 7.4.2.46 which applies to both at the time of subdivision or at the time of any activity.

4.84 In paragraph 110, Ms Bourke questions the use of the term ‘reliant’ within Rule 7.4.2.46. Having reviewed this provision, I agree there is some uncertainty with what the term ‘them’ in this rule as recommended by Fonterra is intended to relate to. The following amendment shown in blue text is recommended to remove this uncertainty:

7.4.2.46 The following transport upgrades are required prior to any development within the Mangaone Precinct being reliant on ~~them~~ the existing transport network. These upgrades, along with when they will be required, are set out below:...

- 4.85 Within paragraphs 112 to 114, Ms Bourke notes the C20 Growth Cell Master Plan Layout includes a road connection to Swayne Road from the 'Kiwifruit Block'. Ms Bourke is correct that there is a connection shown on the Master Plan but fails to note that this is subject to a notation on the Master Plan that clearly states: "*Possible new intersection on Swayne Road to provide additional road access to C10 Growth Cell (Light Vehicle Access Only)*".
- 4.86 It is further noted that the Master Plan predates PC14 and that following this Hearing process amendments to the C10 Master Plan will be necessary to reflect the outcomes of PC14 in this respect.

### **Transpower**

- 4.87 During the evidence exchange period, Ms Rebecca Eng from Transpower provided two evidence statements dated 17 February 2025 and 20 February 2025 to be tabled at the hearing.
- 4.88 In the evidence dated 17 February 2025, the following matters were set out:
- (a) Transpower's Submission and Further Submission Points;
  - (b) Response to Section 42A Report Recommendations; and
  - (c) Hearing Appearance.
- 4.89 In summary the evidence noted two of the recommendations accepted in the Section 42A Report were not carried through to the track changes shown in Appendix A of that report in regard to Rule 7.4.2.43 and Resource Management Issue 7.2.22. Council staff have reviewed these amendments and acknowledge these were unintentionally left out of the Section 42A Report appendix and agree that they need to be included.
- 4.90 In their tabled evidence dated 20 February 2025, Transpower provide commentary on Mr Chrisp's evidence and recommendation to Rule 15.4.2.91A(j). Mr Chrisp has subsequently agreed to the amendment as shown in Transpower's evidence, and I also agree with wording as recommended by Transpower. This amendment is shown in **Appendix A**.



## **Director-General of Conservation**

- 4.91 During the evidence exchange period, Niwha Jones from Department of Conservation provided an evidence statement dated 26 February 2025 to be tabled at the hearing. The evidence noted the submission points that have been accepted and rejected by the Section 42A Report, and the acceptance of the explanation for rejecting submission points.
- 4.92 The evidence has also outlined support of the amendments outlined in the Waikato Regional Council evidence with regard to Rule 21.2.7.1 and Appendix S27 regarding bats. This has been discussed above in paragraph 4.24, and subject to a further amendment is supported by Council staff. This amendment is shown in **Appendix A**.

## **5 FEEDBACK ON MATTERS RAISED BY THE HEARING PANEL – DIRECTION #2**

- 5.1 The Hearing Panel Direction #2 dated 17 March 2025, sought responses from Council staff on the following matters:
- (a) Structure Plan;
  - (b) Stormwater;
  - (c) Industrial-Rural Interface; and
  - (d) Economics.
- 5.2 The response of Council staff to these matters is addressed in the following paragraphs.

### *Structure Plan*

- 5.3 The Hearing Panel have requested comment from Council staff regarding the differences between Plan Change 11 and PC14, and in particular how the road linkage to the Henmar Trust land is depicted, the inclusion of the roundabout and meaning of 'indicative'. Paragraphs 4.31 to 4.33 above have outlined the linkage between the Bardowie Industrial Precinct and the Henmar Trust land. In summary, PC14 does not seek to alter the connection shown between the two blocks of land. There is also no

change to the type of road shown, and no change to the 'indicative' status as shown on Structure Plan and explained in the text on the Structure Plan, as provided through PC11.

- 5.4 With regard to the 'roundabout', it is noted that the shape and form of the future intersections within the Bardowie Industrial Precinct are not specified through the Structure Plan. While the Structure Plan shows a circle, there is nowhere in the District Plan that states or confirms that a 'roundabout' will or must be established in this location. It is also noted that the C10 Master Plan Layout includes a circle with a notation for this intersection which states '*New Collector Road Intersection (Final layout to be confirmed)*'.
- 5.5 In considering the query raised by the Hearing Panel, Council staff do consider that showing a 'circle' on the Structure Plan could be misinterpreted as a 'roundabout' when the actual design of the intersection will be determined at a later date where the most appropriate intersection design can be agreed upon. Furthermore, Development Agreements are required through the provisions within Section 7 regarding infrastructure and will be linked to detailed design and transport assessments at the time of development.
- 5.6 I also note that Bardowie Industrial Precinct Structure Plan has been updated as part of PC14 and is supported by the Bardowie Investments Ltd submissions. The replacement of the southern roading linkage from the intersection with a pedestrian/cyclist linkage reflects the change in roading layout across the Precinct and the use of the new linkage from Victoria Road into the Bardowie Industrial Precinct (i.e. where the new Victoria Road roundabout is located).
- 5.7 Overall, Council staff note that the intersection type and form within the Bardowie Industrial Precinct has no consequence to the roading connection to the Henmar Trust land. I consider the proposed amendments to the Bardowie Industrial Precinct Structure Plan to be consequential and appropriate to reflect the updated position of the alignment of the roading connection between Victoria Road and the Mangaone Precinct Structure Plan Area.

### *Stormwater*

- 5.8 The Hearing Panel has sought specific information on flooding events and the extent to which stormwater is to be addressed. These matters have been responded to above in paragraphs 4.47 to 4.50. In summary, the information provided by Harrison Grierson and the provisions within Section 15 of the District Plan which must be applied at the time of subdivision and development, will ensure that stormwater from the future use of the site is appropriately managed to ensure that any downstream effects are less than minor.
- 5.9 These matters are also further discussed below in paragraphs 6.7 to 6.9 above in response to Direction #4 and the Harrison Grierson Technical Memo included with Fonterra's supplementary information received by Council on 21 March 2025.

### *Industrial-Rural Interface*

- 5.10 The Hearing Panel have sought further information regarding the alternative examples of the industrial/rural interface. These matters have been responded to in paragraphs 4.67 to 4.73 above. In summary, the treatment proposed along the boundary of the Henmar Trust land and the PC14 land is not substantially different from that anticipated at other rural/industrial interfaces in Hautapu. It does provide the requirement for a 2m high hedge within the 3m wide landscaping strip which is not required elsewhere in the Hautapu area.

### *Economics*

- 5.11 The Hearing Panel have sought further information in response to the submissions and evidence on the economics of the plan change. Mr Akehurst has provided a written statement in order to respond to these queries and this is attached in **Appendix D**. Mr Akehursts response is not replicated here, and he will be in attendance at the reconvened hearing to answer any queries the Hearings Panel may have.

## **6 FEEDBACK ON MATTERS RAISED BY THE HEARING PANEL – DIRECTION #4**

- 6.1 The Hearing Panel direction dated 25 March 2025, sought responses from Council staff on the following matters in the email from Fonterra dated 21 March 2025:

- (a) Structure Plan;
- (b) Stormwater; and
- (c) Economics.

6.2 The response of Council staff to these is outlined in the following paragraphs.

*Structure Plan*

6.3 In the email from Fonterra, Mr Mark Apeldoorn has outlined his advice based on the sequence of events in terms of the roading requirements through the Bardowie Industrial Precinct, and his opinion is that the 'roundabout' originally shown at the intersection with the indicative road to the Henmar Trust land is no longer required.

6.4 Based on this advice, Mr Mark Chrisp has outlined Fonterra's position that the 'roundabout' does not need to be shown on the Bardowie Industrial Precinct or the Mangaone Structure Plans.

6.5 Council's Transportation Manager, Mr Hudson has reviewed the information provided by Fonterra. Mr Hudson notes his full support for the reasoning given by Mr Apeldoorn as to why a 'roundabout' is not necessary.

6.6 As outlined above in paragraphs 5.3 to 5.7, I remain of the opinion that the proposed amendments to the Bardowie Industrial Precinct Structure Plan (including the removal of the circle) are consequential and appropriate to reflect the updated position of the alignment of the roading connection between Victoria Road and the Mangaone Precinct Structure Plan Area.

*Stormwater*

6.7 Attached to the email from Fonterra was a Technical Memo providing a Stormwater Response to Matters Raised by the Henmar Trust in its Statement of Evidence and Legal Submission. This Technical Memo was prepared by Harrison Grierson. In summary this memo has considered:

- (a) Matter 1 – Flood Effects on the Henmar Trust Land;

- (b) Matter 2 – Clarification of Sub-catchment Discharge Point; and
- (c) Matter 3 – Fish Passage.

6.8 Mr Tony Coutts, Council’s Principal Engineer – Growth, has reviewed the memo and notes the following:

- (a) Mr Coutts agrees that the additional post development flood mapping demonstrated in the 1% AEP storm is indiscernible in its increase and does not increase the total flood area already identified and agrees with the clarifications provided.
- (b) Mr Coutts agrees with the assumptions associated with the Kiwifruit Block and that the Stormwater Design was approved by both the Waikato Regional Council and Waipā District Council at the time of the consent of the APL development (Council consent ID: LU/0260/18). This design catered for the 1% AEP within the constructed basin and swale systems, controlling flows that may sheet flow across the balance of their land to predevelopment levels.
- (c) Mr Coutts agrees with the methodology proposed defining the sub-catchment, the intent for devices to be sized to manage flows to pre-development level accordingly, and that the fish passage will be a consideration for the technical design that follows relevant consent applications and consent conditions. Mr Coutts notes this will likely be similar for all C10 landowners who require discharge to the stream.

6.9 Based on the information provided through the PC14 process, including the Technical Memo outlined above, Council staff remain of the opinion that stormwater and its associated effects have been appropriately addressed and no further amendments to the District Plan are required.

*Economics*

6.10 Attached to the email from Fonterra was an Economic Response to Hearing Panel Direction #2 prepared by Property Economics, dated 21 March 2025. Mr Akehurst has summarised the Economic Response and provided his opinion in **Appendix D**. In

summary, Mr Akehurst has noted the point of disagreement between Property Economics and himself, concluding that regardless there are a number of economic justifications for supporting PC14.

## **7 FEEDBACK ON MATTERS RAISED BY THE HEARING PANEL – DIRECTION #5**

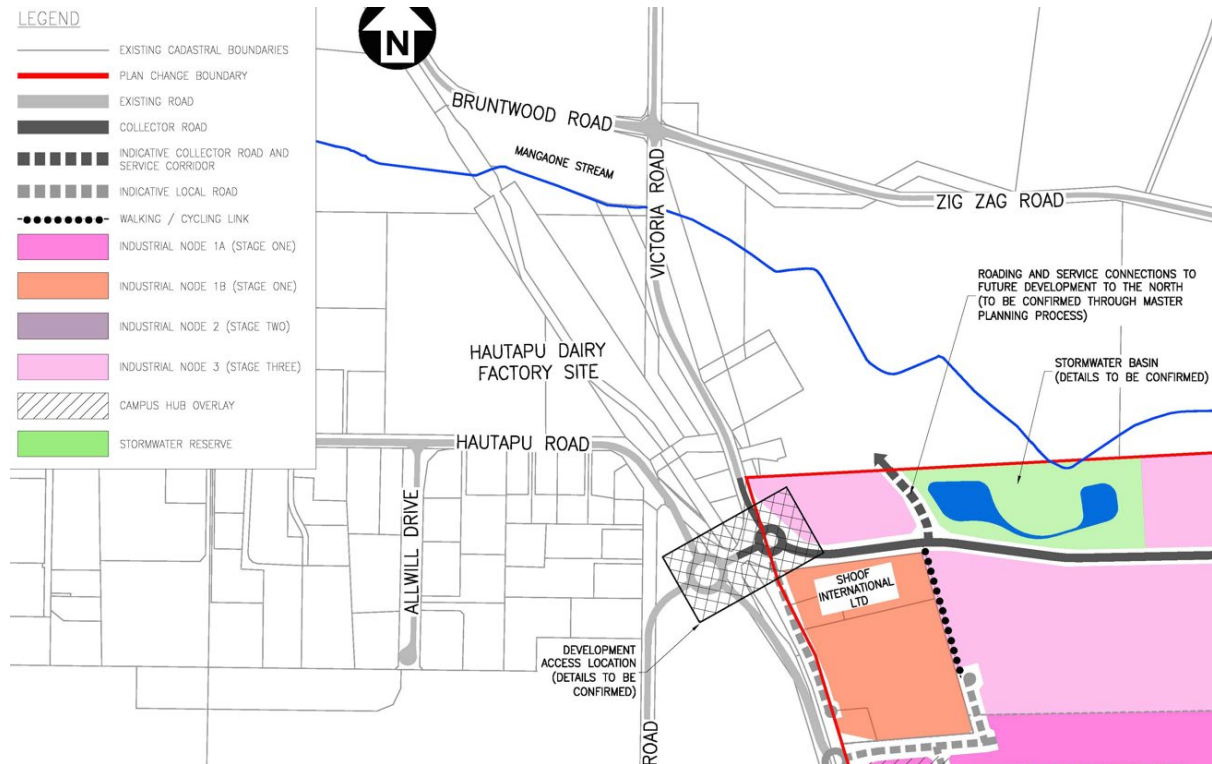
7.1 The Hearing Panel direction dated 27 March 2025, sought responses from Council staff on the following matters in the information received from Ms Mary Bourke on 25 March 2025:

- (a) Proposed Bardowie Structure Plan – changes to Henmar Trust vehicular and service access agreed as part of PC11;
- (b) Proposed Mangaone Structure Plan – Changes to Henmar Trust vehicular and service access agreed as part of PC11;
- (c) Mangaone Structure Plan – Lack of connectivity;
- (d) Industrial/Rural Interface – Mangaone Precinct Plan Layout;
- (e) Rural/Industrial Interface - Activity Status & Performance Standards;
  - (i) Performance Standard – Building Colour & Reflectivity;
  - (ii) Rural Amenity – Light Spill;
  - (iii) Rural Amenity – Air Discharge Consent;
- (f) Stormwater; and
- (g) Traffic Effects.

*Proposed Bardowie Structure Plan – changes to Henmar Trust vehicular and service access agreed as part of PC11*

7.2 Ms Bourke has reiterated her opinion that the changes to the Bardowie Industrial Precinct Structure Plan are not consequential in nature and undermine the agreement reached through PC11. As outlined in paragraphs 4.31 to 4.32 above, the connection to the Henmar Trust land has not changed, nor has the associated notes or text.

7.3 In paragraph 1.5, Ms Bourke states that a “four-lane intersection” is shown on the amended Bardowie Industrial Precinct Structure Plan. This is not the case, and the southern linkage shown at this intersection is a walking/cycling link only as shown below in Figure 11.



**Figure 11:** Proposed Bardowie Industrial Precinct Structure Plan snippet of intersection and legend

*Proposed Mangaone Structure Plan – Changes to Henmar Trust vehicular and service access agreed as part of PC11*

7.4 In Section 2.0 of Ms Bourke’s information, she has highlighted the removal of the ‘roundabout’ from the Mangaone Precinct Structure Plan. As outlined in paragraphs 5.4 to 5.7 above, the ‘roundabout’ or circle has been amended to reflect the change to the collector road location. The amendment to the Mangaone Precinct Structure Plan is to ensure consistency between the two structure plans in the way they show this road.

*Mangaone Structure Plan – Lack of connectivity*

7.5 Section 3.0 of Ms Bourke’s information includes her recommendation for the location of a new local road between the northern area of the Mangaone Precinct Structure Plan and the Henmar Trust land.

7.6 As outlined above in paragraphs 4.34 to 4.37, Council staff do not agree that a roading link is required or necessary in this location.

*Industrial/Rural Interface – Mangaone Precinct Plan Layout*

7.7 Ms Bourke has made the suggestion in Section 4.0 of her information that a stormwater reserve be located, and the central focus area be relocated, to adjacent to the Henmar Trust property boundary north of the Mangone Stream. Ms Bourke suggests this will mitigate the actual and potential effects of the Industrial Activities.

7.8 In responding to this request, Council staff have noted the Henmar Trust submission did not make reference to the 'Central Focal Area' or the establishment of a stormwater reserve in this location. Council staff however have turned their minds to the suggestion and consider that the stormwater reserve in this location does not appear to support the cultural, ecological and stormwater management functions of the Mangaone Stream Reserve. It appears that this suggestion is to mimic the setback situation of Area 6/Area 7 in the Hautapu Industrial Structure Plan Area which indicated stormwater management basins along the boundary to avoid discharge to the Mangaone Stream from the existing Hautapu Industrial Area. The two sites have different needs, and the reserve areas serve different purposes. It is further noted that Ms Bourke has not provided any expert evidence to support this suggestion.

*Performance Standard – Building Colour & Reflectivity*

7.9 Ms Bourke has outlined her concern regarding the use of the term 'façade' and its application within Rule 7.4.2.17A – Building colour. Council staff have responded to this matter above in paragraphs 4.74 to 4.77. It is recommended that the building colour requirements apply to all building elevations.

*Rural Amenity – Light Spill*

7.10 Ms Bourke has requested that Rule 7.4.2.41 – Light Spill in Structure Plan Areas be amended to include the Henmar Trust property.

7.11 The Section 42A Report considered the Henmar Trust submissions on this matter (refer paragraph 4.11.27 of the Section 42A Report), noting that the provision refers to sensitive activities being dwellings, the reserves (i.e. due to the bat habitat) and



roads (i.e. bright lights have the ability to distract drivers if directed incorrectly towards the road), and does not need to apply universally to the 'adjoining Rural Zone'. Additionally, the existing provisions within Section 20 of the District Plan cover lighting and glare and are applicable to all zones.

- 7.12 Ms Bourke has provided no expert evidence regarding this matter, and I remain of the opinion that the existing provisions in the District Plan, and proposed amendments through PC14, sufficiently address the potential adverse effects of light spill from the Industrial Zone in relation to sensitive land use activities within the adjoining rural zone.

*Rural Amenity – Air Discharge Consent*

- 7.13 Ms Bourke has reiterated her concerns regarding the types of activities associated with an industrial zone and their potential air discharge effects, and recommended changes to Rule 7.4.1.3(f) and the relevant policies and assessment criteria to include *'any actual or potential adverse effects on the local environment, adjoining properties, and adjoining zones'*.
- 7.14 The Section 42A Report considered the Henmar Trust submissions on this matter (refer paragraph 4.5.5 of the Section 42A Report), noting that the potential effects regarding air discharge are more appropriately considered and addressed through the air discharge consent process, and that provisions within Section 20 of the District Plan already address potential nuisance effects.
- 7.15 Ms Bourke has provided no expert evidence regarding this matter, and I remain of the opinion that no changes are required to the District Plan provisions regarding this.

*Stormwater*

- 7.16 Ms Bourke claims that PC14 proposes to flood the Henmar Trust property. Council staff have responded to the flooding concerns raised by Mr Lang and Ms Bourke above in paragraphs 4.47 to 4.50 and 4.80 to 4.82. Ms Bourke has also not provided any expert evidence on this matter. Fonterra has provided a Stormwater Memo which has been considered by Mr Tony Coutts and summarised above in paragraphs 6.7 to 6.9.

7.17 Council staff do not agree that “PC14 proposes to flood the Henmar Trust property” as stated in paragraph 6.1 of Ms Bourke’s information. Based on expert evidence and provisions within the District Plan, and those proposed through PC14, no further amendments are required to the District Plan in regards to this matter.

#### *Traffic Effects*

7.18 Ms Bourke has outlined her opinion that the proposed new roading connection to Zig Zag Road should connect to the whole of the C10 Growth Cell and there is the opportunity for stormwater ponds to be located alongside this proposed roading connection adjacent to the Henmar Trust land.

7.19 In response to this suggestion, I note that the proposed intersection at Zig Zag Road and the PC14 land is supported by technical reports and transport engineers. Paragraphs 4.44 to 4.46 above have further clarified the circumstances regarding the interface between Areas 6 and 7 of the Hautapu Industrial Area, and paragraphs 7.7 to 7.8 above have responded to Ms Bourke’s suggestion of a stormwater reserve at the Henmar Trust/PC14 boundary.

7.20 In summary, Council staff do not consider the roading connection between the Mangaone Precinct Area and Zig Zag Road as shown on the proposed structure plan requires amendment.

## **8 CONCLUSION**

8.1 This document has been prepared by Council staff to provide the right of reply to the matters presented by submitters at the Hearing on 6 March 2025 and a response to the requests made by the Hearing Panel via Directions #2, #4 and #5.

8.2 Having considered all the evidence presented at the Hearing and information circulated following, some further amendments have been recommended by Council staff. These are listed in paragraph 3.3 above and detailed in **Appendix A** to this report.

8.3 The key matters identified by the Hearing Panel and requiring further commentary by Council staff in the Hearing Panel directions relate to:

(a) Henmar Trust evidence tabled one day prior to the hearing; and

(b) Further information provided by both Fonterra and Henmar Trust.

8.4 These matters have been addressed throughout this report and the attached appendices. Where appropriate the responses have been informed by the expert evidence provided from Mr Ben Frost, Mr Tony Coutts, Mr Bryan Hudson and Mr Greg Akehurst.

8.5 Overall, my recommendation to accept PC14 has not changed, subject to the amendments outlined in both the Section 42A Report and as updated in **Appendix A** of this report being accommodated.